



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan

General Part 3 Assessment Matters, General Provisions, General & Miscellaneous Matters

May 2013



Hearing Date: 20 - 22 May 2013

Report Prepared by: Claire Price

Report Number: 14.02

NOTE TO SUBMITTERS

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is General Part 3 (Assessment Matters, General Provisions, General and Miscellaneous Matters).

It is very likely that submitters who have made submission points in relation to the Assessment Matters, General Provisions and General and Miscellaneous Matters may have also made submission points on other parts of the Proposed Plan. This report only addresses those submission points that are relevant to the subject of this report.

The hearings of submissions to the Proposed District Plan are being collectively heard by a Panel of eight commissioners. The appointed commissioners include a combination of local Councillors and independent commissioners. In most cases each hearing will be heard by a panel of three commissioners selected from the eight panel members. This does mean that different commissioners will be sitting on different hearings. It therefore will require submitters to ensure that when speaking at a hearing that they keep to their submission points that have been covered by the Planning Report for that hearing.

To assist submitters in finding where and how their submissions have been addressed in this report, a submitter index has been prepared and can be found at the very end of the report. The index identifies the page number(s) of where the submitter's submission points have been addressed in the report.

Submitters may also find the table contained in Section 7.3 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

EXECUTIVE SUMMARY

The Operative Horowhenua District Plan has been operative for over 13 years and in November 2009 HDC resolved to undertake a full review of its Operative District Plan (Operative Plan). Since the District Plan was made operative in 1999, a number of Council led and private plan changes have been made to the Operative Plan addressing a wide range of issues.

This report considers and evaluates submissions lodged on Part D (Chapter 25) and Part E (Chapter 28) of the Proposed Plan which encompass sections on “Assessment Matters” and “General Provisions”. In addition, submission points more general in nature and unable to be linked to specific Proposed Plan provisions have been considered and evaluated in this report.

The Operative District Plan did not include a section dedicated to “Assessment Matters”. Whereas Plan Change 20, 21 and 22 included Assessment Criteria to assist and guide evaluations for rural and urban subdivision consent and land use consent matters concerning Outstanding Natural Landscapes and Features and Landscape Domains.

For consistency with the Assessment Criteria template initiated by Plan Changes 20, 21 and 22, as well as improving the usability of the Proposed Plan, the District Plan Review resulted in the compilation of Part D Chapter 25 “Assessment Matters”. This chapter covers zone-specific and district-wide Assessment Criteria and includes the “greyed-out” provisions from Plan Changes 20, 21 and 22 (which were not operative at the time the Proposed Plan was notified).

Part E of the Proposed Plan is the General Provisions Section and includes:

- Chapter 26 – Definitions
- Chapter 27 – Monitoring
- Chapter 28 – General Provisions

This report considers submissions lodged on Chapter 28 only. Report 14.01 (General Part 2 - Definitions) addresses Chapter 26. No submissions were received in relation to Chapter 27.

The format of evaluation generally follows each submitter, rather than being topic based. Where possible the evaluation has attempted to group submission points that target similar issues.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the Hearings Panel on the issues raised. All submission points have been evaluated in this report. Some submission points are on matters that fall outside the scope of the Proposed Plan, where this occurs I have noted “out of scope” and where appropriate these have been passed on to the relevant Council department so the submitter's issue can be responded to outside the Proposed Plan process. Otherwise, specific recommendations have been made for each point raised within each submission.

Given this is the final Section 42A report of the Proposed Plan hearing process, many of the district-wide issues raised have been previously evaluated within individual zone or topic-based reports. To this end, I have been consistent with previous recommendations. It is noted that some of these recommendations have been heard by the various Hearing Panels and evidence presented by submitters. At this time, consideration of the evidence is still yet to be evaluated and reported back in a final right of reply.

Where there are new issues that have been raised in submission points in this Report, recommendations have been included and amendments suggested to the Proposed Plan. Whilst recommendations are provided, it is the role of the Hearings Panel to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the reporting planners before making a decision.

The officer's main recommendations on the key issues raised in submission include:

- Correcting macrons and ensuring the correct use of Māori place names throughout the text of the Proposed Plan;
- Inserting a new permitted activity condition for noise insulation in the Residential Zone within 30 metres of the North Island Main Trunk Railway line.
- Amending the Rural Zone and All Zone Assessment Criteria to better provide for the consideration and evaluation of reverse sensitivity effects on transport corridors;
- Amending the All Zone Assessment Criteria for Historic Heritage, inserting new information requirements for site descriptions and inserting a new section in Chapter 28 on Advice Notes in order to better provide for the evaluation of archaeological sites and link to landowner obligations under the Historic Places Act 1993; and
- Amending the Subdivision Information Requirements to improve the link to the Council's Subdivision and Development Principles and Requirements (2012); and clarify that both electricity and gas are services to consider and provide for as part of a subdivision.

The Hearings Panel in making its decision will determine whether to accept, reject or accept in part, the submissions received and as a consequence, any amendments to be made to the Proposed Plan.

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1. Introduction

1.1 Qualifications

My full name is Claire Price, I am a Planner with Boffa Miskell Limited, a firm of consulting planners, ecologists, and landscape architects. I hold the qualifications of Bachelor of Resource and Environmental Planning (2nd Class Hons). I am a Full Member of the New Zealand Planning Institute.

I have over 11 years' experience as a planner. In my first seven years in practice, I was employed as a consents planner by Whangarei District Council and the Wellington City Council, as well as the London Borough of Newham and Camden. I held junior policy planning roles at Otago Regional Council and the Selwyn District Council. In these planning roles I undertook a variety of planning tasks, including planning research, district plan policy development, and processing numerous land use and subdivision resource consent applications.

For the past four and half years I have been a consulting planner based in Christchurch and Wellington, and have been involved in advising a range of clients, including local authorities, developers and individuals on various projects and planning issues. In particular, I have been involved in both Council-initiated and private-initiated plan changes. For example, the Waikiwi Private Plan Change (10) to the Waimakariri District Plan (2009 – 2010), Plan Change 1 and 2 to the Wairarapa Combined District Plan (2010), and preparation of documents for an upcoming Plan Change to the Manawatu District Plan (2012 - ongoing). Therefore, I have an understanding of the District Plan Review processes and requirements, as well as a thorough understanding in the implementation and workability of district plans from a plan administration point of view.

At the beginning of 2011, Boffa Miskell was engaged by HDC to assist with the District Plan Review. This assistance included researching and evaluating issues and options for Plan provisions, drafting and reviewing Plan provisions for inclusion in the Proposed District Plan, attending Councillor workshops and meetings, and stakeholder consultation. This assistance also includes preparing and reviewing Section 42A (RMA) reports, including preparing this report.

1.2 Report Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions on matters concerning the Assessment Matters in Chapter 25, Information Requirements in Chapter 28, or where submitters have raised points that are general in nature and cannot be linked to a specific provision within the Proposed Plan. I provide my findings and recommendations to the Hearing Panel in accordance with Section 42A of the Resource Management Act.

1.3 Report Outline

This report has three main components and considers submissions and further submissions which were received on “Part D – Assessment Matters”; “Part E – General Provisions” and submissions of a general nature on the Proposed Plan.

This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearing Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan

The report discusses each submission or groups of similar submissions and includes a recommendation from the report writer on each submission that has received, **but the recommendation is not the decision of the Horowhenua District Council** (“the Council”).

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearing Panel will make a decision on the submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel’s decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

The amendments to the Proposed Plan arising from the staff recommendations discussed throughout this report are listed in full in Section 6.2. The suggested amendments are set out in the same style as the Horowhenua District Plan.

The Analysis of Submissions on Part D (Assessment Matters) and Part E (General Provisions) of the Proposed Plan has been structured by grouping submission points according to the Proposed Plan provisions. However, the general submissions have been grouped by topic or by submitter.

Each submission and further submission has been given a unique number (e.g. 58). Further submissions follow the same number format although they start at the number 500, therefore any submitter number below 500 relates to an original submission and any submitter number of 500 or higher relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 01). When combined with the submitter number, the submission reference number reads 58.01, meaning submitter number 58 and submission point number 01. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan itself, either when changes have been requested by a submitter or where a change is recommended by Council officers or advisers. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text is recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text is recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

2. Proposed Horowhenua District Plan

2.1 Background

In November 2009, HDC resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has undertaken 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision,

urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22 which were not operative at the time the Proposed Plan was notified.

Plan Changes 20 and 21 introduced Assessment Matters for subdivision in the Rural, Greenbelt Residential and Residential Zones and created Section 24A (Assessment Criteria) to be included in the Operative District Plan.

Part D (Chapter 25) – “Assessment Matters” in the Proposed Plan is an updated and extended version of Section 24A (Assessment Criteria) and sets out a range of Assessment Criteria for subdivision and land use consents for each zone (Rural, Residential, Industrial and Commercial as well as matters that refer to district-wide consent requirements (for example noise, temporary activities, advertising signs and heritage).

Introducing Assessment Matters to the Proposed Plan was considered to assist plan users, Council staff and decision makers in understanding a proposal, identify environmental effects and considering ways in which to avoid, remedy and mitigate effects.

Part E (Chapter 28) – “General Provisions” in the Proposed Plan is an updated version of Section 24 of the Operative District Plan. The chapter provides explanation about key resource consent processes or principles, for example the RMA tests on notification and non-notification of resource consent applications, conditions of consent, and general duties (effects and noise). Chapter 28 also sets out information requirements that would be expected to accompany subdivision and land use consent applications.

2.2 Consultation & Process

As outlined in the Section 32 Report associated with the Proposed Plan, general and targeted consultation has been undertaken for the District Plan Review from 2009. The general consultation was undertaken in two phases: 1. Survey and 2. Discussion Document (refer to the Section 32 Report for further details on the consultation approach and process).

No targeted consultation was undertaken in relation to the Plan provisions contained Part D (Assessment Matters) or Part E (General Provisions) as the information and direction is based on zone and district-wide matters already canvassed in the policy and rule chapters of the Proposed Plan.

2.2.1 Late Submissions

No late submissions were received which raised matters relating to Part D or Part E – Assessment Matters and General Provisions.

3. Statutory Requirements

3.1 Resource Management Act 1991

In preparing a District Plan, HDC must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans

Below I have summarised the key matters from the above requirements which are particularly relevant to this report. Section 75 of the RMA (refer to Appendix 7.1 for the full text) states what the contents of a District Plan “must” and “may” include. Section 75(2) lists the optional components including *(g) the information to be included with an application for a resource consent; and (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act*. “Assessment Matters” and “General Provisions” are not statutory “must have’s” for a District Plan but they do provide a role in assisting plan users (applicants, submitters, general public), Council staff and decision makers particularly with regards to achieving consistency.

For submissions that raise issues on policy and statutory issues, the specific sections of the RMA are discussed within the evaluation of the submission point.

3.2 Proposed Amendments to Resource Management Act

Central government has initiated a reform of the Resource Management Act (RMA) with a focus on reducing delays and compliance costs. The reform is being undertaken in two phases. Phase 1 focused on streamlining and simplifying the RMA, including changes to the preparation of district plans. Phase 2 focuses on more substantive issues concerning freshwater, aquaculture, urban design, infrastructure and the Public Works Act. Work on Phase 1 commenced late in 2008, while work on Phase 2 commenced in mid-2009.

The Phase 1 work culminated in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which came into force in October 2009. In respect of the Horowhenua District Plan and the Proposed Plan, the main effect of this Amendment Act have been process related to the further submission process, ability for simplified decision reports and notices, and changes when rules have effect.

In terms of Phase 2, in December 2012 the Resource Management Reform Bill was introduced to Parliament for its first reading and was referred to the Local Government and Environment Committee for submissions and consultation. In terms of District Plan Reviews and Proposed District Plans, this Bill propose changes in relation to the analysis that underpins District Plans including greater emphasis on the need for quantitative assessment of costs and benefits and the need to consider regional economic impact and opportunity costs, and ensuring decision-making is based on adequate, relevant, and robust evidence and analysis, and to increase the level of transparency of decision-making. It is noted this Bill includes transitional provisions which state these new assessment and decision-making requirements do not apply to proposed plans after the further submission period has closed (refer Schedule 2, Clause 2 of the Bill).

Central government is also considering further changes to the RMA. In late February 2012 the government released a discussion document on proposals it is considering to change the RMA. The proposed reform package identifies six proposals:

Proposal 1: Greater national consistency and guidance

- Proposal 2: Fewer resource management plans
- Proposal 3: More efficient and effective consenting
- Proposal 4: Better natural hazard management
- Proposal 5: Effective and meaningful Iwi/Maori participation
- Proposal 6: Working with councils to improve practice

At the time of writing this report, there have been no announcements or other research relating to the subjects of this report.

3.3 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999) and 23 plan changes have been notified. As mentioned previously, Plan Changes 20, 21 and 22 initiated the development of a standalone Section for Assessment Matters relating to rural and urban subdivision, and land use consents with respect to Outstanding Natural Landscapes and Features. This Section is the basis for the Proposed Plan Chapter 25. Proposed Chapter 28 is an updated version of the Operative District Plan's General Provisions.

4. Analysis of Submissions

4.1 25.1.1 General Assessment Criteria for Subdivision Applications

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
42.01	Vector Gas Ltd	In-Part	Submitter seeks amendment to Assessment Criteria to ensure that advice is sought from the utility operator to understand the effect an activity can have on the operating requirements of particular infrastructure.	Amend Assessment Criteria 25.1.1 as follows: (m) The extent a proposed subdivision and subsequent land use will affect the efficient and effective operative of district significant infrastructure. <u>Such consideration will be based on advice provided by the infrastructure manager.</u>	505.16 Powerco – Support

One submission and one further submission were received on the General Assessment Criteria for all subdivisions. The submissions support in part the provision but seek to add further direction in sub clause 21.1.1(m).

4.1.2 Discussion & Evaluation

1. The Assessment Criteria for Subdivision Applications (Section 25.1) was created through Plan Changes 20 and 21. Section 25.1 of the Part D Assessment Matters does not form part of the District Plan Review open for submission and is shown as 'greyed out' in the Proposed Plan.
2. Submission point 42.01 from Vector Gas Ltd and the support from Powerco (505.16) is noted. However, these submission points cannot be considered as they are outside the scope of the Proposed Plan.

4.1.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
42.01	505.16	Vector Gas Ltd Powerco	Support	Outside of Scope Outside of Scope

4.1.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the General Assessment Criteria for Subdivision Applications in Section 25.1.

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

4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.39	Transpower New Zealand Ltd	Support	The criteria reference the extent to which alternative sites, designs and layout have been considered, thereby giving effect to Policy 4 of the NPSET.	Retain assessment criteria 25.2.1(e), (k)	

One submission was received on the 'General' Assessment Criteria for Land Use Consents in the Rural Zone. The submission supports the provision and in particular seeks specific criteria be retained.

4.2.2 Discussion & Evaluation

1. Transpower (99.39) supports the criteria set out in 25.2.1, in particular sub-clause (e) and (k). Subclause (e) guides applicants to assess the compatibility of buildings and activities with the subject area, and sub clause (k) guides the consideration of alternative sites, designs and layout.
2. Transpower's support is noted for these Proposed Plan provisions, and it is recommended this submission point be accepted.

4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.39		Transpower New Zealand Ltd		Accept

4.2.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the 'General' Assessment Criteria for Land Use Consents in the Rural Zone, Section 25.2.

4.3 25.7.1 Assessment Criteria for Consents in All Zones, Noise

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.36	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.7.1(b)	Retain 25.7.1(b) as notified.	
55.06	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.7.1(b) extend the consideration of reverse sensitivity effects to the operation of land transport networks including railways. 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.	Amend Assessment Criteria 25.7.1(b) to read as follows: The proposed methods for avoiding, remedying or mitigating adverse effects including <u>reverse sensitivity effects 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.	
100.16	New Zealand Wind Energy Association (NZWEA)	Opposes	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.	Include a new clause in 25.7 Assessment Criteria for Consents in All Zones, Noise as follows: 25.7.1 Noise ... (XX) <u>Noise effects from wind farms shall be measured and assessed in accordance with NZS6808:2010.</u>	

Three submissions were received on the “Noise” Assessment Criteria for Consents in the All Zones section. The submissions both oppose and support the Assessment Criteria and the provisions are sought be retained and amended.

4.3.2 Discussion & Evaluation

1. The Assessment Criteria set out in 25.7.1 (Noise) would be used to assist the evaluation of a resource consent for an activity that does not comply with the noise limits for each zone.
2. Clause 25.7.1 lists a range of considerations that assists an evaluation of the adverse effects from the noise non-compliance and ways to avoid, remedy or mitigate adverse effects.
3. The consideration listed under 25.7.1(b) states:

The level, duration, timing, and frequency of noise to be generated and the degree to which this will contrast with the characteristics of the existing noise environment and the impact of any cumulative increase.

4. NZTA's (94.36) support for 25.7.1(b) is noted and it is recommended this submission point be accepted.
5. KiwiRail (55.06) support in part 25.7.1(b) but seek greater emphasis to be made on avoiding, remedying or mitigating adverse reverse sensitivity effects on major infrastructure such as transport networks including railway corridors. NZTA (521.09) support in part KiwiRail's view of recognising reverse sensitivity effects.
6. The point made in KiwiRail's submission is to ensure that noise sensitive activities do not generate reverse sensitivity. The relief sought seeks amendment to 25.7.1(b), but the provision wording in the submission does not reflect 25.7.1(b), instead the wording appears to relate to 25.2.1(j) for the Rural Zone. Notwithstanding this uncertainty, I consider this is a valid resource management consideration, but better considered elsewhere in the Proposed Plan.
7. For example the Rural Zone manages proximity of buildings and noise sensitive activities to the State Highway and Railway through the use of building setbacks (Rule 19.6.4(a)(ii)) and noise insulation requirements (Rule 19.6.6) respectively.
8. The Assessment Criteria that responds to these rules does not explicitly include reference to managing reverse sensitivity effects on transport networks.
9. Therefore I recommend that the wording sought by KiwiRail in submission point 55.06 be used in Assessment Criteria 25.2.1 (Rural Zone General), 25.2.2 (Rural Zone building setbacks) and 25.7.2 (All Zones Noise Insulation). On this basis I recommend submission point 55.06 (and further submission 521.09) be accepted in part.
10. NZWEA (100.16) opposes 25.7.1 because the noise assessment requirements for wind farm proposals are not specifically provided for. The relief sought is to insert a new sub clause which specifically refers to the measurement and assessment of noise from wind farms in accordance with NZS6808:2010 (Acoustics – Wind Farm Noise).
11. Wind energy facilities are provided for in the Proposed Plan as Discretionary Activities in the Rural Zone (Rule 19.4.6(b)) and there is a corresponding set of specific Assessment Criteria in 25.7.13. Sub clause (e) guides the consideration of noise generated from wind energy facility proposals and specifically refers to the ability of the proposal to meet NZS6808:2010 as follows:

25.7.13 Wind Energy Facilities

(e) The actual or potential noise effects of the construction, development and operation of the wind energy facilities, including particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:2010 Acoustics – Wind Farm Noise.

12. I consider the relief sought by NZWEA is provided in the Proposed Plan, but in a different section than that requested by the submitter. On this basis I recommend that submission

point 100.16 be accepted in part. I note that this matter in relation to assessment criteria 25.7.13 was addressed in the Utilities and Energy hearing with the submitter providing additional evidence prior to and during the hearing.

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.39		NZ Transport Agency (NZTA)		Accept
100.06		New Zealand Wind Energy Association (NZWEA)		Accept In-Part
55.06	521.09	KiwiRail NZ Transport Agency (NZTA)	In-Part	Accept In-Part Accept In-Part

4.3.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the 'Noise' Assessment Criteria for Consents in All Zones, Section 25.7.1.

BUT

Add a criterion to each of the following Assessment Criteria 25.2.1, 25.2.2 and 25.7.2 as follows:

25.2 ASSESSMENT CRITERIA FOR LAND USE CONSENTS IN THE RURAL ZONE

25.2.1 General

....

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

25.2.2 Buildings

....

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

25.7 ASSESSMENT CRITERIA FOR CONSENTS IN ALL ZONES

25.7.2 Noise Insulation for Residential Activities

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

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

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
55.09	KiwiRail	In-Part	<p>Submitter seeks amendment to Assessment Criteria 25.7.2(a) as 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.</p> <p>The control should be altered to cover all noise sensitive activities.</p>	<p>Amend Assessment Criteria 25.7.2(a) as follows:</p> <p>Noise Insulation for <u>Noise sensitive activities</u></p> <p>(a) The degree of noise attenuation achieved by the <u>noise sensitive activity</u></p>	

One submission was received on the 'Noise Insulation' Assessment Criteria for Consents in All Zones. The submission supports in part the provision but seeks some amendments.

4.4.2 Discussion & Evaluation

1. The Assessment Criteria in 25.7.2 relate to non-compliances from residential activities that do not comply with the noise insulation requirements. KiwiRail supports in part the Assessment Criteria, but seeks to replace "residential activities" with "noise sensitive activities".

2. There are two circumstances where the Proposed Plan requires noise insulation. The circumstances include new buildings or additions/alterations to existing buildings for 'noise sensitive activities' that are in close proximity to the State Highway or North Island Main Trunk Rail in the Rural Zone (Rule 19.6.6), and where any habitable room for any 'noise sensitive activity' is proposed within the Commercial Zone (Rule 17.6.7).
3. Given both circumstances (rules) apply to "noise sensitive activities" it is appropriate to rename the Assessment Criteria as "Noise Insulation for Noise Sensitive Activities" and refer to this broader range of activities (which includes residential activities). As a result, I recommend that KiwiRail's submission point 55.09 be accepted.

4.4.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.09		KiwiRail		Accept

4.4.4 Recommended Amendments to the Plan Provisions

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

25.7.2 Noise Insulation for Residential Noise Sensitive Activities

- (a) The degree of noise attenuation achieved by the ~~residential~~ noise sensitive activity.
- (b) The nature and hours of operation of the adjoining activity that is generating the noise.
- (c) The timing, character and duration of the noise from adjoining sites that is affecting the site of the application and likely effectiveness of the design and acoustical treatment proposed to address adverse noise effects.
- (d) Whether or not a ventilation system is proposed and the performance standard of that system.

4.5 25.7.3 Assessment Criteria for Consents in All Zones, Vibration

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
55.10	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.7.3 as the 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	Amend Assessment Criteria 25.7.3 by adding the following additional clause; <u>(c) the degree to which the proposal addresses the reverse sensitivity</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			vibration effects generated from existing or planned infrastructure activities. The provision should be amended to reflect this consideration.	<u>effects caused by vibration from adjacent zones and/or activities</u> , or similar to achieve the stated relief.	

One submission was received on the 'Vibration' Assessment Criteria for Consents in All Zones. The submission supports in part the provision but seeks some amendments.

4.5.2 Discussion & Evaluation

1. The Assessment Criteria in 25.7.3 would be used in situations where an activity does not meet the Permitted Activity Vibration Conditions which are set in each Zone.
2. KiwiRail (55.10) supports in part the Assessment Criteria but contends that the Assessment Criteria should address reverse sensitivity effects caused by vibration from infrastructure activities. The relief sought inserts an additional criterion to this effect.
3. The effects and options to address mitigation of an activity that does not meet the vibration condition would be part of the overall Assessment of Environment Effects accompanying a resource consent application or Notice of Requirement and would be guided by the Proposed Plan Assessment Criteria 25.7.3 as follows:
 - (a) *The time and frequency that the activity occurs, duration of vibration, and any special characteristics of the vibration and subsequent effects on health and safety, and on the amenity values of the surrounding environment.*
 - (b) *The effects on the environment from the vibration of the proposed activity, particularly at night.*
4. An applicant would be assessing the adverse vibration effects caused by the proposed activity, and not necessarily vibration from other activities in the area. To that end, I do not consider reverse sensitivity effects (effects from sensitive activities on existing infrastructure) would be the constraint. Consequently I do not consider it appropriate to include reference to managing potential reverse sensitivity effects in the vibration Assessment Criteria and recommend that submission point 55.10 be rejected.

4.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.10		KiwiRail		Reject

4.5.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Assessment Criteria 25.7.3.

4.6 25.7.5 Assessment Criteria for Consents in All Zones, Servicing

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.48	Powerco	In-Part	Submitter seeks amendment to Assessment Criteria 25.7 to address the provision of network utilities, such as electricity, gas and telecommunications to new subdivision and development.	Amend Assessment Criteria 25.7.5 by adding new clause as follows: <u>Provision of electricity, gas and telecommunications</u> <u>The extent to which connections electricity, gas and telecommunications networks are available to service the needs of the development and/or subdivision.</u>	
32.28	NZ Pork Industry Board	In-Part	Support for the intent of the criteria however opposes the provisions requirement within a district plan as it is already a requirement of Regional plan. NZ Pork 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.	Delete 25.7.5(b)(ii) (ii) The ability of the proposed system to allow the discharge of wastewater in a sustainable and environmentally acceptable manner, including whether the necessary discharge consents have been applied for or granted.	528.09 Horizons Regional Council - Oppose

Two submissions were received on the 'Servicing' Assessment Criteria for Consents in All Zones. Both submissions support in part the provisions but seek different amendments, including the deletion of 25.7.5(b)(ii). A further submitter opposes the deletion of 25.7.5(b)(ii).

4.6.2 Discussion & Evaluation

1. Assessment Criteria 25.7.5 applies to all land use or subdivision consents that involve the provision of servicing for a development, for example the provision of potable water supply, reticulated wastewater and on-site stormwater management. Therefore the use of this Assessment Criteria would be in the context of a subdivision consent and also any land use that did not meet the servicing conditions for the zone and Chapter 24 (Subdivision and Development).

2. Powerco supports in part the Assessment Criteria set out in 25.7.5, but seeks amendments to specifically refer to the provision of electricity, gas and telecommunications.
3. Subclause (d) requires a consent application to demonstrate the application of the Council's Subdivision and Development Principles and Requirements which has a section dedicated to Network Utility Services (Section 14, 40). In summary, the Network Utility Service requirements include power, telecommunications and, where applicable, gas reticulation to lot boundaries. Therefore the relief sought by Powerco is already, indirectly, provided for in the Assessment Criteria. More explicit reference could be made in the Assessment Criteria for electricity, gas and telecommunications such as availability and capacity of these services. But this matter is considered to be more appropriately addressed between the project proponent and the respective utility provider, rather than Council through the consent process. On this basis, I recommend that submission point 41.48 be accepted in part and Assessment Criteria 25.7.5 be retained unchanged.
4. The NZ Pork Industry Board (32.28) seeks the deletion of 25.5.7(b)(ii), which refers to the following.

(b) Provision of reticulated wastewater:

(i) The extent to which the design of the wastewater disposal facility will ensure the service will meet public health standards, eliminate ingress of storm and ground water, and avoids the occurrence of the system surcharging or overflowing.

(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.

(iii) Where onsite disposal of wastewater effluent is required from existing and potential developments, whether the land is suitable for the onsite disposal without overflowing onto neighbouring properties and that where required consents from Horizons Regional Council have been granted.

5. As noted by Horizons in their further submission (528.09) this criteria relates to the subdivision and development requirements in Chapter 24, specifically Rule 24.1.4 Wastewater Disposal. As this requirement relates to connections to Council's reticulated wastewater system and not on-site wastewater management for farming activities, the related criteria is not considered to impose a constraint as contended by the submitter. Therefore, it is recommended Assessment Criteria 25.7.5(b)(ii) be retained and this submission point (32.28) be rejected and the further submission point by Horizons be accepted.

4.6.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.48		Powerco		Accept In-Part
32.28	528.09	NZ Pork Industry Board Horizons Regional Council	Oppose	Reject Accept

4.6.4 Recommended Amendments to the Plan Provisions

No recommendations to amend Assessment Criteria 25.5.7

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

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.37	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.7.11(b)	Retain 25.7.11(b) as notified.	

One submission was received in support on the 'Advertising Signs' Assessment Criteria for Consents in All Zones.

4.7.2 Discussion & Evaluation

1. The support for Assessment Criteria 25.7.11(b) by NZTA is noted and submission point 94.37 is recommended to be accepted.

4.7.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.37		NZ Transport Agency (NZTA)		Accept

4.7.4 Recommended Amendments to the Plan Provisions

No recommendations to amend Assessment Criteria 25.7.11(b)

4.8 New Assessment Criteria

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.32	New Zealand Historic Places Trust (NZHPT)	Support	The submitter seeks enhanced recognition of archaeological sites in the District Plan through the inclusion of resource consent and archaeological advice notes.	Include the following in Chapter 25: <u>Recognition and management of historic heritage through the Horowhenua District Council complements the</u>	501.04 Genesis Power Ltd - Support

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

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

One submission was received on Chapter 25 seeking the inclusion of additional Assessment Criteria in relation to heritage and archaeological matters. A further submission was received in support for these additional provisions.

4.8.2 Discussion & Evaluation

1. The New Zealand Historic Places Trust (NZHPT) seeks to add four additional matters in Chapter 25 Assessment Matters. Genesis Power Ltd (501.04) supports the inclusion of these matters.
2. The four additional assessment matters sought by NZHPT provide information on the relationship between the District Plan and the Historic Places Act 1993 with respect to archaeological sites. The matters as submitted are not drafted as Assessment Criteria that would assist an applicant determine environmental effects on archaeological sites, but are more in the form of advice notes. It is noted the consideration of effects on archaeological values associated with any Heritage Site is one of the Assessment Matters set out in 25.7.16.
3. The Introduction of Chapter 13 Historic Heritage of the Proposed Plan recognises the relationship between the District Plan and the statutory regime administered by the NZHPT under the Historic Places Act 1993. This Chapter states that where a resource consent is required for any building or site entered on the Historic Heritage Schedule (Schedule 2 of the Proposed Plan), the NZHPT will be notified as an affected party. The process of identifying NZHPT as an adversely affected party is not currently set out in the Heritage Assessment Criteria (25.7.16).
4. To better reflect Chapter 13 the intent of the first bullet point of NZHPT's relief sought could be incorporated into Assessment Matter 25.7.16.
5. It is acknowledged that NZHPT's submission point is broader than the consideration of identified heritage sites or known archaeological sites. The submission seeks to ensure plan users are aware of their obligations under the Historic Places Act with respect to pre-1900

artefacts. The intent of the information presented in the bullet points 2, 3 and 4 may be better addressed in the Proposed Plan in a section explaining the use of advice notes on resource consents. To this end, a new section in Chapter 28 General Provisions entitled “Advice Notes” could also assist in explaining the difference between the resource consents under the District Plan and Archaeological Authorities from NZHPT.

6. In addition, the wording in bullet point 4 could be a helpful information requirement to be inserted in the general information requirements for all resource consent applications.
7. On balance, I recommend accepting in part the relief sought by NZHPT in submission point 117.32 (and therefore accept in part the further submission by Genesis Power Ltd 501.04) but recommend an alternative way to present and convey the messages sought by the submitter as described in the proceeding paragraphs.

4.8.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
117.32		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
	501.04	Genesis Power Ltd	Support	Accept In-Part

4.8.4 Recommended Amendments to the Plan Provisions

Amend Historic Heritage Assessment Criteria (25.7.16) by inserting new criterion as follows with consequential changes to the numbering:

25.7.16 Historic Heritage

(a) Historic Heritage Buildings and Structures

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

AND

Add a new information requirement to Section 28.2.2 Information Requirement 1: General Information as follows:

28.2.2 Information Requirement 1: General Information

(a) Description of Proposal

- (i) A description of the type of activity or process proposed to be undertaken including the size and nature of any buildings and works. The proposal shall also show how the proposed activity is to dispose of sewage wastes and surface water, and how and in what form the development will be supplied with water supply, roading, vehicular access and parking.

(b) Description of Site

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

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

AND

Add a new Section '28.6 Advice Notes' to Chapter 28 General Provisions after 28.5 Conditions of Resource Consent explaining the difference between the resource consents under the District Plan and Archaeological Authorities from NZHPT and use of advice notes on resource consents.

28.5 CONDITIONS OF RESOURCE CONSENT

Where Council grants consent to an application for resource consent, Council may impose conditions on that consent which are considered to be necessary to avoid, remedy, or mitigate any adverse environmental effects under Sections 108 and 220 of the RMA. Such conditions may include requirements for works including those set out in Chapter 24 of this District Plan.

28.6 Advice Notes

Advice Notes are commonly included on resource consents to inform applicants of requirements relating to compliance, fees/charges and requirements/obligations under other legislation. For example, requirements for a building consent for all proposed building work.

Another example of the use of Advice Notes is to inform consent holders of their obligations under the Historic Places Act 1993 where any person wanting to destroy, damage, or modify the whole or

any part of any archaeological site shall first apply to the New Zealand Historic Places Trust (NZHPT) for an archaeological authority pursuant to Section 11 or 12 of the Historic Places Act 1993.

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

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.51	Powerco	In-Part	Submitter seeks the introduction of an information requirement to 28.2.2(b) for all consents to identify the location of any gas pipelines (and infrastructure generally) on the development site.	Amend 28.2.2(b) as follows: A description of the site of the proposed activity including: <u>Any existing network utility infrastructure, including underground services.</u>	512.03 Vector Gas Ltd In-Part

One submission was received on “Information Requirements 1: General Information”. The submission supports in-part the requirement, but seeks a minor amendment. This minor amendment is supported in part by further submitter, Vector Gas Ltd.

4.9.2 Discussion & Evaluation

1. Powerco (41.51) seek to add information requirements to all resource consent applications whereby any existing network utility infrastructure (including underground services) are identified and provided in the overall site description.
2. Vector Gas Ltd (512.03) supports in part the amendment sought by Powerco.
3. As part of an application, providing information on important natural and physical resources such as network utilities (for example electricity transmission lines, telecommunication lines) and any other infrastructure on site or nearby is helpful to the assessment of a proposed activity.
4. Depending on the nature, scale and type of proposed development, the presence of existing network utility infrastructure may/may not be a relevant consideration.
5. Unless an activity is proposing earthworks or building of structures, I do not consider all applications should be required to present information on underground services. However, any easements identified in certificates of title will be information provided with any application.
6. Overall, I recommend that Powerco’s submission point be accepted in part, and reference be added to identify network utilities and community infrastructure as a factor to consider in describing the site.

4.9.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.51	512.03	Powerco Vector Gas Ltd	In-Part	Accept In-Part Accept In-Part

4.9.4 Recommended Amendments to the Plan Provisions

Amend the 28.2.2(b) Information Requirement 1: General Information by inserting another bullet point as follows:

28.2.2 Information Requirement 1: General Information

(b) Description of Site

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

- Size of the site
- Topography
- Presence of any waterway or water body
- Presence of any heritage feature
- Existing buildings
- Existing vehicle access points or access roads
- Presence of any sites or features of significance to Tangata Whenua, including evidence of consultation and discussions held with Tangata Whenua and the outcome of such.
- Details of any historic or current land use activities undertaken on the site that may have resulted in contamination.
- Presence of any network utilities or community infrastructure.

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

4.10.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
42.03	Vector Gas Ltd	In-Part	Submitter seeks 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. To understand the effect an activity may have on the operation of such infrastructure communication with the infrastructure operator is crucial.	Amend 28.2.3 as follows: ... <u>(j) Regionally Significant Infrastructure</u> <u>Any resource consent application for an activity near regionally significant infrastructure shall supply the following information:</u> <u>(i)The location of any existing regionally significant infrastructure in relation to the proposed</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>activity.</u> <u>(ii) Comments from the infrastructure operator confirming what effects the proposed activity may have on the operation of such infrastructure.</u>	

One submission was received on “Information Requirements 2: Assessment of Environmental Effects and Technical Information”. The submitter supports in-part the requirement, but seeks to add another sub-clause.

4.10.2 Discussion & Evaluation

1. Vector Gas Ltd (42.03) seek to include specific information requirements relating to the identification of any ‘regional significant infrastructure’ in relation to the proposed activity, along with any comments from the infrastructure operators on potential effects.
2. The term “regional significant infrastructure” is not provided for in the Proposed Plan, instead the term “network utilities” is used and encapsulates lines and structures associated with telecommunications, electricity, gas, water supply, sewage, roads and railway infrastructure.
3. It is noted that the Proposed Plan recognises key land infrastructure and other lawfully established activities and provides for the protection from reverse sensitivity effects generated by land use and subdivisions.
4. For example Rural Zone Policy 2.5.16 states:

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.
5. Land Transport Policy 10.3.11 states

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.
6. Utilities and Energy Policy 12.2.11 states:

Ensure that new subdivisions and land use activities do not adversely affect the operation and maintenance of existing renewable electricity generation or distribution facilities.
7. The Proposed Plan has specific building and activity setback provisions from transmission lines, roads, the North Island Main Trunk Line, and Levin’s wastewater treatment plant.

Therefore any non-compliance with these rules would require an assessment of effects, including reverse sensitivity effects.

8. It is noted that the Section 42A Report on the Rural Environment include recommendations to amend Assessment Criteria 25.2.1 (General, Rural Zone) to better provide for the assessment of reverse sensitivity effects on lawfully established activities (refer to Section 4.73.4, page 190). Another recommendation is made to ensure adverse effects on the operation, maintenance, upgrading or development of the electricity transmission network are provided for in Assessment Criteria 25.2.1. With respect to subdivisions Assessment Criteria is 25.1.3(h) is available to ensure the consideration of reverse sensitivity effects.
9. Requiring an applicant to provide comments from the infrastructure operator, as sought in roman numeral (ii), would be a consideration for an applicant when preparing their assessment of effects. The Council may determine that an infrastructure operator is an “affected party” in which case written approval would be sought, or notice of the application would be served. An applicant may like to provide comment or confirmation on any consultation with the respective infrastructure operator. However, I do not consider that this level of consultation should be a fixed requirement for every application. On this basis I recommend that submission point 42.03 be accepted in part.

4.10.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
42.03		Vector Gas Ltd		Accept In-Part

4.10.4 Recommended Amendments to the Plan Provisions

No recommendations to Section 28.2.3 Information Requirement 2: Assessment of Effects.

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

4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.52	Powerco	In-Part	Submitter supports the general intent of 28.2.4 but seeks a specific reference to gas and to the potential need to create easements associated with network utility provisions.	Amend 28.2.4 as follows: (n) Lighting and Other Services: Road lighting and the proposed location and type of power <u>electricity, gas</u> and telephone services <u>as well as details of any easements necessary for the protection of utility</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>services</u>	
55.01	KiwiRail	Support	Submitter supports the need to consider reverse sensitivity as a criteria requiring assessment when considering subdivision design.	Retain Assessment of Effects for Subdivision Application criteria 'k' – Any effect of reverse sensitivity.	
91.08	HDC (Community Assets Department)	In-Part	There is duplication in Council's Subdivision and Development Principles and Requirements. Some renumbering of other paragraphs in this section will be required along with modifications to Table 28-1.	<p>Delete General Provision 28.2.4 and replace with;</p> <p><u>a) Details as required by Council' Subdivision and Development Principles and Requirements.</u></p> <p><u>b) Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u></p> <p><u>c) For subdivisions where no sewer connection is proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u></p>	526.09 Truebridge Associates Ltd - Oppose
91.26	HDC (Community Assets Department)	In-Part	There is duplication in Council's Subdivision and Development Principles and Requirements. Some renumbering of other paragraphs in this section will be required along with modifications to Table 28-1.	<p>Delete General Provision 28.2.5 and replace with;</p> <p><u>a) Details as required by Council' Subdivision and Development Principles and Requirements.</u></p> <p><u>b) Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u></p> <p><u>c) For subdivisions where no sewer connection is</u></p>	526.27 Truebridge Associates Ltd - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u>	
91.27	HDC (Community Assets Department)	In-Part	There is duplication in Council's Subdivision and Development Principles and Requirements. Some renumbering of other paragraphs in this section will be required along with modifications to Table 28-1.	Delete General Provision 28.2.6 and replace with; a) <u>Details as required by Council' Subdivision and Development Principles and Requirements.</u> b) <u>Features of a structure plan must be shown on a site which a structure plan is shown. The applicant must detail how the proposal is in accordance with the requirements of the structure plan.</u> c) <u>For subdivisions where no sewer connection is proposed to a Council reticulation then a building area and effluent disposal area and reserve disposal area must be shown in compliance with the specification detailed in Rule 19.7.2 (f).</u>	526.28 Truebridge Associates Ltd - Oppose

Three different submitters and one further submitter were received on the 'Information Requirement 3: Subdivision'. Submissions seek to retain, amend and delete provisions.

4.11.2 Discussion & Evaluation

1. In part (a) of HDC (Community Assets Department) submission (91.08) they contend that the subdivision information requirements set out in Section 28.2.4 duplicate the information requirements in Subdivision and Development Principles and Requirements (Section 2.2 Scheme Plan, page 10 – 12). The relief sought is to delete Section 28.2.4 and add a reference to the Subdivision and Development Principles and Requirements.
2. I concur with HDC (Community Assets Department) the matters in the two documents do set out similar information. However, the format of the Proposed Plan is similar to that of the Operative District Plan and therefore recognisable to existing plan users. The Subdivision and Development Principles and Requirement document should be referenced in the

information requirements so there is consistency, given that compliance is required to meet the conditions in Chapter 24 of the Proposed Plan.

3. Part (b) and (c) of HDC (Community Assets Department) submission (91.26 and 91.27) seeks reference to structure plans and compliance with wastewater provisions set in Rural Zone subdivision Rule 19.7.2(f). It is considered that these additions are helpful and assist applicants provide the correct information in subdivisions applications. However, these provisions are already provided for in the Proposed Plan under the respective Information Requirements for Urban Subdivision and Rural Subdivision. Overall I consider the Proposed Plan sets out subdivision information requirements in a clear way. A reference to the Council's Subdivision and Development Principles and Requirements (2012) is considered appropriate under 28.2.4, but does not require this to be repeated under the Urban and Rural Subdivision Information Requirements (28.2.5 and 28.2.6). Therefore, I recommend submission point 91.08 be accepted in part, but that submission points 91.26 and 91.27 are rejected.
4. Truebridge Associates Ltd lodged a further submission in opposition to the submission by HDC (Community Assets Department) but provided no specific reference to these provisions. I recommend that the further submission point 526.09 be rejected and further submission points 526.27 and 526.28 be accepted.
5. Powerco (41.52) seek amendments to sub clause (n) to clarify that electricity and gas are contemplated when providing services to a subdivision, and that any necessary easements for utility services are provided. It is considered appropriate to direct subdivision applicants to provide the information sought by Powerco and I recommend that submission point 41.52 be accepted.
6. The support by KiwiRail (55.01) is noted for the assessment matter (k) in relation to the effects of reverse sensitivity.

4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.52		Powerco		Accept
55.01		KiwiRail		Accept
91.08	526.09	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept In-Part Reject
91.26	526.27	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Reject Accept
91.27	526.28	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Reject Accept

4.11.4 Recommended Amendments to the Plan Provisions

Amend 28.2.4 by inserting provisions under the respective headings as follows:

28.2.4 Information Requirement 3: Subdivision

....

Site Details to Accompany Applications for Subdivision Consent

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

....

Details of the Proposed Subdivision to be Provided

(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.

AND consequential changes to numbering.

4.12 28.3 Provision of Services

4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.53	Powerco	In-Part	Submitter supports the general intent of 28.3 in particular the first three paragraphs which relate to the developer's obligations. The submitter seeks a specific reference to gas infrastructure.	Amend the first paragraph of 28.3 to include a specific reference to 'gas' infrastructure.	

One submission was received on the "Provision of Services" in the Rural Zone, supporting in-part the provision but seeking minor amendments.

4.12.2 Discussion & Evaluation

1. Section 28.3 sets out the responsibilities of developers with respect to the provision of services and explains that they shall make all arrangements with the appropriate utility providers for the supply and installation of electric power, street lighting, and phone. Powerco (41.35) seek to add reference to the provision of "gas" to this list. The relief sought is considered appropriate and is recommended to be accepted.

4.12.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.53		Powerco		Accept

4.12.4 Recommended Amendments to the Plan Provisions

Amend Section 28.3 Provision of Services as follows:

28.3 PROVISION OF SERVICES

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

4.13 General Submissions

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
3.00	Matthew Thredgold	In-Part	Open air burning of rubbish and wood causes smoke and odour nuisances beyond property boundaries. Regional Council rules are ineffective and offer no protection from intermittent but serious air pollution. The Rural Zone in the District Plan should therefore limit and control burning off.	Include provisions that prohibit all open air burning of rubbish and wood across the whole district.	506.60 Ernslaw One Ltd – Oppose 528.01 Horizons Regional Council - Oppose
13.00	John Hammond	In-Part	The Proposed District Plan includes a comprehensive list of policies but does not include specific objectives. Objectives should be measurable in terms of cost to implement and of outcome. It is not reasonable to expect Council to have the resources to implement all policies tabulated which could result in higher rates in the future if future councils are compelled to adopt excessively expensive policies.	Include in the Plan a comment that identifies that ratepayers will have the opportunity to comment on specific objectives, priorities and costs at each annual and 10 year plan submission time.	
5.08	Elaine Gradock	In-Part	Support Plan provided it does not result in significant rise in rates.	Rates should be kept at 5%.	
26.01	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the inclusion of rules around prevention of light spill, glare and excessive lighting levels for highway and street lighting, subdivisions, land use and development.	Amend the Proposed Plan to include rules to prevent light spill, glare and excessive lighting levels for highway and street lighting, subdivisions, land use and development.	
26.04	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the inclusion of rules to discourage or prevent the up-lighting of trees as a way of highlighting 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 and an excess of light will contribute to sky glow.	Amend the Proposed Plan to include rules to discourage or prevent the uplighting of trees.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.07	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks rules which preserve the natural character of coastal areas by restricting lighting to essential lighting only and that this lighting be shielded and directed to the area intended to be lit, limited to the levels and times required.	Amend the Proposed Plan to include rules which preserve the natural character of coastal areas by restricting lighting to essential lighting only.	
38.03	Range View Limited & M J Page	In-Part	There is a relationship between Plan Change 22 and Plan Change 20 of which there are issues that are currently being addressed between parties. This relationship will need to be reflected in the Proposed Plan.	Amend the Plan to incorporate the matters between the parties in relation to Plan Changes 20 and 22 once addressed to the submitter's satisfaction.	526.32 Truebridge Associates Ltd - Support
39.00	Viv Bold	Oppose	Oppose Hokio being made Industrial from Rural. Can't see how it is going to help the residents that live in this area. We don't need extra charges put on our rate demands. Oppose the Proposed District Plan as the money is not there to pay for this increase in rates.	Inferred: Do not proceed with the Proposed District Plan.	
40.00	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>Oppose the Proposed Plan's treatment of removal, re-siting, and relocation of buildings in its entirety. The regulation of removal and relocation of buildings in the proposed plan does not meet the aims of the RMA. The Proposed Plan also fails to apply the decision of the Environment Court, where the judge held that there was no real difference in effect and amenity value terms between the situ construction of a new dwelling and relocation of a second-hand dwelling.</p> <p>The policies, objectives, rules, methods and reasons in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	Amend the policies and objectives, rules, methods and reasons in the Proposed District Plan to reflect the reasons for this submission which opposes the regulation of removal and relocation of buildings.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.01	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>Oppose the Proposed Plan's treatment of removal, re-siting, and relocation of buildings in its entirety.</p> <p>Provisions on removal, re-siting, and relocation of buildings in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	Delete all provisions on removal, re-siting, and relocation of buildings in the Proposed Plan, the definitions section, and elsewhere.	
40.03	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>The submitter seeks that the Plan be amended to provide for the coordination between the Building Act and Resource Management Act, to avoid regulatory duplication.</p> <p>The policies, objectives, rules, methods and reasons in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	Amend the objectives, policies, rules and methods of the Plan the need to provide for the coordination between the Building Act and Resource Management Act, to avoid regulatory duplication.	
40.04	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>The submitter seeks that the demolition and removal and re-siting of buildings be provided for in the Proposed Plan as a permitted activity.</p> <p>The provisions relating to demolition, removal and re-siting in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Providing for notifiable resource consents controlled/restricted discretionary activity does not recognise transaction costs involved.</p> <p>Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	<p>Amend the Proposed Plan to provide for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct.</p> <p>Or</p> <p>In the event that demolition and or removal and re-siting of buildings is not a permitted activity then as a default rule, provide for relocation of dwellings and buildings no more restrictively than a restricted controlled</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				activity, provided that such application be expressly provided for on a non-notified, non-service basis.	
40.05	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	<p>The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity.</p> <p>The policy provisions relating to relocated dwellings and buildings in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Providing for notifiable resource consents controlled/restricted discretionary activity does not recognise transaction costs involved.</p> <p>Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p>	Amend the policy provisions relating to relocated dwellings and buildings in their entirety (either by rewriting the plan, or alternatively, by deleting the relevant sections and replacing the provision in each section or zone of the Plan as is appropriate) with objectives, policies, rules, assessment criteria, methods, reasons and other provisions which expressly provide for relocation of buildings as permitted activities in all zones/areas subject to performance standards and conditions.	
40.31	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings be deleted.	Delete any provision in the Plan for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings	
40.37	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks a discretionary activity rule to restrict the use of restrictive covenants for the removal, resiting, and relocation of dwellings and buildings.	Include a discretionary activity rule to restrict the use of restrictive covenants for the removal, resiting, and relocation of dwellings and buildings.	
46.04	Vincero Holdings Ltd	In-Part	The relationship between Plan Change 22, earlier Plan Change 20 and now the overlay of the Proposed Coastal Natural character and Hazard Area could lead to inconsistent administration between the District Plan and the Management Plan specifically	Amend the Plan so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			developed through the RMA process for the submitter's land. The submitter opposes the provisions which could result in these inconsistencies.	covered by D135 on the Planning Maps and removed from Lot 1 DP 48282. Alternatively amend the provisions in Chapters 3, 5, 8 and 19 to give effect and enables the certified Muhunua Forest Park management Plan that is contained in file SUB/2729/2009.	
51.07	Waitarere Beach Progressive & Ratepayers Association	In-Part	Submitter seeks the Plan consider future development of public facilities. There are public facilities that need upgrading. There is the need for an agreed strategy for development of the facilities and infrastructure for Waitarere so that they work in harmony and preserve the feel of the area.	No specific relief requested. Inferred: That a strategy for the development of Waitarere be agreed so that the development of the area's facilities and infrastructure all work in harmony.	
51.06	Waitarere Beach Progressive & Ratepayers Association	In-Part	Submitter seeks consideration of a permanent recycling drop off facility. The facility does not necessarily need to be in the village itself.	No specific requested. Inferred: That consideration is given to providing Waitarere with a permanent recycling drop-off facility.	
55.31	KiwiRail	In-Part	Submitter seeks a new district wide rule to apply to all zones as noise sensitive activities raise similar reverse sensitivity effects regardless of where they might be located in the District. 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	Include a new rule to all and each of the following zones ; <u>Chapter 15 Residential</u> <u>Chapter 16 Industrial</u> <u>Chapter 17 Commercial</u> <u>Chapter 18 Greenbelt residential</u> <u>Chapter 20 Open Space</u> 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</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			internal amenity for noise sensitive receivers.	<p><u>metres (measured from the nearest edge of the rail corridor) of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:</u></p> <p><u>(i) 35dBA LAeq (1 hour) inside bedrooms.</u></p> <p><u>(ii) 40dBA LAeq (1 hour) inside other habitable rooms.</u></p> <p><u>(iii) Compliance with this Rule XXXX shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved ;</u></p> <p><u>or</u></p> <p>Locate this rule in one location in the plan where it will have district-wide applicability (i.e. to all zones).</p>	
60.00	Muaupoko Co-operative Society	Oppose	<p>Submitter opposes the Proposed Plan. The behaviour of the Council has 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.</p> <p>The Muaupoko Co-operative Society, 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</p>	<p>That the Proposed Plan be declined until such time as the matters raised by the submitter have been properly and appropriately provided for and that the Council agree to the preparation of a proposed variation to the Proposed Plan to enable these matters to be included.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>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 Muaupoko Co-operative Society.</p> <p>The tangata whenua of Muaupoko, who may be affected by the proposed plan, have not been consulted either directly by the Council, or indirectly through the Muaupoko Tribal Authority to identify and define exactly what the matters of importance are to tangata whenua in relation to their taonga and waahi tapu.</p> <p>Furthermore 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.</p>		
60.01	Muaupoko Co-operative Society	Oppose	Submitter seeks amendments to the Plan so that appropriate provisions are included to address the re-instatement of Lake Horowhenua	No specific relief requested. Inferred: That rules or	528.13 Horizons Regional Council - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			into Chapter 13-3 of Horizons Regional Council's One Plan. There is an urgent need to prevent the ongoing discharge of stormwater, waste water and run off entering lake Horowhenua.	regulations need to be included in the District Plan to prevent the ongoing discharge of stormwater, waste water and run off entering Lake Horowhenua.	
60.25	Muaupoko Co-operative Society	Oppose	The submitter relies on the submission made by Philip Taueki for the following matters. Oppose the approach taken by 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 giving rise to conflicts.	No specific relief requested.	
11.30	Philip Taueki	Oppose	Oppose the approach taken by 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 giving rise to conflicts.	No specific relief requested.	
61.00	Richard Tingey	In-Part	The submitter seeks the inclusion of an encroachment policy. This includes permanent encroachments where long term fencing is given ad hoc license without a formal application process and public register of encroachments at present. There is need for a clear policy on there being a 3m wide walking strip either side of rural roads	Amend Proposed Plan to provide for the following: (a) culverts need to extend at least 3m from the road edge for the fence above the culver to be 3m from the edge too; (b) a full and thorough policy on encroachments over road reserves to guarantee walking and cycling on paper roads plus 3m of walking space either side of rural roads in use; (c) the encroachment policy to include a public register of such encroachments for full public inspection and that no retrospective encroachment licences	511.22 HDC (Community Assets Department) - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p>will be granted;</p> <p>(d) 7 day grazing encroachments for horses and cattle only with very light weight electric fencing to be 2m from tarseal;</p> <p>(e) pampas grass eradicated on road reserves;</p> <p>(f) street trees to give 3m of walk strip both sides of the of road reserve.</p>	
65.11	Horowhenua Farmers' Ratepayer Group	In-Part	The submitter contends that property rights are taken away from individuals because of public opinion and new Council policies and rules which impose extra costs. As a result of the loss of property rights, affected 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.	Amend Proposed Plan to provide a fund for the recompense purpose for the loss of property rights.	
66.11	Bruce & Christine Mitchell	In-Part	The submitter contends that property rights are taken away from individuals because of public opinion and new Council policies and rules which impose extra costs. As a result of the loss of property rights, affected 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.	Amend Proposed Plan to provide a fund for the recompense purpose for the loss of property rights.	
67.00	Taiao Raukawa Environmental Resource Unit	In-Part	Ensure macrons are correct.	Amend entire Plan to ensure correct use of macrons (e.g. replace all Maori with Māori, Ngati with Ngāti and Ohau with Ōhau).	
91.12	HDC (Community Assets	In-Part	Where the proposed plan references Council's Subdivision	Amend all references to the Subdivision and	526.13 Truebridge Associates Ltd -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Department)		and Development Principles and Requirements (2012) and or associated Appendix's we support substantially In-Part the application of these documents but we requires various minor updates as submitted and a version control should be referenced in the final District Plan.	Development Principles and Requirements 2012 and five appendices throughout the Proposed District Plan to provide for: Version control to be added, Version: 12 November 2012 and includes minor alterations and submissions requested.	Oppose
109.04	Charles Rudd (Snr)	In-Part	The submitter seeks the inclusion and use of Māori place names including: Waipunahau = Lake Horowhenua Waiwiri = Lake Papaitonga/Buller Lake Waitawa = Forest Lakes	Amend the District Plan to include references to and use of the following Māori place names Waipunahau = Lake Horowhenua Waiwiri = Lake Papaitonga/Buller Lake Waitawa = Forest Lakes	
109.06	Charles Rudd (Snr)	In-Part	The submitter considers that there may be potential issues with Part B, C, D, E and F of the Proposed District Plan and reserves the right to put forth and speak on these issues.	Not specific relief requested.	

Sixteen submitters raised a range of submission points on matters that fall across the Proposed Plan generally, and matters that fall outside the role and function of the Proposed Plan. These matters are evaluated below.

4.13.2 Discussion & Evaluation

Air Quality

1. Matthew Thredgold (3.00) raises an issue with open air burning of rubbish and wood which causes smoke and odour nuisance beyond property boundaries. The submitter contends that the Regional Council rules are ineffective and seeks that the District Plan include provisions that limit and control burning off activities in the Rural Zone. This submission is opposed by Enslaw One Ltd (506.60) and Horizons Regional Council (528.01).
2. The Proposed District Plan includes a Rule (19.6.9) managing odour in the Rural Zone. The Rural Environment Section 42A report concluded that the management of odour falls under the jurisdiction of both the Regional Council (air discharge) and District Council (the management of land uses). In response to other submissions specifically relating to the odour rule, this report recommends the Proposed Plan Rule 19.6.9 be amended so it refers

to the Proposed One Plan "FIDEL"¹ factors, which provide a way of determining the 'offensiveness' of odour.

19.6.9 Odour

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

For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. Section 14.2 of the Proposed One Plan provides guidance for determining whether an odour is offensive or objectionable.

3. The relief sought by Thredgold is to prohibit all open air burning of rubbish and wood across the whole district. The relief sought is more restrictive than Rule 19.6.9 or the Proposed One Plan rules which permits small-scale fuel burning (Rule 14-4) and outdoor burning (Rule 14-5) subject to a series of conditions including:

(e) *The discharge[^] must not result in any offensive or objectionable odour, dust, smoke or water[^] vapour beyond the boundary of the property*.*

(f) *The discharge[^] must not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the property*.*

4. There are National Environmental Standards (2004) which apply to the use of woodburners and these are also set out in the Proposed One Plan.
5. It is considered that the Proposed Plan addresses the odour nuisance, while not impinging on the functions of the regional council under the RMA. I do not consider prohibiting rubbish burning and the outdoor burning through provisions in the District Plan would be appropriate, given the controls already in place in the other national and regional planning documents and this method is a commonly accepted form of disposing of organic material. On this basis, I recommend that the submission point (3.00) be rejected.

Outdoor Lighting

6. The Horowhenua Astronomical Society Inc submitted on a range of provisions across the Proposed Plan which has been addressed in seven previous Section 42A Reports. The three submission points (26.01, 26.04, 26.07) raised in the General Provisions reiterate the matters which have been sought within the Zone Chapters (Open Space, Residential, Industrial and Commercial and Rural) as well as district-wide provisions and policy direction, such as the Land Transport, Subdivision and Development, and the policy direction given in the Coastal and Natural Features Chapters.

¹ *frequency - how often an individual is exposed to odour*

intensity - the strength of the odour

duration - the length of a particular odour event

offensiveness/character - the character relates to the hedonic tone of the odour, which may be pleasant, neutral or unpleasant

location - the type of land use and nature of human activities in the vicinity of an odour source

the sensitivity of the receiving environment, including reverse sensitivity

the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003).

7. In summary, the submitter seeks better protection of the night sky from unnecessary light pollution, as well as managing lightspill to improve local amenity and ecological processes.
8. Through the zone and district-wide Section 42A Reports it has been recommended the Open Space Zone permitted activity condition that manages lightspill from outdoor lighting sources be applied to all the urban zones, for the purpose of protecting residential amenity. It was noted that the Subdivision and Development Principles and Requirements already require the design of new streetlights in rural areas and sensitive urban areas to reduce light dispersion into the sky. It was also recommended that further direction be provided for in Assessment Criteria 25.6.3 to ensure any non-compliance with the outdoor lighting standard considered the adverse effects on the night sky.
9. Overall, it is considered that submission points 26.01 and 26.07 have been provided for in part, by the Proposed Plan (as notified) and through recommendations made in the proceeding Section 42A Reports.
10. Submission point 26.04 seeks specific regulation to prevent the “up-lighting” of trees, due to the potential ecological impact and health of the tree. The “up-lighting” of trees is a decorative way of enhancing trees as part of a garden feature or public space. Based on observations of night lighting in the District, very few examples of up-lighting are known. Therefore it is uncertain how significant an issue these effects are in the Horowhenua.
11. The imposition of a rule to manage the ecological effects of up-lighting trees could unduly limit people’s individual choice in how they beautify their gardens and sections. There is uncertainty of whether up-lighting of trees is a significant resource management issue for the District and adding a rule would result in consequential restrictions on landowners. On this basis, I do not consider adding a specific standard to managing the up-lighting of trees is appropriate and recommend that this submission point be rejected. Notwithstanding the above, the HDC may like to consider the impacts on the night sky should any public space design include any large scale up-lighting of trees.

Relationship between the Proposed Plan and Plan Changes 20 and 22

12. Range View Limited & M J Page (38.03) seek to ensure that the matters between the parties involved in appeals on Plan Change 20 (Rural Subdivision) and Plan Change 22 (Outstanding Natural Features and Landscapes) are reflected in the Proposed Plan. This submission point is supported by Truebridge Associates Ltd as a further submitter (526.32).
13. Plan Changes 20, 21 and 22 were not operative at the time of notifying the Proposed Plan and the provisions were “greyed out” in the document, to make clear that these provisions were not subject to submissions through the RMA, Schedule 1 process for the Proposed Plan.
14. Running parallel with the Schedule 1 process for the Proposed Plan has been Environment Court mediation on the outstanding appeals on Plan Change 20, 21 and 22. The appeals on Plan Changes 20 and 21 have since been resolved and HDC has recently adopted these plan changes for notification with Plan Change 20 and 21 set to become operative on 23 May 2013. Any changes to the “greyed out” provisions as a result of the consent orders from Plan Changes 20 and 21 will be made once the decisions on the Plan Changes have been publicly notified and can occur independent of the Proposed Plan process.

15. Appeals on Plan Change 22 are still being progressed. However, once resolved, any changes to the Outstanding Natural Features and Landscapes (ONFL) maps and provisions can be made independent of the Proposed Plan process.
16. The resolution of appeals on Plan Change 22 may result in the need for consequential changes to provisions in the Proposed Plan to achieve consistency and smooth integration of the provisions.
17. To provide for any such changes, a subsequent plan change to the Operative Plan or variation to the Proposed Plan would be required to insert, amend and/or delete provisions as required. Due to the timing and unknown amendments that may be required to the Proposed Plan resulting from ongoing mediation on Plan Change 22, the submission point 38.03 is rejected, although it is noted that Council is supportive of the general intent of this submission.
18. Vincero Holding Ltd (46.04) considers Plan Change 20 and 22 are an integral part of the Proposed Plan and describe the layers that have implications on their property at Muhunua West Road, Ohau.
19. The submitter opposes Planning Map 7 and 41 and in particular the identification of their site (Lot 1 DP 48282 located on Muhunua West Road) within the Coastal Natural Character and Hazard Overlay Area and Coastal Outstanding Natural Feature and Landscape (ONLF). As an alternative, the submitter sought site specific provisions to enable the site to be managed in accordance with the Muhunua Forest Park Management Plan as required in the approved subdivision (SUB/2729/2009).
20. The relief sought by the submitter (46.04) is the same as submission points 46.02 and 46.03, which has been evaluated in the Section 42A Report for the Coastal Environment. It is noted that the recommendations set out in the Section 42A Report for the Coastal Environment recommend the submission points 46.02 and 46.03 to be accepted in part. The recommendation concluded that a site specific overlay and set of provisions is appropriate to enable the land to be managed in accordance with the Muhunua Forest Park Management Plan. The recommendation also concluded that the Coastal Natural Character and Hazards overlay should no longer apply to this site given the site specific assessments that had been undertaken and evaluated as part of the subdivision consent process.
21. For consistency with the recommendations made in the Section 42A Coastal Environment report, I recommend that submission point 46.04 be accepted in part also. Refer to Section 4.28.4 of the Coastal Environment Section 42A Report for the full recommended amendments to the Proposed Plan in relation to this site.
22. I note that the submitter has sought amendment to the Coastal Outstanding Natural Feature and Landscape (ONFL) in relation to this site. The ability to amend the extent of the ONFL is outside the scope of the Proposed Plan. The Coastal ONFL was identified as part of Plan Change 22 which is currently under appeal to the Environment Court and not yet operative.
23. The final extent of the Coastal ONFL and the application of any associated rules will be determined through the Environment Court process.

Hokio

24. The submission lodged by Viv Bold (39.00) opposes Hokio being made Industrial from Rural. There is no proposed Industrial Zone Hokio Beach settlement and the submitter does not specify which property they are referring to. I note that the submitter's address for service is 415 Hokio Beach Road and is zoned Rural, as is the surrounding area. Therefore, the submission is unlikely to be referring to their own property. The submitter may wish to clarify where they are referring to the hearing.
25. The submitter comments that the change from Rural to Industrial would result in an increase in rates. I understand that rates are not necessarily based on the District Plan zoning, instead are based on a general urban/rural split, land valuation, and the type of services supplied to the property. Therefore if a Rural property was rezoned Industrial, the change to the rates would occur as the different services demands and land value changes.
26. On the basis of the information to date, I recommend that the submission point be rejected. However, the submitter may wish to identify which property they are specifically concerned about and clarify any operational or amenity value issues that warrant retaining the Rural Zone.

Relocated Buildings

27. House Movers Section of NZ Heavy Haulage Association Inc submitted on the Proposed Plan provisions opposing the way in which relocated buildings (dwellings) are provided for and seek alternative provisions to better enable this type of development to occur (40.00, 40.01, 40.04 and 40.06).
28. These matters have been evaluated in each of the Section 42A Reports for the different zones (Open Space, Urban Environment and Rural Environment). The reports recommended that the Proposed Plan provisions be retained, and the submitter's points be rejected. The recommendation was largely determined on the basis that the existing system of requiring a Controlled Activity and the use of bonds to ensure completion of works has been an effective and efficient method.
29. To be consistent with the proceeding Section 42A Reports, I maintain the recommendation to retain the Proposed Plan provisions with respect to the relocation of buildings.
30. However, it should be noted that as part of a right of reply on matters that cover all zones, such as the relocated building provisions, the evidence presented at the Urban Environment Hearing and questioning from the Hearing Panel is to be considered and responded to by officers.
31. A matter that has not been previously considered is the issue raised in submission point 40.37, which seeks to include a discretionary activity rule *to restrict the use of restrictive covenants for the removal, resiting and relocation of dwelling and buildings*. I assume the submitter seeks to ensure that applications for subdivision and development that include the use of building covenants restricting the use of relocated dwellings are given 'Discretionary Activity' status, instead of a Controlled Activity status. The submitter may be able to explain at the hearing whether this interpretation is correct, or not.

32. In my experience subdivision and development that result in covenants restricting the type of building are registered on the Certificate of Title outside of the subdivision consenting process by individual developers and is done without the involvement of Council.
33. I consider there would be few instances where the Council as a Consent Authority would impose a covenant to restrict building type in order to manage effects on the environment. Nonetheless, any covenants or conditions on subdivision or development would be evaluated and imposed through the subdivision consent process and to not warrant a higher activity status, as sought by the submitter. To this end, I recommend that submission point 40.37 be rejected.

Reverse Sensitivity – Rail

34. KiwiRail (55.30) seeks to add provisions to the Residential, Greenbelt Residential, Commercial, Industrial and Open Space Zones in order to manage noise sensitive activities in proximity to the North Island Main Trunk Railway (NIMTR).
35. KiwiRail seeks to avoid reverse sensitivity effects from residential (and other noise sensitive activities) on the operation of the rail corridor.
36. The NIMTR traverses the district (north-east to south) and much of the historical European settlement was based on the location of the rail network, therefore several towns are directly connected with the rail corridor (Tokomaru, Shannon, Levin, Ohau and Manakau). These five towns are built up to and along the rail corridor for the extent of the individual urban boundaries. Consequently, the level of amenity created by the operation of the railway has been established and those living or working near it do so on the understanding of this context.
37. Chapter 10 (Land Transport) of the Proposed Plan includes Objective 10.3.1 and Policy 10.3.12 which seek to manage land use activities near rail and road networks and avoid, remedy or mitigate any adverse [reverse sensitivity] effects on the safe and efficient operation of these networks. Therefore direction is given to manage reverse sensitivity effects on the NIMTR, but at the same time there is acknowledgement of the historical location and development of the Horowhenua's settlements in proximity to the rail and that landowners need to accept a certain level of effects emanating from this infrastructure.
38. The Rural and Greenbelt Residential Zones have undeveloped areas adjoining the rail corridor, and therefore have the potential for new noise sensitive activities to develop close by. To this end, a setback and noise insulation rule was found to be appropriate for the Rural Zone and is part of the Proposed Plan provisions (Rule 19.6.6(b)).
39. Rule 19.6.6(b) is a permitted activity condition requiring any habitable room in a new (or altered) noise sensitive activity to be setback greater than 30m from the nearest edge of the rail corridor. If the habitable room is within the 30m, then the design of the room needs to meet certain internal noise standards. KiwiRail seeks this same rule for all other zones. It is considered that this rule would be appropriate for the Greenbelt Residential Zone, but acknowledge this cannot be recommended as part of the Proposed Plan process, but would need to occur as part of a future plan change or variation.
40. Imposing the same building setback and noise insulation requirement within the Residential, Commercial or Industrial Zones, would apply it to already established and developed areas.

Therefore the rule would primarily be implemented through additions and alterations to existing buildings.

41. With respect to the Residential Zone, the benefits of imposing a building setback and noise insulation condition would be an increase in the standard of the internal noise amenity as dwellings are progressively redeveloped or expanded. However, the cost of imposing a setback/noise insulation condition would be borne by landowners who seek to make additions or change activity uses, where these landowners bought in full acknowledgement of the proximity of the rail corridor. On balance, it is considered that applying the noise insulation/setback rule within the Residential Zone is appropriate and will, over time, improve residential amenity and avoid potential reverse sensitivity effects on the operation of the rail corridor.
42. The Commercial Zone immediately adjoins the railway corridor in Levin. The Commercial Zone permits visitor accommodation, community activities (such as childcare centres) and within the Pedestrian Overlay area. The Commercial Zone also permits residential activities above ground floor level. The Commercial Zone has a noise insulation condition that applies to noise sensitive activities (therefore would capture all the aforementioned) anywhere throughout the Commercial Zone.
43. According to Nigel Lloyd (Council's technical noise advisor) the Commercial Zone noise insulation condition (Rule 17.6.7) could be adapted so that it equates with the standard of internal noise limit sought by KiwiRail. However, applying one noise insulation condition consistently within the Commercial Zone is preferable. Given the environment within the Commercial Zone has a lower level of expected amenity then the risk of reverse sensitive effects on the rail corridor is considered to be less.
44. The Industrial Zone has a lower level of amenity expectation and it is considered not appropriate to require any noise insulation rule to apply within this zone.
45. The Open Space Zone only permits recreational activities which are not considered to be noise sensitive activities. Any resource consent application for a non-recreational activity on a site that adjoins the NIMTR would need to identify any potential reverse sensitivity effects on the rail corridor.
46. Overall, it is considered the building setback and noise insulation condition sought by KiwiRail would not be appropriate for the Industrial, Commercial or Open Space Zones. The tension lies in whether to impose costs on individual landowners whose residential property adjoins or is adjacent to the NIMTR. However, taking into account the long term benefit of improved internal amenity and to avoid and mitigate reverse sensitivity effects, I consider applying KiwiRail's condition would be appropriate for the Residential Zone. On this basis I recommend submission point 55.30 be accepted in part.

Waitarere Beach – Public Facility Upgrade

47. Waitarere Beach Progressive and Ratepayers Association (WBPRA) seeks the Proposed Plan consider future development of public facilities (51.07), and specifically request a permanent recycling drop off facility (51.06).
48. The submitter suggests that an agreed strategy for the development of facilities and infrastructure for the Waitarere area would be a way of ensuring the development is in

harmony and appropriate for the 'feel' of the area. The submission lists examples of facilities and infrastructure, including the upgrade of the domain tennis courts and public amenities, public halls to be modernised and available for use by the community.

49. The purpose of the Proposed Plan is to provide guidance for individuals, organisations, businesses, authorities in the use, development and protection of their land and/or other resources and assist the Council in managing the associated environmental effects. The role of the Proposed Plan does not extend to include local level strategies that prioritise community asset management. Instead asset management and facility development is managed by the HDC through their Long Term Plan and Annual Plan processes. Therefore a recommendation is not made on submission point 51.06 or 51.07 as the relief sought is outside the scope of the Proposed Plan, but these requests have been passed on to the HDC Community Assets Department for their consideration.
50. Notwithstanding the above, the Proposed Plan includes a new Open Space Zone which applies to the Council's parks and reserves and provides for the use and development of community facilities such as those requested by the submitter. Therefore the relief sought by this submitter is part provided for in this way.
51. The exact relief sought by WBPR is considered to be outside the role and function of the Proposed Plan and therefore is recommended to be rejected. However, this request for greater direction and strategy for the development of infrastructure and facilities at Waitarere Beach has been passed on to the HDC Community Assets Department for consideration.

Objectives, Priorities and Long Term Planning and Annual Planning

52. John Hammond (13.00) raises concern about the relationship between the implementation of the Proposed Plan and the cost on HDC and ratepayers, as all the Proposed Plan policies are implemented over time. The submitter seeks a reference or comment in the Proposed Plan that identifies that ratepayers will have the opportunity to comment on the specific objectives, priorities and costs at each annual and 10 year plan submission time.
53. The Proposed Plan has an objective(s) following each stated resource management issue. Each objective is drafted to be measureable and to articulate the outcome that the Proposed Plan seeks to achieve. A series of Policies and Methods are listed for each individual Objective. The Methods are grouped under various Council responsibilities. In this way, Methods that require prioritisation through the Long Term Planning process are highlighted. It is considered that the link between the District Plan objectives and the methods of implementation is clear, including the non-regulatory methods that require consideration and prioritisation through the Long Term Plan and Annual Plan process. Therefore it is considered Mr Hammond's submission is largely provided for and is accepted in part.
54. Gradock (5.08) supports in-part the Proposed Plan provided it does not result in a significant rise in rates. The submitter requests that the rates should be kept at 5%. The rates for each year are set by Council through Council's Annual Plan process.
55. While I appreciate the submitter's concerns about increases to rates, it is not possible through the Proposed District Plan to commit to keeping the rates at 5%. Any methods included within the Proposed Plan that require a financial commitment by Council and potentially an impact on rates (e.g. rates relief, grants and low interest loans to landowners of historic heritage buildings) would require a decision to be made by Council through the

Annual Plan and Long Term Plan processes. These processes are where Council makes the decisions regarding the Council's proposed expenditure and financial strategy including setting Council's fees and charges and ultimately the cost to ratepayers through annual rates. The Annual Plan and Long Term Plan processes both provide the opportunity for ratepayers and the community to make submissions to Council. I would suggest that this would be the appropriate place for the submitter to be able to get some commitment from Council to keeping the rates at 5%. As the relief that the submitter seeks cannot be provided through the Proposed Plan I recommend that submission point (5.08) be rejected.

Consultation with Muaupoko, Lake Horowhenua

56. The Muaupoko Co-operative Society (60.00) raise concerns with the district plan review process with respect to providing for Section 6 and 7 of the RMA. The submitter states that there has been no consultation with the tangata whenua of Muaupoko to determine what rules or regulations need to be included in the Proposed Plan to ensure the protection of the taonga, including Lake Horowhenua, and waahi tapu from inappropriate use and development.
57. Council officers are satisfied that Council in preparing the Proposed Plan fulfilled its statutory obligations under Clause 3 of the Schedule 1 (RMA) by consulting with the Iwi Authorities that the Government recognises as being mandated to represent the four different local Iwi with rohe in Horowhenua on resource management matters. The Muaupoko Tribal Authority was consulted as representing Muaupoko for the review of the District Plan and preparation of the Proposed Plan process.
58. The consultation process including the identification of the Iwi authorities was well set out in the Section 42A Report for the Matters of Importance to Tangata Whenua hearing (refer to Section 2.2 page 7 of that report).
59. It is noted that the Muaupoko Co-operative Society attended the Matters of Importance to Tangata Whenua hearing and advised the Hearing Panel that they were not satisfied with the consultation process undertaken by Council in which the Muaupoko Co-operative Society was not consulted. The submitter advised the Hearing Panel that as Tangata Whenua they have a kaitiaki role and should have been consulted in relation to the protection of taonga such as Lake Horowhenua.
60. The submitter seeks that the Proposed Plan be declined until such time as the matters raised by the submitter have been properly and appropriately provided for and that the Council agree to the preparation of a proposed variation to the Proposed Plan to enable these matters to be included.
61. I do not support the relief sought by the submitter. As set out above the Council considers that it has fulfilled its statutory obligations under Clause 3 of Schedule 1 (RMA) and does not support the Proposed Plan being declined or being on hold until a variation to address the submitter's concerns. I therefore recommend that submission point 60.00 be rejected.
62. I do however acknowledge that the Methods for Issue 1.2 and Objective 1.2.1 identify that a comprehensive district wide cultural landscape survey for the purpose of identifying areas or sites of cultural significance is to be undertaken. It is anticipated that this is likely to lead to further identification and protection of taonga in the District.

63. The Muaupoko Co-operative Society specify in submission point 60.01 that appropriate provisions are included in the Proposed Plan, to prevent the ongoing discharge of stormwater, waste water and run off entering Lake Horowhenua and refers to Chapter 13 of the Proposed One Plan.
64. Chapter 13 of the Proposed One Plan sets out the rules and consent requirements for discharges to land and water. Horizons have responded to this submission point as a further submitter and oppose the inclusion of provisions in the Proposed Plan that control discharges to land or water as this is the function of the Regional Council and cannot be achieved in a District Plan. I concur with Horizons on this point and therefore recommend that submission point 60.01 be rejected and further submission point 528.13 be accepted.
65. Submission points (11.30 and 60.25) from the Muaupoko Co-Operative Society and Phillip Taueki oppose the approach taken by Council in response to the vandalism at the Rowing Club. The submitters contend that the activities occurring at Lake Horowhenua are compromising those values of importance to Tangata Whenua and giving rise to conflicts.
66. It is recognised that there is tension around the activities occurring at Lake Horowhenua with certain recent incidents brought to my attention through the media coverage they have received. As I have not been present or had any first hand involvement with these incidents I am not in a position to comment on these matters. I do not consider the District Plan to be the most appropriate tool to resolve the sorts of issues including those of the vandalism that the submitter refers to. Although the submitters have not requested any specific relief, I recommend that the submission points (11.30 and 60.25) be rejected as I do not consider the District Plan to be the appropriate mechanism to address the submitters concerns.

Charles Rudd Snr

67. Charles Rudd Snr highlights in submission point 109.06 that there may be potential issues with the Proposed Plan (Part B C, D, E and F) and that he reserves to the right to speak on these issues. There is no specific or inferred relief sought, therefore I recommend that this submission be accepted in part insofar as the process is in place should Mr Rudd wish to speak to his submission at the Council Hearing.

Encroachments Policy

68. Richard Tingey (61.00) seeks the inclusion of an encroachment policy to the Proposed Plan and in particular raises concerns over the process and public register of permanent encroachments, the width of walking strips with road reserves, grazing licences and pampass grass eradication. A further submission from HDC (Community Assets Department) was lodged in opposition to the matters raised by Richard Tingey.
69. It is considered that the matters raised by the submitter are better managed through other HDC functions, rather than the District Plan as it relates to activities within road reserve. It should be noted that the HDC has a Stock Control And Keeping Of Poultry, Bees And Pigs Bylaw 2005 which manages roadside grazing (Clause 12) and temporary fencing (Clause 13).
70. Clause 13.2 states:

“Fence and edge of race shall be no closer than 1 metre, where appropriate, from the edge of any road, except at existing water tables which shall be avoided.”

71. In response to the submitters concerns, the HDC may seek to investigate a 3m width between any temporary fence and the road edge, compared to the existing 1m provided for in the Bylaw. I note that this process would be outside the Proposed Plan process. I note that within the Proposed Plan (but forming part of Plan Change 20 and 21 and therefore not open to submission) there are relevant Design Guides, in particular Section 5.0 of the Greenbelt Residential Subdivision Design Guide and Section 5.0 of the Rural Subdivision Design Guide, which contain a series of cross sections for different roading categories. These cross sections identify that for new roads there will be the expectation that grass berms, pedestrian footways and cycle lanes (in some circumstances) would be provided in accordance with the design guide standards.
72. Pampass Grass is listed in Horizons Regional Pest Plant Management Strategy as a Site-led plant. This means the plant is widespread throughout the region and will only be controlled in and around significant high-value natural areas or other sites that are deemed to be at risk. The HDC undertake plant pest management within Council reserves or parks, and also seek to manage plant pest species in road reserves. The plant pest management work undertaken is part of Council Vegetation Control Programme which is an annual and ongoing programme of work. In terms of the approach taken to managing pampass grass in road reserves Council relies on a combination of chemical and mechanical measures. Where it is close to the carriageway it is usually sprayed and where it is further back from the carriageway it is more often mowed. This work sits outside the District Plan and forms part of Council's operations.
73. I do not consider that the Proposed Plan should be amended to provide the relief sought by the submitter. A number of the points of detail sit outside the scope of the Proposed Plan. I therefore recommend that submission point 61.00 be rejected and that further submission point 511.22 be accepted.

Private Property Rights

74. Bruce and Christine Mitchell (66.11) and the Horowhenua Farmers Ratepayer Group (65.11) consider the loss of private property rights, as a result of the District Plan and Council imposed regulation, be reflected as compensation for affected property owners. The submitter gives examples of where extra costs are imposed on private landowners, and include those who own historic buildings, heritage sites, areas of ecological significance and areas of significant visual aesthetic appeal.
75. Councils are required to prepare a range of documents to meet statutory obligations, such as preparing a District Plan to meet the requirements of the Resource Management Act. The policies and rules in the Proposed Plan set out the extent to which Council has determined private property rights should be restricted in order to promote the sustainable management of the natural and physical resources for which it has resource management responsibility.
76. Section 85 of the RMA sets out that the application of provisions in a Proposed Plan on individual landowners shall not require compensation, unless the provisions renders land incapable of reasonable use and places an unfair and unreasonable burden.
77. The costs and benefits of different options for managing the significant resource management issues in the Horowhenua was carried out and forms the Section 32 analysis which was notified along with the Proposed Plan. Through this assessment, consultation and workshops with the District Plan Review Advisory Group, it was considered that the

Proposed Plan struck a balance between enabling development and protecting natural and physical resources.

78. It should be noted that the Proposed Plan does recognise the tension between private rights and public good, particularly in relation to the protection of heritage values. The Methods to achieve a better balance between protecting heritage and private property rights is set out under Issue 13.3 (Chapter 13 Historic Heritage) and includes:

Through the Long Term Plan and Annual Plan processes, Council may commit resources such as rates relief, grants and waive administration fees, low interest loans or offer access to professional technical advice to encourage the management and protection of schedule historical heritage buildings and sites.

79. There is a similar Method to assist in achieving outcomes for the protection of notable trees set out under Issue 3.4 (Chapter 3 Natural Features and Values).
80. With respect to the relief sought in submission points 65.11 and 66.11, it is considered that it would not be appropriate to provide for a fund to recompense for the loss of property rights. To that end, I recommend that these submission points be rejected.

Place Names and use of Macrons

81. Taiao Raukawa Environmental Resource Unit (67.00) seeks that all macrons throughout the Proposed Plan are correct. For example Māori, Ngāti and Ōhau should all have a macro emphasising certain vowels.
82. Charles Rudd Snr (109.04) seeks the inclusion and use of Maori place names including: Waipunahau (Lake Horowhenua), Waiwiri (Lake Papaitonga/Buller Lake) and Waitawa (Forest Lakes).
83. Ensuring the correct use of macrons and the inclusion of Maori place names is considered to better express the terminology used in the Proposed Plan. I recommend that submission points 67.00 and 109.04 be accepted.

Subdivision and Development Principles and Requirements

84. Chapter 24 of the Proposed Plan includes the subdivision and development rules and conditions. The first condition for any subdivision and development is that the design and construction shall comply with NZS4404:2010 and the HDC's Subdivision and Development Principles and Requirements (2012).
85. The Subdivision and Development Principles and Requirements (2012) is a document included in the Proposed Plan by reference. Consequentially, as part of the first schedule process this document, along with all other documents included by reference, were publicly notified in July 2012.
86. HDC (Community Assets Department) have sought further amendments to the Subdivision and Development Principles and Requirements before finalising the document as it relates to the Proposed Plan. The amendments sought to the document have been evaluated and recommended to be accepted in the Section 42A Report on Land Transport.

87. As a general amendment throughout the Proposed Plan, HDC (Community Assets Department) seek to refer to the November 2012 version of the Subdivision and Development Principles and Requirements (2012), rather than the July 2012 version as in the notified Proposed Plan. This relief sought (91.12) is the same as that considered in the Section 42A Report for Land Transport, under submission point 91.25.
88. Truebridge Associates opposes all parts of the HDC (Community Assets Department) submission as they oppose HDC's Subdivision and Development Principles and Requirements document in its entirety and seek greater discretion be provided for in consents.
89. The relief sought in submission point 91.12 and 91.25 is considered appropriate as it is a consequential amendment to the changes sought in the Land Transport report, all of which are recommended to be accepted.

4.13.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
3.00		Matthew Thredgold		Reject
	506.60	Ernslaw One Ltd	Oppose	Accept
	528.01	Horizons Regional Council	Oppose	Accept
12.00		John Hammond		Accept In-Part
5.08		Elaine Gradock		Reject
26.01		Horowhenua Astronomical Society Inc		Accept In-Part
26.04		Horowhenua Astronomical Society Inc		Accept In-Part
26.07		Horowhenua Astronomical Society Inc		Reject
38.03		Range View Limited & M J Page		Reject
	526.32	Truebridge Associates Ltd	Support	Reject
39.00		Viv Bold		Reject
40.00		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.01		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.03		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.04		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.05		House Movers Section of NZ Heavy Haulage Association Inc		Reject

		Association Inc		
40.31		House Movers Section of NZ Heavy Haulage Association Inc		Reject
40.37		House Movers Section of NZ Heavy Haulage Association Inc		Reject
46.04		Vincero Holdings Ltd		Accept In-Part
51.07		Waitarere Progressive Association (WPRA)		Out of Scope
51.06		Waitarere Progressive Association (WPRA)		Out of Scope
55.31		KiwiRail		Accept In-Part
60.00		Muaupoko Co-Operative Society		Reject
60.01	528.13	Muaupoko Co-Operative Society Horizons Regional Council	Oppose	Reject Accept
109.06		Charles Rudd (Snr)		Accept In-part
60.25		Muaupoko Co-Operative Society		Reject
11.30		Phillip Taueki		Reject
61.00	511.22	Richard Tingey HDC (Community Assets Department)		Reject Accept
65.11		Horowhenua Farmers' Ratepayer Group		Reject
66.11		Bruce and Christine Mitchell		Reject
67.00		Taiao Raukawa Environmental Resource Unit		Accept
109.04		Charles Rudd (Snr)		Accept
91.12	526.13	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject

4.13.4 Recommended Amendments to the Plan Provisions

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

15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

15.6.XX Noise Insulation

Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor)

of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:

(i) 35dBA LAeq (1 hour) inside bedrooms.

(ii) 40dBA LAeq (1 hour) inside other habitable rooms.

(iii) Compliance with this Rule 15.6.xx 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.

AND consequential changes to the numbering.

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

AND

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

4.14 Allen Little (Submitter Number 29)

4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
29.00	Allen Little	In-Part	There needs to be more stringent survey and inspection within rural areas 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.	No specific relief requested.	
29.01	Allen Little	In-Part	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.	No specific relief requested.	
29.02	Allen Little	In-Part	There is an important issue with regards to waste water disposal in the Horowhenua and to a lesser extent Lake Papaitonga. There is a need to look at the in-flow and the effect of surface drainage on these bodies of water. Resources should be committed to consult with owners and interested parties to advance natural restoration of Horowhenua's lakes.	No specific relief requested.	
29.03	Allen Little	In-Part	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.	No specific relief requested.	
29.04	Allen Little	In-Part	Real care needs to be taken when considering the subdivision of property not to foster overcrowding and congestion of resources. When considering infill development the natural coastal settlements must be protected and minimal loss of	No specific relief requested.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			character must be assured.		
29.05	Allen Little	In-Part	Affordable and accessible housing with convenient access and services is required to provide for older citizens.	No specific relief requested.	
29.06	Allen Little	In-Part	A shared purpose license should be required for home based business operations with controls for traffic, advertisements.	Include provision for a shared purpose license for home based businesses.	
29.07	Allen Little	In-Part	Noise pollution in particular intrusive noise from 'subwoofers' should be controlled in residential areas through policy and/or local by-laws.	Include/amend noise policy to control subwoofer noise intrusion in the Residential Zone on private property and on public roads.	
29.08	Allen Little	In-Part	There is a general issue of excessive and inappropriate night time illumination. The submitter seeks appropriate provisions to be included with measures which avoid excessive, poorly designed intrusive lighting.	Include provisions to manage the effects of lighting with particular regard to limiting spill light, glare and energy consumption.	
29.09	Allen Little	In-Part	Council should introduce a local alcohol policy which would relate directly to what people can or can't do in a particular location.	Include a policy/provision around local alcohol.	
29.10	Allen Little	In-Part	Council should commit to more active monitoring of foliage over footpaths and pedestrian walkways. Foliage is an issue for the blind and visually impaired.	Include a commitment of Council to actively monitor foliage over footpaths and pedestrian walkways.	
29.11	Allen Little	In-Part	A comprehensive study on the need for public transport in the District should be undertaken. A feasibility study should also be undertaken on the development of a light rail link between Levin, Waikanae and Palmerston North.	No specific relief requested: Inferred: Undertake studies on the potential for public transport in the Horowhenua which would inform policies/provisions to be included in Chapter 10.	
29.12	Allen Little	In-Part	The submitter seeks greater collaboration over all areas of government and in particular with Regional Council in development of	No specific relief requested.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			roading infrastructure and signage.		
29.13	Allen Little	In-Part	Council should collaborate with neighbouring local entities and the business community to ensure an adequate rail system is available in the district when required.	Establish an Innovation and public facilities working party to explore options, study and recommend futurist development of transport and communications services for the Horowhenua.	
29.15	Allen Little	In-Part	It would be useful if Council appointed a qualified archivist to care for historical documents at Te Takere.	No specific relief requested.	
29.16	Allen Little	In-Part	A major issue of public interest must be the re-emergence of awareness around re-configuring local government. Horowhenua should be actively pursuing synergies with both Palmerston North City and other communities to the south of Levin such as Otaki and Waikanae.	No specific relief requested.	
29.17	Allen Little	In-Part	The Residential Zone should ideally accommodate a diverse mix of men women and children of all ages, dispositions and callings.	Amend Polices to ensure that every citizen has full and convenient access to common amenities or facilities.	
29.18	Allen Little	In-Part	Council should devise policies which inspire and encourage the development of sustainable industry to attract business and enterprise. 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. This could be achieved through the formation of a 'Business Intelligence Unit' within Council.	
29.19	Allen Little	In-Part	Need realistic policies with facilitate careful maintenance of the Greenbelt Residential area particularly open spaces and the natural environment which is what make these locations attractive.	No specific relief requested.	
29.20	Allen Little	In-Part	Council should be working in partnership with agricultural,	No specific relief requested.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			horticultural, viticulture and primary production interests 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.		
29.21	Allen Little	In-Part	As a progressive futuristic community, Horowhenua should expect access to all utilities readily available in New Zealand. Network utilities and structures associated with them must comply with both regulatory and local conditions. Excessive and inappropriate street lighting should be reduced.	Council should set an example and establish an energy conservation initiative to avoid wastage of electricity.	
29.22	Allen Little	In-Part	All future subdivisions should be required to submit evidence of best practice and how structures or residents will be connected to utilities. Sensor lights should be used and subdivisions should demonstrate energy efficiency. Flood lighting should be of non-spill, non-intrusive type.	Include Polices and controls which will allow the Council to set the standard for local energy efficient and conservation.	

Allen Little lodged a comprehensive submission across most chapters of the Proposed Plan providing commentary and suggestions on topics both within scope and outside the scope. The submission points have been evaluated collectively below.

4.14.2 Discussion & Evaluation

General

1. Allen Little submitted a comprehensive submission that provides commentary on Chapters 2 through to Chapter 24 and has been recorded in the summary of submissions as 22 single submission points. Generally no specific relief is requested, but the submitter does offer HDC a number of matters to consider, some within the scope of the Proposed Plan and others better addressed by different functions of Council or in liaison with other agencies such as Horizons Regional Council and KiwiRail.

Chapter 2 Rural Environment

2. Allen Little (29.00) expresses concern over compliance with effluent disposal and land irrigation systems in the rural environment. He is also concerned over the safety of rural property accesses. The submitter suggests a survey and inspection within the rural areas and comments that synergies with the Regional Council should be explored. The submitter accurately highlights that the Regional Council is responsible for monitoring compliance with

discharge consents. If Horizons require information from HDC then co-ordination between the two local authorities can readily occur.

3. Maintaining safe and efficient local roads is the responsibility of HDC, whereas any access onto the State Highways is NZ Transport Agency's responsibility. Either HDC or NZTA will respond to public complaints about unsafe access, or investigate accesses as part of the management of the local road network. Any examples of the accesses that the submitter was particularly concerned about would be passed on to the HDC Community Assets Department for investigation. Any new accesses would be subject to the requirements in the Proposed Plan (e.g. sight distances and formation standards).
4. The Proposed Plan includes objectives, policies and methods to address cross boundary issues in Chapter 14 and the key sentiment is to cooperate and coordinate with adjoining local authorities and the Regional Council over resource management issues. An example of coordination is the HDC's Planning Industry Group, which operates by inviting local practitioners and officers from local council's to participate in updates on planning matters and share information. To this end, I consider the inferred relief sought is generally provided for already in the Council's day to day operations and is accepted in part.

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

5. Allen Little (29.01) comments that care should be taken not to alter landscapes and natural features, and seeks that some commitment be made to restorative work for Lake Horowhenua. The submitter suggests in submission point 29.02 that resources should be committed to consult with the owners and interested parties to advance natural restoration of Horowhenua's lakes (Lake Horowhenua and Papaitonga).
6. Chapter 3 of the Proposed Plan sets out the policy direction for Natural Features and Values. Issue 3.1, Objective 3.1.1 and Policies 3.1.2 – 3.1.9 provide the framework to manage Horowhenua's Outstanding Natural Features and Landscapes (ONFL). These particular provisions are "greyed out" as they are integral to Plan Change 22 which is still subject to appeal and not part of the District Plan review. All ONFL's are identified and mapped and the provisions (as notified in PC22) would manage the adverse effects of buildings and structures on the values of these special landscapes and features. However, as these provisions are not part of the Proposed Plan, submission point 29.01 is out of scope and no recommendation can be made on it.
7. The restoration work for Lake Horowhenua requires the coordination of a number of parties including Horizons, HDC, the Lake Horowhenua Domain Board, Muaupoko and the water quality scientists who have studied and reported findings on this water body. Financial resourcing towards the restoration works at Lake Horowhenua and other natural areas would be considered as part of the Council's Long Term Plan.
8. The function of the Proposed Plan is to manage land use activities, whereas regional planning documents (the Proposed One Plan) manages activities that impact water quality and quantity. Therefore the HDC and its Proposed Plan has no statutory mechanism to advance the restoration work for Lake Horowhenua or Lake Papaitonga, therefore a recommendation cannot be made on submission point 29.02.

Chapter 5 Coastal Environment and Chapter 6 Urban Environment

9. Submission points 29.03, 29.04, 29.05, 29.06 and 29.17 refer to the Horowhenua's coastal settlements and residential areas. Allen Little comments that coastal settlements are valued as unique places and the residents have access to services and facilities that are typical of main urban areas (29.03). He seeks that minimal loss of character be assured when considering infill development within the coastal settlements and subdivision in general and does not foster overcrowding and congestion (29.04).
10. Allen Little comments (29.05) that older citizens have different housing needs, and affordable and accessible housing should be provided for. He also suggests that small owner occupier home based businesses are appropriate in residential areas and should be encouraged as long as effects such as traffic, advertisements and noise are managed (29.06). Submission point 29.17 states that the Residential Zone should accommodate a diverse society.
11. It is considered many of the matters raised by the submitter are already addressed in the Proposed Plan. The Urban Environment Objective 6.3.1 states:

Objective 6.3.1 Residential Zone

To provide for a diversity of residential lifestyles and non-residential services and activities to meet the needs of the community while maintaining and enhancing the individual character and amenity values of the residential areas in each of the settlements of the District.

12. The policies and methods to achieve Objective 6.3.1 cover matters such as amenity, character (Policies 6.3.2, 6.3.3), providing a range of services and activities (6.3.20, 6.3.23 and 6.3.24) and maintaining standard or lower density in coastal settlements in the District (Policy 6.3.5).
13. In terms of infill development in coastal settlements and providing for different housing needs, Policy 6.3.8 provides for the application of medium density overlays within central locations in Foxton Beach and Waitarere Beach, in order to provide for the consolidation of these coastal settlements. The provision of smaller houses also provides for affordable housing and a different opportunity for living within these communities. Higher density housing will be different to which exists currently, but Policy 6.3.9 directs that higher density housing is complementary to the scale and character of the local area and the rules and consent requirements follow this direction through.
14. The design and accessibility of housing for elderly is not specifically provided for in the Proposed Plan (29.05). The provision of this type of housing would be dependent on a private developer or government agency.
15. The concept of a "Shared Purpose License" (29.06) for home occupations is similar to a resource consent. The Proposed Plan enables home occupations to occur as of right (i.e. permitted activity and no resource consent required), subject to conditions (e.g. noise, hours of operation) so that disturbance in residential areas is minimised. However, not complying with any of the conditions would require a resource consent.
16. Overall, it is considered that the Urban Environment Objectives and Policies of the Proposed Plan align with the comments made by Allen Little in submission points 29.03 and 29.04 and

I recommend that the intent of submissions 29.03, 29.04 be accepted in part, whereas the inferred relief sought in 29.05 and 29.06 be rejected.

Noise Control

17. Submission point 29.07 seeks the Proposed Plan to manage low-frequency base noise from 'subwoofers' in residential areas. Allen Little comments, the noise generated from subwoofers is typically associated with car audio systems and sometimes home entertainment systems. Noise from vehicles is not a matter within the jurisdiction of HDC and is managed by the Police.
18. Environmental noise limits are set in the Proposed Plan and all activities are required to comply with these standards.
19. Acoustic engineer Nigel Lloyd (Council's technical noise advisor) has reviewed the comments made from Allen Little on the nuisance and impact from subwoofers. Mr Lloyd advises that managing this type of noise pollution is difficult in the district plan, and recommends that HDC continue to use Section 16 of the RMA "*Duty to avoid unreasonable noise*" on a case by case basis. Section 16 states:

Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

20. The Proposed Plan refers to every person's duty set under Section 16 of the RMA to avoid unreasonable noise. The noise limits to achieve an appropriate level of noise for the Residential Zone are set out in Rule 15.6.11. To this end, the relief sought by Allen Little in submission point 29.07 is considered to be partially provided for and I recommended it be accepted in part.

Light Pollution

21. Allen Little raises the same concerns as the Horowhenua Astronomical Society (submitter number 26) and Michael White (25) with respect to the Proposed Plan managing light spill and to avoid excessive use of lighting. Refer to Section 4.13 of this Report for a summation of the outdoor lighting considerations and recommendations made in other Section 42A Reports. As a result I recommend the relief sought by Allen Little in submission point 29.08 and 29.22 be accepted in part.

Local Alcohol Policy

22. Submission point 29.09 urges HDC to investigate the provision of a local alcohol policy. This social issue is outside the scope of the Proposed Plan so a recommendation is not made on this point. However, the comment made is noted and has been passed on to the HDC's Environmental and Regulatory Services Department for consideration.

Footpaths and Walkways

23. Submission point 29.10 seeks a commitment from HDC to actively monitor the foliage over footpaths and pedestrian walkways to ensure clear walking space is maintained. The maintenance of HDC's streets and footpaths is an operational matter and outside the scope

of the Proposed Plan. A recommendation is not made on this point, but the request is noted and has been passed on to the HDC Community Asset Department for consideration.

Chapter 10 Land Transport

24. Submission point 29.11, 29.12 and 29.13 notes the key outcomes summarised in Allen Little's submission on Land Transport, where he emphasises the current and future benefits of public passenger transport, and contends that the revitalisation of the railway system would assist the economic and social development of the district and region. The submission infers that studies into the need and feasibility of public transport, in particular a light rail link between Levin, Waikanae and Palmerston North (29.11). More collaboration with Horizons over matters such as the development of roading infrastructure and signage (29.12), and the establishment of an 'Innovation and Public Facilities Working Party' to explore public transport options are also noted in the submission (29.13).
25. The relief sought is outside the scope of the Proposed Plan insofar as carrying out research for public transport options and liaising with KiwiRail and Horizons over the use of the North Island Main Trunk Railway line. A recommendation is not made on this submission point, but the request is noted and has been passed on to the HDC Community Assets Department for consideration.
26. It is noted that Chapter 10 (Land Transport) sets out the policy framework for managing the district's land transport network. The Chapter explains that public passenger services and facilities are not a significant feature of the land transport in the District, except for the rail and bus service operating between the main towns. This explanation represents a snapshot of the system as it is now. A method listed in this Chapter refers to working with other agencies through the Regional Land Transport Programme to improve infrastructure and facilities, including those related to public transport. This method aligns with the relief inferred in submission point 29.12, but does not go the extent of the relief inferred in 29.13.

Historic Heritage

27. The support for the Council's new Library complex (Te Takere) is noted. A recommendation is not made on submission point 29.15 as it is outside the scope of the Proposed Plan, but the request for an archivist to care of historical documents has been passed on to the HDC Strategic and Corporate Services Department for consideration.

Chapter 14 Cross Boundary Issues

28. Issues of local authority governance sit outside the Proposed Plan therefore a recommendation is not made on submission point 29.16. It is noted that Chapter 14 of the Proposed Plan sets out a policy direction on resource management cross boundary (regulatory and administrative) matters and encourages integrated management between local authorities.

Chapter 16 and 17 Industrial and Commercial Zone

29. The Proposed Plan Industrial and Commercial Zones collectively provide for a wide range of areas within the district to facilitate the operation of businesses, while managing conflicts with other land uses and adverse effects on the environment. A recommendation is not made on submission point 29.18 as the relief sought is outside the scope of the Proposed Plan, but

has been passed on to the HDC Strategic and Corporate Services Department for consideration and response.

Chapter 18 Greenbelt Residential Zone

30. Submission point 29.19 is on the Greenbelt Residential Zone policies which are outside the scope of the Proposed Plan, therefore a recommendation is not made.

Chapter 19 Rural Zone

31. Submission point 29.20 seeks a “common sense” approach to managing rural land use and residential occupancy should generally be provided for those living/working in the rural environment. The Section 42A Report on the Rural Environment responds to submissions from the other submitters on this matter. The Rural Zone rules provide for residential dwellings to support farm worker accommodation and rural lifestyle living. Therefore it is recommended this submission point be accepted in part.

Chapter 22 Utilities and Energy and Chapter 24 Subdivision and Development

32. The Proposed Plan enables the establishment, operation, maintenance and upgrading of essential network utilities (Policy 12.1.2). Each zone permits network utilities, subject to the conditions set out in Chapter 22. The relief sought that is inferred in submission point 29.21 is provided for in the Proposed Plan and therefore I recommend this submission be accepted in part.

4.14.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
29.00		Allen Little		Accept In-Part
29.01		Allen Little		Out of Scope
29.02		Allen Little		Out of Scope
29.03		Allen Little		Accepted In-Part
29.04		Allen Little		Accepted In-Part
29.05		Allen Little		Reject
29.06		Allen Little		Reject
29.07		Allen Little		Accept In-Part
29.08		Allen Little		Accept In-Part
29.09		Allen Little		Out of Scope
29.10		Allen Little		Out of Scope
29.11		Allen Little		Out of Scope

29.12		Allen Little		Accept In-Part
29.13		Allen Little		Out of Scope
29.15		Allen Little		Out of Scope
29.16		Allen Little		Out of Scope
29.17		Allen Little		Out of Scope
29.18		Allen Little		Out of Scope
29.19		Allen Little		Out of Scope
29.20		Allen Little		Accept In-Part
29.21		Allen Little		Accept In-Part
29.22		Allen Little		Accept In-Part

4.14.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Proposed Plan.

5. Miscellaneous - Missed Submission Points

The following section outlines those submission points which have not been addressed in what may seem to be their most appropriate hearing topic report. There were submission points that have come to light following the circulation of certain Section 42A Reports which have not been addressed. For this reason, these points have been addressed in this General 'catch-all' report. The submitters that made the submissions addressed below have been notified of the General Parts 2, 3 and 4 Section 42A Report and those submitters that requested to speak to their submission have been invited to attend the hearing.

5.1 Chapter 3 Natural Features and Values - Policy 3.4.4

5.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.03	Horowhenua Astronomical Society Inc	Support	<p>The submitter refers to Issue 3.4 and Objective 3.4.1 (Notable Trees) which links to Policy 3.4.4.</p> <p>Policy 3.4.4 has reference to "support of community initiatives for the protection and conservation of Notable Trees".</p> <p>There is support for Policy 3.4.4 with an emphasis on 'protection and conservation'.</p>	Retain Policy 3.4.4.	

One submission was received in support of Policy 3.4.4.

Policy 3.4.4 reads as follows:

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

5.1.2 Discussion & Evaluation

1. Horowhenua Astronomical Society (26.03) made a submission in support of Policy 3.4.4. The Astronomical Society support this Policy specifically the protection and conservation of Notable Trees. The support for Policy 3.4.4 is noted and I recommend submission point 26.03 be accepted.

5.1.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.03		Horowhenua Astronomical Society Inc		Accept

5.1.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 3.4.4.

5.2 Chapter 15 Residential Zone - Rule 15.1(g)

5.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
81.00	Phillip Lake	Oppose	<p>Oppose Rule 15.1 (g) as it does not permit additions and alterations to existing community facilities.</p> <p>Existing facilities should be able to develop for the benefit of the community.</p> <p>See Rule 15.4(e)</p>	<p>Amend Rule 15.1(g) as follows:</p> <p>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.</p> <p><u>Allow for additions and alterations to existing community facilities.</u></p>	

Philip Lake made a submission on Rule 15.1(g) and also made a consequential submission on Rule 15.4(e). The Urban Environment Section 42A Report addressed the submission point 81.01 which was the consequential relief sought to submission point 81.00. The discussion and evaluation in the Urban Environment Report is relevant to both submission points however the report, only provided a recommendation on submission point 81.01.

5.2.2 Discussion & Evaluation

1. Lake (81.00) opposes Rule 15.1(g) as it does not provide for additions and alterations to existing community facilities as permitted activities. The submitter seeks amendment to Rule 15.1(g) to allow for additions and alterations to existing community facilities as a permitted activity subject to the Residential Zone Conditions for Permitted Activities. As a consequential amendment, Lake (81.01) seeks an amendment to Rule 15.4(e) so that only new community facilities require a discretionary activity consent.
2. Lake contends permitting additions and alterations to existing community facilities would better provide for the activities, and that the Residential Zone permitted activity standards can reduce any potential adverse effects on adjoining residential properties. Under this approach, any non-compliance with the permitted activity standards (noise, carparking, scale of building) would be assessed through the resource consent process as a Restricted Discretionary Activity.

3. I understand the benefit of the submitter's approach. However, a potential cost is the risk of additions or alterations to an existing facility which complies with the permitted activity conditions which could result in significant adverse effects. For example, a small-scale existing community facility (e.g. clubrooms) could be expanded into a multi-purpose facility which could have significant adverse effects. The resource consent process provides for an assessment of the proposed change and its overall effects on residential amenity values and character.
4. It is a fine balance between providing for community facilities to enable communities to provide for their social and cultural wellbeing, as well as giving residents within the Residential Zone certainty that their expectation of amenity values will be maintained or enhanced. I recommend that the full Discretionary Activity status is retained for additions and alternations to existing community facilities. Therefore I recommend rejecting Lake's submission point (81.00) in this regard.
5. It should be noted that the Proposed Plan has rezoned Council's parks and open spaces to "Open Space Zone", some of which include community facilities. The provision for adding and altering existing community facilities in the Open Space Zone is more enabling than the Residential Zone. This is because the Open Space Zone recognises and permits all recreation activities and complementary non-recreation activities. Many community activities have similar environmental effects on amenity as recreation, so are better provided for in the Open Space Zone, compared to the Residential Zone.

5.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
81.00		Philip Lake		Reject

5.2.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 15.1(g).

5.3 Chapter 16 Industrial Zone - Rule 16.6.2

5.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
Lowe Corporation Ltd & Colyer Mair Assets Ltd	16.6.2 Rule	In-Part	Generally support the proposed district plan, particularly emphasis on economic, social and cultural wellbeing. However, the submitter concern is that the objectives, policies and rules do not unduly restrict business to operate. The application of Rules 16.6.2	Amend Rule 16.6.2 so that the setback and screening rules are applied to the properties situated in the adjacent zones, rather than to the Industrial Zone.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			and 16.6.5 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 on neighbouring properties.		

There was one submission relating specifically to Rule 16.6.2 seeking amendment so that the rule applies to those sites adjacent to the industrial zone rather than the industrial site itself.

5.3.2 Discussion & Evaluation

1. Lowe Corporation Ltd and Colyer Mair Assets Ltd (97.00) consider the Industrial Zone conditions set in Rule 16.6.2 (building setbacks) are unduly restrictive for industrial activities. The submitter seeks that greater flexibility and leniency is provided for within the Industrial Zone, but maintaining the protection of amenity at the boundary of other zones.
2. The Industrial Zone provisions (Objective 6.3.3, Policies and Methods) are designed to enable a range of industrial activities (and complementary non-industrial activities) to operate effectively in the Industrial Zone. It is recognised that the Industrial Zone has lower amenity levels than other zones, but still maintains a level of amenity. The policy framework also directs a change and reduction of effects at the interface of other zones to ensure the amenity and character of these adjoining zones is protected.
3. The submitter does not set out any specific relief with respect to Rule 16.6.2 (building setbacks). However to provide clarification, the building setbacks, daylight setback envelope and screening requirements in Rule 16.6.2 only apply to Industrial Zone sites that adjoin Residential, Greenbelt Residential, Open Space and Rural Zones. It is appropriate to apply these setbacks and screening requirements within the Industrial Zone to ensure adverse effects are internalised within the industrial property at the zone boundary. On this basis, I recommend submission point 97.00 is rejected.

5.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
97.00		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Reject

5.3.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 16.6.2.

5.4 Chapter 17 Commercial Zone - Rule 17.6.17

5.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.31	HDC (Planning Department)	In-Part	The proposed rules would require that the onsite parking requirements would apply to the commercial zoned properties in Waitarere 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 commercial 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. 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.	Amend 17.6.17 as follows: Note: Activities within any Pedestrian Overlay Area or within Waitarere Beach, Manakau and Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144) 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),	

One submission was received on Rule 17.6.17 in relation to parking requirements within the central commercial areas of all settlements.

5.4.2 Discussion & Evaluation

1. HDC (Planning Department) (108.31) support Rule 17.6.17 in part. HDC (Planning Department) submit that activities within the central core area of the Commercial Zones in all settlements should not be required to provide onsite vehicle parking spaces.

2. In the central commercial areas there is considered to be adequate on-street parking to cater for commercial activities. Within Waitarere Beach, Manakau and Foxton Beach, there is no defined pedestrian area overlay however the scale and design of commercial development within the Commercial Zone is tailored towards the controls for the pedestrian area overlays in Levin, Foxton and Shannon. With the exception of one area in Foxton Beach, I consider that there is ample on-street parking to cater for commercial activities within Waitarere Beach, Manakau and Foxton Beach and therefore onsite parking for commercial activities should not be a requirement for activities within these areas of the Commercial Zone. On this basis, I recommend that submission point 108.31 be accepted.

5.4.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
108.31		HDC (Planning Department)		Accept

5.4.4 Recommended Amendments to the Plan Provisions

Amend Rule 17.6.17 as follows:

"Note: Activities within any Pedestrian Overlay Area or within Waitarere Beach, Manakau and Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144) 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)."

5.5 Chapter 15 Residential Zone - Further Submission 511.08

5.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.07	Future Map Limited, Future Map (No2 and Future Map (no 3) Ltd	Oppose	The submitter seeks the deletion of the following rules: 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	Delete Rules 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	511.08 HDC (Community Assets Department) - In-Part

One submission was received seeking the deletion of a series of Rules as a consequential amendment to a submission point seeking the incorporation of replacement standards. This submission point was addressed in the Urban Environment Section 42A Report however, this report did not address the further submission point (511.08) made by HDC (Community Assets Department).

5.5.2 Discussion & Evaluation

1. Future Map Limited (70.07) sought the removal of the residential component from the Schedule 5 Tararua Road Growth Area Structure Plan. Future Map also sought the deletion of all provisions in the Residential Zone that refer or provide for residential development within the growth area. HDC (Community Assets Department) (511.08) support this submission point in part.
2. HDC (Community Assets Department) support the deletion of the residential rules sought by Future Map Ltd however, state in their further submission that this support is on the condition that no additional access is provided to State Highway 57 other than via Tararua Road.
3. The Section 42A Report for the Urban Environment topic recommends the inclusion of a new policy that reads "*Restrict access to Arapaepae Road (State Highway 57) from the Tararua Road Growth Area to protect the safety and efficiency of this road from the adverse effects of land use activities, subdivision and development.*" This Policy specifically addresses the concern of HDC (Community Assets Department) in further submission point 511.08. I therefore recommend that further submission point 511.08 be accepted.

5.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.07		Future Map Ltd		Accept In-Part
	511.08	HDC (Community Assets Department)	In-Part	Accept

5.5.4 Recommended Amendments to the Plan Provisions

No further amendments are recommended to those outlined in the Urban Environment Section 42A Report (Refer Section 4.7.4).

5.6 Chapter 2 Rural Environment - Further Submissions 519.11 and 519.12

5.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.13	Philip Taueki	In-Part	Any rural activities that are likely to adversely affect the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation.	No specific relief requested.	519.11 Charles Rudd(Snr) - Support
11.14	Philip Taueki	In-Part	As there are a number of urupa and	No specific relief	519.12 Charles

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			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.	requested. Inferred: Include provisions to avoid the disturbance of human remains and taonga in the rural environment.	Rudd(Snr) - Support

Charles Rudd made a further submission in support of two submission points made by Philip Taueki. Submission points 11.13 and 11.14 were addressed in the Rural Environment Section 42A Report however, the further submission points 519.11 and 519.12 were not addressed. I consider that the discussion and evaluation provided in the Rural Section 42A Report is applicable in addressing both further submission points and I have provided this discussion below and acknowledged the further submission points,

5.6.2 Discussion & Evaluation

1. Taueki (11.13) states that any rural activities affecting the ecological values of Lake Horowhenua, Lake Papaitonga and the rural environment in general must be referred to Tangata Whenua for consultation. He states that as there are a number of urupa and other sites of cultural significance throughout the rural environment, provisions must be in place to avoid disturbing any human remains or taonga while undertaking any activity within the rural environment (11.14). Charles Rudd (519.11 and 519.12) made a further submission in support of these submission points.
2. Chapter 1: 'Matters of importance to Tangata Whenua' contains discussion, objectives and policies and methods that address, among other matters, consultation with Tangata Whenua on plan changes and resource consent applications. It is a comprehensive section that recognises the need to avoid or manage the effects of activities on sensitive sites. It is recommended that such matters continue to be retained in one chapter of the Proposed Plan to prevent repetition, as the provisions in Chapter 1 are over-arching i.e. they apply to all chapters of the Proposed Plan, including the rural environment. Consequently the submission points from Taueki and Muaupoko Co-Operative Society are recommended to be rejected.
3. I recommend that the further submission points made in support by Rudd (519.11 and 519.12) also be rejected.

5.6.3 recommended to Chapter 19. Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.13		Philip Taueki		Reject
	519.11	Charles Rudd		Reject

11.14		Philip Taueki		Reject
	519.12	Charles Rudd		Reject

5.6.4 Recommended Amendments to the Plan Provisions

No amendments are recommended.

5.7 Miscellaneous - Other Matters

In analysing and providing a recommendation on submissions on the Proposed District Plan, there are matters that have been identified that require consideration although no submission has addressed them. Without scope through the submission process, I realise there are limitations in responding to such issues however I felt that these matters should be raised with the Hearing Panel who may wish to make a recommendation or identify an approach for resolving such matters.

In reviewing the proposed Open Space and Commercial Zones it has become apparent that there are land parcels within the Foxton CBD that are displayed as having double zoning. These properties are shown on Planning Map 15A as having both proposed Open Space and Commercial zonings. The cross-hatch pattern used to display proposed zonings shows pink cross-hatching (Commercial) with a green outline (Open Space) for Lot 2 DP 69076, Lot 2 DP 24498 and Lot 4 DP 14725, essentially giving these properties two zonings. While it appears that these sites have been rezoned to Commercial, this is not considered to be the most appropriate zoning in the case of Lot 2 DP 24498 and Lot 4 DP 14725 connected to Easton Park where the Open Space zoning is deemed more appropriate and therefore Council seek the removal of the pink cross-hatch or commercial rezoning. In the case of Lot 2 DP 69076 the Commercial zoning is most appropriate and Council seek the removal of the underlying Open Space zoning to remove the green outline of the property and prevent any confusion in the application of the Planning Maps.



Extract of Planning Map 15A showing properties with double zoning

In the hearing for Hazardous Substances and Contaminated Land submitter Horticulture NZ raised that Rule 19.6.25 fails to refer to all provisions in Chapter 23 - Hazardous Substances, namely Rule 23.1 Exemptions. This could be problematic as the Rule currently (as notified) only refers to the quantity limits in Table 23-1 in requiring all hazardous facilities within the Rural Zone to comply with the defined quantity limits. This Rule does not account for a list of exemptions to these quantity limits as outlined in Rule 23.1. These exemptions include the storage of fertiliser and the storage of fuel above ground on farms and without such exemptions in the Rural Zone, farmers and growers could be unnecessarily caught which would undermine the intent and purpose of Rule 23.1. Council seek that the Rural Zone Conditions for Permitted Activities provide a rule for hazardous substances which replicates the wording of the identical rule in all other zones in the Proposed Plan.

Rule 19.6.25 should read:

(a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Rural Zone in ~~Table 23.2 in~~ Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

While this rule does not specifically refer to Rule 23.1 Exemptions, it refers to Chapter 23 in its entirety and therefore applies the exempt activities. This matter was not raised in Horticulture NZ's original submission but was raised during the hearing by this submitter. It would seem that there is no scope within the submissions received to have addressed this matter and seek to resolve this issue.

The Commissioner's may wish to keep these matters in mind when preparing the decisions on submissions in case the opportunity arises to address these matters as consequential changes or alternatively by providing some direction to Council on matters that would need to be addressed as part of future plan changes.

6. Conclusion and Main Recommended changes from Proposed Horowhenua District Plan (as notified)

This report considers and evaluates submissions lodged on Part D (Chapter 25) and Part E (Chapter 28) of the Proposed Plan which encompass sections on “Assessment Matters” and “General Provisions”. In addition, submission points more general in nature and unable to be linked to specific Proposed Plan provisions have been considered and evaluated in this report.

The provisions set out in Chapters 25 and 28 are not compulsory for a District Plan. The RMA directs that the information and direction provided for by Assessment Matters and Information Requirements “may” be provided for in a District Plan. A chapter dedicated to Assessment Matters is new to the Proposed Plan and has built on the provisions that were inserted through Plan Changes 20, 21 and 22.

The main focus from submissions lodged on Assessment Matters has been to ensure that reverse sensitivity effects are part of an Assessment of Effects evaluation, as a result minor insertions and changes have been recommended.

The Information Requirements set out in Chapter 28 are an updated form of the Operative District Plan. Submissions have sought the inclusion of information and consultation requirements that they would expect applicants to source and provide.

Matters raised in the General Submissions have largely been canvassed in previous Section 42A Reports evaluating submissions on Zone and district-wide provisions, therefore few new recommendations are made in response to these submissions.

The officer’s main recommendations on the key issues raised in submission include:

- Correcting macrons and ensuring the correct use of Māori placenames throughout the text of the Proposed Plan;
- Inserting a new permitted activity condition for noise insulation in the Residential Zone within 30m of the North Island Main Trunk Railway line.
- Amending the Rural Zone and All Zone Assessment Criteria to better provide for the consideration and evaluation of reverse sensitivity effects on transport corridors;
- Amending the All Zone Assessment Criteria for Historic Heritage, inserting new information requirements for site descriptions and inserting a new section in Chapter 28 on Advice Notes in order to better provide for the evaluation of archaeological sites and link to landowner obligations under the Historic Places Act 1993; and
- Amending the Subdivision Information Requirements to improve the link to the Council’s Subdivision and Development Principles and Requirements (2012); and clarify that both electricity and gas are services to consider and provide for as part of a subdivision.

7. Appendices

7.1 RMA Extracts

31 Functions of territorial authorities under this Act

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of 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:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *[Repealed]*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision*

72 Purpose of district plans

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

73 Preparation and change of district plans

- (1) *There shall at all times be 1 district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.*
- (1A) *A district plan may be changed by a territorial authority in the manner set out in Schedule 1.*
- (1B) *A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.*
- (2) *Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.*
- (3) *A district plan may be prepared in territorial sections.*
- (4) *A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—*
 - (a) *the statement contains a provision to which the plan does not give effect; and*
 - (b) *one of the following occurs:*
 - (i) *the statement is reviewed under section 79 and not changed or replaced; or*

- (ii) *the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*
 - (iii) *the statement is changed or varied and becomes operative.*
- (5) *A local authority must comply with subsection (4)—*
- (a) *within the time specified in the statement, if a time is specified; or*
 - (b) *as soon as reasonably practicable, in any other case*

74 Matters to be considered by territorial authority

- (1) *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
- (a) *any—*
 - (i) *proposed regional policy statement; or*
 - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *any—*
 - (i) *management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *relevant entry in the Historic Places Register; and*
 - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition*

75 Contents of district plans

- (1) *A district plan must state—*
- (a) *the objectives for the district; and*
 - (b) *the policies to implement the objectives; and*
 - (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state—*
- (a) *the significant resource management issues for the district; and*
 - (b) *the methods, other than rules, for implementing the policies for the district; and*
 - (c) *the principal reasons for adopting the policies and methods; and*
 - (d) *the environmental results expected from the policies and methods; and*

- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - (f) the processes for dealing with issues that cross territorial authority boundaries; and*
 - (g) the information to be included with an application for a resource consent; and*
 - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) A district plan must give effect to—*
- (a) any national policy statement; and*
 - (b) any New Zealand coastal policy statement; and*
 - (c) any regional policy statement.*
- (4) A district plan must not be inconsistent with—*
- (a) a water conservation order; or*
 - (b) a regional plan for any matter specified in section 30(1).*
- (5) A district plan may incorporate material by reference under Part 3 of Schedule 1*

7.2 Proposed District Plan as amended per officer's recommendations

Entire Proposed Plan

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

AND

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

Chapter 15: Residential Zone

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

15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

15.6.XX Noise Insulation

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

(i) 35dBA LAeq (1 hour) inside bedrooms.

(ii) 40dBA LAeq (1 hour) inside other habitable rooms.

(iii) Compliance with this Rule 15.6.xx 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.

AND consequential changes to the numbering.

Chapter 25 Assessment Matters

Add a criterion to each of the following Assessment Criteria 25.2.1, 25.2.2 and 25.7.2 as follows:

AND

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

25.2 ASSESSMENT CRITERIA FOR LAND USE CONSENTS IN THE RURAL ZONE

25.2.1 General

....

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

25.2.2 Buildings

....

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

25.7 ASSESSMENT CRITERIA FOR CONSENTS IN ALL ZONES

25.7.2 Noise Insulation for Residential Noise Sensitive Activities

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

Amend Historic Heritage Assessment Criteria (25.7.16) by inserting new criterion as follows with consequential changes to the numbering:

25.7.16 Historic Heritage

(a) Historic Heritage Buildings and Structures

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

Add a new information requirement to Section 28.2.2 Information Requirement 1: General Information as follows:

Chapter 28: General Provisions

28.2.2 Information Requirement 1: General Information

(a) Description of Proposal

- (i) A description of the type of activity or process proposed to be undertaken including the size and nature of any buildings and works. The proposal shall also show how the proposed activity is to dispose of sewage wastes and surface water, and how and in what form the development will be supplied with water supply, roading, vehicular access and parking.

(b) Description of Site

- (i) A description of the site of the proposed activity including:
 - Size of the site
 - Topography
 - Presence of any waterway or water body
 - Presence of any heritage feature
 - Existing buildings
 - Existing vehicle access points or access roads
 - Presence of any sites or features of significance to Tangata Whenua, including evidence of consultation and discussions held with Tangata Whenua and the outcome of such.

- Presence of any potential archaeological sites, where evidence of these can be identified such as burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. A record of any consultation with the New Zealand Historic Places Trust is to accompany this information.
-

Amend the 28.2.2(b) Information Requirement 1: General Information by inserting another bullet point as follows:

28.2.2 Information Requirement 1: General Information

....

(b) Description of Site

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

- Size of the site
 - Topography
 - Presence of any waterway or water body
 - Presence of any heritage feature
 - Existing buildings
 - Existing vehicle access points or access roads
 - Presence of any sites or features of significance to Tangata Whenua, including evidence of consultation and discussions held with Tangata Whenua and the outcome of such.
 - Details of any historic or current land use activities undertaken on the site that may have resulted in contamination.
 - Presence of any network utilities or community infrastructure.
-

Amend 28.2.4 by inserting provisions under the respective headings as follows:

28.2.4 Information Requirement 3: Subdivision

....

Site Details to Accompany Applications for Subdivision Consent

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

....

Details of the Proposed Subdivision to be Provided

(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.

AND consequential changes to numbering.

Amend Section 28.3 Provision of Services as follows:

28.3 PROVISION OF SERVICES

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

Add a new Section to Chapter 28 General Provisions after 28.5 Conditions of Resource Consent explaining the difference between the resource consents under the District Plan and Archaeological Authorities from NZHPT and use of advice notes on resource consents.

28.5 CONDITIONS OF RESOURCE CONSENT

Where Council grants consent to an application for resource consent, Council may impose any conditions on that consent which are considered to be necessary to avoid, remedy, or mitigate any adverse environmental effects under Sections 108 and 220 of the RMA. Such conditions may include requirements for works including those set out in Chapter 24 of this District Plan.

28.6 Advice Notes

Advice Notes are commonly included on resource consents to inform applicants of requirements relating to compliance, fees/charges and requirements/obligations under other legislation. For example, requirements for a building consent for all proposed building work.

Another example of the use of Advice Notes is to inform consent holders of their obligations under the Historic Places Act 1993 where any person wanting to destroy, damage, or modify the whole or any part of any archaeological site shall first apply to the New Zealand Historic Places Trust (NZHPT) for an archaeological authority pursuant Section 11 or 12 of the Historic Places Act 1993.

7.3 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
Chapter 25: Assessment Matters				
42.01	505.16	Vector Gas Ltd Powerco	Support	Outside of Scope Outside of Scope
99.39		Transpower New Zealand Ltd		Accept
99.39		NZ Transport Agency (NZTA)		Accept
100.06		New Zealand Wind Energy Association (NZWEA)		Accept In-part
55.06	521.09	KiwiRail NZ Transport Agency (NZTA)	In-Part	Accept In-Part Accept In-Part
55.10		KiwiRail		Reject
41.48		Powerco		Accept In-Part
32.28	528.09	NZ Pork Industry Board Horizons Regional Council	Oppose	Reject Accept
94.37		NZ Transport Agency (NZTA)		Accept
117.32	501.04	New Zealand Historic Places Trust (NZHPT) Genesis Power Ltd	Support	Accept In-Part Accept In-Part
Chapter 28: General Provisions				
41.51	512.03	Powerco Vector Gas Ltd	In-Part	Accept In-Part Accept In-Part
42.03		Vector Gas Ltd		Accept In-Part
41.52		Powerco		Accept
55.01		KiwiRail		Accept
91.08	526.09	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept In-Part Reject
91.26	526.27	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Reject Accept
91.27	526.28	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Reject Accept

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

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

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

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