



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan Urban Environment and Residential, Industrial and Commercial Zones

April 2013



Hearing Date: 22 – 24 April 2013

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Report Number: 09.01

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 Urban Environment.

It is very likely that submitters who have made submissions in relation to the Urban Environment may have also made submissions on other parts of the Proposed Plan. This report only addresses those submissions that are relevant to this 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 6.2 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 Plan was made operative in 1999, number of Council led and private plan changes have been made to the Operative Plan addressing a wide range of issues.

Recent Plan Changes 20 and 21 reviewed the rural subdivision and urban growth issues of the district, therefore the extent and future growth of residential land has been provided for through these processes and generated a new Greenbelt Residential Zone. The Greenbelt Residential Zone created in Plan Change 21 has a separate policy framework in Chapter 7 and Zone provisions in Chapter 18. The Greenbelt Residential provisions were not operative at the time of the District Plan review and were greyed out in the Proposed Plan to show that submissions could not be made on these provisions and/or amended through the District Plan review process.

Private Plan Changes 17 and 19 resulted in rezoning of rural to industrial zone land in isolated areas in Tokomaru (Stevenson) and south-east Levin (Tararua Road).

Private Plan Change 18 created a special overlay for residential development on a small portion of Fairfield Road, Levin.

A review of the Operative District Plan's urban environment policy framework and rule chapters was undertaken. Principally, this required a review of Part B Urban Environment (Section 6) and the Part C Sections for the Residential 1 Zone (Section 14), Residential 2, 3, 4 Zone (Section 15), Industrial Zone (Section 16) and the Commercial Zone (Section 17), as well as supporting provisions in the Part D "definitions".

As a result of the Operative Plan review, the Proposed Plan contains updated policy framework within Chapter 6 (Urban Environment) containing Issues, Objectives, Policies, Methods, Anticipated Environmental Results, Explanation and Principal Reasons. Chapter 6 continues to provide the policy framework for the sustainable management of Horowhenua's urban areas, and also provides the development and protection expectations of the Residential, Industrial and Commercial Zones. The format and matters addressed in Chapter 6 are effectively an updated, but rationalised version of the Operative Plan.

There is also a rationalisation of zones and a consequent removal of repetition within Chapter 6, Chapter 15 and Chapter 17 as a result of four Residential Zones condensing to a single Residential Zone and similarly with the two Commercial Zones. To maintain the differences in character and amenity between the Operative Plan zones, overlays (e.g. the Pedestrian Overlays within the Commercial Zone) or rules (e.g. the density table (15-1) in the Residential Zone) are used to ensure individual character is not lost by implementing single zones.

Medium density development is introduced to set areas (overlays) within Levin, Foxton Beach and Waitarere Beach and infill subdivision is continued within Levin, Foxton and Shannon and based on the Operative Plan provisions.

The Industrial provisions were largely updated and rolled over from the Operative Plan, including the Plan Change 17 Tararua Road Growth Area Overlay and the site specific policy framework and provisions.

The Proposed Plan provides for a number of new overlays in the Commercial Zone including Pedestrian Area, Large Format Retail Area, Town Centre Heritage/Character Area and Foxton Tourism Area. These overlays identify unique characteristics and amenity expectations in the different commercial areas across the Horowhenua and provide a method to effectively enable and manage commercial activities to occur in these different commercial areas.

Town centres in Foxton Beach and Waitarere Beach have been zoned Commercial to focus commercial activity and create a commercial hub for these settlements.

The Commercial Zone provisions enable a mixed use approach in Foxton Beach, Waitarere Beach and Manakau, where both residential and commercial is anticipated to occur. This approach provides for greater choice in the District while working to enhance the vitality and vibrancy of central areas.

Through the public notification process a number of submissions were received supporting and opposing various Chapter 6 policy provisions, Residential, Commercial and Industrial Zone provisions, supporting assessment criteria and definitions. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.

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, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the Hearings Panel to consider the issues, the submissions received, the evidence present at the hearing, and the advice of the reporting planners before making a decision.

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

- Generally retaining the Urban Environment policy framework in Chapter 6 as it relates to Issue 6.1, 6.3.1, 6.3.2 and 6.3.3, but making substantial revisions to Issue 6.2 (Tararua Road Growth Area) and the corresponding objective and policies.
- Minor amendments in the Residential Zone chapter to improve the clarity of rules and conditions, for example the provision of family flats, home occupations, noise and signs.
- Inserting lightspill conditions to apply throughout the Residential Zone, and to apply within the Industrial and Commercial Zones at the Residential Zone boundaries.
- Amending the noise provisions as they relate to temporary military training activities throughout the Residential, Commercial and Industrial Zones.
- Amending the Ohau East residential density.
- Deleting the Medium Density Development Condition requiring specific utility space.
- Deleting all provisions relating to residential development within the Tararua Road Growth Area.
- Deleting the Schedule 5 Structure Plan and Design Guide Tararua Road Growth Area and inserting the Pocock Zoning Master Plan (with amendments) and corresponding Design Guide (with amendments).
- Amending the Industrial Zone provisions relating to the Tararua Road Growth Area so that they reflect the use of a Low Impact Industrial Zone and revised Matters of Discretion and Conditions in the consideration of future subdivision and land use non-compliances.

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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SUBMITTER INDEX

1. Introduction

1.1 Qualifications

1.1.1 *Claire Price*

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. For this report, I have prepared the sections relating to the Residential and Industrial Zones, including the respective policy frameworks in Chapter 6, rule chapters, associated assessment criteria, definitions and schedules.

1.1.2 *Sheena McGuire*

My full name is Sheena McGuire. I hold a Bachelor of Resource and Environmental Planning (First Class Honours) degree from Massey University, Palmerston North, New Zealand. I am a Graduate Member of the New Zealand Planning Institute. I am a Policy Planner at Horowhenua District Council and I have been involved with the review of the Horowhenua District Plan since joining the Council in September 2011. My involvement has included assistance with the preparation of District Plan Discussion Documents including researching and evaluating issues and options for Plan provisions, drafting and reviewing Plan provisions for both Councillor Workshops and District Plan Review Advisory Group Meetings and preparation and review of the notified Proposed District Plan and Section 32 Reports. This involvement now also includes the preparation and review of Section 42A Reports and with respect to this report, I have prepared the matters relating to the

Commercial Zone, the Greenbelt Residential and any corresponding matters in Chapter 6 (Urban Environment), Chapter 25 (Assessment Matters), Definitions or Schedules.

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, and an analysis of the appropriateness and effectiveness of the proposed provisions in providing for the use, development and protection of urban areas, including the Residential, Greenbelt Residential, Commercial and Industrial Zones in the Horowhenua District. As dual reporting planners we provide our findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

1.3 Outline

This report considers submissions and further submissions which were received on the following sections of the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”).

- Part B – Objectives/Policies, Chapter 6 “Urban Environment”;
- Part C – Rules, Chapter 15 “Residential Zone”,
- Part C – Rules, Chapter 16 “Industrial Zone”
- Part C – Rules, Chapter 17 “Commercial Zone”
- Part C – Rules, Chapter 18 “Greenbelt Residential Zone”
- Part D – Assessment Matters, “25.3 Residential, 25.4 Industrial and 25.5 Commercial”
- Part E – General Provisions, “Definitions”
- Part F – Schedule 5, “Tararua Road Growth Area”
- Part F – Schedule 9, “Foxton and Shannon Town Centre Design Guides”
- Part F – Schedule 10, “Medium Density Residential Development Design Guide”

This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings 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:

- An overview of the Proposed Plan provisions in these sections/chapter
- 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 Hearings 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 officer 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 section has been structured by grouping submission points according to individual provisions in the Proposed Plan. As far as possible, the individual submission points are listed in order to match the contents of each Plan provision. The submission points relating to text or maps are listed first.

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.

These Plan Changes covered a number of the provisions in the District Plan, but 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.

With respect to urban growth, this issue has been reviewed in Plan Change 21 and led to the development of the Greenbelt Residential Zone. Therefore urban growth as addressed in Plan Change 21, has not been part of this wider district plan review and is not part of the Urban Environment considerations.

The Proposed Plan Urban Environment Chapter (Chapter 6) presents a revised and updated version of the Operative Plan Urban Environment Chapter and its format. The key changes include

the rationalisation of zones, greater direction on design matters in the Commercial Zone, medium density and infill subdivision in the Residential Zone, and enhancing the visual appearance of main south entrances in the Industrial Zones to Foxton and Levin.

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).

Previous to the Shaping Horowhenua Survey and Discussion Document, there were a number of processes where Council had previously consulted the community or obtained feedback about urban topics. For instance the Horowhenua Development Plan, the Levin and Foxton Town Centre Project, the Long Term Plan, individual resource consent applications, as well as general enquires and complaints from residents enabled the generation of matters which informed the urban matters listed in the Discussion Document.

2.2.1 *Shaping Horowhenua Survey*

The Shaping Horowhenua Survey is a ratepayer survey that was conducted in late 2009 early 2010 to identify and understand trends and views on issues of importance to the community. The Survey results were used to prioritise issues for the District Plan Review and inform evaluation. With respect to urban issues, the Survey results gave some indication of the community's perception on the nature and scale of residential development and assisted in evaluating matters such as site coverage, front fences and infill subdivision controls.

2.2.2 *Shaping Horowhenua Discussion Document*

The Shaping Horowhenua Discussion Document (Discussion Document) was a community consultation exercise.

The purpose of the Discussion Document was to present the current urban issues and ascertain from the community whether the Operative Plan provisions were effective and efficient. The document presented possible options and their associated costs and benefits, and sought written feedback from the community. There were 192 responses to the Discussion Document which was considered to be a good response rate, particularly given the level of detail contained in the responses.

The Discussion Document presented a range of topics, including urban matters for each town and settlement, as well as specific matters for the Residential and Commercial Zone.

The Residential Zone issues that were explored included: increasing residential density in urban areas, outdoor living areas, front fences and non-residential activities. It should be noted that the Discussion Document did not include any specific questions on the Industrial Zone or industrial activities.

Residential Matters

In summary, the feedback from the Discussion Document received on the Residential topics included:

(i) Increasing Residential Density:

- The community have a mixed view to intensified residential development, such as multiple-units and terraced housing. Most people ruled out living in either of these forms of housing themselves, but could see the potential in terms of this type of housing for various reasons, including affordability, elderly, those needing care, those who seek to live close to central shopping and amenities. Good design for this type of housing was seen as a necessity. Conversely, there were negative connotations towards higher density residential developments including, overcrowding, 'cheap' housing, places where there would be increase in noise, loss of privacy, loss of trees and insufficient outdoor space.
- Generally supportive of the concept of increased residential density in Waitarere Beach. However, there was concern relating to the stability of land, servicing and infrastructure, provision of outdoor space, the built form of new development and retaining the quality and character of Waitarere Beach.
- With respect to intensive housing, the key building issues identified by the respondents included sunlight, noise, privacy, character and parking. Respondents also raised green space, communal living space, height restrictions (no high rise), relationship to existing buildings, "compatibility" of design ("*should be as good as or better than existing*").
- According to the respondents who answered the willingness to change question (No. 5), there are few who would be happy to see any change to their current street appeal in order to absorb residential intensification.

(ii) Outdoor Living Areas:

- The discussion document had three questions dedicated to private outdoor space. We asked what people thought an appropriate size for a private outdoor living area should be; whether outdoor space is a consideration at the subdivision stage or left for individuals; and whether the Council should require private outdoor space to be screened.
- Overall, the majority of respondents sought no Council involvement in this issue. However, a significant proportion did give suggestions for an appropriate private outdoor space size. Suggestions include: 20m² (for up to 2 people); 15 – 20%, 25 – 30% of dwelling floor area, an area with a 6m radius, "*enough space for table and chairs*", "*size of a room*", and provide for "*a small lawn and garden*".

(iii) Residential Accessory Buildings

- The discussion document had two questions on residential accessory buildings, and sought feedback on the appropriate size of these types of buildings and whether the Council should be concerned with the uses of accessory buildings.
- Comments on the "appropriate size for accessory buildings" ranged between a small garden shed, 30m² - 80m² or greater. Some respondents thought accessory buildings should be screened from neighbours; to be permitted only on the rear or side of properties; and should not obstruct views, whereas others considered that individual homeowners should have full flexibility on the size and positioning of accessory buildings. Some considered the status quo provisions were sufficient.

(iv) Residential Front Boundary Fences

- The Discussion Document asked the community two questions in relation to front boundary fences "*Are there certain streets that you would like to see new front boundary fence heights or designs restricted on? If so, which streets and why?*" Forty nine (49) respondents answered no, to question 9. Thirty seven (37) respondents answered yes, but there were very few specific streets or locations identified. Of the few suggestions made there was no commonality amongst the suggestions.

- The second question was *What do you consider to be an appropriate maximum height for a new boundary fence in the residential area?* Respondents suggested a wide range of fence heights, these could be grouped into four categories

Fence Height	Number of responses
0 -1.2 metres	45
1.2 – 1.5 metres	22
1.5 – 2.0 metres	20
>2.0 metres	2

- The community feedback suggests a preference for fences below the current rule height of 2.0 metres. The combination of all responses seeking a fence height of 1.5 metres or less equates to 75% of the responses.
- The community feedback identified the need to achieve a balance between matters such as the appearance and design of fences, together with privacy.

(v) Non-Residential Activities

- Home occupations and small-scale businesses were generally supported as permitted activities, with only a few respondents expressing concern. The primary adverse effects noted with non-residential activities were traffic, parking and noise. There were mixed views expressed about childcare facilities (both support and opposition).

Commercial Matters

The Discussion Document canvassed issues on large format retail in Levin and Foxton and mixed use development in Foxton Beach and Waitarere.

(vi) Large Format Retail Activities

- The Discussion Document asked the community three questions in relation to large format retail activities *"Do you think larger retail activities in the town centres of Levin and/or Foxton are good or bad for the town? Why?"*, *"Do you think any locations in the town centres of Levin and/or Foxton are better suited to larger retail activities than others? If so, where should/should not larger retail activities be located?"* and *"Should new large format retail buildings be required to meet minimum design standards? If so, what aspects of design should be included?"*
- Out of those who responded, 85% said that large format developments were good for town centres as they provided choice, competition, business and employment. Those that did not support large format retail activities felt that these larger developments wouldn't work to retain and support local businesses.
- In terms of responses on the most appropriate location for larger format retail activities, 24 people said that larger commercial areas should not be located in town centres, tourist areas, main streets and the central business district with two people answering that the central town centres are the most appropriate location.
- In response to the question of minimum design standards, 88% of respondents supported that new large format retail building should be required to meet minimum design standards for parking, planting, frontages, and signage.

(vii) Mixed Use Development

- The Discussion Document asked the community two questions in relation to mixed use development in Foxton Beach and Waitarere Beach *"Should land be specifically identified and zoned in Foxton Beach or Waitarere Beach for retail, commercial and entertainment activities?"* and *"Do you think Council should permit residential use in commercial areas? If so, or if not, in which town(s) and why?"*
- A total of 79 people answered yes to identifying and zoning a specific commercial area in Foxton Beach and Waitarere Beach and 28 people answered no.
- In response to the question regarding mixed use development in the commercial areas, 88% of people responded yes, the main reason being for improved security.

Industrial Matters

Consultation undertaken through the Development Plan process and day to day consent processing and enquiries with Council officers informed the review of the Industrial Zone provisions and policy. The Development Plan includes comments from the extensive consultation undertaken during that process and a summary of the comments on industrial activities is set out in Section 3.8.2 of this Report.

As part of the Industrial Zone review, the new owner of the undeveloped "Tararua Road Growth Area Overlay" was contacted in order to understand what their aspirations were for the site, and whether they differ from what Plan Change 17 had provided for them. Through the submission process, the new owners indicated that they have different aspirations for this site to those currently provided by the existing zoning and rules.

2.2.3 Late Submissions

There was a late submissions received from Graham Allan Halstead (Submitter Number 119) which raised matters relating to Part C – Chapter 15, Residential Zone. (Refer to Appendix 6.4).

Section 37A of the RMA sets out the considerations for accepting/rejecting late submissions.

37A Requirements for waivers and extensions

- (1) *A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with [section 37](#) unless it has taken into account—*
 - (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
 - (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
 - (c) *its duty under [section 21](#) to avoid unreasonable delay*

This late submission was received after submissions closed 12 November 2012 and was not addressed in the Summary of Submissions that was publicly notified 5 December 2012.

The submission seeks to add "primary production activities" to the list of Permitted Activities to the Residential Zone. This relief is in response to providing for the continuation of rural activities on

land that was rezoned from Rural to Residential, where this land is unlikely to be residentially developed in the short or medium term.

In considering the matters to be considered in Section 37A, persons directly affected by the extension or waiver of this submission, would be those whose properties are zoned Residential. There would be landowners of properties that were zoned Residential through Plan Change 21 who may agree with the relief sought by Mr Halstead. However, there are other landowners of Residential properties who may consider the addition of “Primary Production Activities” as a permitted activity inappropriate. Although not included in the Summary of Submissions that was notified, Mr Halstead’s submission was available for downloading from the website with the other submissions for the full duration of the further submission window. The following text was on the Shaping Horowhenua District Plan Review page of the Council’s website (<http://www.horowhenua.govt.nz/Council/Consultation/Shaping-Horowhenua/>)

“Submission no.119 was received after the submission period closed. This late submission has not been included in the Summary of Submissions that was publicly notified 5 December 2012.

The District Plan Review Hearings Panel will determine whether to accept this late submission.”

I consider that there was an opportunity for those people interested in making a further submission on this matter to do so.

Accepting Mr Halstead’s submission and evaluating the relief sought would provide further insight into the crossover between existing rural uses of residentially zoned land. This issue arises for many of the areas rezoned from Rural to Residential under Plan Change 21. Therefore, in the interests of the community in achieving an adequate assessment of the Proposed Plan, it is considered a time extension for this late submission would be appropriate. I make this acknowledgement on the provision that the Hearing Panel are satisfied that due to the circumstances and nature of the submission it is not necessary to undertake further procedural steps such as notifying the submission. On this basis accepting this late submission is not considered to create any unreasonable delay to the progression of the proposed plan through the set timeframe. Mr Halstead would have the same opportunity as other submitters to speak to his submission. If the submitter chose to speak the Hearing Panel would have the opportunity to ask the submitter any further questions. I am satisfied that I can respond to Mr Halstead’s submission and do not consider that the absence of further submissions in support or opposition to create any difficulties.

The Hearing Panel in granting an extension of time for this submission would be confirming Mr Halstead’s status as a submitter to the Proposed Plan (and rights to appeal the decision on the Proposed Plan to the Environment Court).

An evaluation of Mr Halstead’s submission has been prepared under the Residential Zone, Permitted Activity 15.1 in Section 4.6 of this report.

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 31 sets out the functions the Council has responsibility for in giving effect to the RMA. In summary Council's functions include land use management (including the control of subdivision, natural hazards, hazardous substances, contaminated land, maintenance of indigenous biodiversity), the control and mitigation of noise emissions, control the effects of activities in relation to the surface of water in rivers and lakes.

The purpose of the RMA is to sustainably manage natural and physical resources, in a way that provides for communities now and in the future. In order to achieve sustainable management the consideration and protection of environmental bottom lines is required. Sections 6, 7 and 8 of the RMA provide a series of principles and matters of importance that are to be considered alongside the main goal of sustainable management.

In the context of the Urban Environment, the relevant Section 7 matters influencing sustainable management are the following:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources*

Section 75(1) of the RMA states the contents of a District Plan "must" include (a) the objectives for the district; and (b) the policies to implement the objectives; and (c) the rules (if any) to implement the policies. Chapter 6 of the Proposed Plan outlines the objectives and policies, methods whereas the urban Zone Chapters 15, 16, 17 and 18 set out the rules.

The provisions of the District Plan must also give effect to any National Policy Statement, the New Zealand Coastal Policy Statement and any regional policy statement (Section 75(3)).

The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

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

3.3 Local Government Act 2002

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.

The LGA also provides local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

(h) in taking a sustainable development approach, a local authority should take into account—

(i) the social, economic, and cultural interests of people and communities; and

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations

The above role and principle generally align with the overall purpose and principles of the Resource Management Act.

There are no other specific provisions in the LGA relevant to the subject matter of this report.

3.4 New Zealand Coastal Policy Statement 2010

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement. The Horowhenua district has settlements in close proximity to the coast and of relevance is Policy 6 which provides for the management of activities in the coastal environment, including existing urban areas.

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

- (a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
- (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
- (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
- (d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;*
- (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*
- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
- (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
- (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*

3.5 National Environmental Standards

There are National Environmental Standards (NES) that are relevant to district-wide land uses for transmission line corridors, telecommunication facilities and the management of sites of potentially contaminated soil and are set out below.

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.
- National Environmental Standard for Telecommunications Facilities Regulations 2008.
- National Environmental Standards for Electricity Transmission Activities Regulations 2009.

The implementation of these NESs is provided for in all Zone Rule Chapters, and therefore relevant to the consideration of the urban environment. The rules in the Proposed Plan are not to duplicate or conflict with the provisions of any NES.

3.6 National Policy Statements

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS). There are three NPSs that currently provide national level policy direction on resource management matters that are of national significance. The proposed urban environment policy framework in Chapter 6 is designed to be read alongside the Utilities and Energy policy framework in Chapter 12, in order to give effect to the NPSs set out below:

- the need to operate, maintain, develop and upgrade the national electricity transmission network – NPS on Electricity Transmission (2008); and
- the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and the benefits of renewable electricity generation – NPS on Renewable Electricity Generation (2011).

3.7 Operative Regional Policy Statement & Proposed One Plan

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. In total 22 appeals were received, with some resolved through mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc. and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

Given the very advanced nature of the Proposed One Plan in the plan preparation process and that all matters relevant to the District Plan Review are beyond challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

The Proposed One Plan policies relevant to Urban Environment are about strategic planning for urban development, coordinating land use and infrastructure, and avoiding and managing of risks from natural hazards. Strategic urban planning has been carried out by Council. The results of which are represented in the Horowhenua Development Plan (the Development Plan). The Development Plan guides where and how future development in Horowhenua's existing townships

can be sustainably managed over the long term. It is through this document that the direction sought through the Proposed One Plan in urban matters is provided for in the District Plan review and the provisions in the Proposed Plan. Much of the strategic direction on rural subdivision and urban growth was incorporated to the District Plan through Plan Changes 20 and 21.

3.8 Horowhenua Development Plan

The Horowhenua Development Plan was adopted by Council in 2008 following nearly two years work developing (including consulting the community) this Plan. The Horowhenua Development Plan provides both high level aspirations and also specific direction on matters relating to the residential, commercial and industrial environments that make up the Horowhenua's urban areas. The direction provided by the Development Plan is set out below, against the corresponding zone areas.

3.8.1 Residential

Plan Changes 20 and 21 have largely implemented the action points in the Development Plan concerning residential land.

However, the District Plan review has enabled the consideration of Implementation Plan Action B which refers to:

The formulation of a new set of Medium Density provisions in the District Plan to provide improved urban qualities, increased densities and so more efficient use of land including:

- *Provision for its application to the nominated areas around the town or village centres as well as other places which have appropriate location attributes (such as public open spaces, proximity to key transport networks, relationship to amenities)*
- *Quality urban design criteria that any development is required to satisfy including connections and accessibility to town centres, design standards as to the form of buildings, private open space, relationships between buildings and open space networks, privacy, traffic management and parking*
- *New rules which for instance which allow buildings to be joined (e.g. zero lot lines), minimum private open space (e.g. 30m²), no minimum lot size, 1 car park per dwelling, minimum lot width of 10 metres, 2.5 storeys height*

3.8.2 Industrial

The main points made in the Development Plan concerning industrial land are the following:

- *There was, originally, a concern that there was not enough industrial zoned land within Levin available for new business and industries. However since PC17 (the "Taratua Road" rezoning), the Levin township is well supplied for greenfield industrial zoned land. Therefore no further industrial zoned land is anticipated as necessary for the life time of this District Plan review.*
- *Levin's western-most industrial area (Hamaria Road/Hokio Beach Road) is dominated by existing heavy and processing industry and is located close to Lake Horowhenua. To encourage industrial uses to consolidate in one area, south of the Levin, a recommendation was to rezone the vacant lots back to a rural zoning.*
- *Foxton township has several areas of industrial zoned land, both large and spot zone areas. The reuse of the existing industrial areas would be sufficient to provide for this township.*

- *Shannon has a large area to the west of the town and continues to accommodate rural storage activities. The area is not fully utilised, therefore rezoning additional rural land to industrial is not appropriate at this time.*
- *Introducing industrial zoned land in the smaller settlements was avoided, in favour of concentrating industrial activity to Levin, Foxton and Shannon.*
- *Areas for large format wholesale activities e.g. farm and building supplies were set aside as a sub-group within the Industrial Zone. The areas sought for these types of activities included existing industrial area on Cambridge Street South and Hokio Beach Road, Levin.*
- *The emphasis on visual amenity along certain roads, such as the southern entrance on SH 1.*

3.8.3 Commercial

The Development Plan provides high level principles with respect to commercial areas in the Horowhenua which state:

- *Ensure neighbourhoods have a focal point or 'heart' which is a people friendly place.*
- *Recognise and provide for retention and reuse of heritage buildings.*

The Development Plan spatial plans also demonstrate where extensions to existing commercial areas should be provided and new areas created. Within the Development Plan's analysis, it demonstrates how the commercial areas could provide for town centres, large format retail and where mixed use is appropriate to accommodate commercial and residential activities in the smaller settlements.

3.9 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999) and a number of plan changes made.

In relation to the Industrial Zone, two private plan changes involving the rezoning of rural land to industrial zoned land have been processed since the Horowhenua District Plan was made operative. Private Plan Change 17 (PC17) rezoned 20.5ha of rural land in south-east Levin (on the northern side of Tararua Road), adjacent to the existing industrial zoned land off Cambridge Street. PC17 was made operative in May 2008. This new "Tararua Road" industrial zoned area has since changed ownership and is yet to be developed, with the area still used primarily as grazing. PC 17 also rezoned 18ha of Rural land to Residential and this area of land is located between the established south-east urban extent and the Industrial Zone also created by PC 17.

Private Plan change 18 (PC18) was in relation to the Blacks Orchids site on Fairfield Road, Levin. The Plan Change resulted in a special overlay zone being created for this site with some specific controls around the density of development and the retention of the Phoenix Palms on the front boundary.

Private Plan Change 19 (PC19) was initiated by Stevensons Engineering who sought to provide for their existing industrial activities (1.4746 ha) within an Industrial Zone management framework, rather than remain operating within a Rural Zone. PC 19 became operative on March 2011.

Plan Change 21 revised the urban growth policy framework, rezoned land for residential purposes, introduced structure plans for new urban growth areas, and created the Greenbelt Residential Zone. Plan Change 21 was still under appeal at the time the Proposed Plan was notified and the

provisions were not subject to the wider District Plan Review. Submissions were received that made submission points on the Greenbelt Residential Zone provisions. These submissions are acknowledged and discussed in Section 4.69 of this report.

4. Analysis of Submissions

4.1 Objective 6.1.1 and Policies - Overall Form, Activities and Servicing of Urban Settlements

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.00	Powerco	Support	The submitter supports Objective 6.1.1	Retain Objective 6.1.1 without modification	
41.01	Powerco	In-Part	Amend Policy 6.1.4 to recognise the need to provide a secure energy supply, comprising gas and/or electricity, in addition to water supply, stormwater and wastewater disposal infrastructure.	Amend Policy 6.1.4 to read as follows Ensure that all developments within the urban settlements provide: Water supply suitable for human consumption and fire fighting; Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; and For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation; <u>and</u> <u>The ability to connect to a secure gas and / or electricity supply.</u>	
55.14	KiwiRail	Support	Submitter supports Policy 6.1.17 as the policy assists in addressing the need to provide for the continuance of rural activities and for well planned, well integrated infrastructure development.	Retain Policy 6.1.17	

Three submissions were received in support of Objective 6.1.1 and associated policies, with one submission seeking an amendment.

4.1.2 Discussion & Evaluation

1. Support for both Objective 6.1.1 and Policy 6.1.17 in submission points 41.00 and 55.14 is noted.
2. Powerco (41.01) supports in-part Policy 6.1.4, and seeks an amendment to this policy to ensure urban development can provide for power and gas utility connections, along with the other key servicing and infrastructure that are listed in the proposed policy.
3. Policy 6.1.4 sets out the broad considerations and expectations of development in the Horowhenua’s urban settlements. The Policy ensures that developments provide for water supply, waste water and surface water collection, treatment and disposal. Powerco seek that this list of infrastructure services be extended to include connections to power and gas utilities. This is so that access to a secure energy supply is recognised in this policy.
4. Chapter 24 (Subdivision and Development) requires utilities to be provided for any subdivision, both through compliance with the Council’s Subdivision and Development Principles and Requirements (2012) (Rule 24.2.1) and through Rule 24.2.7.
5. In the processing of subdivision consents, HDC will consider alternative means of providing for energy sources. For example a subdivision that seeks to operate an ‘off-grid’ self sufficient energy supply, instead of connecting to the local power or gas network, will be considered and typically provided for by HDC. This approach is reflected in the Subdivision and Development Principles and Requirements (2012) in Section 14.2, although primarily relevant for rural areas.
6. Policy 6.1.4 provides a strong direction as to the expectations on urban development. To ensure all developments include the ability to connect to a secure gas and/or electricity supply may go against the ability for HDC to consider ‘alternative’ energy means. I consider the recognition of providing an energy supply is appropriate, leaving the means to achieve this open to connecting to the local power/gas supply and also using an alternative source. On this basis I recommend that submission point 41.01 be accepted in part.

4.1.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
41.00		Powerco		Accept
41.01		Powerco		Accept In-Part
55.14		KiwiRail		Accept

4.1.4 Recommended Amendments to the Plan Provisions

Amend Policy 6.1.4 as follows:

"Ensure that all developments within the urban settlements provide:

- Water supply suitable for human consumption and fire fighting;
- Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; ~~and~~
- For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation; and
- The ability to provide an energy supply, whether this is through connecting to a secure electricity or gas supply, or through an alternative method generated on-site. "

4.2 Policy 6.2.4 - Tararua Road Growth Area

4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.28	NZ Transport Agency (NZTA)	Support	Support Policy 6.2.4	Retain Policy 6.2.4 as notified.	

NZTA (94.28) support proposed Policy 6.2.4 which requires development in the Tararua Road Growth Area Overlay to be of a high quality, where any adverse effects on the State Highways are avoided.

4.2.2 Discussion & Evaluation

1. Support for Policy 6.2.4 is noted.

4.2.3 Reporting Officer's Recommendation

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

4.2.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 6.2.4.

4.3 Policies 6.3.37 and 6.3.38 (Commercial Zone)

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
5.00	Elaine Gradock	In-Part	Support an identified area for larger scale retail development and ensuring activities do not retract from the heart of the Levin shopping area but also support larger scale retail development within the Levin town centre.	No specific relief requested. Inferred: Amend the identified area for larger scale retail development in Levin to include the commercial town centre.	
94.29	NZ Transport Agency (NZTA)	Support	Support Policy 6.3.38	Retain Policy 6.3.38 as notified.	

One submission was received on Policy 6.3.37. This submission supported provision for providing for larger scale retail development and ensuring that this type of development does not draw activities away from the commercial town centre. One submission was received in support of Policy 6.3.38.

Policy 6.3.37 reads "*Manage the scale and location of larger scale retail activities to ensure they sustain the vitality and vibrancy of the commercial areas and contribute to an attractive and public focused commercial area, and are compatible with the character and amenity values of the local environment.*"

4.3.2 Discussion & Evaluation

1. Gradock (5.00) supports the identification of an area for larger scale retail activities. The submitter recognises the need to locate and manage such development as to not detract or draw smaller commercial activities away from the commercial heart of Levin. The submission also states that the central area of Levin requires increased opportunity for improvement however it is not clear whether this should come in the form of an extension to the Large Format Retail Area as the summarised submission suggests.
2. It is my view that this submission supports Policy 6.3.37 in managing the scale and location of larger scale retail activities to ensure they sustain the vitality and vibrancy of the commercial areas. It is not clear what specific relief is sought. I am satisfied that no further amendment is needed to these policies and therefore I recommend that submission point 5.00 is rejected.
3. New Zealand Transport Agency (NZTA) (94.29) made a submission in support of Policy 6.3.38. I note this support of Policy 6.3.38

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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5.00		Elaine Gradock		Reject
94.29		NZ Transport Agency (NZTA)		Accept

4.3.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Policy 6.3.37 or Policy 6.3.37.

4.4 Objective 6.3.3 (Industrial Zone)

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
37.01	Homestead Group Limited	Oppose	Oppose Objective 6.3.3 in its current form. The Industrial zone is a dynamic working environment where it is not always possible to protect surrounding amenity. The word protected in this objective gives an impression of a no change situation.	Amend Objective 6.3.3 as follows: ..., and the character and amenity values of adjoining areas are protected <u>maintained</u> .	

One submission was received opposing Objective 6.3.3 for the Industrial Zone.

4.4.2 Discussion & Evaluation

1. Land zoned Industrial throughout the district adjoins Rural, Residential and Commercial Zones. Objective 6.3.3 promotes the utilisation of industrial land, but in a way that ensures effects are internalised within the Industrial Zone. The use of the “protect” in Objective 6.3.3 as it relates to the amenity and character of adjoining zones is considered appropriate because it provides greater confidence and clear direction on the outcome to be achieved. The adjoining zones have different purposes and levels of expected amenity, and these amenity values are potentially sensitive to effects from activities in the Industrial Zone, and therefore require ‘protection’.
2. Homestead Group Ltd (37.01) seeks “protect” to be replaced with “maintain”. The relief sought would continue to direct an “internalisation” of effects within the Industrial Zone, but is not considered to appropriately reflect the nature of the inter-zone relationship and conflict. Specifically, the protection of the more sensitive environments from effects generated by activities in the Industrial Zone. For these reasons, I recommend this Homestead Group Ltd submission point is rejected.
3. It is noted that Homestead Group Ltd have submitted an application to vary conditions on their existing resource consent in order to expand the current hours of operation.

4.4.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
37.01		Homestead Group Limited		Reject

4.4.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Objective 6.3.3.

4.5 Chapter 6, Urban Environment Chapter – General Matters Raised

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.24	Philip Taueki	In-Part	There is no reference to Hokio Beach originally being established as a Maori township, and the distinctive issues that arise from its status.	No specific relief sought. Inferred: Acknowledge and reference Hokio Beach as a former Maori township and the issues associated with this.	519.19 Charles Rudd(Snr) - Support
60.18	Muaupoko Co-operative Society	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. There is no reference to Hokio Beach originally being established as a Maori township, and the distinctive issues that arise from its status.	No specific relief requested. Inferred: Acknowledge and reference Hokio Beach as a former Maori township and the issues associated with this.	519.37 Charles Rudd(Snr) - Support
101.59	Director-General of Conservation (DoC)	In-Part	The provisions in this section lack consideration of the effect of activities in the urban/residential, commercial and industrial zone on natural values. Activities in the aforementioned areas can have effects on natural systems; especially water bodies. One effect comes from storm water runoff from the large area of hard surfaces. Ensuring that this water is clean before it enters water bodies should be a priority. Towns located within Coastal settings are subject to natural hazards the mitigation of which often involves protection works. Such works should have regard to the “intrinsic values” of the site’s ecosystem.	Include an issue and policy outlining the importance of treating any pollutants on-site in the aforementioned zones so that they don’t impact on off-site or downstream environments for example; <u>While urban and commercial zones do not generally have significant natural values; activities in these areas can have effects on other natural systems; especially water bodies. The main effect comes from storm water runoff and associated contamination for the large number of hard surfaces. Ensuring that this water is clean before it enters water bodies should be a priority. Natural hazard protection works at coastal townships will have regard for the intrinsic values of the site’s ecosystem.</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
110.05	Fraser	In-Part	The submitter agrees that large format retailing needs to be planned for, but that a balanced outcome is required where economic advancement is progressed and the lifestyle (and property values) of the adjacent residential precinct are not degraded.	No specific relief request. Inferred: Amend the Commercial Objectives, Policies and Methods to achieve a balance outcome that will not degrade property values or lifestyle of the adjacent residential precinct and at the same time advance the economic well-being.	
110.06	Fraser	In-Part	The submitter agrees that large format retailing needs to be planned for, but that a balanced outcome is required where economic advancement is progressed and the lifestyle (and property values) of the adjacent residential precinct are not degraded.	No specific relief request. Inferred: Include a new method that provide for the establishment of a Design Panel or mechanism to study and advise with some authority, Council on the best practice design standards for any new retailing activity.	

Five submissions were received which did not relate to any specific provisions in Chapter 6. These submissions either specifically request or infer additional matters should be addressed in Chapter 6.

4.5.2 Discussion & Evaluation

Origins of Hokio

1. Taueki (11.24) and the Muaupoko Co-operative Society (60.18) support in-part the Chapter 6 policy framework, but seek reference to the Hokio Beach settlement and its Maori origins and establishment. Rudd (519.19 and 519.37) supports these submission points.
2. The introduction part of Chapter 6 provides a description of each urban area in the district, including Hokio Beach, therefore, part of the relief sought is already provided for in the Proposed Plan. The description of Hokio Beach in the Proposed Plan outlines the location of the settlement and its predominant natural and physical characteristics and values. Adding details of its origins and establishment is considered appropriate, as this detail is consistent with the descriptions for other settlements in the Proposed Plan. I recommend that submission points 11.24 and 60.18 be accepted and that a description of the Hokio Beach settlement is included in the Introduction section of Chapter 6.

Recognition of natural values in urban environments

3. DoC (101.59) oppose in part the Chapter 6 policy framework and consider that there is a lack of consideration of the effects from urban activities on natural values and seek a new issue and policy which directs management of stormwater contaminants and to have regard for intrinsic values of coastal area when considering protection works.
4. Within the district's towns and settlements there are natural values inherent in the neighbourhood parks and open spaces, notable trees and proximity to water bodies, such as the Ohau and Manawatu River.
5. Chapter 6 does recognise natural values in the urban environment at a broad level (Objective 6.1.1). Chapter 3 (Natural Features and Values) sets out the policy framework for ONFL (Issue 3.1), indigenous biological diversity (Issue 3.2) and water bodies (Issue 3.3). In relation to Issue 3.3, the policy framework recognises the special values of water bodies and natural character, which transpires into managing land use, and is implemented through building setbacks included in the zone rules and the creation of esplanade reserves, esplanade strips and access strips at the time of subdivision. Whereas the Proposed One Plan manages the discharge of stormwater and the effects of contaminants to water bodies.
6. Including a new issue and policy, within Chapter 6, outlining the importance of treating any pollutants on-site in order to avoid off-site or downstream environments as sought by DoC (101.59) is not considered appropriate in the context of the District Plan. It is considered that Chapter 3 recognises the value of water bodies and potential effects from land use by directing the uses of setbacks, encouraging riparian planting, and creation of an appropriate esplanade network.
7. In terms of the coastal hazard protection works, any 'hard' infrastructure needed within the Coastal Marine Area (CMA) would be regulated by the Proposed One Plan. Any protection works landward of the CMA, within any of the urban zones would be a discretionary activity and the effects on the environment, including natural values such as biodiversity, would be evaluated should it be a relevant consideration to the site and surrounds.
8. The Proposed Plan does recognise natural values in urban areas in Chapter 3 and Chapter 24, to the extent that is appropriate to fulfil Council's functions under Section 31 of the RMA. On this basis, I recommend that DoC's relief sought is accepted in part.

Large Format Retail

Two submissions were received on provision for large format retail activities in the Proposed Plan. These submissions did not refer to specific provisions and have therefore been addressed as general matters on Chapter 6.

9. Fraser (110.05) supports that there is a need to plan for large format retailing. Fraser submits that large format retailing can impose a number of negative socio-economic effects on the community and planning documents must recognise. The submitter seeks that particular attention is given to large format retailing to achieve a balanced outcome for private property owners and the economic well being of the district.
10. The Proposed Plan identifies a Large Format Retail Overlay Area within the Commercial Zone which provides for large format retail activities. Chapter 6 provides a suite of objectives, policies and methods for managing land use and development such as large format retail activities in the Commercial Zone.

11. Objective 6.3.2 provides for the maintenance and enhancement of character and amenity values of the Commercial Zone in a manner which provides for a wide range of activities while avoiding or mitigating adverse effects on the environment within and adjoining the Commercial Zone. This objective recognises the importance of providing for commercial activities such as large format retail activities while not adversely affecting property owners adjacent to commercial activities within and on the boundary of the Commercial Zone.
12. Policy 6.3.37 seeks the management of the location and scale of larger scale retail activities so as not to detract from the commercial hub of settlements and to ensure such activities are compatible with the character and amenity values of the local environment. Much like the overarching objective, this policy seeks to find balance between providing for commercial activities and protecting the surrounding environment. This balance is supported through Policies 6.3.44 and 6.3.45 in ensuring that local context and character are considered and the nature, scale and level of environmental effects originating from the Commercial Zone do not adversely affect the character and amenity values of properties in adjacent zones.
13. The balance between providing for commercial development and economic growth and protecting land owners adjacent to commercial sites is also clear in the Methods for Objective 6.3.2. Fraser submits that commercial activities such as large format retail may have negative effects on residential properties. However large format retail is provided for in a defined area and while the majority of the identified area is over the road from the Residential Zone it is considered to be appropriately located.
14. The Commercial Zone includes several rules that maintain residential amenity. For situations where the Residential Zone adjoins the Commercial Zone (and Large Format Retail Overlay), Rule 17.6.4 applies as follows:

17.6.4 Sites Adjoining Residential Zone or Open Space Zone

(a) Where a site adjoins the Residential Zone or Open Space Zone, the following conditions shall apply:

(i) All buildings and structures shall comply with the daylight setback envelope of the adjoining Residential Zone or Open Space Zone.

(ii) All buildings and structures shall be setback 4.5 metres from the Residential Zone or Open Space Zone boundary.

(iii) All outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2 metres.

(iv) Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

15. Where the Commercial and Residential Zones are separated by a road (i.e. Exeter Street/Devon Street and Bristol Street) the Commercial Zone has other zone interface rules that apply, including noise (17.6.6), vibration (17.6.8), odour (17.6.9) and in some circumstance landscaped carparking frontages (17.6.17).
16. Overall I consider that the effects on surrounding land uses are recognised and provided for in the application of the Proposed Plan. On this basis, I am satisfied that submission point 110.05 is provided for without any additional amendments required, Submission point 110.05

is therefore accepted in-part as the matters raised have been already addressed in the objectives, policies and methods for managing large format retail activities in the Commercial Zone.

17. Fraser (110.06) submits that the planning documents do not adequately cover the design, site format (including setbacks) or activities surrounding this area. Fraser seeks that Council establish a design panel or mechanism to study and advise with some authority, Council on the 'best practice' design standards for any new retailing activity.
18. Objective 6.3.2 seeks to maintain and enhance the character and amenity values of the Commercial Zone. This is supported by Policies 6.3.37, 6.3.44 and 6.3.45 which all seek to ensure that commercial development is compatible with and considers the local context in terms of character and amenity. This direction is to be implemented through methods such as the application of specific development standards as appropriate to the form, character and amenity values of the Large Format Retail Overlay Area.
19. Chapter 17 - Commercial Zone contains rules which control building height and building frontage and size of large format retail activities. These include a maximum building height of 8.5 metres; a minimum building setback of 3 metres; landscaping requirements between a building or carpark and the front road boundary; and the requirement to prevent large featureless blank walls which front road boundaries. As a result of any Commercial Zone permitted activity non-compliance, or if a large format retail activity exceed the 3,000m² gross floor area, resource consent would be required. Assessment Criteria 25.5.6 Large Format Retail Activities set out guidelines in relation to the building design, site development layout and external appearance. This provides criteria which must be used in assessing land use consents for large format retail activities. Council may consider that urban design input or a design panel would assist decision making on any future resource consent applications, and could arrange this input based on a case by case evaluation.
20. Large format retail activities are a feature of the existing Commercial Zone in Levin and there are examples of best practice in terms of design for these developments. To provide for these activities and ensure the design is compatible with the local context and considers the character and amenity of the surrounding properties, there are rules and assessment criteria in the Proposed Plan. A design panel could assess large format retail developments on a case by case basis, and I consider that a new method could provide for expert input on the design of large format retail developments. On this basis, I recommend submission point 110.06 is accepted in part.

4.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
11.24	519.19	Philip Taueki Charles Rudd	Support	Accept Accept
60.18	519.37	Muaupoko Co-operative Society Charles Rudd	Support	Accept Accept

101.59		Director-General of Conservation (DoC)		Accept in Part
110.05		Fraser		Accept In-Part
110.06		Fraser		Accept In-Part

4.5.4 Recommended Amendments to the Plan Provisions

Amend the description of Hokio Beach in the introduction of Chapter 6 by inserting a paragraph as presented by the Taueki and/or Muaupoko Co-operative Society:

Hokio Beach

The settlement extends along the narrow valley of the Hokio Stream which discharges surplus waters from Lake Horowhenua out to sea. On the northern side of the stream mouth was Te Ua-mairangi, a high grassed hill on which stood the first of the tall carved posts (pou rahui) that defined the boundaries of the Mua-Upoko territory. One of the lagoons connected with the hydrographic system of Lake Horowhenua - Pakau-hokio, translates to "the wing of the Hikoj". Hokioi (*Harpagornis moorei*) was a great bird of prey and it is thought that a breeding ground for the bird was located on the rockfaces of the Tararuas directly opposite Hokio.

The topography in this area is low-lying and surrounded by relatively young and unstable sand dunes. The nature of the coastal geology and location at the mouth of the Hokio Stream have confined the size of the settlement and high ground water means that surface-water ponding is a potential constraint on further development within the settlement.

Historically, the high water table was more of an advantage than a constraint for Maori, who dammed areas to enable wider transport by waka. Like other rivers and streams along the coastline, the Hokio Stream was used by Maori and pakeha settlers alike for loading, unloading, and the building of boats. Every 10 miles or so accommodation houses provided a place for the coach service to change horses and for passengers to refresh. The Hokio Accommodation House, was the largest of such houses along the Kapiti coast and provided an important link between colonial society and the Maori inhabitants of the immediate coastal area for trading and hospitality.

The settlement has developed as a beach holiday destination with a landscape character derived from the high proportion of baches, close proximity to the beach and sand soil, and coastal sand vegetation, with narrow roads and unformed berm areas. Water supply and sewage disposal are provided independently on each site. Average section size is therefore medium-large.

Insert new method in Methods for Issue 6.3 & Objective 6.3.2 as follows:

Other Methods

- Council will consider establishing and facilitating an Urban Design Panel consisting of suitably qualified professionals to work with Council, individuals and developers to help improve the design, amenity and viability of development projects that have potentially significant urban design implications due to scale, public nature or location.

4.6 Chapter 15 Residential Zones – Permitted Activities (Rule 15.1)

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.02	New Zealand Defence Force (NZDF)	Support	Support inclusion of Temporary Military Training Activities as Permitted Activities.	Retain Rule 15.1(o) as notified	
40.13	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Amend Rule 15.1 to include <u>“The placement of any Relocated building and/or accessory building on any site subject to the conditions at [rule ref]”.</u>	
108.09	HDC (Planning Department)	In-Part	<p>The Proposed Plan provides for Visitor accommodation for up to four persons within a residential dwelling unit in the Residential and Rural Zones. The current rules introduce some uncertainty over whether visitor accommodation could be provided in both the principle dwelling unit on site and a family flat and if so whether each can accommodate four persons. The current definition of residential dwelling unit does not assist with the interpretation of the rules regarding visitor accommodation and could be read to include a family flat. The Plan should be amended to bring greater certainty.</p> <p>The rule should allow visitor accommodation to be provided in different in both dwellings and family flats, however the total number of persons accommodated should not exceed four persons.</p>	Amend Rule 15.1(c) as follows: Visitor accommodation for up to four persons <u>per site</u> within a <u>any residential dwelling unit and/or family flat</u> .	
40.39	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	Amend permitted activity rule to include removal and re-siting of buildings.	Amend Rule 15.1(f) as follows: <u>“The construction, alteration of, addition to, removal, re-siting and demolition of buildings and structures for any permitted activity”.</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
51.03	Waitare Progress Association (WBPPA)	In-Part	Submitter seeks that if relocatable houses are to remain a permitted activity, rules need to be put in place to ensure the dwelling meets the building code for coastal conditions just as new dwellings are expected to comply.	No specific relief requested. Inferred: Amend the District Plan to make relocatable housing comply with the same standards as new dwellings.	
119.00	Graham Halstead	Oppose	The submitter seeks an amendment to the list of Residential Zone permitted activities so that "Primary Production Activities" are included. There is no provision for primary production activities. Given that Council recently rezoned about 50ha in the vicinity of Roslyn Road, creating enough land for at least 50 years residential development, land owners need to be able to farm the land, change farm uses if necessary and erect farm buildings without having to engage in expensive and time-consuming resource consents. The existing use provisions of the RMA are far from satisfactory for land that will continue to be farmed for decades into the future.	Add Primary Production Activities' to the list of Permitted activities in the residential zone.	

Five submissions were received on the list of permitted activities for the Residential Zone. Four of these submissions sought amendments to the list of permitted activities.

4.6.2 Discussion & Evaluation

Relocated Buildings (House Movers Section of NZ Heavy Haulage Association Inc.)

1. House Movers Section of NZ Heavy Haulage Associated Inc. (40.13, 40.39) opposes the way in which the removal, re-siting, and relocation of buildings are provided in the Proposed District Plan. This submitter seeks that the placement of relocated buildings and accessory buildings are Permitted Activities, instead of being classed as Controlled Activities. There are several consequential changes sought, including the deletion to Controlled Activity Rule 15.2(a) and the insertion of new permitted activity conditions in Rule 15.6. House Movers Section of NZ Heavy Haulage Association Inc. have made this same submission regarding the provision of relocated buildings (dwellings) throughout all the zones in the Proposed Plan.
2. This submission was first evaluated in the Section 42A Report for the Open Space Zone. It is considered that the same issues that were evaluated in the Open Space Zone Section 42A Report apply to the Residential Zone and these are briefly set out below.

3. In addition, The WBPRA (51.03) seeks to ensure that relocatable houses are subject to the same Building Code standards for new dwellings in coastal areas. The submission infers that relocatable houses are to be subject to the same standards as new dwellings.
4. The resource management issue presented by the reuse and relocation of buildings on sites, is the dilemma between enabling this type of development and maintaining amenity levels anticipated in the different zones. The reuse of buildings is an efficient use of resources, and represents a sustainable solution to an otherwise wasteful end to buildings. However, the process of relocating and establishing a building on a new site can result in unfinished works, where the building remains in a state of storage on site, rather than reinstated and established on site. There are five permitted activity conditions offered by the submitter. Conditions 1 – 4 manage the suitability of the building for the new intended purpose (e.g. a dwelling), provides a process to establish and agree the extent of external reinstatement works to the building; establishes timeframes for foundations and the finishing of all the building reinstatement works. Condition 5 requires the owner to certify the reinstatement works have been completed within the 12 months.
5. The submitter does not mention how compliance with the standards would be monitored, but does seek better coordination with the Building Act.
6. The information requirements and compliance imposed by the submitter's example provisions is similar to that of applying for a controlled activity consent. The key difference is the Council can consider the use of a bond to provide security that works will be carried out in the 12 month construction period. A controlled activity enables Council to set up a consent monitoring and compliance process to ensure the establishment works are carried out. HDC have found the Controlled Activity provisions effective in ensuring good outcomes for relocated buildings in the district.
7. Only the new work to relocated buildings, such as foundations, drainage and access need to comply with the Building Code. If a relocated building was positioned in a coastal area that was subject to a higher wind zone, then confirmation would be required of the bracing and truss/rafter fixings. The external reinstatement works would not require aesthetic improvements or durability of paintwork etc.
8. However, if harsh climatic conditions were identified as a site specific factor in an application to Council for a relocated building, then the consent process would enable some discretion in requiring a higher standard of external works.
9. The consent process is not to replicate or replace the building consent process, but serves to ensure residential amenity is maintained and enhanced. The relief sought by WBPRA is not entirely clear. I do not consider the use of building code standards in the District Plan is appropriate and therefore I recommend submission point 51.03 be rejected.
10. On this basis, I do not consider that the relocated building provisions should be amended as House Movers Section of NZ Heavy Haulage Association Inc. seek and I recommend that submission points 40.13 and 40.39 be rejected.

Visitor Accommodation

11. HDC (Planning Department) (108.09) seeks an amendment to Rule 15.1(c) so that it is clear visitor accommodation can be provided in both a residential dwelling and family flat. The

HDC (Planning Department) contends Rule 15.1(c) could be interpreted in different ways. The intention of permitting visitor accommodation in the Residential Zone is to enable the establishment of short term accommodation in a way that complements the residential activities and buildings. For example, bed and breakfast accommodation and serviced cottages used for weekend getaways (for up to 4 staying guests).

12. Rule 15.1(c) as notified was intended to permit visitor accommodation to be established within buildings on a residential property, and includes the use of both a residential dwelling unit and family flat. I consider the amendment submitted clarifies that both types of residential building can be used for visitor accommodation and recommend that submission point 108.09 be accepted.

Primary Production Activities

13. Halstead seeks “primary production activities” be listed as permitted activities in the Residential Zone.
14. The submitter raised the issue of future uses of land that supports farming activities but is now zoned Residential due to Plan Change 21 (PC21).
15. Mr Halstead contends that landowners should be able to farm land, change farm uses if necessary and erect farm buildings without having to engage in expensive and time-consuming resource consents.
16. The submission infers that the 50ha of rural land rezoned Residential in the vicinity of Roslyn Road may take at least 50 years to develop into residential properties. Therefore the Proposed Plan Residential Zone provisions are far from satisfactory for land that will continue to be farmed for decades into the future.
17. Plan Change 21 to the Operative District Plan addressed the district’s urban growth matters and included rezoning land from Rural to Residential. In determining this plan change, the Council considered the impacts on ongoing land uses for land rezoned. In managing change from a predominately rural environment to a residential environment, care was required to balance the needs of the existing land use activities while not reducing the future development opportunities.
18. Mr Halstead’s submission is focused on the Proposed Plan Residential Zone provisions and his relief sought is on the Proposed Plan, not Plan Change 21.
19. The Proposed Plan Residential Zone does not permit primary production activities. Therefore properties rezoned rural to residential would be required to rely on existing use rights to operate their farming or horticultural practices. Existing use rights allow for the continuation of activities and scale of structures that are in existence prior to the change of the District Plan provisions. Changes to buildings or activities would need to be the same scale, character, and intensity otherwise the Residential Zone provisions would be applied and consent required. The decision on Plan Change 21 concluded existing farming activities were protected by existing use rights, therefore, primary production activities were not permitted.
20. Mr Halstead’s relief sought seeks to enable the continued use of primary production activities as of right on residentially zoned. The Proposed Plan defines “primary production activities” as

21. Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.
22. The Residential Zone provisions apply across land that is developed for residential purposes and land that is yet to be developed. Therefore to maintain residential character and amenity values across all residential areas, it would not be appropriate to permit primary production activities in the Residential Zone as there could be wide ranging consequences. In particular, amenity conflicts between residential and primary production activities.
23. I do not consider permitting primary production activities in the Residential Zone would be effective in achieving the objective to maintain and enhance the residential character and amenity values of current and future residential environments. On this basis, I recommend that the submission point made by Mr Halstead by rejected.
24. The NZDF's (95.02) support for Rule 15.1(o) is noted.

4.6.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.02		New Zealand Defence Force (NZDF)		Accept
40.13		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
108.09		HDC (Planning Department)		Accept
40.39		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
51.03		Waitare Progressive Association (WPRA)		Reject
119.00		Graham Halstead		Reject

4.6.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.1(c) as follows:

Rule 15.1 Permitted Activities

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

4.7 Chapter 15 Residential Zones – Controlled Activities (Rule 15.2)

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.11	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 15.2(a)	
117.06	New Zealand Historic Places Trust (NZHPT)	Support	Support enhanced provisions relating to earthquake strengthening of heritage buildings.	No specific relief requested. Inferred: Retain Rules 15.2(b), 15.3(f), 15.7.2 and 15.8.11	
70.07	Future Map Limited	Oppose	The submitter seeks the deletion of the following rules [Tararua Road Growth Area Residential]: 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.	

Three submissions were received relating to the list of controlled activities in the Residential Zone, which either seeks rules be retained or deleted.

4.7.2 Discussion & Evaluation

- House Movers Section of NZ Heavy Haulage Associated Inc. (40.11) oppose the way in which the removal, re-siting, and relocation of buildings and dwellings is provided for in the Proposed Plan. The submitter seeks the deletion of Controlled Activity Rule 15.2(a) which requires consent for the placement of relocated buildings. As explained and recommended in Section 4.6.2 of this report, the Proposed Plan requires a controlled activity resource consent for the placement of relocated buildings. This process has been found to be effective in managing the tension between reusing buildings and maintaining amenity in the district. Following the recommendations in Section 4.6.2, I recommend that submission point 40.11 be rejected.
- The NZHPT (117.06) supports the proposed earthquake strengthening provisions. Earthquake strengthening of Group 1 and 2 buildings listed in Schedule 2 [listed historic heritage buildings, structures and sties] are respectively Restricted Discretionary Activities and Controlled Activities under Rule 15.2(c) and 15.3(f), and guided by the matters of control and discretion under Rule 15.7.2 and 15.8.11. NZHPT seeks that the provisions (as notified) are retained. NZHPT's support for the suite of earthquake strengthening provisions for listed heritage buildings is noted.
- Future Map Limited (70.07) opposes the Residential Zone provisions that refer to the residential area within the Tararua Road Growth Area and seeks the deletion of Rule 15.2(e). This rule provides for any residential subdivision of land within the Tararua Road Growth

Area Overlay. Future Map seeks in submission points (70.00 and 70.01) the replacement of the Structure Plan and Design Guide for the Tararua Road Growth Area Overlay (Schedule 5) which in effect rezones the Residential portion of the Tararua Road area to Industrial.

4. The evaluation of submission points 70.00 and 70.01 is set out in Section 4.47 of this Report. In summary, I recommend that the replacement Structure Plan (Pocock Zoning Master Plan) and Design Guide be accepted in part. As a consequence, the area zoned Residential is rezoned Industrial and the provisions within the Residential Zone would become redundant, should this recommendation be accepted. Another consequence relates to the Urban Environment Issue 6.2, Objective 6.2.1 and Policies (6.2.2 – 6.2.5), and I recommend these provisions are amended to provide for and direct the concepts in Future Map’s replacement documents.

4.7.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
40.11		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.06		New Zealand Historic Places Trust (NZHPT)		Accept
70.07		Future Map Limited		Accept In-Part

4.7.4 Recommended Amendments to the Plan Provisions

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

15.2 Controlled Activities

~~(e) Any subdivision of land, except within the Tararua Road Growth Area Overlay.~~

15.3 Restricted Discretionary Activities

~~(d) Any subdivision of land within the Tararua Road Growth Area Overlay.~~

15.6 Conditions for Permitted Activities

15.6.4 Building Setback From Boundaries

~~(c) Within the Tararua Road Growth Area Overlay the following additional building setbacks apply:~~

~~(i) No building shall be located closer than 10 metres from the State Highway 57 road boundary; and~~

~~(ii) No building shall be located closer than 8 metres from an Industrial Zone boundary.~~

15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a)

(a) Matters of Discretion

~~(v) Within the Tararua Road Growth Area Overlay, effect on the residential amenity given the noise, vibration and air pollution effects of State Highway 57. In assessing effects full consideration will be given to the noise and vibration standards contained in Rules 15.6.11 and 15.6.12.~~

15.8.7 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 15.3(d))

(a) Matters of Discretion

- ~~(i) Those matters specified in Chapters 21 and 24.~~
- ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
- ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~
- ~~(iv) The design and layout of proposed urban areas.~~
- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))

(a) Matters of Discretion

- ~~(i) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:
 - ~~▪ Avoiding, remedying or mitigating of any effects deriving from noncompliance with the particular condition(s) that is not met.~~
 - ~~▪ The design and layout of proposed urban areas.~~
 - ~~▪ The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~
 - ~~▪ The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~
 - ~~▪ The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in Schedule 5 – Tararua Growth Area Design Guide.~~~~

AND the following consequential changes to the Urban Environment Policy Framework for the Tararua Road Growth Area.

Issue 6.2 TARARUA ROAD GROWTH AREA

The provision for and management of industrial growth in South East Levin.

ISSUE DISCUSSION

Between 1999 and 2006 Levin has seen considerable change in the demand for land for urban development. From a low growth situation in the late 1990s increasingly competitive land prices have seen a significant change in demand for both rural residential land and for urban density development. In addition there has been a growing demand for industrial land in Levin from both

local and the wider region because of constrained land supply in competing centres such as Palmerston North and Wellington.

One of the appropriate means of providing opportunities for growth and further development of Levin is to zone additional land for ~~both industrial and residential~~ activities. One of the most suitable areas for peripheral urban growth is on the southern edge of the urban area north of Tararua Road and west of Arapaepae Road.

This is an area of approximately ~~50~~ 54 hectares of flat land with no significant development constraints other than careful management of stormwater discharges to ground, protection of adjoining residential areas and adjacent rural areas, and, to some extent, road access. There is an opportunity to contribute to the provision of existing and future demand for ~~both residential and industrial~~ activities. ~~Initially it~~ is proposed to enable the development of ~~38~~ 54 hectares of this area which will contribute significantly to land supply over the next 10-15 years and potentially longer term.

This land forms a strategic growth node for Levin and the quality of development is important to the overall quality of the environment of the town. State Highway 57 is an important strategic transport corridor and currently forms the major route for Palmerston North to Wellington traffic. Therefore, development in the vicinity of this route will influence other activities within the District.

It is also important that development of this area is planned in a manner that avoids adverse effects on the safe and efficient functioning of the highway. The Tararua Road intersection has formerly had a poor safety record and recent design improvements have significantly reduced crashes at this intersection. Roading infrastructure will need to be upgraded as the area develops including upgrading of the intersections with State Highways.

Neighbourhood facilities/centre

~~Providing retail facilities to meet local community needs (such as a dairy, a café and / or bakery and a fast food takeaway) along with community facilities and open space will contribute towards the creation of a successful community, and could also benefit adjacent neighbourhoods and communities. These facilities could be integrated successfully with the proposed industrial area, and help create an environment that stimulates inward investment and economic development. These uses should be grouped together to create a community centre, a focus for activity. A preferred location for this use is at the centre of the residential zone and adjacent/close to the industrial zone.~~

~~However, care must be taken to ensure that the scale of any such retail facilities do not undermine existing commercial activity within Levin's town centre (commercial centre zones).~~

~~Retail facilities provided as a neighbourhood centre could comprise of the following uses:~~

- ~~▪ Café~~
- ~~▪ Dairy (with or without a liquor licence)~~
- ~~▪ Bakery~~
- ~~▪ Butchers~~
- ~~▪ Hairdresser~~
- ~~▪ Fast food take away~~
- ~~▪ Pub / Bar~~
- ~~▪ Restaurant~~
- ~~▪ Post office~~
- ~~▪ Estate agent and / or other professional services~~

~~Maximum unit sizes should typically be around 150m² (net) in size. There should be scope to exceed this size, where grocery and food retail units of 400 to 500m² are now considered to be the minimum in order to be viable.~~

~~Careful consideration of potential impacts on the town centre is needed, particularly should the cumulative amount of retail floor space at the centre exceed 700m² (net).~~

Objectives & Policies

Objective 6.2.1 Tararua Road Growth Area

~~Promotion of urban peripheral growth to the south of Levin to enable development opportunities within a sustainable management framework.~~

To provide for efficient use and development in the Tararua Road Growth Area in an integrated, coordinated and cost effective way with the existing industrial area, while avoiding adverse effects on adjoining residential areas and adjacent rural areas, and maintaining the safety and efficiency of the local and State Highway roading networks.

Policy 6.2.2

~~Enable urban growth on land north of Tararua Road and west of Arapaepae Road in accordance with the Tararua Road Growth Area Structure Plan.~~

Provide for industrial development in south-east Levin through an extended Industrial Zone with Arapaepae Road (State Highway 57) and Tararua Road forming the boundaries of this zoning and identify as a specific urban growth area (Tararua Road Growth Area).

Policy 6.2.3

~~Provide opportunities within the Structure Plan for planned areas of industrial and residential activities.~~

Manage subdivision and development within the Tararua Road Growth Area through applying a specific management framework including a Structure Plan to ensure a structured and integrated pattern of development that is efficient and environmentally sustainable.

New Policy

Manage the actual and potential adverse effects on the environment from new industrial activity through the resource consent process using the Structure Plan and Design Guide to ensure the amenity of the industrial area reflects the outcomes set in the Design Guide and the Industrial Zone, as well as protecting the amenity values and character of the adjoining residential and adjacent rural areas.

New Policy

Manage all stormwater generated from the Tararua Road Growth Area Overlay through use of low impact urban design principles, including the provision a dual purpose stormwater / recreation reserve buffer between the industrial area and adjoining residential area.

New Policy

Ensure the safety and efficiency of Tararua Road is maintained as a result of new road connections and property access and the increased generation of traffic from the Tararua Road Growth Area Overlay, and discourage heavy vehicle movements through streets in the adjoining residential area.

New Policy

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.

Policy 6.2.4

Ensure that development is of a high quality and that adverse effects on the State Highways are avoided.

Policy 6.2.5

~~Promote the development of a neighbourhood centre within the Tararua Road Growth Area that provides a mix of activities within a high quality environment, including open space and local housing.~~

Explanation and Principal Reasons

The Tararua Road Growth Area located in south-east Levin and adjoins an existing industrial area to the west. The Tararua Road Growth Area is bounded by existing residential areas to the north, Arapaepae Road (State Highway 57) to the east, Tararua Road to the south, and the existing industrial area to the west which fronts Cambridge Street. Rural land is located adjacent to this area on the opposite side of Arapaepae Road (State Highway 57) and Tararua Road. This large area provides a substantial industrial land supply to meet future requirements, both in the short and long term. It is anticipated that a wide range of different forms of industrial activities could locate within this area, including light servicing activities (such as goods storage and distribution) and manufacturing.

To manage the effects of subdivision and development in this area, a specific management framework, which complements the underlying Industrial Zone provisions. This management framework is based on three key main features: 1. Resource consent for all development and subdivision; 2. Structure Plan; and 3. Design Guide. The resource consent process provides for a case-by-case assessment of each proposal to ensure the subdivision and development achieves the objectives for the growth area, and would be assessed against the Structure Plan and Design Guide. A Structure Plan has been prepared by the developer which provides a framework to ensure a coordinated and well designed pattern of development. A developer led Design Guide provides the basis for assessing the quality of the development to ensure the growth area achieves a certain level of amenity, as well as protecting the adjoining residential and adjacent rural areas.

Due to the flat topography of the area and the potentially high level of impervious surfaces from industrial development, the management of stormwater needs to be carefully planned. Low impact stormwater design principles are to be utilised in the Tararua Road Growth Area, including on-site techniques, on-road, and a dual purpose stormwater / recreation reserve area. This dual purpose stormwater / recreation reserve area would also form a buffer between the existing residential area and new industrial development. Each proposed subdivision and development would need to assess the quantity and quality of stormwater to ensure it is effectively managed.

Large traffic volumes are a necessary part of the functioning of the Industrial Zone. With such a large area zoned for industrial development, it enables the roading network, connections and access to be well planned and designed. Provision is made in the Tararua Road Growth Area Structure Plan and Design Guide for managing this network, connections and access. New access directly to main arterial roads, particularly Arapaepae Road (State Highway 57) is restricted, with alternative access to be provided through new roads connecting from Tararua Road. As some of the new roads connect to roads that traverse the adjoining residential area, measures are to be implemented to discourage heavy vehicles using these roads through the residential areas to protect their amenity values and safety in residential neighbourhoods.

Methods for Issue 6.2 & Objective 6.2.1

District Plan

- Identification of Tararua Road Growth Overlay Area in south-east Levin and shown on the Planning Maps.
- Use of a Structure Plan and Design Guide for managing subdivision and development within the Tararua Road Growth Area

- The existing District Plan Industrial Zone permitted activities and conditions framework of rules for activities are used for development of the Tararua Road Growth Area, as well as site specific rules including a “Low Impact Industrial Area”, where appropriate.
- ~~The residential development is subject to the Residential Zone rules and associated general provisions.~~
- Rules will require resource consent for land use and subdivision activities, assessing against the Structure Plan (Pocock Zoning Master Plan) and Design Guide as to the form, character and amenity values of these areas, and the protection of adjoining residential and rural areas.
- ~~The industrial development area includes some modification to the existing Industrial Zone rules to reflect modern forms of industrial activities.~~
- ~~Rules will specify minimum standards in a similar manner to existing zones but the quality of site layout and landscape design will also be subject to scrutiny and in exercising this discretion regard will be given to the Tararua Road Growth Area Design Guide and Structure Plan.~~

4.8 Chapter 15 Residential Zones – Discretionary Activities (Rule 15.4)

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
81.01	Phillip Lake	Oppose	<p>Oppose Rule 15.4 (e) as it classes all additions and alterations to existing community facilities as discretionary activities.</p> <p>Existing facilities should be able to develop for the benefit of the community with minimal restrictions. Promotes the efficient development of existing facilities as a preference to ad hoc development of new community facilities within the Residential Zone.</p> <p>Developments of existing facilities would still need to comply with permitted activity standards (carparking, daylight envelope, nose limits etc.). Breaches would require</p>	<p>Amend Rule 15.4(e) as follows:</p> <p>New community facilities or additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community ceremonial, educational, recreational, worship, or spiritual purpose.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>land use consent as limited discretionary activity, retaining some control over potential future expansions of existing community facilities.</p> <p>Current rules are inefficient as every change (no matter how minor) would require a discretionary consent. Current rules are inefficient as every change (no matter how minor) would require a discretionary consent. Changes to existing facilities should only require land use consent as a restricted discretionary activity when any permitted activity standard is exceeded.</p>		
117.20	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter seeks the inclusion of subdivision that negatively impacts on heritage values of listed sites in Schedule 2 as a discretionary activity.	Amend Rule 15.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	
108.11	HDC (Planning Department)	In-Part	<p>The Proposed Plan provides for Visitor accommodation for up to four persons within a residential dwelling unit in the Residential and Rural Zones. The current rules introduce some uncertainty over whether visitor accommodation could be provided in both the principle dwelling unit on site and a family flat and if so whether each can accommodate four persons. The current definition of residential dwelling unit does not assist with the interpretation of the rules regarding visitor accommodation and could be read to include a family flat. The Plan should be amended to bring greater certainty.</p> <p>The rule should allow visitor accommodation to be provided in different in both dwellings and family flats, however the total number of persons accommodated should not exceed four persons.</p>	<p>Amend Rule 15.4(c)</p> <p>Two or more residential units/<u>family flats</u> per site.</p>	
108.38	HDC (Planning Department)	In-Part	The Proposed Plan is vague on whether a 'family flat' is defined as a	Amend Residential Dwelling Unit definition as	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			residential dwelling unit. The Plan should be amended to specifically exclude 'family flats' from the definition of residential dwelling unit. This would remove the need for family flats to comply with rules relating specifically to residential dwelling units such as outdoor living space requirements.	follows: Residential Dwelling Unit means a building which accommodates one (1) household unit, and can include a dwelling house, a flat, a home unit, an apartment, or a town house, <u>but excludes a family flat.</u>	
116.01	Truebridge Associates Limited	In-Part	This rule should be a controlled activity, not a discretionary activity. This would better promote new development in these areas and would be more in line with Central Government desire to enable low cost housing.	Delete Rule 15.4(d) as a discretionary activity and insert as a controlled activity.	

Five submissions were received relating to the list of discretionary activities for the Residential Zone all seeking amendments to various rules.

4.8.2 Discussion & Evaluation

1. Lake (81.01) opposes Rule 15.4(e) because it requires a discretionary activity consent for activities that involve additions and alterations to existing community facilities. Lake seeks an amendment to Rule 15.4(e) so that only new community facilities require a discretionary activity consent. Lake seeks any additions and alterations to existing facilities to be permitted activities subject to the Residential Zone Conditions for Permitted Activities. Community activities (and facilities) contribute to the social and cultural wellbeing of the community. In providing for community activities in the Residential Zone, it requires a balance with managing the potential adverse effects from these activities on residential character and amenity values. While community activities can be different in appearance and use, long standing and established community activities are generally recognised and accepted in typical suburban areas. However, when a facility is expanded or altered to maximise its potential and use, then these changes can result in adverse effects on amenity values and character, particularly for nearby residential properties.
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 (81.01) 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.
6. The NZHPT (117.20) seeks an amendment to Rule 15.4 so that subdivisions that negatively impact heritage values of any sites in Schedule 2 [listed historic heritage buildings, structures and sties] are Discretionary Activities. Subdivision within a heritage setting of any listed heritage building or structure, or subdivision on a listed heritage site, all of which are identified in Schedule 2, are discretionary activities (Rule 15.4(i)(iii) and Rule 15.4(j)(iii)).
7. Therefore I consider the relief sought by NZHPT in relation to subdivision and the impact on heritage values is already provided for in the Proposed Plan and I recommend that the NZHPT submission point be accepted in part.
8. HDC (Planning) (108.11 and 108.38) support in part Rule 15.4(c) but seeks to amend the rule so it specifically relates to "family flats" (i.e. where there are two or more family flats then a discretionary activity is required). The submitter also seeks an amendment to the "residential dwelling unit" definition. The Proposed Plan recognises the contribution that a family flat can make to a residential property and its role in supporting living arrangements (Policy 6.3.20). The Proposed Plan provides a definition of family flat which recognises these buildings represent a different type of living unit to that of a main residential dwelling unit. HDC (Planning) has identified that the definition of "residential dwelling unit" could be read to include family flats, and should be made clearer.
9. By separating the rules for family flat from residential dwelling unit clarifies the original intent of the rules. In addition, the relief sought by the submitter is considered to improve the certainty of the Proposed Plan and is recommended to be accepted. The amendment to the residential dwelling unit definition is considered appropriate as well, but I also consider the reference to "home unit" should also be deleted as this term is not used in the Proposed Plan.
10. Truebridge Associates (116.01) opposes the discretionary activity status for medium density in Rule 15.4(d) and seeks a more enabling controlled activity status. The medium density development provisions are new to the Proposed Plan. The Proposed Plan provides for contained areas of higher density housing in Levin, Foxton Beach and Waitarere Beach.

These higher density areas are identified by Medium Density Development Area overlays on the Planning Maps.

11. Land use consent (and a concurrent subdivision consent) is required to develop higher density housing in Medium Density Development Areas. The land use consent would be a Restricted Discretionary Activity, subject to complying with the conditions set out in Rule 15.8.9(b) which set a minimum average net site area (225m²), building setbacks, separation distances between detached dwellings, provision of common side walls, private outdoor living areas, utility space, and site coverage. A Discretionary Activity resource consent is required under Rule 15.4(d) when a proposed development does not comply with the condition(s) set under Rule 15.8.9(b).
12. Truebridge Associates considers that medium density development should be encouraged, as it is a way of providing affordable housing, revitalising the town centres while minimising Council's infrastructure costs in the short to medium term. To that end, the submitter contends a Controlled Activity consent status would better provide for medium density developments in the Horowhenua. Part of the submitters reasoning is the perceived change to the residential infill subdivision rules (i.e. the reduction in density from 250m² to 330m², and therefore the loss of this more intensive development throughout Levin, Foxton, Foxton Beach and Shannon). However, the Proposed Plan medium density development provisions do not replace or change the infill subdivision rules.
13. The Operative Plan's Residential 1 Zone (Levin, Foxton, Foxton Beach and Shannon) provides for the following types of residential subdivision
 - standard suburban (600m² average, 330m² minimum),
 - town house allotments (250m² average and minimum),
 - infill (330m²)
14. The Proposed Plan does not change the standard suburban or the infill subdivisions standards, or prerequisites. However there are changes to the town house subdivision provisions. The townhouse provisions apply throughout the Residential 1 Zone and enable a group of attached dwellings to be developed at a density of 1 unit per 250m² as a controlled activity. This type of subdivision is removed, in favour of the medium density development at a similar density (net site area of 225m²).
15. The Operative Plan town house allotment provisions are crafted to produced rows of connected residential units, which can have unintended effects on the streetscape. Further, the effectiveness of the town house allotment provisions are impeded by the Residential 1 building standards which apply standard residential controls to a much higher residential density. Whereas the medium density provisions include a different set of building parameters to encourage an efficient use of smaller lots, and integrate land use and subdivision for a more effective outcome.
16. Infill subdivisions of 330m² (subject to the prerequisites) continue to be provided in Levin, Foxton Beach, Foxton and Shannon, in the Proposed Plan. This type of subdivision continues to be a controlled activity.

17. The provision of medium density development as a Restricted Discretionary Activity is considered to be an effective and efficient way of giving applicants and communities a degree of certainty that this type of development is to be anticipated. It allows the applicant to demonstrate the site layout, design and function of the smaller lots and units. Through the discretion provided in the rules Council has a range of matters to consider and can negotiate the best outcome for the site and surrounds. Whereas if the activity status was Controlled, Council would be required to grant any application, subject to conditions.
18. Medium density housing can be complicated development to get right, as there are many competing values that need to be considered and provided for, both within the site and on neighbouring properties and the street. For this reasons, a greater level of discretion and ability to assess the various matters to ensure the design is appropriate. If the design is not appropriate, restricted discretionary activity provides the ability to decline consent, as opposed to controlled activity where only conditions could be imposed which may not be effective in addressing all adverse effects. The cost of using a Restricted Discretionary Activity status, is the reduced certainty for the applicant. On balance, I believe the benefits outweigh the cost and a Restricted Discretionary Activity is more appropriate than a Controlled Activity status. I recommend the relief sought by Truebridge Associates (116.01) be rejected.

4.8.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
81.01		Phillip Lake		Reject
117.20		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
108.11		HDC (Planning Department)		Accept
108.38		HDC (Planning Department)		Accept In-Part
116.01		Truebridge Associates Limited		Reject

4.8.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.4(d) as follows:

15.4 Discretionary Activities

- (d) Two or more residential units/family flats per site.

AND

Consequential amendment to the definition of Residential Dwelling Unit

Residential Dwelling Unit means a building which accommodates one (1) household unit, and can include a dwelling house, a flat, ~~a home unit~~, an apartment, or a town house, but excludes a family flat.

4.9 Chapter 15 Residential Zones – Non-Complying Activities (Rule 15.5)

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.24	NZ Transport Agency (NZTA)	Support	Support Rule 15.5(a)	Retain Rule 15.5(a) as notified.	Reject
70.07	Future Map Limited	Oppose	The submitter seeks the deletion of the following rules [Tararua Road Growth Area Residential]: 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	Delete 15.2(e), 15.3(d), 15.5(a), 15.6.4(c), 15.8.3(v), 15.8.7, 15.8.8.	Accept

Two submissions were received on the list of non-complying activities for the Residential Zone.

4.9.2 Discussion & Evaluation

1. NZTA's (94.04) support for Rule 15.5(a) is noted.
2. Future Map Limited (70.07) opposes Rule 15.5(a) due to the overall change sought by this submitter seeking the removal of the Residential zoning within the Tararua Road Growth Area Overlay. In Section 4.47 of this report I evaluate the appropriateness of the change requested by Future Map. I conclude that the removal of the Residential Zone from the Tararua Road Growth Area Overlay is appropriate. Based on this recommendation, Rule 15.5(a) becomes redundant in managing vehicle access on State Highway 57. Therefore I recommend that the relief sought by NZTA is rejected and the relief sought by Future Map (70.07) be accepted in part.
3. However, I consider the issue of managing vehicle access on State Highway 57 is still relevant, and therefore managing new access from industrial activities would be appropriate. A consequential amendment of deleting Rule 15.5(a) would be the insertion of a similar rule in the Industrial Zone.

4.9.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.24		NZ Transport Agency (NZTA)		Reject
70.07		Future Map Limited		Accept In-Part

4.9.4 Recommended Amendments to the Plan Provisions

Deleted Rule 15.5(a) as follows:

15.5 NON-COMPLYING ACTIVITIES

The following activities are non-complying activities in the Residential Zone:

~~(a) Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~

Add a new to the Industrial Zone Non-Complying Activities Rule 16.5 as follows:

16.5 NON-COMPLYING ACTIVITIES

The following activities are non-complying activities in the Industrial Zone:

...

(b) Any new access to State Highway 57 within the Tararua Road Growth Area Overlay.

4.10 Permitted Activity Conditions (Rule 15.6) - General

4.10.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.03	Michael White	In-Part	The submitter seeks rules or conditions which govern outdoor lighting.	Amend Permitted Activity Conditions 15.6 to include rules that control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Residential zone.	504.01 The Oil Companies - In-Part 525.19 Maurice and Sophie Campbell - Support
26.09	Horowhenua Astronomical Society Inc.	In-Part	The submitter seeks rules or conditions that manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values through light spill and impact on ecological values.	Amend Permitted Activity Conditions 15.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Residential Zone.	
27.17	Horizons Regional Council	In-Part	There is concern that the Permitted Activity Conditions limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities.	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.	
40.14	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	<p>Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>v) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.17	New Zealand Defence Force (NZDF)	Support	<p>Support the removal of the following Permitted Activity Conditions;</p> <p>The written consent of the owner shall have been obtained.</p> <p>Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority.</p> <p>NZDF notes that this removes redundant requirement from the Plan.</p>	Retain the removal of conditions as notified	

Five submissions were received on the conditions for permitted activities in the Residential Zone which do not relate to specific conditions. These submissions variously support or oppose the conditions with some seeking amendments. Two further submissions were received on the submission points referring to lightspill.

4.10.2 Discussion & Evaluation

Lightspill

1. Michael White (25.03) and the Horowhenua Astrological Society Inc. (26.09) oppose in part the permitted activity standards and seek to add a standard to control of light emission to manage amenity and ecological values. The Oil Companies (504.01) supports in part his submission point, but seek that any new rule set an appropriate level. Maurice and Sophie Campbell (525.19) support the original submission point.
2. The permitted activity standards manage character and amenity in the Residential Zone and set baseline standards to maintain and enhance these values. A standard that manages lightspill was not contemplated for the Residential Zone in the Proposed Plan provisions. However, it is noted that lightspill in the Open Space Zone is managed in relation to adjoining Residential Zone. The use of outdoor lighting is anticipated in the Open Space Zone to

enable the use of recreation areas during evening and early morning. A permitted activity condition requires any outdoor lighting to be shielded from an adjoining Residential Zone property with a maximum of 10lux (measured horizontally and vertically) of lightspill to fall at the boundary.

3. Unlike the Open Space Zone, significant lighting sources are not expected in the Residential Zone. However, there could be circumstances where adverse lightspill does occur. While these circumstances may be few (e.g. a poorly positioned or directed security light), nuisances may arise that would be effectively managed through requiring compliance with a district plan standard.
4. The cost of introducing a lightspill condition to the Residential Zone is considered to fall on those few who propose outdoor lighting systems that are not designed appropriately for a residential area. The benefit of a lightspill condition is the certainty to neighbours and Council if a complaint arises about nuisance outdoor lighting. An outdoor lighting standard would also provide a baseline for any permitted non-residential activity (e.g. a complying home occupation) that may use outdoor lighting. Overall, I consider a lightspill condition to manage nuisance lighting and glare is an appropriate way to maintain and enhance residential amenity.
5. I recommend the relief sought by Michael White and the Horowhenua Astrological Society Inc. is accepted in part and that the Open Space standard is used as the basis for a new Residential Zone permitted activity condition.

Regional Council functions outside of Flood Hazard Overlay

6. Horizons (27.17) support in part the permitted activity conditions but seek amendments to ensure the conditions do not limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities. The submission points raised by Horizons have been assessed in the Natural Hazards Report which found the relief sought by Horizons to be appropriate throughout all zones in the Proposed Plan. I concur with the Natural Hazards assessment and therefore recommend submission point 27.17 be accepted.

Relocated Buildings

7. House Movers Section of NZ Heavy Haulage Association Inc. (40.14) seeks to insert new permitted activity conditions for relocated buildings. As evaluated earlier in this report in Section 4.6.2 it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission point is recommended to be rejected.

Temporary Military Training Activities

8. NZDF (95.17) supports the proposed temporary military training activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. This support is noted and it is recommended this submission point be accepted. However the NZDF has concerns over the inclusion of new noise and vibration standards as these relate to the temporary military training activities and these issues are discussed in subsequent sections of this report.

4.10.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.03	504.01	Michael White		Accept In-Part
	525.19	The Oil Companies	In-Part	Accept In-Part
		Maurice and Sophie Campbell	Support	Accept In-Part
27.17		Horizons Regional Council		Accept
26.09		Horowhenua Astrological Society Inc.		Accept In-Part
40.14		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.17		New Zealand Defence Force (NZDF)		Accept

4.10.4 Recommended Amendments to the Plan Provisions

Amend the Residential Permitted Activity Conditions by inserting a new condition as follows:

15.6.xx Light Spill

(a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (lumens per square metre) when measured at the boundary of an adjoining residential site. The maximum lux shall be measured horizontally or vertically at the site boundary.

AND

Any consequential changes to numbering.

4.11 Permitted Activity Condition (Rule 15.6.8) – Accessory Buildings

4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
51.04	Waitarere Progressive Association (WPBRA)	In-Part	Submitter seeks that further consideration is given to the size of permitted accessory buildings. Accessory buildings should be large enough for a couple of vehicles, boat and gear.	No specific relief requested. Inferred: Amend the District Plan to provide for accessory buildings large enough for a couple of vehicles, boat and gear.	

One submission was received on Rule 15.6.8 on the maximum size of accessory buildings.

4.11.2 Discussion & Evaluation

1. WBPRA (51.04) opposes in part the size standard for accessory buildings and seeks that it be reconsidered. The WBPRA explain in their submission that often the older properties in Waitarere are established without an internal garage system. As a consequence new accessory buildings need to be large enough to house vehicles, boats and [outdoor] gear.
2. The Proposed Plan provides policy direction (Policy 6.3.22 and 6.3.23) to provide accessory buildings, but also protect residential character and amenity from significant adverse effects.
3. Adverse effects on residential character and amenity can arise if accessory buildings are too large and dominate the streetscape and overly obscure the typical view of the dwelling from the street when located close to the street. When large accessory buildings are positioned elsewhere on the site they may have adverse effects on neighbours from shading, privacy and outlook.
4. The Proposed Plan includes permitted activity conditions for accessory buildings which implement a “sliding scale” for the size (measured in gross floor area, m²) of these buildings. This sliding scale enables larger sized accessory buildings to be established on properties that have the space to accommodate them. The provisions are considered to be enabling because at a minimum, all residential property are permitted to accommodate an accessory building of 60m², subject to compliance with other conditions (e.g. maximum site coverage, setbacks, etc.).
5. A typical double garage is 36m² in gross floor area, therefore a floor area of 60m² could provide for two vehicles plus extra space, depending on the configuration.
6. I consider the size and flexibility of the Proposed Plan accessory building standards to be appropriate for a range of vehicle parking and storage requirements for typical residential properties. On this basis, I recommend that WBPRA’s submission point is rejected.

4.11.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
51.04		Waitarere Progressive Association (WPRA)		Reject.

4.11.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the accessory building conditions in Rule 15.6.8.

4.12 Permitted Activity Condition (15.6.9) – Fences

4.12.1 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
116.02	Truebridge Associates Limited	Oppose	Oppose the permitted height of 1.5m or the top of 0.5m of a 2m fence as it is unduly restrictive.	Delete Rule 15.6.9(a)(i).	

Truebridge Associates (116.02) opposes the front fence height condition in Rule 15.6.9(a).

4.12.2 Discussion & Evaluation

1. The Proposed Plan introduces a new front fence height condition. This condition gives two options for front fence heights. If a solid fence is proposed, the maximum height is 1.5m. A fence up to 2m in height is provided for, but the conditions require a fence design where the top 0.5m has a transparent element (at least 50% transparent). In the Operative District Plan, the permitted activity condition restricts fences on all boundaries to a maximum height of 2m.
2. The function of the front fence condition is to avoid high solid and blank walls or fences at the front of residential properties in order to maintain and enhance street and pedestrian amenity in residential areas.
3. There are costs and benefits associated with imposing a fence height rule and these are explained below.
4. Most residential property front boundaries have some form of fence erected along the boundary. Fences contribute to the landowner's privacy and security by creating a distinction between public space (usually the footpath or grass berm) and private space.
5. High solid front fences can provide increased privacy and reduce traffic noise, but they can also reduce natural surveillance of the street, therefore increasing the potential for crime. Other reasons for high solid fences include the increased security to either keep pets (namely dogs) within properties or conversely keep them out. Property owners with young families may also erect substantial fences to provide a safe and secure area to play.
6. The costs of the proposed front fence standard is less flexibility 'as of right' in the height and design of front fences. In addition, the costs of applying for resource consent for an alternative fence design or taller fence.
7. Front fences can block views of the street, create 'dead' frontages and increase the space for graffiti. A common situation on smaller residential properties is to create private outdoor space within the front setback, with high solid front fences erected to enclose the property. When a series of properties are developed this way, the street appeal can be dominated by solid fences and the sense of community and street life is reduced.
8. Generally streets with low or no fences can have more of an inviting and aesthetically pleasing streetscape and provide for safer and more enjoyable environments for pedestrians and enhance the sense of neighbourhood. Therefore, the benefit of the front fence condition would be the maintenance and enhancement of streetscape values and avoid a reduction in amenity through new high fences.

- On balance, it is considered the Proposed Plan front fence height and transparency condition is an effective method for maintaining and enhancing residential character and amenity values. Therefore, I recommend that submission point 116.02 be rejected.

4.12.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
116.02		Truebridge Associates Limited		Reject

4.12.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the front fence height condition Rule 15.6.9

4.13 Permitted Activity Condition (15.6.10) – Home Occupations

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.00	HDC (Planning Department)	In-Part	The number of home occupations permitted per residential site within the Residential Zone is unclear. A total floor area of 50m ² is specified for permitted activities however the proposed rules are unclear whether this size threshold is per home occupation or a cumulative threshold for home occupations on site. The current rule could be interpreted to provide for two or more home occupations on one residential property provided each home occupation is no more than 50m ² . There is a similar issue with the 70m ² size threshold for restricted discretionary activities.	Amend Rules 15.6.10(a) and 15.8.5(b)(i) as follows: 15.6.10(a) A Home occupations shall not exceed 50m ² of total floor area dedicated to this activity. 15.8.5(b)(i) A Home occupations shall not exceed 70m ² of total floor area dedicated to this activity.	

One submission was received on Rule 15.6.10 on home occupations seeking a minor amendment.

4.13.2 Discussion & Evaluation

- The Proposed Plan provides for home occupations in the Residential Zone by permitting "home occupations" in Rule 15.1 and using a definition and permitted activity conditions to set the parameters for these types of non-residential activities.
- HDC (Planning) (108.00) supports in part the permitted activity condition for home occupations, but seeks to amend the condition to ensure it clearly provides for one home occupation per site as they contend the notified provisions are not clear.

3. The Proposed Plan seeks to enable home occupations (plural) on a single site as long as the activities meet the definition and the area dedicated to these activities (in total) would be a maximum of 50m².
4. To cap the 50m² area dedicated to home occupations, the permitted activity condition states “(a) a home occupation shall not exceed 50m² of total floor area dedicated to this activity”. However, this wording could be interpreted to mean, if multiple home occupations were undertaken on a single property, each individual home occupation can have up to 50m² in area. It is understood the intent of the notified provision was to apply this size threshold to all home occupations on a single site. For example, a resident operating two home occupations (a home-based childcare and clothing alterations business) from their home would need to operate both activities within the 50m² to be a permitted activity.
5. The amendment sought by HDC (Planning) demonstrates home occupations (in totality) shall have a maximum area of 50m² dedicated for these use(s).
6. I consider the amendment sought by HDC (Planning) to be appropriate in better clarifying the expectations and requirements on home occupation activities. However, I recommend alternative wording which achieves the same outcome. On this basis I recommend that the submission point be accepted in-part.

4.13.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
108.00		HDC (Planning Department)		Accept In-Part

4.13.4 Recommended Amendments to the Plan Provisions

Amend Rules 15.6.10(a) and 15.8.5(b)(i) as follows:

15.6.10(a)

~~Home occupation shall not exceed 50m² of total floor area dedicated to this activity.~~

The total floor area dedicated to home occupations on a site, shall not exceed 50m².

15.8.5(b)(i)

~~Home occupation shall not exceed 70m² of total floor area dedicated to this activity.~~

The total floor area dedicated to home occupations on a site, shall not exceed 70m².

4.14 Permitted Activity Condition (15.6.11) – Noise

4.14.1 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
95.26	New Zealand Defence Force (NZDF)	In-Part	<p>Temporary Military Training Activities are no longer included in the general permitted noise conditions for each proposed zone. However, the general provisions in 15.6.11(b) in the Permitted Conditions for Noise state that:</p> <p>“Sound levels shall be measured and assessed in accordance with the provisions of</p> <p>NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise”.</p> <p>Therefore Rule 15.6.11(b) is redundant, as there is no possible situation to which it might apply.</p> <p>For the avoidance of doubt NZDF requests that this clause is specifically excluded, by amending 15.6.11(d).</p>	<p>Amend Rule 15.6.11(d) as follows:</p> <p>The noise limits in Rule 15.6.11(a) <u>and the provision of Rule 15.6.11(b)</u> shall not apply to... Temporary Military Training Activities.</p>	
5.02	Elaine Gradock	Support	<p>Support the noise limits and introduction of a noise limit between 7.00pm - 10.00pm.</p>	<p>No specific relief requested.</p> <p>Inferred: Retain proposed Rule 15.6.11(a)(i) noise limits.</p>	

Two submissions were received on the noise conditions, one seeking a minor amendment, the other inferring no change.

4.14.2 Discussion & Evaluation

1. The NZDF (95.26) supports in part the permitted activity noise standards, insofar as they exempt (Rule 15.6.11(d)) temporary military training activities from Rule 15.6.11(a). The NZDF seek an amendment to ensure that the second part (Rule 15.6.11(b)) of the noise standard is included in the exemption. The NZDF correctly identifies an omission in Rule 15.6.11(d), which lists activities exempt from the general noise limits set out in Rule 15.6.11(a). Subclause (b) requires the general noise limits to be measured and assessed in accordance with NZS 6801:2008. Logically, any activity exempt from (a) should be exempt from (b) as well, therefore I recommend accepting the relief sought by the NZDF.
2. It should be noted that a consequential change from NZDF’s alternative relief sought (see Section 4.18 of this report) to manage noise generated from fixed noise sources (such as generators and pumps associated with temporary military training activities) relates to the

noise limits and measure set out in Rule 15.6.11(a) and (b). An exception is a more lenient L_{max} during night time (i.e. 75dB instead of 65dB).

3. Support from Gradock (5.07) for the new shoulder period noise limit is noted.

4.14.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.26		New Zealand Defence Force (NZDF)		Accept
5.02		Elaine Gradock		Accept

4.14.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.6.11(d) as follows:

Rule 15.6.11 Noise

(d) *The noise limits in Rule 15.6.11(a) and (b) shall not apply to:*

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

4.15 Permitted Activity Condition (15.6.12) – Vibration

4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.36	New Zealand Defence Force (NZDF)	In-Part	<p>The Section 32 reports gives no specific reasons as to why these new standards are proposed, and gives no guidance as to the appropriateness or otherwise of these standards to Temporary Military Training Activities.</p> <p>NZDF adopts a neutral stance on the proposed introduction of the standards until a technical analysis of their implications has been completed. Once the results of this analysis are available, NZDF will</p>	Retain Rule 15.6.22 as notified (conditionally).	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			come back to the Council with any further comments and requests.		

One submission was received on the vibration condition.

4.15.2 Discussion & Evaluation

1. The NZDF (95.36) is neutral on the proposed permitted activity standard which manages vibration (15.6.12), until such time as their technical review of the provisions has been completed. It is noted that the submission and submission summary refer to Rule 15.6.22 (Vehicle Access). However, it has been assumed that Rule 15.6.12 was meant instead.
2. Vibration has many similarities with noise in terms of its potential to cause annoyance and affect health (e.g. sleep disturbance). It has been a source of complaints previously, such as the former Feltex carpet factory in Foxton and from blasting in quarries in rural areas.
3. The Operative District Plan requires “any activities not to create a vibration which exceeds the limits in NZS/ISO 2631.2:1989 – Continuous and Shock-Induced Vibration in Buildings and NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments”.
4. The district plan review determined that the continuation of a vibration condition was appropriate to ensure residential amenity was maintained and enhanced and not adversely affected by significant ground or sound vibration.
5. The 1989 NZ Standard has been superseded and a series of other standards now apply to manage vibration and it was these standards that are included and referred to in the Proposed Plan vibration condition to manage the nuisance effects of vibration.
6. NZDF engaged Malcolm Hunt Associates to carry out a technical review of both the noise and vibration conditions of the Proposed Plan that relate to temporary military training activities. Based on this technical review, NZDF now seek to exempt temporary military training activities from the Proposed Plan vibration standards (see correspondence in Appendix 6.5).
7. This request is linked to NZDF request to manage activities involving the use of explosives and the firing of weapons through separation distances, peak sound pressure limits and noise management plans. NZDF consider that these provisions manage noise and vibration together.
8. The exemption of these activities from the vibration condition has the potential to be outside the scope of the original submission point.
9. I consider it appropriate to continue to apply the vibration conditions to temporary military training activities and therefore accept in part the original relief sought, acknowledging that this would effectively reject the NZDF latest request.

4.15.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.36		New Zealand Defence Force (NZDF)		Accept In-Part

4.15.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Permitted Activity Standard 15.6.12.

4.16 Permitted Activity Condition (15.6.20) – Surface Water Disposal

4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
15.01	Charles Wallis	In-Part	The submitter seeks the inclusion of a clause to ensure that where Council staff are made aware of surface water disposal issues, that the issues are followed up on a six monthly basis and a request made in writing to Council of action taken to resolve.	Include a clause which ensures that when Council staff are made aware of a surface water disposal issue affecting another property that a report is made to Council and a follow up report be completed every six months outlining the action taken to resolve the issue.	511.09 HDC (Community Assets Department) - Oppose

One submission was received support in part condition 15.6.20 on surface water disposal. A further submission was also received in opposition to this submission point.

4.16.2 Discussion & Evaluation

1. Wallis (15.01) supports in part the provisions relating to surface water disposal, but seeks an additional clause that would require HDC to follow up on a monthly basis on any surface water issues that have been brought to their attention. The HDC (Community Assets) (511.09) oppose this submission point because it is not a RMA issue. Wallis describes the situations when surface water ponds at their property (173 Kahukura Avenue, Waitarere) and they contend that the ponding is largely caused by the change in ground water level as result of the felling of the forestry on the edge of Waitarere Beach settlement. The submitter also records that surface water run off from neighbouring properties contributes to stormwater ponding at their property and the neighbouring property at 175 Kahukura Avenue.
2. The submitter seeks that when HDC is made aware of surface water disposal issue affecting another property that a report is made to Council and is followed up again if the matter has not been resolved.

3. The Proposed Plan condition on surface water disposal has been carried over from the Operative District Plan. This condition requires activities within the Residential Zone to provide for the management of stormwater to avoid significant adverse effects or nuisance. This condition ensures each property manages surface water disposal on-site, and it assessed at the time of subdivision and building development.
4. The relief sought by the submitter is considered an operational matter with HDC and not a District Plan matter. Therefore, I recommend that this submission be rejected. However, this submission has been referred to the Council's Community Assets Department to further investigate and respond to.

4.16.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
15.01	511.09	Charles Wallis HDC (Community Assets Department)	Oppose	Reject Accept

4.16.4 Recommended Amendments to the Plan Provisions

No amendments recommended to the surface water condition Rule 15.6.20.

4.17 Permitted Activity Condition (15.6.27) – Signs

4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.02	HDC (Planning Department)	In-Part	The rule specifying the permitted display period for temporary signs allows such signs to be displayed for no more than two months for every calendar year. The reference to a calendar year would allow for a temporary sign erected in the month of November to be continuously displayed through February the following calendar year. This undermines the intent of the provision to permit the display of temporary signs for no more than two months within a 12 month period.	Amend Rule 15.6.27(b) as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year <u>of a 12 month period</u> and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

One submission was received on the sign provisions seeking a minor amendment.

4.17.2 Discussion & Evaluation

1. The HDC (Planning Department) (108.02) seek amendments to improve the workability of the permitted activity standards with respect to temporary signs standards (15.6.27(b)). HDC (Planning Department) identified a technical problem with the duration standard for temporary signs set out in Rule 15.6.27(b). The amendment sought by the submitter is considered to clarify the intent of the standard which is to allow temporary signs to be installed for 2 months over a 12 month (year) period. This amendment is appropriate and I recommend that submission point 108.02 be accepted.

4.17.3 Reporting Officer's Recommendation

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

4.17.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.6.27(b) as follows:

15.6.27 Signs

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

4.18 Permitted Activity Condition (15.6.31) – Temporary Military Training Activities

4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.12	New Zealand Defence Force (NZDF)	Support	Proposed change clarifies ambiguities which may have arisen with the definition in the Operative Plan.	Retain as notified	
95.07	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 15.6.31(a)(i).	Retain Rule 15.6.31(a)(i) as notified.	
95.50	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 15.6.31(a)(ii).	Retain Rule 15.6.31(a)(ii) as notified.	
95.21	New Zealand Defence Force	In-Part	Conditionally supports the introduction of these new noise standards, but has commissioned at	Retain as notified [15.6.31(a)(iv)(v)]	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(NZDF)		technical review to investigate the matter in more detail. At the time of this submission this review has not yet been completed; as soon as the results of the review are available, NZDF will come back to the Council to confirm its support (or otherwise) for the change and to discuss any specific recommendations or request that may arise from the review.	(conditionally)	
95.31	New Zealand Defence Force (NZDF)	Oppose	<p>The existing requirements for all zones (except Residential 1) is that: "Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC"</p> <p>The Section 32 reports supporting the Proposed Plan states that "it is considered efficient and effective to provide for permitted noise levels that are in character with the zone" but do not give any specific reasons why the change from the status quo is necessary. NZDF submits that the status quo has been working satisfactorily to date and there appear to be no valid reasons given for introducing a blanket restriction on night-time use of explosives and small arms.</p> <p>For these reasons NZDF opposes this [15.6.31(a)(vi)] proposed Permitted Activity condition, and request that the current provisions for the District Plan in respect of night-time noise be retains, with the proviso that NZDF would wish to discuss this matter further with Council one a more detailed technical review has been completed.</p>	<p>Include provisions from the District Plan in regards to night time noise, which states;</p> <p><u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC</u></p>	

Five submission points were received from the NZDF on the conditions for temporary military activities.

4.18.2 Discussion & Evaluation

1. NZDF (95.12, 95.50 and 95.07) supports the proposed temporary military activity provisions where there have been changes from the Operative District Plan that have removed

ambiguous and redundant permitted activity conditions. However the NZDF (95.21 and 95.31) has concerns over the inclusion of new noise limits and conditions and is undertaking a technical review to understand the implications and whether the changes are appropriate from their point of view.

2. Temporary military training activities are listed as permitted activities in Rule 15.1 and have a corresponding list of permitted activity conditions in Rule 15.6.31 as follows:

15.6.31 Temporary Military Training Activities

(a) All Temporary Military Activities shall, in addition to the other conditions, also comply with the following conditions:

(i) No permanent structures shall be constructed;

(ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;

(iii) The duration of any temporary military training activity shall not exceed 31 days;

(iv) Noise shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any noise sensitive activity.

(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

(vi) Noise resulting from the use of explosives and small arms shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.

3. Other permitted activity conditions throughout Section 15.6 also apply, including the vibration standards in Rule 15.6.12. This approach to providing for temporary military training activities is replicated across all zones in the Proposed Plan.
4. As described in Section 4.14 above, temporary military training activities are exempt from the general noise limits in Rule 15.6.11 and are provided with specific noise standards as shown above in subclasses (iv) – (vi).
5. I note NZDF (95.12, 95.50 and 95.07) either supports or is neutral on the sub-clauses (i), (ii) and (iii) of the proposed permitted activity conditions for temporary military training activities set in Rule 15.6.31 and seeks that these provisions be retained as notified.
6. However the NZDF queries (95.21) the proposed noise limits on temporary military training activities in Rule 15.6.31(a)(iv and (v), and opposes (95.31) the need to impose a night time restriction on the noise resulting from temporary military training activities that involve the use of explosives and small arms.
7. The NZDF original submission (95.31) considers the Operative District Plan provisions to be more appropriate to provide for night time use of explosives and weapons, but seek to be able to discuss this further with HDC after a technical review has been completed of the Proposed Plan provisions. Similarly, the relief sought in (95.21) states NZDF is neutral, and conditional on the results from a yet to be completed technical review of the Proposed Plan

noise conditions. Since NZDF lodged their original submission, this technical review has been completed and the results have been submitted to Council (see report prepared by Malcolm Hunt Associates (acoustic engineering consultant) in Appendix 6.5.

8. As a result of the Malcolm Hunt review, NZDF have requested alternative noise (and vibration) conditions (see Appendix 6.5 correspondence from NZDF). In summary, the alternative provisions sought by NZDF divide noise sources from temporary military training activities into three categories and they seek different conditions to manage these separate noise characteristics:
 - *weapons firing and explosions;*
 - *other mobile sources such as vehicles and earthmoving equipment; and*
 - *fixed noise sources such as power generators and water pumping.*
9. With respect to managing noise and vibration from weapons firing and use of explosives, NZDF seek the use of separation distances that would apply between the temporary military training activity and any dwelling or sensitive activity (residential, education or healthcare activity). If an activity cannot comply with the separation distances, then another set of conditions apply. The second set of conditions set daytime and night-time sound levels (peak sound pressure levels) that the temporary military training activity must comply with and include 120 dBC (daytime) and 90 dBC (night-time). In conjunction with the peak sound pressure levels, NZDF offer the requirement to prepare a noise management plan.
10. To address noise associated with mobile sources (other than weapons firing and explosives) the NZDF seek that compliance with the construction noise standard NZS6803:1999 (Acoustics – Construction noise).
11. Lastly, NZDF seek that fixed noise sources are subject to compliance with noise standards measured in accordance with NZS6801:2008 Acoustics Measurement of Sound as set out in the table below:

Time (Monday to Sunday)	Noise level at the 20m notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes.	
0700 to 1900 hours	55 dB LAeq (15 min)	n.a.
1900 to 2200 hours	50 dB LAeq (15 min)	
2200 to 0700 hours the next day	45 dB LAeq (15 min)	75 dB LAFmax

12. Council has engaged Nigel Lloyd of Acousafe Consulting & Engineering Ltd to prepare an evaluation of all submission points that raise matters on any of the noise provisions in the Proposed Plan. This technical review is Appended to this report (refer to Appendix 6.6).

13. Mr Lloyd states “The [Malcolm Hunt] report establishes five different categories of Temporary Military Training (TMT) activities, discusses reasonable noise limits that might apply and then recommends what criteria would be appropriate for District Plans.”
14. The five TMT categories are:
 - Live firing of weapons and single or multiple explosive events (1),
 - Firing of blank ammunition (2),
 - Mobile noise sources (excluding 1, 2) (3)
 - Stationary noise sources (excluding 1, 2) (4)
 - Helicopter landing areas (5).

Fixed and Mobile Noise sources (3) and (4)

15. NZDF consider the construction noise standard (NZS 6803:1999 Acoustics - Construction noise) would be appropriate for any mobile noise sources. This would be consistent with the Proposed Plan and Nigel Lloyd considers this is still appropriate.
16. For fixed noise sources NZDF now seek similar noise limits to the general noise standard in Rule 15.6.11 that apply to the Residential Zone. Except a higher L_{max} limit during the night time period (10.00pm – 7.00am) is sought at $75L_{AFmax}$, compared to the $65 L_{AFmax}$ set in Rule 15.6.11. It is noted that the provisions sought by NZDF for fixed noise sources are more restrictive than the construction noise standard. Nigel Lloyd comments that this standard would provide better protection to residents and recommends that these limits be used instead of the construction standard.
17. I consider that the noise conditions relating to fixed and mobile noise sources from temporary military training activities, as requested by NZDF and considered appropriate by Nigel Lloyd, can be provided for in the Proposed Plan.
18. On the basis that the alternative provisions (for fixed and mobile noise sources) put forward to HDC after the closing of submissions are either the same or more restrictive than the Proposed Plan, I believe the relief sought now by NZDF would be within scope of the original submission point.
19. I recommend that the original relief sought in submission 95.21 be accepted in part, insofar as accepting the NZDF’s noise provisions for fixed and mobile activities. Recommended amendments to the temporary military training activity noise conditions are set out below in the following recommendation section of this report.

Noise from weapons firing and explosives

20. As mentioned earlier, the Proposed Plan manages noise from weapons firing and explosives through the application of the construction noise standard and restricting these types of training activities during the night time period of 8.00pm – 7.00am.
21. During the review of the Operative District Plan noise limits for temporary military training activities, Nigel Lloyd found that the provisions were similar to those in the construction noise

standard and considered it appropriate to manage this type of temporary activity via this means. However, the noise and potential sleep disturbance from the use of weapons and explosives at night was considered inappropriate and a Controlled Activity consent was considered the most effective way of enabling this type of temporary activity, and also managing effects on nearby residents.

22. The separation distances proposed by NZDF to manage noise and vibration from the use of weapons and explosives are significant. For instance, I note that during the nighttime, the separation distances would amount to 4.5km from the training activity to the notional boundary of a residential dwelling (or sensitive activity).
23. I initially considered that the use of the NZDF's separation distances would be ineffective and inefficient for the Horowhenua context. This was because the scale of the separation distances were such, that few areas in the district where compliance could be achieved. It followed, that compliance with the peak sound pressure levels would need to work in conjunction with the implementation of a noise management plan (as suggested in the NZDF alternative provisions). The result being, that NZDF could not operate a nighttime training event, involving the use of weapons or explosives, as a permitted activity. I considered a much simpler and clearer way of providing for this type of activity, would be to retain the Proposed Plan provisions of requiring a Controlled Activity consent.
24. The NZDF have sought the same provisions across all zones and presented evidence at the Council Hearing for the Open Space Zone on the 10th April 2012. Robert Owen from NZDF made the comment that the use of separation distances is an effective tool for NZDF in ascertaining where they can locate training events. The application of separation distances can be generated spatially in a relatively efficient way. The aspiration of NZDF is to roll out these separation distances across New Zealand. This would allow NZDF to generate what areas across the country are sufficiently isolated from residential dwellings and other sensitive activities.
25. Therefore, the application of these separation distances is not particularly effective or efficient within the Horowhenua district context, but thinking at a larger scale this method could have its advantages.
26. Where the NZDF separation distances cannot be achieved, the NZDF provisions default to using peak sound blast limits of 120d BC during the day and 90dBC during the night. They also offer the use preparation of a noise management plan.

Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:

(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.

(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.

(c) *The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:*

- *A description of the site and activity including times, dates, and nature and location of the proposed training activities.*
- *Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.*
- *A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.*
- *A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.*

27. The daytime 120d BC limit as sought by NZDF equates to the 120b BC which is set out in Construction Noise Standard limit for airblast (Section 8.1.4 of NZS6803:1999) and is already provided for in the Proposed Plan.

28. In reference to the nighttime 90d BC limit as sought by NZDF the following comments were received from Nigel Lloyd:

- *The Generic Table [NZDF's Relief Sought in Appendix A of Emily Grace's Evidence] would have the noise limit as 90dBC for live firing of weapons and single or multiple explosive events and firing of blank ammunition. The live firing would need to be at least 4,500 metres from the noise sensitive activity to comply with this limit and the blank firing at least 2,250 metres. It is unreasonable to have night-time firing of weapons and single or multiple explosions as permitted activities in the District Plan given the high potential for noise impact on residents, stock and wildlife and given the large separation distances required to achieve reasonable night-time criteria.*
- *The Proposed Plan currently provides for night-time firing and explosions as controlled activities and this is appropriate given that a resource consent can then provide details of the noise levels that are likely to be generated and also include provision for noise management plans. The resource consent and noise management plans would provide for a case-by-case assessment of the night-time firing taking into account the location and nature of the proposed activity, proximity to noise sensitive activities, and measures to mitigate noise impacts. I consider the approach in the Proposed Plan is more appropriate in managing the noise effects than that sought by NZDF.*

29. I consider the key point to take from My Lloyd's technical review, is that to comply with the technical parameters (whether separation distances or peak sound blast dBC limits) would be difficult during the nighttime period and could create unreasonable noise if not complied with. Therefore additional mitigation and management of this type of noise would be appropriate during the nighttime period, through a Controlled Activity resource consent process.

30. A solution could be to provide for the separation distances as permitted activity conditions but exclude the second part of the rule (a) – (c). As a result, where the separation distances cannot comply, then a Controlled Activity is required.
31. On this basis I recommend that the original NZDF submission point 95.31 be accepted in part, insofar as providing for a permitted activity condition to manage noise from the use of explosives and weapons at nighttime, and in accepting part of the NZDF's alternative provision.

Helicopter Noise

32. By default, the Proposed Plan would manage noise from helicopters landing for temporary military training activities through the application of the construction noise standard (NZS6803:1999).
33. NZDF seek that noise generated from helicopters be managed through the application of the NZ6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*.
34. I understand that NZS6807:1994 provides recommended guideline limits on helicopter noise and that these guidelines apply when 10 or more flight movements occur over any month or exceed certain L_{AFMAX} limits (90dB daytime, 70dB nighttime).
35. I outline below some of the costs and benefits from applying NZS6807:1994 on temporary military training activities.
36. Benefits of applying NZS 6807:1994 to temporary military training activities:
 - Gives HDC and NZDF certainty on the level of noise generated by helicopters used in association with temporary military training activities;
 - Better protection of amenity for residential dwellings from the noise effects of helicopters.
 - Enables a level of activity to occur before applying, therefore allowing one-off events or small training activities to occur without requiring compliance to noise limits.
37. Costs of applying NZS 6807:1994 to temporary military training activities:
 - Compliance with the standard requires significant analysis that predicts noise levels and could be an unduly high cost for NZDF.
 - Uncertainty as to the application of the standard for training activities that involve multiple helicopter landing areas.
 - Compliance costs to HDC for monitoring noise in response to complaints.
38. Nigel Lloyd expressed concern regarding the use of NZS 6807:1994 for temporary military training activities due to the compliance costs on NZDF and HDC, particularly where there would be short bursts of activity, but involve greater than 10 helicopter movements. A possible option would be the exemption for temporary military training activities that involved the use of helicopters from the noise limits for up to 7 days. However, the implications of an exemption could have the potential to generate significant effects on amenity within an open space and nearby activities that are sensitive to noise.
39. In considering this matter, it is important to understand how much of an issue is helicopter noise and the nature and scale of use that is anticipated by NZDF. If the scale of helicopter use is most likely to involve 10 or less helicopter movements, then applying NZS 6807:1994

would enable these to occur, but would impose justifiable limits for activities that involve a greater number of helicopter movements.

40. On balance, and in weighing up the costs and benefits, including the comments from Nigel Lloyd and Malcolm Hunt, I consider the use of NZS6807:1994 would be more effective than the Proposed Plan in managing noise from helicopters that are part of a temporary military training activity. Based on this conclusion, I recommend that NZDF’s alternative provision for helicopter noise be provided for within the permitted activity conditions for temporary military training activities in Rule 15.6.31.

4.18.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
95.12		New Zealand Defence Force (NZDF)		Accept
95.50		New Zealand Defence Force (NZDF)		Accept
95.07		New Zealand Defence Force (NZDF)		Accept
95.31		New Zealand Defence Force (NZDF)		Accept In-Part
95.21		New Zealand Defence Force (NZDF)		Accept In-Part

4.18.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity permitted activity conditions in Rule 15.6.31, with respect to the noise provisions as follows:

15.6.31 Temporary Military Training Activities

- (a) *All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:*
- (i) *no permanent structures shall be constructed;*
 - (ii) *the activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;*
 - (iii) *the duration of any temporary military training activity shall not exceed 31 consecutive days;*
 - (iv) *noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any Residential Zone site boundary or notional boundary of any noise sensitive activity.*
 - (v) *Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; ~~and~~*
 - (v) *Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 15.6.11(a) and (b), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).*

~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~

(vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measures in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

(vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 15.3.

Table 15.3: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any dwelling, Residential or Greenbelt Residential Zone site, or building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

AND

Consequential changes to Table numbering through the Residential Chapter.

4.19 Controlled Activity Condition (15.7.1) – Relocated Buildings

4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.12	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 15.7.1	
40.32	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				relocation of dwellings and buildings. Inferred delete Rule 15.7.1(a)(iii).	

Two submission points were received on Rule 15.7.1 on relocated buildings.

4.19.2 Discussion & Evaluation

1. The House Movers Section of NZ Heavy Haulage Association Inc. (40.12 and 40.32) seeks the deletion of the Matters of Control and Conditions relating to relocated buildings. These are consequential changes from earlier submissions points seeking relocated buildings be permitted activities, subject to permitted activity standards. See Section 4.6.2 of this report for discussion on these submission points. It is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity in the Horowhenua context and the potential use of bonds is an effective and efficient way to ensure compliance with consent conditions. I recommend that these submission points be rejected.

4.19.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.12		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.32		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.19.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Matters of Control and Conditions relating to relocated buildings in Rule 15.7.1.

4.20 Controlled Activity Standard (15.7.4) – Temporary Military Training Activities

4.20.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.41	New Zealand Defence Force (NZDF)	In-Part	Supports the retention of Controlled activity status for any Temporary Military Training Activities that are not Permitted Activities. However, NZDF requests that the	Retain Controlled activity status. Amend Rule 15.7.4 by clarifying matters for control, especially in	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			matters for control are made more specific to noise In-Particular – in order to give the NZDF more certainty in understanding Council's requirements.	regards to noise.	

One submission was received on the controlled activity conditions for temporary military training activities.

4.20.2 Discussion & Evaluation

1. The NZDF (95.41) generally support the Matters of Control set out for temporary military training activities, but seek further clarification with respect to noise matters. A controlled activity consent is required for any temporary military training activity that does not comply with any of the permitted activity conditions. The permitted activity conditions for temporary military training activities manage the use of structures, excavation, duration of the activity, noise in general and noise from the use of explosives. The effects of not complying with the conditions may vary and include visual, traffic, noise and overall disturbance if the duration is longer than anticipated.
2. The NZDF request that the matters of control are clarified, particularly in relation to noise.
3. The NZDF have sought the same provisions across all zones and presented evidence at the Council Hearing for the Open Space Zone on the 10th April 2012. Both the planner for NZDF and I both offered amendments to the Matters of Control and there seemed to be some agreement on these matters.
4. Initially I was concerned in defining more precisely the Matters of Control due to the ability to capture all matters that may arise as a result of a non-compliance with the 31 day duration condition (Rule 15.6.31(iii)). However, since drafting amended Matters of Control, I now consider that a better balance can be struck, where there is greater certainty for NZDF, as well as ensuring HDC has the range to consider important matters relating to temporary military training activities.
5. I consider applying more specific Matters of Control for temporary military training activities is appropriate based on this alternative wording. I recommend that submission point 95.41 be accepted in part and that Rule 15.7.4 be amended with the wording set out in my recommendation below.

4.20.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.41		New Zealand Defence Force (NZDF)		Accept In Part

4.20.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity Matters of Control in Rule 15.7.4 as follows:

15.7.4 Temporary Military Training Activities

(a) Matters of Control

(i) ~~The avoidance, remedying or mitigating of any adverse effects on the environment.~~

(i) The size and positioning of buildings and structures;

(ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.

(iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the residential area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;

(iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and

(iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

4.21 Controlled Activity Standard (15.7.5, Table 15-3) – Subdivision of Land

4.21.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
116.03	Truebridge Associates Limited	Oppose	This rule is very restrictive and is partly covered by other rules including shape factor, minimum and average lot size, sight configuration and amenity rules which are more relevant. To control such matters at the time of subdivision would require the creation of a consent notice which would require on-going monitoring by the local authority and remove any flexibility of the owner.	Delete Rule 15.7.5(a)(i).	
55.27	KiwiRail	Support	Submitter supports Rule 15.7.5(a)(iii) which is a condition of Rule 15.2(e) as this rule will ensure that any access over rail corridors is adequately assessed at the time a subdivision is proposed.	Retain Rule 15.2(e). Inferred: Retain Rule 15.7.5(a)(iii)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.14	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter is supportive of the inclusion of subdivision rules and the matters of controls, but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites.	Amend Rule 15.7.5(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
27.23	Horizons Regional Council	In-Part	The lot sizes of 800m ² for Hokio Beach, Waikawa Beach, Ohau (West) and Manakau, specified in Table 15-3 do not meet the requirements of the POP. Additionally the lot sizes as specified in Table 15-3 appear to be in contradiction with the lot design parameter table under Rule 19.7.3 which has been addressed by Plan change 20-22.	Amend Table 15-3 (Rule 15.7.5(b)) to change the minimum net site area/minimum average site areas reflect the minimum lot sizes specified on page 19-27(Rule 19.7.3).	
116.04	Truebridge Associates Limited	In-Part	In order to get more uniform standard infill development in the settlements the title issue date should be related to a standard cool off period not a specific date as is the current situation. A fixed date as opposed to a running fixed period does not fit with aging dwellings or environmental change. A more relevant option would be to have a running cool off period of 10 years from the date of title issue.	Amend Table 15-3 to allow for a running cool off period of 10 years from the date of title issue.	
116.05	Truebridge Associates Limited	In-Part	There are two sizes depending on whether or not there is an existing dwelling on the site. In most cases infill development involves a site that has an existing dwelling and the dwelling is removed which effectively changes the assessment criteria after consent. Therefore there should be one parent size in order to make the rule clear and unambiguous.	Amend Table 15-3 to specify one parent lot size of 2025m ² .	
116.06	Truebridge Associates Limited	In-Part	There is an inconsistency in the residential lot sizes in this table. In Ohau West and Manakau the minimum lot area is 2000m ² where	Amend Table 15-3 to specify the minimum area in order of 4000m ² to 5000m ² where a sewage	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			sewage disposal is not available and in Ohau East the minimum area is 8000m ² . These two areas should be the same, as the rule appears to be based on sewage disposal to ground and in the case of Ohau East the minimum area is considerably more than in the greenbelt residential area which is adjacent to it.	disposal system is not available.	

Five submissions were received on the Matters of Control and Conditions for Controlled Activities in Rule 15.7.5 for subdivision.

4.21.2 Discussion & Evaluation

1. The Matters of Control reserved for Council when considering subdivision applications were reviewed. To improve consistency through the Proposed Plan, the Matters of Control were modified to reflect the same matters that had been progressed through Plan Change 21 for the Greenbelt Residential Zone.
2. Truebridge Associates (116.03) opposes the Matters of Control relating to the design and layout of subdivisions in subclause (a)(i). Truebridge Associates considers the first matter of control (a)(i) to be restrictive and would potentially result in consent notices and reduced flexibility of owners. This matter of control states:

“The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.”
3. The purpose of “Matters of Control” for controlled activities is to give parameters for Council in the assessment of the consent application. Matters of Control also set out the breadth of matters where necessary and reasonable conditions can be imposed on consents.
4. Therefore the design and layout matter of control allows the Council to assess the layout of a proposed subdivision to ensure the overall form and lot configuration of the subdivision, as well as each lot is appropriately designed. On this basis, I do not consider that matter of control 15.7.5(a)(i) should be deleted, and recommend the relief sought by Truebridge Associates be rejected.
5. Truebridge Associates (116.04) support in part Table 15-3 (Standards Applying to Subdivision and Residential Dwelling Units) but seek amendments to change the infill subdivision prerequisites. The submitter considers the fixed dated (1st March 1991) should be changed to a “running cool off” period of 10 years for determining eligibility for infill subdivision.
6. The Operative and Proposed Plan prerequisites and conditions include

- *The allotment being subdivided shall be contained in a Certificate of Title issued before 1.3.91; and*
 - *Shall have no more than 1200 square metres area and contain no buildings; Or*
 - *Shall have no more than 2025 square metres area and shall contain a residential building or buildings.*
 - *Subdivisions shall not create more than 3 infill allotments.*
7. The benefits of enabling infill subdivision include smaller housing units, increased housing choice and a potential solution for housing affordability . The Proposed Plan largely continues the residential infill subdivision provisions from the Operative District Plan, where allowance is made for infill within Levin, Foxton, Foxton Beach and Shannon (the Operative Residential 1 Zone), subject to prerequisites and conditions, including a minimum density of 330m².
 8. Under the Operative District Plan, subdividers can either retain the existing dwelling and subdivide a new rear or front vacant lot, or remove the existing dwelling and create a number of vacant sites. Most recent infill subdivisions have removed the existing dwelling.
 9. I understand that the prerequisite for a parent lot to be created before 1st March 1991 was to provide infill subdivision on older properties which are generally located nearer the centres of towns and avoiding infill on the periphery of towns in more recently subdivided areas. The concept of a 'running cool off' period would achieve a similar outcome, but also broaden the area subject to infill over time. Eventually the proportion of land subject to infill provisions would be much larger, and enable more intensive residential development in areas well beyond central Levin, Foxton and Foxton Beach and Shannon.
 10. Given the existing pattern of infill development (particularly in Levin) has generally been centrally located through site availability and market demand, this trend is considered likely continue. Future infill subdivision is likely to be located further out from the town centres and within this general locality would still have titles dated prior to 1991. In this regard, the existing 1991 date requirement would still provide land available for future infill development, but in a way that contains this type of development more centrally to towns. Therefore the proposed plan 1991 date requirement is considered to be more effective, than a running 10 year cool off period. Therefore, it is recommended that the change sought by Truebridge Associates be rejected.
 11. Truebridge Associates also contend that one criteria to determine the size of the parent lot would be clearer and less ambiguous than having two different sizes, and suggests 2,025m² should be the only prerequisite.
 12. The Operative and Proposed Plan parent lot prerequisites include two land area maximum thresholds – 1,200m² (where there are no existing buildings) and 2,025m² (where there are existing buildings). I understand these upper limits are based on a formula related to the old ¼ acre block, whereby 3 lots into 1,200m² allows for a 330m² density, plus shared space for a right of way. This is essentially doubled for the 2,025m² (six lots created from on two ¼ acre blocks), except less land per lot is required for the shared right of way.

13. The 1,200m² parent lot (free of any existing dwellings) allows for a subdivision layout to be designed to effectively use the site area without trying to fit around an existing dwelling, access and curtilage. The larger parent lot area 2,025m² is required to ensure the existing dwelling, including its amenities and servicing requirements can be provided for in a comprehensive way.
14. A single 2,025m² parent lot area prerequisite would enable infill subdivisions to be designed on larger parent lots, which can result in more effective design outcomes. However, this change would reduce the situations where smaller infill subdivisions can be developed. To continue to provide for infill subdivision in an efficient and effective manner recognising the different circumstances for subdividing, the use of two different parent lot sizes is considered to be appropriate. I recommend that the change sought by Truebridge Associates be rejected.
15. Horizons (27.23) oppose in part lot sizes set out in Table 15-3 for Hokio Beach and Waikawa Beach and seek they be amended to reflect the Proposed One Plan. Hokio Beach and Waikawa Beach are existing coastal settlements that are not connected to reticulated services. The Operative District Plan zones the existing residential areas of these two settlements as Residential 2 and provides a minimum net site area of 800m². The Proposed Plan rationalises the four residential zones of the Operative District Plan into a single Residential Zone. However, the subdivision densities of the Operative District Plan are continued over into the Proposed Plan in Table 15-3.
16. Horizons Regional Council are concerned that the residential density of 800m² at Hokio Beach and Waikawa Beach, where there is no reticulated services is a contradiction to the Proposed One Plan which requires at least 5,000m² for on-site domestic wastewater systems as a Controlled Activity. To give some context, both Hokio Beach and Waikawa Beach were evaluated and included in the urban growth plan change (Plan Change 21). Areas of deferred Residential Zone, Low Density Residential and Greenbelt Residential Zone were created for Hokio Beach. The deferment is dependent on reticulated wastewater infrastructure.
17. With respect to the Residential Zone at Hokio Beach that existed prior to PC21, it had a density of 800m² which reflects the historical development pattern and character and amenity of this area. Any new subdivision and development would require on-site servicing. It is recognised that this situation represents a disconnect with the Proposed One Plan, but the opportunity of applying for a Restricted Discretionary Activity discharge consent is available should a landowner seek to subdivide. It is noted that there are few sites with controlled activity subdivision potential within the Residential Zone in Hokio Beach.
18. Similarly there are a few properties within the Residential Zone at Waikawa Beach that would be able to apply for a controlled activity subdivision at an 800m² density.
19. The management of wastewater will need to be managed through a case by case basis where subdivision applicants apply to Horizons for discharge consent for a required on-site domestic wastewater system. Given there are only a few situations with subdivision potential, and that the minimum lot size is consistent with the historical development pattern and character and amenity of these settlements, it is considered the continuation of the Operative District Plan density (and zoning) is appropriate. I recommend that the submission point from Horizons on the densities in Table 15-3 be rejected.

20. Truebridge Associates (116.05) support in part Table 15-3 (Standards Applying to Subdivision and Residential Dwelling Units) but seek amendments to resolve perceived inconsistencies in the Ohau West and Manakau density provisions.
21. Ohau is a long established small settlement south of Levin and State Highway 1 runs north-south through it, generating two distinct 'east' and 'west' areas. Historically, the main residential area of Ohau was developed and centred on the western side.
22. Ohau is not serviced with reticulated wastewater and through the Horowhenua Development Plan process (and subsequent Plan Change 21) areas in both the eastern and western Ohau were rezoned as deferred "Low Density Residential" and "Greenbelt Residential Zone".
23. The established residential areas of Ohau were zoned Residential 3 and 4 in the Operative District Plan with the respective densities of 2,000m² (Ohau West) and 8,000m² (Ohau East). The densities reflect the character and density that exists in these two distinctive parts of Ohau. The west already contains standard and large residential lots, whereas the eastern area of Ohau is more rural-residential in character and nature. Larger areas for on-site wastewater disposal were also a factor for Ohau East. These provisions were rolled over into the Proposed Plan, and specified in Table 15-3 due to the fact only a single Residential Zone is used throughout the district.
24. Truebridge Associates seek a change to the Ohau east and west densities and request that 4,000m² in Ohau West and 5,000m² in Ohau East would be more appropriate than the Proposed Plan densities. I acknowledge a reason to amend the Ohau East density from 8,000m² to 5,000m² would be to bring the density in alignment with the Proposed One Plan domestic wastewater provisions (a minimum area of 5,000m² as a condition on the Controlled Activity discharge consent requirements). Following further assessment of the character of the Ohau East area and reviewing the range of lot sizes, I consider that a density of 5,000m² in Ohau East would still provide spacious residential lots, substantial open space, and overall high level of amenity and character. On this basis, I recommend that the Ohau East density be amended from 8,000m² to 5,000m².
25. However, I am uncertain of the reasoning to increase the Ohau West density from 2,000m² to 4,000m². The development potential in Ohau West is constrained by on-site servicing. However, once reticulated services are available, the 2,000m² density would provide a more efficient use of land and be compatible with the density of existing residential properties within that area of Ohau. On this basis, I recommend that the relief sought to amend the Ohau West density from 2,000m² to 4,000m² is rejected. Overall I recommend that the Truebridge Associates submission 116.06 be accepted in part.
26. KiwiRail's (55.20) support for Rule 15.7.5(a)(iii) is noted.
27. The NZHPT (117.14) seek to extend the matters of control for subdivisions so that consideration of effects on significant archaeological sites is specified. Historic heritage includes archaeological sites that significantly contribute to the understanding and appreciation of cultural and history of the District, the region and New Zealand. It follows that the consideration of effects on "archaeological" sites, as well as historic, cultural and natural, is appropriate. I recommend that the NZHPT submission point be accepted.

4.21.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
116.03		Truebridge Associates Limited		Reject
55.27		KiwiRail		Accept
117.14		New Zealand Historic Places Trust (NZHPT)		Accept
27.23		Horizons Regional Council		Reject
116.04		Truebridge Associates Limited		Reject
116.05		Truebridge Associates Limited		Reject
116.06		Truebridge Associates Limited		Accept In-Part

4.21.4 Recommended Amendments to the Plan Provisions

Amend the Matters of Control for Subdivisions and Table 15-3 as follows:

15.7.5 Subdivision of Land (Refer to Rule 15.2(e))

...

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

Table 15-3: Standards Applying to Subdivision and Residential Dwelling Units

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area / Minimum Average Site Area	Minimum Shape Factor
Ohau and Manakau			
Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is not available	2,000 m ²	18 metres diameter
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	8,000 m² <u>5,000 m²</u>	18 metres diameter

4.22 Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.7 and 15.8.8) – Subdivision and Land Use within Tararua Road Growth Area Overlay

4.22.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.25	NZ Transport Agency (NZTA)	Support	Support Rule 15.8.7(a)(v)	Retain Rule 15.8.7(a)(v) as notified.	
94.26	NZ Transport Agency (NZTA)	Support	Support Rule 15.8.8(a)(i) bullet point 3.	Retain Rule 15.8.8(a)(i) bullet point 3 as notified.	

Two submissions were received supporting the Matters of Discretion and Conditions for Restricted Discretionary Activities in Rules 15.8.7 and 15.8.8 for subdivision and land use within Tararua Road Growth Area Overlay

4.22.2 Discussion & Evaluation

1. The NZTA (94.25) supports Rule 15.8.7(a)(v) which is a Matter of Discretion listed for subdivision within the Tararua Road Growth Area Overlay relating to reverse sensitivity effects from new residential development near State Highway 57. The NZTA (94.26) also support Rule 15.8.8(a)(i) which is a Matter of Discretion for any Restricted Discretionary Activity within the Tararua Road Growth Area Overlay and requires the consideration of amenity effects caused by the noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties. NZTA's support for the provisions as notified is noted.
2. However, Future Map Limited (70.07) has sought the removal of the residential component from the Schedule 5 Tararua Road Growth Area Structure Plan. Future Map has also sought the deletion of all provisions in the Residential Zone that refer or provide for residential development within the growth area, including Rules 15.8.7 and 15.8.8.
3. In Section 4.47 of this report, I evaluate the appropriateness of the change requested by Future Map. I conclude that the removal of the Residential Zone from the Tararua Road Growth Area Overlay is appropriate. Based on this recommendation, Rules 15.8.7 and 15.8.8 would become redundant as residential subdivision and land use consents would not apply in the Tararua Road Growth Area. A recommendation on to accept in-part submission point 70.07 is provided in Section 4.9.3 of this report.
4. I recommend that the relief sought by NZTA is rejected.

4.22.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.25		NZ Transport Agency (NZTA)		Reject
94.26		NZ Transport Agency (NZTA)		Reject

4.22.4 Recommended Amendments to the Plan Provisions

Delete Rules 15.8.7 and 15.8.8 Matters of Discretion and Conditions as follows;

~~15.8.7. Subdivision within the Tararua Road Growth Area Overlay (Refer Rule Error! eference source not found.)~~

Matters of Discretion

- ~~(i) Those matters specified in Chapters 21 and 24.~~
- ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
- ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~
- ~~(iv) The design and layout of proposed urban areas.~~
- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

~~15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule Error! eference source not found.)~~

Matters of Discretion

- ~~(viii) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:~~
 - ~~● Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met.~~
 - ~~● The design and layout of proposed urban areas.~~
 - ~~● The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~
 - ~~● The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~
 - ~~● The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on~~

4.23 Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.9) – Medium Density Development

4.23.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
116.07	Truebridge Associates Limited	In-Part	This rule should be a controlled activity in relation to subdivision and/ or development.	Delete Rule 15.8.9 as matters of discretion and insert as matters of control.	
116.08	Truebridge Associates Limited	In-Part	Matters that relate to monitoring after the completion of the consent should be removed as the cost and ability of Council to do this on and on-going basis will be prohibitive and off-putting to residents and ratepayers.	Delete parts of Rule 15.8.9(a) that require on-going monitoring after completion of consent.	
116.09	Truebridge Associates Limited	In-Part	<p>A minimum lot area is not needed as the proposed zone will carry requirements under site coverage and amenity for each site that will result in the desired site size.</p> <p>The purpose of this development does not require open space to the same degree as normal residential development and those most likely to utilise this type of development want smaller, more compact, lower cost and lower maintenance properties. Conditions (ii)-(x) control the lot size so this rule is not needed.</p> <p>All that is needed is for the applicant to show that a sensible permitted dwelling can be accommodated within each lot, along with site amenity.</p> <p>Other district plans (Wellington City and Palmerston North City) do not have minimum lot areas and use other controls to ensure a proper relationship between buildings and amenity.</p>	Delete Rule 15.8.9(b)(i).	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
116.10	Truebridge Associates Limited	In-Part	Not required as many people will not want an outside shed and if they do then it is personal choice.	Delete Rule 15.8.9(b)(vii).	
51.02	Waitarere Progressive Association (WBPA)	In-Part	Submitter has concerns regarding the rezoning of existing residential area to allow for Medium Density Housing. Submitter seeks a high building standard to ensure that it doesn't result in poor quality infill housing. Practical considerations include the space required for water tanks. Consideration needs to be given to maintaining the beach feel of Waitarere.	Amend the District Plan to plan for smaller plot sizes in an area of undeveloped land to allow for more appropriate design of plots rather than infill development.	

Five submissions were received on the matters of discretion and conditions for medium density development.

4.23.2 Discussion & Evaluation

1. Truebridge Associates (116.07) support in part the Medium Density Development provisions, but seek that this type of residential development is a Controlled Activity instead of a Restricted Discretionary Activity. Truebridge Associates consider a controlled activity status for medium density development would better promote new development and will be more in line with a clear desire by Central Government to enable lower cost housing. The activity status for medium density development is previously discussed in section 4.8.2 of this report and I concluded that a Restricted Discretionary Activity status was the most appropriate activity status for managing this new density in the Horowhenua. For consistency, I recommend that the submission point by Truebridge Associates (116.07) be rejected.
2. Truebridge Associates (116.08) seek the deletion of some of the matters of discretion (15.8.9(a)) as they contend this matter would result in ongoing monitoring costs to be incurred by Council and therefore would discourage residents and ratepayers to undertake medium density developments.
3. "Matters of discretion" are those matters the Council can consider when determining to either grant consent and impose conditions or decline consent. The Matters of Discretion set out in Rule 15.8.9(a) for medium density developments are aimed at ensuring proposed developments are designed appropriately for the individual site and surrounds. Ongoing compliance with conditions of the land use consent is the responsibility of the consent holder. The concurrent subdivision consent and its progression through the Section 223 and 224 certificates would enable the Council to check compliance with key related aspects of the subdivision and land use consents. Otherwise the Council's role in compliance monitoring will be in response to complaints from the community, like all other land use consents. These costs are considered appropriate for the effective implementation. Therefore, this submission point is recommended to be rejected.

4. Truebridge Associates (119.09) also have concerns about the Restricted Discretionary Activity conditions set out in Rule 15.8.9(b) and their submission summarised above has commentary and suggestions for each condition.
5. Rule 15.8.9(b)(i) sets a minimum net site area of 225m² per residential dwelling unit. The submitter contends that conditions on site coverage and amenity are sufficient to shape the size of lots, rather than specifying a minimum lot size and notes approaches from Palmerston North city and Wellington city.
6. I have experience in assessing medium density development proposals against the Wellington District Plan multi-unit rules and standards. The type of development expected and produced in Wellington is much denser and can result in 6 units per 800m². To achieve the site coverage and on-site amenity space requirements, buildings have a small footprint and use height (9m) to produce three levels of living space.
7. Single to two-storey dwellings are envisaged in the medium density development overlays, therefore a larger footprint is required, compared to the Wellington situation.
8. A 225m² net site area also gives greater certainty for an applicant, adjoining properties and the community as to the nature and anticipated level of development. For example, on an 800m² site, up to 3 units could be anticipated.
9. I consider the use of a minimum net site area is appropriate for the Horowhenua context for these reasons, and I do not considered relying on site coverage and amenity provisions would be effective in achieving the objectives of medium density development.
10. Conditions (ii) – (x) provide the key bulk and location requirements which are tailored for higher density development. For example, the 50% site coverage provides an approximate maximum building footprint of 100m² for a residential unit on a site with a net site area of 225m² net site. The remaining land area needs to be careful designed providing for private outdoor space, a carparking space, manoeuvring and setbacks and privacy controls on adjoining units and neighbours. I consider this combination of conditions is appropriate as the standard residential permitted activity conditions would not be effective in providing for higher density development. Therefore I recommend the conditions in 15.8.9(b) be retained (except for (viii) as discussed below) and that submission point 116.09 be rejected.
11. Condition (viii) requires the provision of utility space, including a small lockable storage shed (3m²). The submitter contends that this condition interferes with personal choice. The purpose of the condition was to ensure that designers provide for utility space as it can often missed in the design of compact dwellings and sites and retro-fitting at a later date can be problematic. However, I consider this matter would be more effectively addressed in an assessment against the Design Guide (page 21 – 22, Section 4.2 On-Site Amenity), instead of a Restricted Discretionary Activity condition. On this basis, I recommend the deletion of Condition (viii) and that submission point 116.10 be accepted.
12. The WBPRA (51.02) raises concerns about the Medium Density Development Overlay area in Waitarere Beach. The submitter seeks a higher building standard to ensure future development does not result in poor quality infill housing and amendments to the District Plan to allow for more appropriate design of plots rather than infill development. The submitter would prefer that any medium density development be provided on greenfield residential land.

13. The provision of higher density development is new to Waitarere Beach under the Proposed Plan and it is recognised that it has the potential to change the intensity of development within the Medium Density Development Area overlay area. The aim is to provide a range of housing across the Horowhenua, including providing smaller, compact residential dwelling units and properties in the areas that are best suited to accommodate this type of development. Waitarere Beach offers a growing beach settlement where there is likely to be demand for smaller dwellings.
14. The Horowhenua Development Plan envisaged higher density development in the centre of Waitarere to complement a more defined town centre comprising existing and future shops along Waitarere Beach Road. The Proposed Plan provides a Medium Density Development Area overlay on the central blocks either side of the Waitarere Beach Road and adjoining the central strip of Commercial zoning.
15. The density provided in the Proposed Plan reflects the gradient density model (urban transect) which underpins the Development Plan with smaller sections near the centre of the settlement and larger section further from the centre. This model was considered to represent the most effective approach to strategically plan for growth in Waitarere Beach. The relief sought by WBPRA would be contrary to the density model through locating higher density development on the outskirts, further from current and future amenities. The proposed residential density of 225m² would be better accommodated in an area that is already built up such as the centre, rather than a spacious area on the urban periphery, as the submitter suggests. Consequently, I recommend that the medium density development area overlay in Waitarere Beach remains as notified and that submission point 51.02 be rejected.

4.23.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
116.07		Truebridge Associates Limited		Reject
116.08		Truebridge Associates Limited		Reject
116.09		Truebridge Associates Limited		Reject
116.10		Truebridge Associates Limited		Accept
51.02		Waitarere Progressive Association (WPRA)		Reject

4.23.4 Recommended Amendments to the Plan Provisions

Amend the Medium Density Development Restricted Discretionary Activity Conditions as follows:

15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(e))

....

(b) Conditions

~~(viii) All residential dwelling units shall be provided with a utility space of at least 10m² and an outdoor lockable storage compartment of at least 3m² which meets the following requirements:~~

- ~~Minimum dimension: 1 metre; and~~
- ~~Kept free of access to other units driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.~~

And consequential changes to the numbering of Rule 15.8.9(b)

4.24 Matters of Discretion and Conditions for Restricted Discretionary Activities (15.8.13) – Signs

4.24.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.21	NZ Transport Agency (NZTA)	Support	Support Rule 15.8.13	Retain as notified	

One submission was received on the Matters of Discretion and Conditions for Restricted Discretionary Activities in Rule 15.8.13 for signs.

4.24.2 Discussion & Evaluation

1. NZTA (94.21) supports Rule 15.8.13 which set out the Matters of Discretion for remote advertising signs and community entrance signs that do not comply with Permitted Activity conditions and require consent. The Matters of Discretion in rule 15.8.13 include assessing the impact on traffic safety and the efficiency of the transport network, and require the approval of NZTA where the sign fronts a State Highway. The support for these matters by NZTA is noted.

4.24.3 Reporting Officer's Recommendation

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

4.24.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 15.8.13.

4.25 Chapter 15 Residential Zone Rules – General Matters Raised

4.25.1 Submissions Received

Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.25	New Zealand Historic Places Trust (NZHPT)	In-Part	There are no standards for earthworks within the Residential Zone and this could significantly change the lay and look of the land, and affect the heritage values of sites. This level of permitted earthworks in relation to heritage sites will lead to a loss of heritage values and a potential loss of important archaeological sites.	Amend Chapter 15 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

NZHPT (117.25) raises concern about earthworks on heritage sites and the potential effects on heritage values. NZHPT seeks provisions which would require a restricted discretionary activity consent for earthworks within heritage sites.

4.25.2 Discussion & Evaluation

1. The Residential Zone (and all other Zones in the Proposed Plan) require a discretionary activity consent for earthworks within the heritage setting of a Group 1 or 2 listed heritage item, and earthworks within a heritage site Rule 15.4(i)(i) and Rule 15.4(j)(ii).
2. The assessment matters set out in Chapter 25 that relate to earthworks within a heritage setting (25.7.16(a)(xiv)), requires an assessment of likely damage, modification or destruction of an archaeological site.
3. Any earthwork proposals involving the destruction or irreversible change within a heritage site would need to be evaluated against the rarity and integrity of the listed heritage site (25.7.16(b)(vi)).
4. It is considered that the matters raised by the NZHPT are already provided for in the Proposed Plan as notified. Accordingly, it is recommended this submission is accepted in part.

4.25.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.25		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

4.25.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 15 in relation to earthworks and listed heritage sites or the settings of Group 1 and 2 listed heritage items.

4.25.5 Submissions Received

Air Quality Issues

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
3.01	Matthew Thredgold	In-Part	The Proposed Plan does not address air quality issues such as wood smoke pollution.	Include a provision that prohibits the installation of new solid fuel wood burners, solid fuel stoves and heaters and have provisions for phasing out and eventually prohibiting the use of solid fuel wood burners, solid fuel stoves and heaters in the Residential Zone.	

Thredgold (3.01) raises concern about the effects from wood smoke from solid fuel woodburners and other rural activities involving the burning of vegetation and rubbish. The submitter seeks rules in the district plan that would ban new solid fuel burners, and a phasing out of existing fuel burners. The submitter also seeks that open air burning of rubbish and wood across the district be prohibited.

4.25.6 Discussion & Evaluation

1. Thredgold raises an issue with the way smoke from outdoor burning and solid fuel burners is managed between the District Plan and the Proposed One Plan, and seeks that the District Plan include provisions that prohibit smoke generating activities.
2. The responsibilities under the RMA for managing discharges to air are held by Regional Councils. The Horizons Regional Council Proposed One Plan includes policy and regulation on air discharges in order to manage ambient air quality, manage amenity values and manage fine particle levels to ensure compliance with national ambient air quality standards.
3. The Proposed One Plan provides rules on the discharge of contaminants from burning a range of fuels and 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. The Proposed District Plan includes a permitted activity condition (Rule 15.6.13) to manage land use activities that generate odour and requires that no activity shall give rise to offensive odours able to be detected at the boundary of any adjoining residential property. The detection of “offensive odours” is subjective, and therefore requires at least two independent

observers. This Proposed Plan provision only manages odour and amenity, and does not intend to duplicate the management of air discharges under the Proposed One Plan. However, any complaints on odours or air discharges would be best worked through by both HDC and Horizons in order to manage the cause and effect of the offensive odour.

- 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 any further provisions in the District Plan would be appropriate, given the controls already in place in the other national and regional planning documents. On this basis, I recommend that the submission point (3.01) be rejected.

4.25.7 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
3.01		Matthew Thredgold		Reject

4.25.8 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 15 with respect to additional provisions on managing odour or smoke.

4.25.9 Submissions Received

Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
93.19	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to national environmental standards in Chapter 15.	

The Oil Companies (93.19) support the cross reference to the National Environmental Standards in the Residential Zone Chapter.

4.25.10 Discussion & Evaluation

- All Zone Chapters include a reference to the three operative National Environmental Standards (NES). All activities managed under these NES's are to refer to the NES documents. The Oil Companies support for this approach is noted.

4.25.11 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
93.19		The Oil Companies		Accept

4.25.12 *Recommended Amendments to the Plan Provisions*

No amendments are recommended to Chapter 15.

4.25.13 *Submissions Received*

Network Utility Rules

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.07	Telecom New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Residential Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.07	Chorus New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Residential Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

Telecom (78.07) and Chorus (79.07) raise the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. The submitters request a single standalone chapter for network utilities that provides for all rules and standards. Any cross reference to particular zone standards are to be limited.

4.25.14 *Discussion & Evaluation*

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

2. The Residential Zone permits the construction, operation, maintenance and upgrading of network utilities (Rule 15.1(i)(i)). The permitted activity conditions for network utilities in the Residential Zone cross reference to Chapter 22 (Rule 15.6.25) and require compliance with any relevant Residential Zone conditions.
3. There are individual zone standards that apply to network utility activities, for example, noise standards, vibration, outdoor storage, hazardous substances. With respect to the Residential Zone, Rule 15.6.25 makes this quite clear – refer to Chapter 22, and apply any other relevant Residential Zone standard as well.
4. This format of the Proposed Plan and cross references are considered clear. On this basis I recommend that the submission points raised by Telecom and Chorus be rejected.

4.25.15 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
78.07		Telecom New Zealand Ltd		Reject
79.07		Chorus New Zealand Ltd		Reject

4.25.16 Recommended Amendments to the Plan Provisions

No amendments recommended Residential Zone provisions relating to the provision of utilities.

4.25.17 Submissions Received

Relocated Buildings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.06	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 subject to the suggested performance standards/conditions.</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</p>	<p>Amend the Proposed District Plan to provide for the relocation of dwellings and buildings as a permitted activity subject to the following performance standards/conditions (or to the same or similar effect):</p> <p><u>Relocated buildings are permitted where the following matters can be satisfied:</u></p> <p>a) <u>Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			establishment period.	<p>b) <u>Any relocated dwelling must have been previously designed, built and used as a dwelling;</u></p> <p>c) <u>A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and</u></p> <p>d) <u>The building shall be located on permanent foundations approved by building consent, no later than 12 months of the building being moved to the site.</u></p> <p>e) <u>All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 month of the building being delivered to the site.</u></p>	

House Movers Section of NZ Heavy Haulage Association Inc. (40.06) seeks the Proposed District Plan be amended to provide for the relocation of dwellings and buildings as a permitted activity subject to the following performance standards/conditions.

4.25.18 Discussion & Evaluation

- As evaluated earlier in this report in Section 4.6.2, it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission point is recommended to be rejected.

4.25.19 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.06		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.25.20 *Recommended Amendments to the Plan Provisions*

No amendments are recommended in relation to the provision of relocated buildings.

4.26 Chapter 16 Industrial Zone – Permitted Activities (16.1)

4.26.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.17	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Amend Rule 16.1 to include “The placement of any <u>Relocated building and/or accessory building on any site subject to the conditions at [rule ref]</u> ”.	
110.02	Fraser	In-Part	The submitter considers retail activities should be identified as permitted activities in the Industrial Zone alongside ‘wholesale trade’ activities.	Amend Rule 16.1(b) to include retail activities as permitted activities.	523.00 Future Map Limited
40.40	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	Amend permitted activity rule to include removal and re-siting of buildings.	Amend Rule 16.1(k) as follows: “The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity”.	
95.03	New Zealand Defence Force (NZDF)	Support	Support inclusion of Temporary Military Training Activities as Permitted Activities.	Retain Rule 16.1 (s) as notified	

Four submissions were received on the list of permitted activities for the Industrial Zone. These submissions either seek amendments to the rules or they be retained as notified.

4.26.2 Discussion & Evaluation

Temporary Military Training Activities

1. The NZDF (95.03) supports the inclusion of temporary military training activities as permitted activities in Rule 16.1(s) and seeks that this rule be retained. The matters raised in this submission point are identical to those raised by NZDF across all zones in the Proposed Plan. The NZDF’s support for Rule 16.1(s) is noted.

Relocated Buildings

2. House Movers Section of NZ Heavy Haulage Associated Inc. (40.17, 40.40) opposes the way in which the removal, re-siting, and relocation of buildings are provided in the Proposed Plan. This submitter seeks that the placement of relocated dwellings and accessory

buildings are Permitted Activities, instead of being classed as Controlled Activities. There are several consequential changes sought, including the deletion to Controlled Activity Rule 16.2(c) and the insertion of new permitted activity conditions in Rule 16.6. The matters raised in submission points 40.17 and 40.40 are identical to those raised by House Movers Section of NZ Heavy Haulage Associated Inc. across all zones in the Proposed Plan.

3. In terms of submission points 40.17 and 40.40 the evaluation and discussion set out in Section 4.6.2 of this report is relevant to the Industrial Zone.
4. The resource management issue presented by the reuse and relocation of buildings on sites is the dilemma between enabling this type of development and maintaining amenity levels anticipated in the different zones. The Industrial Zone has a lower level of amenity than the Residential Zone, but it is considered still appropriate that relocated buildings are reinstated in this Zone. The Controlled Activity resource consent process is considered the most effective activity status for these works.
5. Based on the earlier evaluation and recommendations made for the Residential Zones, I recommend that submission points 40.17 and 40.40 be rejected.

Retail Activities (Fraser)

6. Fraser (110.02) seeks to include retail activities in the list of Industrial Zone Permitted Activities (Rule 16.1).
7. Retail activities are generally not provided for in Industrial Zones. Retail activities can impact on the efficient functioning of the Industrial Zone as a result of conflict between industrial uses and higher amenity expectations from retailers and/or shoppers. The provision of retail activities in the Industrial Zone can also have consequences on the vitality and vibrancy of the town centre retail areas in the Commercial Zone.
8. However, it is recognised that many operators of industrial activities may offer factory sales to the public, at a limited scale as an ancillary part of the overall operation. This type and scale of retail activity is typically accepted as being part of an industrial activity and is provided for in the definition of an 'industrial activity'.
9. The Proposed Plan permits "wholesale trade activities (including building supplies)" in the Industrial Zone. Wholesale trade activities sell goods to both tradespeople and to the public, although the latter usually makes up only a small percentage. It is considered a mix of wholesale and retail type activities would generally be anticipated by the Proposed Plan provisions and examples include RD1, Bunnings, Mitre 10 or the Tile Warehouse. These types of activities typically require large sites and buildings with a relatively high proportion of heavy vehicle movements which is in keeping with character and amenity of industrial areas.
10. Therefore, the type and level of retail activity that is considered appropriate within the Industrial Zone is:
 - Retail associated with goods produced on site (i.e. factory sales as provided in the existing Industrial Activity definition); and
 - Retail integral to the operation of a wholesale trade activity.

11. Retail activities not within the above categories are not considered to be an efficient use of the Industrial Zone and would have the potential to be incompatible in the Industrial Zone and adversely impact on the vitality and vibrancy of the Commercial Zone.
12. On the basis that some retail activity set out above is provided for in the Industrial Zone, I recommend that Fraser submission point 110.02 be accepted in part.

4.26.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.03		New Zealand Defence Force (NZDF)		Accept
40.17		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.40		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
110.02	523.00	Fraser Future Map Limited	Support	Accept In-Part Accept In-Part

4.26.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the list of Industrial Zone Permitted Activities in Rule 16.1.

4.27 Controlled Activities (16.2) – Industrial Zone

4.27.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.15	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 16.2(c)	
70.03	Future Map Limited	In-Part	The submitter seeks the inclusion of additional rules to the conditions for permitted activities. Including a new height limits that would relate to a Low Impact Industrial area which is shown on the attached Pocock Zoning Master Plan.	Amend Rule 16.2(g) as follows: Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				(apart from Rule 16.6.2(a)(ii) and Rule 16.7.7(b)(iii) and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).	

Two submissions were received on the list of Controlled Activities in the Industrial Zone. One submission seeks a rule be deleted, and the second submissions seeks a minor amendment to a rule.

4.27.2 Discussion & Evaluation

Relocated Buildings

1. The matters raised in submission point 40.15 is identical to those raised by House Movers Section of NZ Heavy Haulage Associated Inc. across all zones in the Proposed Plan.
2. In terms of submission point 40.15 the evaluation and discussion set out in Section 4.6.2 and Section 4.7.2 of this report is also relevant to the Industrial Zone.
3. The Proposed Plan requires a controlled activity resource consent for the placement of relocated buildings. This activity status and resource consent process is considered to be effective in managing the reusing buildings and maintaining amenity in the district. Following the recommendations in Section 4.6.2, I recommend that submission point 40.15 be rejected.

Tararua Road Growth Area

4. Future Map Limited (70.03) supports in part the provisions that create and manage land use within the Tararua Road Growth Area Overlay, but seek to change references to create a Low Impact Industrial Zone. This submission point is a consequential amendment as a result of submission points 70.00 and 70.01 which seeks the replacement of the Structure Plan and Design Guide in Schedule 5 of the Proposed Plan with revised development concept of the Tararua Road Growth Area.
5. The evaluation of submission points 70.00 and 70.01 is set out in Section 4.47 of this Report. In summary, I recommend that the replacement Structure Plan (Pocock Zoning Master Plan) and Design Guide be accepted in part.
6. Section 4.47 of this Report also provides commentary on all the consequential submission points raised by Future Map.
7. It should be noted that a Controlled Activity consent is required for any activity within the Industrial Zone part of the Tararua Road Growth Area, and subdivision has a Restricted Discretionary Activity status. Both activity status's are more stringent than that applied to all other properties zoned Industrial.
8. In essence, submission point 70.03 seeks to change the Controlled Activity description in Rule 16.2(g) to ensure that the new Low Impact Industrial Zone conditions (16.7.7,

submission point 70.04) are referred to. However, the exact wording sought by Future Map inadvertently exempts the new conditions from applying.

9. I consider that if any new or amended Controlled Activity Conditions for land uses apply to the Tararua Road Growth Area Overlay (16.7.7), they would automatically apply through the existing reference in Rule 16.2(g) to Rule 16.7.7.
10. It is noted that Rule 16.2(g) exempts land use activities within the Tararua Road Growth Area Overlay from the building setback requirement (16.6.2(a)(ii)) in relation to other zones (Residential , Rural, Open Space). It is appropriate for any future industrial activities to be subject to these building setbacks. Particularly if the recommendation to exclude properties at 172 Arapaepae Road and 165 Tararua Road from the rezoning to Industrial is accepted.

(g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 (apart from Rule 16.6.2(a)(ii)) and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).

11. Based on the overall recommendation to accept in part the Pocock Zoning Master Plan, Design Guide and methods to address the Residential Zone and Industrial Zone interface, I recommend that Rule 16.2(g) be amended to ensure all permitted and controlled activity conditions relevant to the Tararua Road Growth Area Overlay are provided for and that submission point 70.03 be accepted in part.

4.27.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.15		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
70.03		Future Map Limited		Accept In-Part

4.27.4 Recommended Amendments to the Plan Provisions

Amend the Industrial Zone list of Controlled Activities (16.2) as follows.

16.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.7 and Chapters 21, 22, 23 and 24. Refer to Rule 16.7 for matters of control and conditions:

- (g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 (~~apart from Rule 16.6.2(a)(ii))~~) and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).

4.28 Discretionary Activities (Rule 16.4) - Industrial Zone

4.28.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.21	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter seeks the inclusion of subdivision that negatively impacts on heritage values of listed sites in Schedule 2 as a discretionary activity.	Amend Rule 16.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

The NZHPT (117.21) seeks an amendment to Rule 16.4 so that subdivisions that negatively impact heritage values of any sites in Schedule 2 [listed historic heritage buildings, structures and sties] are Discretionary Activities.

4.28.2 Discussion & Evaluation

- As discussed in the Residential and Commercial Zone Chapters (see Section 4.8.2 above), the relief sought by NZHPT in relation to subdivision and the impact on heritage values is already provided for in the Proposed Plan. I recommend that the NZHPT submission point be accepted in part.

4.28.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.21		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

4.28.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Industrial Zone list of Discretionary Activities (16.4).

4.29 Permitted Activity Standards (16.6) – General

4.29.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.04	Michael White	In-Part	The submitter seeks rules or conditions which govern outdoor lighting.	Amend Permitted Activity Conditions 16.6 to control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting	525.20 Maurice and Sophie Campbell - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				in the Industrial zone.	
26.10	Horowhenua Astronomical Society Inc.	In-Part	The submitter seeks rules or conditions that manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values though light spill and impact on ecological values.	Amend Permitted Activity Conditions 16.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Industrial Zone.	
27.19	Horizons Regional Council	In-Part	There is concern that the Permitted Activity Conditions limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities.	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.	
40.18	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Include the following performance standards/conditions in (or to the same or similar effect) for relocated buildings: Permitted Activity Standards for Relocated Buildings <u>i)Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p>ii) <u>A building pre-inspection report shall accompany the application for a building consent for the destination sit. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p>iii) <u>The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p>iv) <u>All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p>v) <u>The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.18	New Zealand Defence Force (NZDF)	Support	<p>Support the removal of the following Permitted Activity Conditions;</p> <p>The written consent of the owner shall have been obtained.</p> <p>Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority.</p>	Retain the removal of conditions as notified	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			NZDF notes that this removes redundant requirement from the Plan.		

Five submissions were received on the conditions for permitted activities in the Industrial Zone. These submissions seek amendments to a few conditions, the addition of new conditions, as well as retaining a condition as notified. A further submission was received in support for a standard on lightspill.

4.29.2 Discussion & Evaluation

1. Michael White (25.04) and the Horowhenua Astrological Society Inc. (26.10) oppose in part the permitted activity standards and seek to add a standard to control light emission to manage amenity and ecological values. Maurice and Sophie Campbell (525.20) support Michael White's submission point. Michael White seeks standards in all zones to control light emission to manage amenity and ecological values. In Section 4.10.2 of this report I discuss and evaluate lightspill in the Residential Zone and I recommend that the Permitted Activity conditions are amended so a lightspill standard is included in order to maintain amenity expectations between residential properties. The new condition recommended for the Residential Zone is similar to the lightspill condition set in the Open Space Zone and limits a maximum of 10lux (measured horizontally and vertically) of lightspill to fall at the site boundary.
2. In relation to the Industrial Zone a wide range of industrial activities are anticipated and a commensurate level of amenity is expected in this zone. The Industrial Zone objective (6.3.3) and associated policies direct the facilitation of industrial activities in a way that maintains the character and amenity values of the Industrial Zone, and also 'protects' the values of adjoining zones.
3. The Industrial Zone permitted activity conditions are to maintain character and amenity in the Industrial Zone in a way that does not inappropriately restrict the use of the industrial land. The use of outdoor lighting by industrial operators during the hours of darkness could be an important part of the activity (e.g. for distribution centres, manufacturing, factories or wholesalers who manage outdoor goods) where goods are stored and/or loaded/unloaded outside. Requiring compliance with a lightspill standard has the potential to add a compliance cost to industrial operators, and may impede activities requiring high light levels, such as for health and safety reasons. The benefit of a lightspill standard applying throughout the Industrial Zone would be the overall reduction of light emission.
4. On balance, I consider a light spill condition throughout the Zone may unduly inhibit the type of activities that can only operate in the Industrial Zone and on this basis, I do not recommend a condition be imposed. However, the Industrial Zone does have zone interface controls (but no lightspill condition) to protect the amenity and character of adjoining zones, such as the Residential Zone. Excessive lightspill from activities in the Industrial Zone is considered to adversely affect the character and amenity in the Residential Zone. Therefore, I recommend that the submission points from Michael White (25.04) and the Horowhenua Astrological Society Inc. (26.10) be accepted in part.

5. Horizons (27.19) support in part the permitted activity conditions but seek amendments to ensure the conditions do not limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities. The submission points raised by Horizons have been assessed and provided for in the Natural Hazards Report which found the relief sought by Horizons to be appropriate and is recommended to be accepted.
6. House Movers Section of NZ Heavy Haulage Association Inc. (40.18) seeks to insert new permitted activity conditions for relocated buildings. The matters raised in submission point 40.14 (relating to the Residential Zone) are identical to those raised by House Movers Section of NZ Heavy Haulage Associated Inc. across all zones in the Proposed Plan.
7. The evaluation and discussion set out in Section 4.6.2 for the Residential Zone and the earlier evaluation for the Industrial Zone in Section 4.26.2, it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity. Therefore, this submission point is recommended to be rejected.
8. NZDF (95.18) supports the proposed temporary military training activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. The support from the NZDF on the removal of redundant permitted activity conditions which were included in the Operative District Plan is noted. The NZDF has submission points on specific noise and vibration standards which are assessed further on in this report.

4.29.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.04	525.20	Michael White Campbell	Support	Accept In-Part Accept In-Part
26.10		Horowhenua Astronomical Society Inc.		Accept In-Part
27.19		Horizons Regional Council		Accept
40.18		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.18		New Zealand Defence Force (NZDF)		Accept

4.29.4 Recommended Amendments to the Plan Provisions

Amend Rule 16.6 by inserting a permitted activity condition on lightspill as follows:

16.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

....

16.6.X Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

4.30 Permitted Activity Standard (16.6.1) – Maximum Building Height

4.30.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.04	Future Map Limited	In-Part	<p>The submitter seeks the inclusion of additional rules to the conditions for permitted activities. Including a new height limits that would relate to a Low Impact Industrial area which is shown on the attached Pocock Zoning Master Plan.</p> <p>The submitter seeks amendment to Rule 16.6.1.</p>	<p>Amend Rule 16.6.1 as follows:</p> <p>(a) No part of any building shall exceed a height of 18 metres.</p> <p><u>(b) Any building within the Low Impact industrial area of the Tararua Growth Area Structure Plan shall not exceed a height of 10 metres.</u></p>	

One submission received on the Industrial Zone maximum building height condition. The submitter seeks to add a new maximum height condition to relate to the Low Impact Industrial Zone and infers an amendment to increase the Industrial Zone height from 12m to 18m.

4.30.2 Discussion & Evaluation

- As described previously, land use activities within the Industrial Zone of the Tararua Road Growth Area Overlay require Controlled Activity consent, subject to complying with the permitted activity and controlled activity conditions.
- As part of Future Map's concept to rezone the Residential part of the Tararua Road Growth Area Overlay to Industrial, the submitter also seeks to create a Low Impact Industrial area which would serve as part of a buffer between existing residential and heavier industrial activities.
- Future Map envisage the scale of buildings to be lower in the Low Impact Industrial area, and seek (70.04) a maximum height of 10m to apply instead of the 12m maximum that applies throughout the Industrial Zone.
- Assuming the submitter's Structure Plan and Design Guide are accepted (70.00 and 70.01), mechanisms to protect both the existing residential activities and future industrial activities from adverse effects (including reverse sensitivity) is considered appropriate.
- The submitter does not explain the basis for a maximum height of 10m or why it is appropriate in this context. A building 10m in height is taller when compared to the adjacent residential area that is characterised by single to two-storey dwellings. However, in combination with the reserve/stormwater buffer (60m and 12m building setback from the

reserve), the Design Guide section on massing and articulation of buildings, and ensuring the efficient use of industrial land, I consider the 10m would be an appropriate maximum height threshold for the Low Impact Industrial area.

6. The submitter also refers to an 18m maximum height limit in their submission, but did not show that this was a change sought and so it was unclear whether the 18m was a typo instead of 12m. However, since talking with the submitter, I now understand that their intention was to seek an 18m maximum height to remaining (main Industrial Zone) part of the Tararua Road Growth Area Overlay.
7. An 18 metre maximum building height is substantially higher than overall building height anticipated across the Horowhenua urban and rural environments (current maximum height is 15 metres in the Rural Zone and parts of the Commercial Zone). The Proposed Plan sets the Industrial Zone maximum building height at 12m and Policy 6.3.56 directs building form to “maintain overall moderate building height in industrial zones”. In fact, across the zones, the building form aimed for is an overall low to moderate building height.
8. I understand from the submitter that it is more efficient and cost effective to enable taller buildings and the 18m height reflects a standardise construction design that provides for effective storage of goods while also factoring in building design constraints.
9. The area of the Tararua Road Growth Area is a substantial area of flat greenfield land and I consider retaining the 12m maximum building height in order to maintain the industrial character of the Horowhenua would be more appropriate, compared to introducing a new and much higher building form of development.
10. Overall, I recommend submission point 70.04 be accepted in part.

4.30.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
70.04		Future Map Limited		Accept In-Part

4.30.4 Recommended Amendments to the Plan Provisions

Amend the permitted activity conditions relating to maximum building height in 16.6.1 as follows:

The following conditions shall apply to all permitted activities:

16.6.1 Maximum Building Height

- (a) No part of any building shall exceed a height of 12 metres.
- (b) Within the Low Impact industrial area of the Tararua Growth Area Structure Plan, no part of any building shall exceed a height of 10 metres.

4.31 Permitted Activity Standard (16.6.3) – State Highway 1 Frontage

4.31.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
37.02	Homestead Group Limited	Oppose	Oppose the permitted activity requirement for buildings to be set back 10 metres from SH1. The condition is restrictive and does not allow flexibility for the placement of buildings on site. There is no explanation about whether the set back is for transportation matters or amenity considerations.	Delete Rule 16.6.3(a)	

One submission was received on Rule 16.6.3 with requirements for State Highway 1 frontages, which seeks it be deleted.

4.31.2 Discussion & Evaluation

1. Homestead Group Ltd (37.02) opposes Rule 16.6.3(a) which sets out a 10m building setback from State Highway 1 for the main entrances to Levin and Foxton. The Industrial Zone rules in the Operative District Plan do not include any front/road boundary setbacks, landscaping or design controls. The Proposed Plan includes a new 10m building setback requirement from State Highway 1, for the Industrial Zone properties situated at the southern entrances to Levin and Foxton.
2. Main entrances contribute to the sense of arrival and identity of all towns. The Council seeks to improve the visual amenity of these entrances. The Proposed Plan includes Policy 6.3.53 which directs the enhancement of the visual appearance and amenity of the frontage of industrial activities on State Highway 1 (Levin and Foxton).
3. In the context of the southern entrance to Levin and Foxton, both of these entrances are fronted by industrial uses. In relation to the western side, the existing buildings and structures are setback from the road of varying distances (5m – 22m) despite no requirement to do so. These buildings are also a variety of sizes and forms. The frontages are typically dominated by hard surfaces (mainly concrete or asphalt), with very few trees or landscaping.
4. The Proposed Plan 10m building setback (and landscaping strip requirement) in Rule 16.6.3 provides a minimum level of amenity to be achieved as existing properties are redeveloped or added too. A non-regulatory component will be any landscaping and improvements (within the public open space) to improve the entrances, as provided through the Long Term Plan and Annual Plan processes.
5. The costs to landowners in complying with new requirements are recognised. For example less flexibility in building locations may constrain some development, the cost of planting and maintaining landscaping. However, given the relatively large size and width of most properties in this area, this requirement is not considered to unduly restrict or impede development.

- On balance, I consider the introduction of the amenity provisions in Rule 16.6.3, particularly the minimum building setback is appropriate and I recommend that submission point 37.02 be rejected.

4.31.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
37.02		Homestead Group Limited		Reject

4.31.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the 10m building setback applicable to the south Levin and Foxton entrances on SH1 (16.6.3).

4.32 Permitted Activity Standard (16.6.4) – Signs

4.32.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.03	HDC (Planning Department)	In-Part	The rule specifying the permitted display period for temporary signs allows such signs to be displayed for no more than two months for every calendar year. The reference to a calendar year would allow for a temporary sign erected in the month of November to be continuously displayed through February the following calendar year. This undermines the intent of the provision to permit the display of temporary signs for no more than two months within a 12 month period.	Amend Rule 16.6.4(a)(iv) as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year <u>of a 12 month period</u> and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

One submission was received on Rule 16.6.4 on signs seeking a minor amendment.

4.32.2 Discussion & Evaluation

- The HDC (Planning Department) seek an amendment (108.03) to improve the workability of the permitted activity standards with respect to temporary signs standards (16.6.4(a)(iv)). HDC (Planning Department) identified a technical problem with the duration standard for temporary signs. The amendment sought by the submitter clarifies the intent of the standard which is to allow temporary signs to be installed for 2 months over a 12 month (year) period. As this amendment clarifies the original intent of this rule, it is recommended this submission point be accepted.

4.32.3 Reporting Officer's Recommendation

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

4.32.4 Recommended Amendments to the Plan Provisions

Amend Rule 16.6.4(a)(iv) as follows:

16.6.4 Signs

- (a) All permitted signs shall comply with the following:
- (vi) *Any temporary sign shall be displayed for no longer than two (2) calendar months ~~in every calendar year~~ of a 12 month period and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.*

4.33 Permitted Activity Standard (16.6.5) – Noise

4.33.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.27	New Zealand Defence Force (NZDF)	In-Part	<p>Temporary Military Training Activities are no longer included in the general permitted noise conditions for each proposed zone. However, the general provisions in 16.6.5 (b) in the Permitted Conditions for Noise state that:</p> <p>“Sound levels shall be measured and assessed in accordance with the provisions of</p> <p>NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise”.</p> <p>Therefore Rule 16.6.5 (b) is redundant, as there is no possible situation to which it might apply.</p> <p>For the avoidance of doubt NZDF requests that this clause is specifically excluded, by amending 16.6.5(d).</p>	<p>Amend Rule 16.6.5(d) as follows:</p> <p>The noise limits in Rule 16.6.5(a) <u>and the provision of Rule 16.6.5 (b)</u> shall not apply to... Temporary Military Training Activities.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
97.01	Lowe Corporation Ltd & Colyer Mair Assets Ltd	In-Part	<p>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.</p> <p>The application of Rules 16.6.2 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.</p>	<p>No specific relief requested.</p> <p>Inferred: Amend Rule 16.6.5 so that the noise limits set in the permitted activity conditions are applied to the properties situated in the adjacent zones, rather than to the Industrial Zone.</p>	
5.03	Elaine Gradock	Support	Support the noise limits and introduction of a noise limit between 7.00pm - 10.00pm.	<p>No specific relief requested.</p> <p>Inferred: Retain proposed Rule 16.6.5(a)(i) noise limits.</p>	
108.34	HDC (Planning Department)	In-Part	The rule exempting certain activities from the permitted noise levels appears in each zone. Each rule refers to 'a normal residential activity'. For the Commercial, Industrial and Open Space zones the rule should be made zone specific by referring to the predominant permitted activity in each respective zone instead of referring to 'residential activity'.	<p>Amend Rule 16.6.5(e)(iv) as follows:</p> <p>Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential <u>industrial</u> activity.</p>	

Four submissions were received on Rule 16.6.5 on the noise limits in the Industrial Zone. These submissions either seek the rule be retained as notified or amended to address particular circumstances or activities.

4.33.2 Discussion & Evaluation

1. The NZDF (95.27) supports in part the permitted activity noise standards but seeks an amendment to ensure that the second part (Rule 16.6.5(b)) of the noise standard is included in the exemption. However, NZDF (95.31) has concerns over the Proposed Plan noise level conditions as they related to temporary military training activities. The matters raised in submission point 95.27 are identical to those raised by NZDF across all zones in the Proposed Plan where a correction to the noise condition to ensure those exempt from the general noise conditions are also exempt from being measured and assessed in accordance with NZS 6801:2008. The numbering of the noise condition subclauses is slightly different for

the Industrial Zone, compared to the Residential Zone. Therefore the wording sought by NZDF is not entirely correct, but the intent of the submission point is clear.

2. Rule 16.6.5(e) lists activities exempt from the general noise limits set out in Rule 16.6.5(a) and (b). Subclause (c) requires the general noise limits to be measured and assessed in accordance with NZS 6801:2008. It makes sense that any activity exempt from (a) and (b) should be exempt from (c) as well. Therefore I recommend accepting in part the relief sought by the NZDF, but recommend alternative wording to achieve this outcome.
3. Lowe Corporation Ltd and Colyer Mair Assets Ltd (97.01) consider the Industrial Zone conditions set in Rule 16.6.2 (building setbacks) and 16.6.5 (noise) 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.
4. 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.
5. 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.
6. The noise limits set in Rule 16.6.5(b) apply an overall 65dB L_{Aeq} for the Industrial Zone, which apply at every industrial property boundary. The Operative District Plan applies a similar noise level standard in the Industrial Zone, but the Proposed Plan's version is simply an updated version of it.
7. Lowe Corporation Ltd & Colyer Mair Assets Ltd suggests that noise limits should not be applied across the Industrial Zone, but only at the adjacent zone boundary. Rule 16.6.5(a) applies a different (lower) set of noise limits at the zone boundary for more sensitive zones (Residential, Greenbelt Residential and Rural).
8. The issue to resolve, is whether the Industrial Zone should have a maximum level of noise or not (i.e. should Rule 16.6.5(b) be retained or deleted). If this rule was deleted, the Council would rely on the general duty under Section 16 of the RMA to manage unreasonable noise within the Industrial Zone.
9. Mr Lloyd of Acoustic Consulting and Engineering Ltd has been engaged by Council to review the submission by Lowe Corporation Ltd & Colyer Mair Assets Ltd and concludes that there is merit in deleting the Industrial Zone noise limit of 65dB L_{Aeq} (i.e. Rule 16.6.5(b)). This conclusion is because industrial activities (loading and unloading of goods) could find it difficult to meet the noise limit at the immediate site boundary.

10. From a planning perspective, the benefit of having a noise limit across the Industrial Zone is the certainty and overall baseline of amenity that can be relied upon. For example, if there are complaints or instances that need to be resolved about excessive noise, the noise limits provide an easy threshold to measure to determine compliance. Relying on Section 16 of the RMA relies on a subjective assessment of what constitutes “unreasonable noise” and whether the best practicable option has been adopted. The cost of the Industrial Zone noise limit will be the situations outlined by Mr Lloyd and the submitter to comply with the noise limits may reduce the effectiveness of the zone in providing a range of activities in an environment that is expected to have a lower level of amenity.
11. On balance, I consider retaining the Industrial Zone noise level of 65dB L_{Aeq} is appropriate, as it provides certainty and a base level of amenity which is still lower than the other zones. On this basis, I recommend that the Lowe Corporation Ltd & Colyer Mair Assets Ltd submission point (97.01) be rejected.
12. HDC (Planning Department) (108.34) seek an amendment to noise standard Rule 16.6.5(e)(iv) so reference to vehicles used within a site as part of a “residential activity” is removed and replaced with “industrial”. The reason being, industrial activities are the predominant use within the Industrial Zone and residential activity is not permitted. Rule 16.6.5(e) states the following:
 - (e) *The noise limits in Rule 16.6.5(a) and 16.6.5(b) shall not apply to the following activities:*
 - (i) *Fire and civil emergency sirens.*
 - (ii) *Construction, maintenance and demolition work.*
 - (iii) *The operation of the Main North Island Trunk Railway.*
 - (iv) *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential activity.*
 - (v) *Temporary Military Training Activities.*
 - (vi) *Temporary events.*

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on or under a water body to adopt the best practicable option to avoid unreasonable noise.
13. The relief sought by HDC (Planning Department) is considered to have unintended consequences and would create a loophole, where vehicles used on industrial sites would not be required to comply with the Industrial Zone noise limits (e.g. vehicles used for moving stock in an outdoor storage area). The nature of industrial activities involves the use of vehicles and this request change would undermine the intent of the zone noise limits, if noise from vehicles (whether driving up the driveway, loading, unloading goods) were exempt. On this basis, I recommend that submission point 108.34 be accepted in part, where the wording of the 16.6.5(e)(iv) is amended so it only exempts noise from vehicles on roads.

14. Support from Gradock (5.03) for the new shoulder period noise limit is noted. I recommend that this submission point be accepted.

4.33.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.27		New Zealand Defence Force (NZDF)		Accept In-Part
97.01		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Reject
5.03		Elaine Gradock		Accept
108.34		HDC (Planning Department)		Accept In-Part

4.33.4 Recommended Amendments to the Plan Provisions

Amend the noise condition in Rule 16.6.5 as follows:

16.6.5 Noise

- (a) *Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:*
- ...
- (b) *Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.*
- (c) *Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.*
- (d) *Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.*
- (e) *The noise limits in Rule 16.6.5(a), ~~and~~ 16.6.5(b) and 16.6.5(c) shall not apply to the following activities:*
- (i) *Fire and civil emergency sirens.*
 - (ii) *Construction, maintenance and demolition work.*
 - (iii) *The operation of the Main North Island Trunk Railway.*
 - (iv) *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~*
 - (v) *Temporary Military Training Activities.*
 - (vi) *Temporary events.*

4.34 Permitted Activity Standard (16.6.6) – Vibration

4.34.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.37	New Zealand Defence Force (NZDF)	In-Part	<p>The Section 32 reports gives no specific reasons as to why these new standards are proposed, and gives no guidance as to the appropriateness or otherwise of these standards to Temporary Military Training Activities.</p> <p>NZDF adopts a neutral stance on the proposed introduction of the standards until a technical analysis of their implications has been completed. Once the results of this analysis are available, NZDF will come back to the Council with any further comments and requests.</p>	Retain Rule 16.6.6 as notified (conditionally).	

One submission was received on the Industrial Zone vibration condition. No amendments were sought, but the submitter indicated they may seek changes until such time as their technical review of the provisions has been completed.

4.34.2 Discussion & Evaluation

1. The NZDF (95.37) is neutral on the proposed permitted activity standard which manages vibration (16.6.6), until such time as their technical review of the provisions has been completed. Vibration has many similarities with noise in terms of its potential to cause annoyance and affect health (e.g. sleep disturbance). It has been the source of complaints previously, such as the former Feltex carpet factory in Foxton and from blasting in quarries in rural areas.
2. The Operative District Plan requires “any activities not to create a vibration with exceeds the limits in NZS/ISO 2631.2:1989 – Continuous and Shock-Induced Vibration in Buildings and NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments”.
3. The district plan review determined that the continuation of a vibration condition was appropriate to ensure a level of amenity was maintained and not adversely affected by significant ground or sound vibration.
4. The 1989 NZ Standard has been superseded and a series of other standards now apply to manage vibration and it was these standards that are included and referred to in the Proposed Plan vibration condition to manage the nuisance effects of vibration.

5. NZDF engaged Malcolm Hunt Associates to carry out a technical review of both the noise and vibration conditions of the Proposed Plan that relate to temporary military training activities. Based on this technical review, NZDF now seek to exempt temporary military training activities from the Proposed Plan vibration standards (see correspondence in Appendix 6.5).
6. This request is linked to NZDF request to manage activities involving the use of explosives and the firing of weapons through separation distances, peak sound pressure limits and noise management plans. NZDF consider that these provisions manage noise and vibration together.
7. The exemption of these activities from the vibration condition has the potential to be outside the scope of the original submission point.
8. I consider it appropriate to continue to apply the vibration conditions to temporary military training activities and therefore accept in part the original relief sought, acknowledging that this would effectively reject the NZDF latest request.

4.34.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.37		New Zealand Defence Force (NZDF)		Accept In-Part

4.34.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 16.6.6.

4.35 Permitted Activity Standard (16.6.7) – Odour

4.35.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
97.02	Lowe Corporation Ltd & Colyer Mair Assets Ltd	In-Part	The submitter considers Rule 16.6.7 is too vague and does not take into account the rationale for having a separate Industrial Zone in the first place. Where an odour is offensive should be judged not only by at least two people but should also have regard to the frequency, intensity, duration, offensiveness and location of the odour (the FIDEL factors) and the fact that odours from other sources and those typical of an industrial environment could be anticipated near an industrial	No specific relief requested. Inferred: Amend Rule 16.6.7 (a) so that the permitted activity conditions relating to offensive odour is more precise and reflects the FIDEL factors.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			zone.		

One submission was received on the permitted activity condition for odour in the Industrial Zone, and it is inferred from this submission more clarity is required for Rule 16.6.7.

4.35.2 Discussion & Evaluation

1. Lowe Corporation Ltd & Colyer Mair Assets Ltd (97.02) supports in part the permitted activity condition relating to odour (Rule 16.6.7), but seeks that the condition is more precise and reflects the frequency, intensity, duration, offensiveness and location of the odour (the FIDEL factors). The Operative District Plan has a permitted activity condition to manage odour at the boundary of a residential property or at the boundary of any property in the Residential Zone. The retention of the odour condition in the Proposed Plan was considered appropriate and has been extended to apply to a property boundary with any other more sensitive zone (Residential, Rural, Greenbelt Residential, Open Space and Commercial).
2. The use of an odour permitted activity condition within the District Plan can assist the management of land uses in order to maintain amenity values (for adjoining zones). However, Horizons Regional Council is responsible for managing discharge of contaminants to air and consequently makes provision in the Proposed One Plan for the purpose of maintaining ambient air quality for health and amenity reasons.
3. Determining whether an odour is offensive is a subjective science and that is why at least two independent observers (including a Council officer) are required to detect and determine whether any odour is offensive. The Proposed One Plan¹ helpfully sets out how a Council can determine the offensiveness of odour as part of compliance and enforcement monitoring, and refers to the FIDEL factors including:
 - *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).*
4. Depending on the cause and nature of the odour, HDC and/or Horizons would be involved in the management of odour (source of discharge and land use) through compliance and

¹ Chapter 14 (Air Discharge), Section 14.2

enforcement with the Proposed Plan and Proposed One Plan. The system set out in the Proposed One Plan would assist both Councils in the determination of “offensiveness”.

- The odour condition in the Proposed Plan does demonstrate that it is not enough for a neighbour to singularly consider the activity or matter to be offensive. Given the coordination between Horizons and HDC when responding to odour complaints, it is considered the reference to the assistance set out in the Proposed One Plan is sufficient and does not require repeating in the Proposed Plan odour condition. For this reason, I recommend that submission point 97.02 be accepted in part.

4.35.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
97.02		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Accept In-Part

4.35.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Industrial Zone permitted activity condition that manages odour (16.6.7)

4.36 Permitted Activity Standard (16.6.9) – Unsightly Buildings

4.36.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.13	New Zealand Historic Places Trust (NZHPT)	Oppose	The submitter considers that this rule could be ultra vires as it could not be enforced.	No specific relief requested. Inferred: Delete Rule 16.6.9.	
37.04	Homestead Group Limited	Oppose	Oppose condition 16.6.9(a) as it is subjective and open to interpretation. The condition could never be complied with for new buildings because to comply would assume a continuous construction period.	Delete Rule 16.6.9(a)	

Two submissions were received on the permitted activity condition relating to unsightly buildings, and either request or infer this condition be deleted.

4.36.2 Discussion & Evaluation

- NZHPT (117.13) and Homestead Group Ltd (37.04) both oppose the permitted activity condition relating to ‘unsightly buildings’. The Operative District Plan has an ‘unsightly building’ permitted activity condition in the urban zones. The unsightly building condition was

specifically introduced in Plan Change 9 to the Operative District Plan in 2001 in response to many complaints from the public from adverse amenity effects from derelict buildings. Prior to the plan change, Council relied upon Section 17 of the RMA and serving abatement notices where derelict buildings were causing an adverse effects on visual amenity. The 2001 Planning Report for this Plan Change explains that the unsightly building performance standard enables HDC a stronger basis to act more positively to complaints about derelict buildings.

2. The unsightly building permitted activity condition was rolled over in the Proposed Plan because it was still considered an effective and efficient method for managing the adverse effects on visual amenity of derelict buildings.

3. The Proposed Plan unsightly buildings condition states:

16.6.9 Unsightly Buildings

(a) No building shall ever be left unfinished, or constructed, or become in such a state, so that its external appearance is a detraction from the amenities of the neighbourhood in which it is situated.

4. Homestead Homes Ltd and NZHPT seek the deletion of Rule 16.6.9 as they contend the rule is subjective and therefore unable to be enforced.

5. I agree with the submitter that this permitted activity condition is different and not as clear cut as most other conditions, such as where measurable thresholds are applied (e.g. maximum height). Notwithstanding this difference, I consider the wording of this condition is clear and can be implemented. Determining whether a building is “unfinished” should be straightforward and therefore not subjective. For example, if the building is not fully clad or other obvious features are missing, it would be unfinished. Concluding whether a building is of such a state that it detracts from the amenities of the neighbourhood in which it is situated, is more subjective. However, common sense would prevail and buildings that are extremely rundown would be considered applicable.

6. Homestead Group Ltd contends that the condition could never be complied with for new buildings, because to comply assumes a continuous construction period. As I’ve described above, I interpret the “unfinished, or constructed” part of the condition to apply to situations where the construction period has ended and contractors have moved off site, and the site and building is left in disrepair.

7. The submission point by NZHPT who disagree with the application of this type of permitted activity condition is noted. However, this approach is considered the most effective way for HDC to be able to consider and respond to complaints from the public about unfinished sites or dilapidated buildings.

8. Despite the unconventional approach of the “unsightly buildings” condition, I consider it appropriate as it contributes to maintaining a baseline level of amenity in the Industrial Zone and therefore recommend that submission points 117.13 and 37.04 be rejected.

4.36.3 Reporting Officer’s Recommendation

Sub. No	Further	Submitter Name	Further Submitter	Officer’s
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Sub. No.	Position	Recommendation
117.13	New Zealand Historic Places Trust (NZHPT)	Reject
37.04	Homestead Group Limited	Reject

4.36.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Industrial Zone permitted activity condition for unsightly buildings in Rule 16.6.9.

4.37 Permitted Activity Standard (16.6.11) – Wastes Disposal

4.37.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
110.03	Fraser	In-Part	The submitter seeks the inclusion of petroleum and other hazardous chemicals in the waste disposal rule.	Amend Rule 16.6.11 to include reference to petroleum and other hazardous chemicals	

One submission was received on the condition for waste disposal seeking it be amended to include reference to petroleum and other hazardous substances.

4.37.2 Discussion & Evaluation

1. Fraser (110.03) supports in part the Waste Disposal permitted activity condition (Rule 16.6.11) but seeks that reference to petroleum and other hazardous chemicals are included in the condition. The use, storage, transportation and disposal of hazardous substances such as petroleum and other hazardous chemicals is managed in the Proposed Plan. Chapter 9 provides the policy framework and Chapter 23 sets out the rules. The Chapter 23 rules are cross referenced to each of the Zone Chapters. For the Industrial Zone, the reference is made in Rule 16.1 (permitted activities) and Rule 16.6.18 (hazardous substances).
2. The submitter seeks that petroleum and other hazardous chemicals are listed along with the other types of waste (sewage, effluent and refuse) that are specifically referred to in Rule 16.6.11. However, the Proposed Plan already sets out conditions for the disposal of hazardous substances in Chapter 23.
3. On this basis, I consider hazardous waste disposal is already addressed in another part of Proposed Plan and adding a reference to Rule 16.6.11 is not required. To ensure the cross reference from the Industrial Chapter to the Hazardous Substances Chapter is clear about transportation and waste disposal of hazardous substances, an amendment to Rule 16.6.18 would be appropriate to assist plan users.

4.37.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
110.03		Fraser		Accept In-Part

4.37.4 Recommended Amendments to the Plan Provisions

Amend Rule 16.6.18 as follows:

16.6.18 Hazardous Substances

(a) All activities using, or storing, transporting or disposing of hazardous substances shall comply with the Hazardous Substances Classification parameters for the Industrial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

4.38 Permitted Activity Standard (16.6.23) – Temporary Military Training Activities

4.38.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.13	New Zealand Defence Force (NZDF)	Support	Proposed change clarifies ambiguities which may have arisen with the definition in the Operative Plan.	Retain as notified	
95.08	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 16.6.23 (a)(i).	Retain Rule 16.6.23(a)(i) as notified.	
95.51	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 16.6.23(a)(ii).	Retain Rule 16.6.23(a)(ii) as notified	
95.22	New Zealand Defence Force (NZDF)	In-Part	Conditionally supports the introduction of these new noise standards, but has commissioned a technical review to investigate the matter in more detail. At the time of this submission this review has not yet been completed; as soon as the results of the review are available, NZDF will come back to the Council to confirm its support (or otherwise) for the change and to discuss any specific recommendations or request that may arise from the	Retain as notified (conditionally)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			review.		
95.32	New Zealand Defence Force (NZDF)	Oppose	<p>The existing requirements for all zones (except Residential 1) is that: “Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC”</p> <p>The Section 32 reports supporting the Proposed Plan states that “it is considered efficient and effective to provide for permitted noise levels that are in character with the zone” but do not give any specific reasons why the change from the status quo is necessary. NZDF submits that the status quo has been working satisfactorily to date and there appear to be no valid reasons given for introducing a blanket restriction on night-time use of explosives and small arms.</p> <p>For these reasons NZDF opposes this proposed Permitted Activity condition, and request that the current provisions for the District Plan in respect of night-time noise be retains, with the proviso that NZDF would wish to discuss this matter further with Council once a more detailed technical review has been completed.</p>	<p>Include provisions in the District Plan in regards to night time noise, which states;</p> <p><u>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</u></p>	

Five submission points were received from the NZDF on the permitted activity conditions for the Industrial Zone in relation to temporary military training activities.

4.38.2 Discussion & Evaluation

1. NZDF (95.13, 95.08 and 95.51) supports the proposed temporary military activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. However the NZDF (95.22 and 95.32) has concerns over the inclusion of new noise and vibration standards and is undertaking a technical review to understand the implications and whether the changes are appropriate from their point of view particularly as the conditions relate to nighttime activities from temporary military training activities. The matters raised in submission points 95.13, 95.08, 95.51, 95.22 and 32 are identical to those raised by NZDF across all zones in the Proposed Plan.

2. The discussion and evaluation of the NZDF's submission points on the permitted activity conditions for temporary military training activities in the Residential Chapter (see Section 4.18) is considered applicable for the Industrial Chapter as well.
3. NZDF submission points (95.13, 95.51 and 95.08) support or are neutral on permitted activity conditions in Rule 16.6.23 sub-clauses (i), (ii) and (iii) of the temporary military training activities provisions and seek that these provisions be retained as notified. This support and neutrality is noted. I recommend that submission points 95.13, 95.51 and 95.08 be accepted.
4. The NZDF queries (95.22) the proposed noise limits on temporary military training activities in Rule 16.6.23(a)(iv) and (v), and opposes (95.31) the need to impose a night time restriction on the noise resulting from temporary military training activities that involve the use of explosives and small arms.
5. As explained in Section 4.18 of this report, NZDF engaged Malcolm Hunt Associates to review the Proposed Plan noise conditions for temporary military training activities. Based on the review, NZDF seek alternative noise and vibration conditions.
6. I consider the recommendations made under the Residential Zone should be applied consistently across the Proposed Plan Zones. On this basis, I make the following recommendation to the NZDF's submission points on the Industrial Zone:

Fixed and Mobile Noise sources

7. The noise conditions relating to fixed and mobile noise sources from temporary military training activities, as requested by NZDF and are considered appropriate by Nigel Lloyd, can be provided for in the Proposed Plan.
8. I recommend that the original relief sought in submission 95.22 be accepted in part, insofar as accepting the NZDF's noise provisions for fixed and mobile activities. Recommended amendments to the temporary military training activity noise conditions in Rule 16.6.23 are set out in the section below.

Noise from weapons firing and explosives

9. Nigel Lloyd finds the Proposed Plan approach^[1] to managing the noise from explosives and weapons are not appropriate and recommends rejecting the NZDF provisions (refer to Appendix 6.6).
10. I consider the key point to take from My Lloyd's technical review, is that to comply with the technical parameters (whether separation distances or peak sound blast dBC limits) would be difficult during the nighttime period and could create unreasonable noise if not complied with. Therefore additional mitigation and management of this type of noise would be appropriate during the nighttime period, through a Controlled Activity resource consent process.
11. A solution could be to provide for the separation distances as permitted activity conditions but exclude the second part of the rule (a) – (c). As a result, where the separation distances cannot comply, then a Controlled Activity is required.

^[1] Lloyd (2013) Technical Review of Submission, Proposed Horowhenua District Plan, Noise Provisions, page 2.

12. On this basis I recommend that the original NZDF submission point 95.32 be accepted in part.

4.38.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.13		New Zealand Defence Force (NZDF)		Accept
95.51		New Zealand Defence Force (NZDF)		Accept
95.08		New Zealand Defence Force (NZDF)		Accept
95.22		New Zealand Defence Force (NZDF)		Accept In-Part
95.32		New Zealand Defence Force (NZDF)		Accept In-Part

4.38.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity permitted activity conditions in Rule 16.6.23, with respect to the noise provisions as follows:

16.6.23 Temporary Military Training Activities

Temporary Military Training Activities

- (a) *All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:*
- (i) *No permanent structures shall be constructed;*
 - (ii) *The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;*
 - (iii) *The duration of any temporary military training activity shall not exceed 31 consecutive days;*
 - (iv) *Noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any notional boundary of any noise sensitive activity.*
 - ~~(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; and~~
 - ~~(v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 16.6.5(a) - (c), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).~~
 - ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
 - ~~(vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing~~

Areas. Noise levels shall be measures in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

(vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 16.1.

Table 16.1: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from site zoned Residential or Greenbelt Residential, or any building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

4.39 Controlled Activity Matters of Control and Conditions (16.7.1) – Subdivision of Land

4.39.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.15	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter is supportive of the inclusion of subdivision rules and the matters of controls, but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites.	Amend Rule 16.7.1(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, <u>archaeological</u> and historical sites.	
41.37	Powerco	In-Part	Submitter seeks amendment to Rule 16.7.1(a)(iv) to include reference to gas.	Amend Rule 16.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity <u>and, where</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>applicable, gas.</u>	

Two submissions were received on the controlled activity matters of control and conditions relating to subdivision of land, with both submissions seeking amendments to matters of control.

4.39.2 Discussion & Evaluation

1. The NZHPT (117.15) seek to extend the matters of control for subdivisions so that consideration of effects on significant archaeological sites is specified. Chapter 13 sets out the policy framework for historic heritage and Objective 13.2.1 aims to protect significant historic heritage that reflects the culture and history of the Horowhenua District from inappropriate subdivision, use and development.
2. Historic heritage includes archaeological sites that significantly contribute to the understanding and appreciation of culture and history of the District, the region and New Zealand. It follows that the consideration of effects on “archaeological” sites, as well as historic, cultural and natural, is appropriate. I recommend that NZHPT’s submission point be accepted.
3. Powerco (41.37) seek to include the servicing requirements for subdivisions to extend to the provision of gas, where applicable. The provision of utilities and infrastructure is an important consideration for any subdivision. The inclusion of a reference to the provision of gas, where applicable, is considered appropriate as gas is a common utility provided in many subdivisions. Therefore I recommend that Powerco’s submission point be accepted.

4.39.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
117.15		New Zealand Historic Places Trust (NZHPT)		Accept
41.37		Powerco		Accept

4.39.4 Recommended Amendments to the Plan Provisions

Amend the Matters of Control for Subdivisions as follows:

16.7.1 Subdivision of Land (Rule 16.2(a))

...

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

...

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

4.40 Controlled Activity Matters of Control and Conditions (16.7.3) – Relocated Buildings

4.40.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.16	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 16.7.3	
40.33	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	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. Inferred delete Rule 16.7.3(a)(iii).	

Two submission points were made on the controlled activity rules for relocated buildings, both seeking these rules be deleted.

4.40.2 Discussion & Evaluation

1. The House Movers Section of NZ Heavy Haulage Association Inc. (40.16 and 40.33) seek the deletion of the Matters of Control and Conditions relating to relocated buildings. These are consequential changes from earlier submissions points seeking relocated buildings be permitted activities, subject to permitted activity standards. As discussed earlier in this report in Section 4.26.2, Controlled Activity is considered the most appropriate activity status for the placement of relocated buildings. Accordingly, the Matters of Control and Conditions are also considered effective in managing the reinstatement of previously used buildings. On this basis, I recommended that submission points 40.16 and 40.33 be rejected.

4.40.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.16		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.33		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.40.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Matters of Control and Conditions in Rule 16.7.3.

4.41 Controlled Activity Matters of Control and Conditions (16.7.6) – Temporary Military Training Activities

4.41.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.42	New Zealand Defence Force (NZDF)	In-Part	<p>Supports the retention of Controlled activity status for any Temporary Military Training Activities that are not Permitted Activities.</p> <p>However, NZDF requests that the matters for control are made more specific to noise In-Particular – in order to give the NZDF more certainty in understanding Council’s requirements.</p>	<p>Retain Controlled activity status.</p> <p>Amend Rule 16.7.6 by clarifying matters for control, especially in regards to noise.</p>	

One submission was received on the Controlled Activity matters of control and conditions for temporary military training activities seeking they be retained as notified, except for clarifying the noise matters.

4.41.2 Discussion & Evaluation

1. The NZDF (95.42) generally support the Matters of Control set out for temporary military training activities, but seek further clarification with respect to noise matters. The matters raised in submission point 95.42 are identical to those raised by NZDF across all zones in the Proposed Plan.
2. The discussion and evaluation of the NZDF’s submission point on the Matters of Control for temporary military training activities in the Residential Chapter (see Section 4.20) is applicable for the Industrial Chapter as well.
3. A controlled activity consent is required for any temporary military training activities that does not comply with any of the permitted activity conditions. The permitted activity conditions for temporary military training activities manage the use of structures, excavation, duration of the activity, noise in general and noise from the use of explosives. The effects of not complying with the conditions may vary and include visual, traffic, noise and overall disturbance if the duration is longer than provided for.
4. The NZDF request that the matters of control are clarified, particularly in relation to noise.
5. Initially I was concerned in defining more precisely the Matters of Control due to the ability to capture all matters that may arise as a result of a non-compliance with the 31 day duration condition (Rule 16.6.23(iii)). However, since drafting amended Matters of Control, I now consider that a better balance can be struck, where there is greater certainty for NZDF, as well as ensuring HDC has the range to consider important matters relating to temporary military training activities.

6. The NZDF presented evidence at the Council Hearing for the Open Space Zone on the 10th April 2012. Both the planner for NZDF and I both offered amendments to the Matters of Control and there seemed to be some agreement on these matters.
7. I consider applying more specific Matters of Control for temporary military training activities is appropriate based on this alternative wording. I recommend that submission point 95.42 be accepted in part and that Rule 16.7.6 be amended with the wording set out in my recommendation below.

4.41.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.42		New Zealand Defence Force (NZDF)		Accept In-Part

4.41.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity Matters of Control in Rule 16.7.6 as follows:

16.7.6 Temporary Military Training Activities

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
- (i) The size and positioning of buildings and structures;
- (ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
- (iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
- (iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
- (iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

4.42 Controlled Activity Matters of Control and Conditions (16.7.7) – Tararua Road Growth Area Overlay

4.42.1 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
70.05	Future Map Limited	In-Part	<p>The Pocock Zoning Master Plan and Wider Connections Diagram shows proposed road linkages and future provision for access to Arapaepae Road (SH57) with two potential linkages within the Future Industrial Zone. It is considered that with appropriate layout and treatments provision for access to and from SH 57 may be a possibility. With the inclusion of the additional rural land to the southeast of the site (with frontage to both Tararua Roads and Arapaepae Roads) landscape buffers are provided for.</p> <p>The submitter seeks amendment to Rule 16.7.7.</p>	<p>Amend Rule 16.7.7 as follows:</p> <p>(b) Conditions</p> <p>(ii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back from the boundary by not less than:</p> <ul style="list-style-type: none"> · 10 metres from Tararua Road. · 8 metres from Tararua Road Growth Area Residential Area. 	
70.06	Future Map Limited	In-Part	<p>The Industrial Zone rules of the Proposed District Plan would continue to apply to the Tararua Road Growth Area Structure Plan. However, some consequential changes are required to give effect to the rezoning.</p> <p>The submitter seeks the inclusion of a new Rule 16.7.7(b)(iii)</p>	<p>Include new subclauses to Rule 16.7.7(b) as follows:</p> <p>...<u>16.7.7(b) (iii)</u></p> <p><u>Any building located within the Low Impact Industrial Area overlay within the Tararua Growth Area shall be limited to offices, commercial activities and service activities including warehousing, storage and distribution activities but excluding the maintenance and refuelling of vehicles.</u></p> <p><u>16.7.7(b) (iv)</u></p> <p><u>All development undertaken within the Tararua Growth Area Structure Plan shall be in accordance with Design Guide contained in Schedule 5 of the Proposed Horowhenua District Plan.</u></p>	

Two submissions were received on the matters of control and conditions for the Tararua Road Growth Area Overlay seeking amendments to these provisions.

4.42.2 Discussion & Evaluation

1. Future Map Limited (70.05) seeks to amend the Controlled Activity conditions that apply to land use activities in the Tararua Road Growth Area Overlay so that reference to setbacks from the Tararua Road Growth Residential Area are removed, but retain the 10m building setback set for Tararua Road. The submission infers that this 10m setback is to apply to Arapaepae Road as well, but the relief sought does not include it.
2. It is important to note that Future Map (70.00 and 70.01) seeks the replacement of the Proposed Plan Structure Plan and Design Guide for the Tararua Road Growth Area Overlay (Schedule 5). In effect, these replacement documents extend the Industrial Zone to the western boundary of Arapaepae Road (SH57) and the northern boundary of Tararua Road and rezoned the area zoned Residential to Industrial.
3. The evaluation of submission points 70.00 and 70.01 is set out in Section 4.47 of this Report and in summary I recommend that the replacement Structure Plan (Pocock Zoning Master Plan) and Design Guide be accepted in part. As a consequence, the area zoned Residential is rezoned Industrial and the provisions within the Residential Zone would become redundant. Future Map seek in submission point (70.07) that the residential provisions be deleted.
4. On the basis that the residential area within the Tararua Road Growth Area Overlay is rezoned industrial, it consequentially means that the setback (Rule 16.7.7) from the residential component is redundant and should be deleted.
5. The support for retaining 10m building setback from Tararua Road is noted. Given the Future Map Structure Plan (Pocock Zoning Master Plan) extends the Industrial Zone to Arapaepae Road and provides the same depth of landscape treatment along these two roads for rural amenity protection reasons, it is considered that the 10m setback should also apply to Arapaepae Road.
6. On the basis of this evaluation and my evaluation in Section 4.47 of this Report, I recommend submission 70.05 be accepted in part, insofar as alternative wording to Rule 16.7.7 to apply the 10m setback from both Tararua and Arapaepae Roads.
7. Future Map (70.06) seek to add a new Controlled Activity Condition which would provide for the types of activities expected in the new Low Impact Industrial Zone and a new Condition that specifies all development to be undertaken in accordance with the Design Guide.
8. The submitter seeks that the Low Impact Industrial Zone provides opportunities for “office, commercial activities, and warehouse and distribution activities”. However, I consider the inclusion of commercial activities would be inconsistent with the objectives in the Proposed Plan for the Industrial Zone. Commercial activities (office, retail and etc.) are better provided for within the Commercial Zone. Therefore, I consider an alternative approach of providing for light industry could be achieve in this area which does not encompass commercial activities but still achieves the objectives of the Industrial Zone generally as well as the Tararua Road Growth Area.
9. As an alternative, “heavy industrial activities” or “primary industries” within the Low Impact Industrial Zone could be listed as a Discretionary or Non-Complying Activity in the Industrial Zone. These more intensive industrial activities could generate significant adverse effects

which are incompatible with the adjoining residential areas as well as other activities in a ‘low impact’ area. If this approach is supported by the submitter, some consequential changes to the Proposed Plan may be required, such as adding a definition or listing what constitutes “heavy industrial activities” or “primary industries”. For the purposes of illustrating what I mean, I have taken the list of heavy industries refer to in Appendix 4 of the Combined Wairarapa District Plan (refer to Appendix 6.7). This list provides certainty as to what is meant by ‘heavy industry’ and is included in my recommended amendment.

10. The second part of the relief sought in submission 70.06 is a new Controlled Activity Condition that specifies all development is to be undertaken in accordance with the Design Guide. Typically, Design Guides are used to assist and provide guidance on particular aspects of a development, rather than prescribe specific setbacks and dimensions. However, the Design Guide sought by Future Map is relatively prescriptive on some matters such as landscape buffer dimensions, massing of buildings and setbacks. The submitted Design Guide also sets out the aims and what development should achieve in the Growth Area, so there is some guidance material as well.
11. In applying the submitted Design Guide, the applicant and HDC consent planners would need to determine which parts of the Design Guide are “standards” and which parts are “guidance” when preparing and evaluating a consent application for land use in the Tararua Road Growth Area Overlay. I consider the Design Guide is better applied as an evaluation matter (e.g. matter of control) rather than forming a condition to determine the activity status.
12. On the basis of the above evaluation, I recommend submission point 70.06 be accepted in part, insofar as alternative wording to provide heavy industrial activities are discretionary activities within the Low Impact Industrial Zone. The Design Guide is already listed as a matter of control, therefore, the submission point to add the Design Guide as a condition is rejected.

4.42.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
70.05		Future Map Limited		Accept In-Part
70.06		Future Map Limited		Accept In-Part

4.42.4 Recommended Amendments to the Plan Provisions

Add a new Non-Complying Activity to 16.5 as follows:

16.5 NON-COMPLYING ACTIVITIES

The following activities shall be non-complying activities in the Industrial Zone:

...

(b) Any heavy industrial activity listed in Schedule 13 within the Tararua Road Growth Area Overlay, Low Impact Industrial Zone (Schedule 5).

AND consequential amendment to add a new Schedule (number 13) that lists heavy industries (based on the list included in the Combined Wairarapa District Plan, Appendix 4).

4.43 Matters of Discretion and Conditions for Restricted Discretionary Activities (16.8.4 and 16.8.5) – Land use and Subdivision Tararua Growth Area Overlay

4.43.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.08	Future Map Limited	Support	Rule 16.8.4 sets out the matters of discretionary and conditions for Restricted Discretionary Activities in relation to activities within the Tararua Road Growth Area Overlay. The submitter supports this provision and seeks the retention of it.	Retain Rule 16.8.4.	
70.09	Future Map Limited	Support	Rule 16.8.5 sets out the matters of discretionary and conditions for Restricted Discretionary Activities in relation to subdivision within the Tararua Road Growth Area Overlay. The submitter supports this provision and seeks the retention of it.	Retain Rule 16.8.5.	

Two submissions were received on the matters of discretion and conditions for the Tararua Road Growth Area Overlay seeking these provisions be retained.

4.43.2 Discussion & Evaluation

- Submission points 70.08 and 70.09 seek to retain the Matters of Discretion for land use and subdivision. However, given the substantive change sought by the submitter through the Pocock Zoning Master Plan and Design Guide in Schedule 5 and different emphasis to the Tararua Road Growth Area, I recommend that these submission points be accept in part, so that amendments to the Matters of Discretion and Conditions can be made.
- The Matters of Discretion should reflect the goals set in the Design Guide, such as
 - The amenity and character within the Tararua Road Growth Area, including the Low Impact Industrial Zone
 - Landscape and noise buffers along roads
 - The design, function, access and maintenance to the stormwater/reserve

- The staging of the development
- Effects of traffic generation, access onto the existing road network and internal roading network
- Measures to avoid or mitigate incompatibility and reverse sensitivity issues within the Tararua Road Growth Area and for adjoining areas.

4.43.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.08		Future Map Limited		Accept In-Part
70.09		Future Map Limited		Accept In-Part

4.43.4 Recommended Amendments to the Plan Provisions

Amend the Matters of Discretion for land use activities within the Tararua Road Growth Area Overlay 16.8.4.

16.8.4 Within the Tararua Road Growth Area Overlay non-compliance with Permitted Activity Conditions (Rule 16.6), Controlled Activity Conditions (Rule 16.7) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

(a) Matters of Discretion

- (i) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
- (ii) The location, layout, design and appearance of the development, including buildings.
- (iii) The management of stormwater, wastewater, water supply and other servicing.
- (iv) The maintenance of amenity values and reverse sensitivity effects at the growth area boundary and management of adverse effects on adjoining and adjacent properties, particular adjoining residential and rural areas.
- (v) The provision of adequate carparking, manoeuvring and safe access to the site.
- (vi) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
- (vii) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met;
- ~~(ii) Where performance standards in respect of floor space for retail, showrooms and commercial activities are exceeded or that space is used for the retail of products not manufactured on the premises, then discretion will also include:~~
 - ~~• Traffic effects;~~
 - ~~• The effect of the non-compliance on the role and function of the commercial centre as an important community and social resource and as employment location for the community of Horowhenua; and,~~
 - ~~• Townscape and amenity effects.~~

(b) Conditions

- (i) All other aspects of the activity shall comply with any relevant conditions.

AND

Amend the Matters of Discretion for subdivision within the Tararua Road Growth Area Overlay 16.8.5.

16.8.5 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 16.3(d))

(a) Matters of Discretion

- (i) Matters listed in Rule 15.7.5 for subdivision of land
- (ii) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
- (iii) Those matters specified in Chapters ~~22~~ 21 and 24;
- (ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events;
- (iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider;
- (iv) The design and layout of proposed urban areas;
- (v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57;
- (vi) The amenity effects on existing ~~and proposed~~ residential areas should design standards contained in the Design Guide not be complied with or should proposals not be consistent with the Structure Plan; and,
- (vii) The transportation, movement, streetscape and community effects of not providing ~~all residential~~ the internal roading network and accesses to the external roading network, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide.
- (viii) ~~In the Tararua Growth Area Overlay~~ The design and positioning of any vehicular access on to Tararua Road, Winiata Street, Perth Street, landscape design and signage.

In exercising this control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Structure Plan and complies with the Tararua Road Growth Area Design Guide (refer Schedule 5).

(b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

(c)(b) Non-Notification

- (i) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 16.8.5 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.44 Chapter 16 Industrial Zone Rules – General Matters Raised

4.44.1 Submissions Received

Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
93.20	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to National Environmental Standards in Chapter 16.	

One submission was received supporting the cross-referencing to the National Environmental Standards.

4.44.2 Discussion & Evaluation

1. The Oil Companies (93.20) support the cross reference to the National Environmental Standards in the Industrial Zone Chapter. All Zone Chapters include reference to the three operative National Environmental Standards (NES). All activities managed under these NES's are to refer to the NES documents. The Oil Companies support for this approach is noted.

4.44.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
93.20		The Oil Companies		Accept

4.44.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the cross referencing in the Industrial Zone.

4.44.5 Submissions Received

Relocated Buildings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.07	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	In the event that the relocation of a building/dwelling is not a permitted activity under this Plan, then the Plan shall provide for them no more restrictively than a restricted discretionary activity which is expressly provided for on a non-notified, non-service basis and	Amend the Proposed Plan to provide for the relocation of buildings/dwellings as no more restrictively than a restricted discretionary activity (in the event that it is not a permitted activity)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>subject to the suggested assessment criteria.</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>	<p>and that such application e expressly provided for on a non-notified, non-service basis and subject to the following assessment criteria:</p> <p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <p>i) <u>proposed landscaping</u></p> <p>ii) <u>the proposed timetable for completion of the work required to reinstate</u></p> <p>iii) <u>the appearance of the building following reinstatement</u></p>	

House Movers Section of NZ Heavy Haulage Association Inc. (40.07) seeks the Proposed District Plan be amended to provide for the relocation of dwellings and buildings as a permitted activity subject to the following performance standards/conditions.

4.44.6 Discussion & Evaluation

As evaluated earlier in this report in Sections 4.6.2 and 4.26.2, it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission point is recommended to be rejected.

4.44.7 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.07		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.44.8 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Industrial Zone in relation to the provision of relocated buildings.

4.44.9 Submissions Received

Tararua Road Growth Area Overlay

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
110.04	Fraser	In-Part	The submitter considers the Tararua Road Growth Area setbacks that apply from industrial areas to residential area marginal and should be carefully assessed.	No specific relief requested: Inferred: Amend the Tararua Road Growth Area Overlay setback provisions to provide appropriate residential protection from the industrial area.	523.03 Future Map Limited

Fraser (110.04) raises concern about the setbacks between the residential and industrial areas of the Tararua Road Growth Area Overlay. Future Map Limited (523.03) opposes this submission point referencing their own submission to change the provisions to provide appropriate residential protection from the industrial area.

4.44.10 Discussion & Evaluation

1. The provisions in the Proposed Plan for the Tararua Road Growth Area Overlay includes a 8m building setback between residential and industrial development.
2. The new owners of land within the Tararua Road Growth Area, Future Map, set out their aspirations for the Tararua Road Growth Area in submission 70 and further submission 523.03. In these submissions, Future Map seek to remove the residential area and replace it with industrial zoning. In conjunction with this rezoning request, Future Map request a greater separation distance and amenity protection for the existing residential area of south-east Levin.
3. I consider the point raised by Fraser would be provided for by Future Map's new concept for the Tararua Road Growth Area. On this basis, I recommend Fraser's submission point 110.04 be accepted in part and Future Map 523.03 be accepted in part.

4.44.11 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
110.04		Fraser		Accept In-Part
	523.03	Future Map Limited	Oppose	Accept In-Part

4.44.12 Recommended Amendments to the Plan Provisions

Refer recommended amendments to the Tararua Road Growth Area provisions in the section on Schedule 5 below.

4.44.13 Submissions Received

Earthwork Provisions on Heritage Sites

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.26	New Zealand Historic Places Trust (NZHPT)	In-Part	There are no standards for earthworks on heritage sites and this could affect the heritage values of sites. This could lead to a loss of heritage values and a potential loss of important archaeological sites.	Amend Chapter 16 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

NZHPT (117.26) raises concern about earthworks on heritage sites and the potential effects on heritage values. NZHPT seeks provisions which would require a restricted discretionary activity consent for earthworks within heritage sites.

4.44.14 Discussion & Evaluation

1. As set out in the Section 42A report for the Open Space Zone, all Zones in the Proposed Plan require a discretionary activity consent for earthworks within the heritage setting of a Group 1 or 2 listed heritage item, and earthworks within a heritage site.
2. The assessment matters set out in Chapter 25 that relate to earthworks within a heritage setting (25.7.16(a)(xiv)), requires an assessment of likely damage, modification or destruction of an archaeological site.
3. Any earthwork proposals involving the destruction or irreversible change within a heritage site would need to be evaluated against the rarity and integrity of the listed heritage site (25.7.16(b)(vi)).
4. It is considered that the matters raised by the NZHPT are already provided for in the Proposed Plan as notified. Accordingly, it is recommended this submission is accepted in part.

4.44.15 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.26		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

4.44.16 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Industrial Zone provisions relating to earthworks and listed heritage items or sites.

4.44.17 Submissions Received

Network Utility Rules

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.08	Telecom New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Industrial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	
79.08	Chorus New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Industrial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

Telecom (78.08) and Chorus (79.08) raise the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. The submitters request a single standalone chapter for network utilities that provides for all rules and standards. Any cross reference to particular zone standards is to be limited.

4.44.18 Discussion & Evaluation

1. The format of the rules and standards of the Proposed Plan is based on five zone chapters and three district-wide chapters – Vehicle Access, Manoeuvring and Roads (Chapter 21), Utilities and Energy (Chapter 22), and Hazardous Substances (Chapter 23). The district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide the mechanics to identify the relevant activity status and any consent requirements within each zone.
2. The Industrial Zone permits the construction, operation, maintenance and upgrading of network utilities (Rule 16.1(m)(i)). The permitted activity conditions for network utilities in the

Industrial Zone cross reference to Chapter 22 (Rule 16.6.17) and require compliance with any relevant Industrial Zone standards. Relevant standards are noise standards, vibration, outdoor storage, hazardous substances.

3. This format of the Proposed Plan and cross references are considered clear. On this basis I recommend that the submission points raised by Telecom and Chorus be rejected.

4.44.19 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
78.08		Telecom New Zealand Ltd		Reject
79.08		Chorus New Zealand Ltd		Reject

4.44.20 Recommended Amendments to the Plan Provisions

No amendments recommended Industrial Zone provisions relating to the provision of utilities.

4.45 Chapter 25 Assessment Criteria – Residential Zone (25.3)

4.45.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
94.32	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.3.1(f)	Retain 25.3.1(f) as notified.	
94.33	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.3.9(c)	Retain 25.3.9(c) as notified.	
94.35	NZ Transport Agency (NZTA)	Support	Support Assessment Criteria 25.2.4(a) 25.3.9(c)	Retain 25.2.4(a) 25.3.9(c) as notified.	
55.05	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.3.4(b) to extend the consideration of reverse sensitivity effects to the operation of land transport networks including railways.	Amend Assessment Criteria 25.3.4(b) as follows: Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones; <u>including on the operation of land transport networks, including railways.</u>	521.08 NZ Transport Agency - In-Part
55.07	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.3.9(c) as the poor location of land uses including structures, vegetation and	Amend Assessment Criteria 25.3.9(c) as follows:	521.07 NZ Transport Agency - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains.	c) Whether the height and design of the fence would be perceived to have a negative impact on vehicle or pedestrian safety including <u>on level crossing sightlines and</u> applying the principle of passive surveillance of the street (applying Crime Prevention Through Environment Design (CPTED) principles).	

Four submissions were received on the Assessment Criteria relating to the Residential Zone. These submissions either seek the criteria to be retained as notified or amended to add further matters. The summary of submissions incorrectly summarised NZTA submission point 94.35 and incorrectly listed submission point 94.33 under Proposed Plan provision 25.7.1(b). These two submission points are supposed to refer to 25.3.9(c).

4.45.2 Discussion & Evaluation

1. The support for the Assessment Criteria in provisions 25.3.1 and 25.3.9(c) by NZTA is noted.
2. KiwiRail (55.05 and 55.07) support in part the Assessment Criteria for land use consents in the Residential Zone for setback non-compliances (25.3.4) and for the fencing non-compliances (25.3.9), but seek amendments to both of these provisions to better provide for and protect railway infrastructure. The amendments sought by KiwiRail are supported by NZTA (521.07 and 521.08).
3. The Residential Zone ‘building setback’ Assessment Criteria provides for a range of matters to assess for this type of land use non-compliance, including reverse sensitivity matters. KiwiRail seek an amendment that would ensure the consideration of reverse sensitivity effects on transport networks, including rail. The relief sought by KiwiRail is considered appropriate and would assist in achieving Objective 10.3.1 and Policies 10.3.4 and 10.3.12 (Chapter 10 Land Transport). I consider the wording in KiwiRail’s relief sought can be simplified, therefore I recommend submission point 55.05 be accepted in part.
4. The Residential Zone ‘fencing’ Assessment Criteria sets out street amenity considerations for any over height or solid fences. The Criteria also refers to the perceived negative impact on vehicle or pedestrian safety as a result of a loss of passive surveillance from high fences (25.3.9(c)).
5. KiwiRail submits that “*the poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains*”. KiwiRail seek to insert words that would require the consideration of the height and design of fences and the perceived impact on vehicle and pedestrian safety at level crossing sightlines.

6. While the protection of sightlines at level rail crossings is necessary, I consider that other parts of the Proposed Plan achieve this protection and the amendment sought for the fencing Assessment Criteria is not appropriate. Any fence height and design non-compliance on a site located near a level rail crossing, or within the area to be kept clear of obstructions (Diagram 1, Rule 21. 1.6(c)(i)) would be considered against the potential loss of safety at the level rail crossing. On this basis, I recommend that KiwiRail's submission point 55.07 be rejected.

4.45.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
94.32		NZ Transport Agency (NZTA)		Accept
94.33		NZ Transport Agency (NZTA)		Accept
94.36		NZ Transport Agency (NZTA)		Accept
55.05	521.08	KiwiRail NZ Transport Agency (NZTA)	Support in part	Accept In-Part Accept In-Part
55.07	521.07	KiwiRail NZ Transport Agency (NZTA)	Support in part	Reject Reject

4.45.4 Recommended Amendments to the Plan Provisions

Amend Assessment Criteria 25.3.4(b) as follows:

25.3.4 Building Setbacks

...

(b) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones, including transport networks (rail and road).

4.46 Chapter 25 Assessment Criteria – Industrial Zone (25.4)

4.46.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
37.06	Homestead Group Limited	Oppose	Oppose assessment criteria 25.4 as it contains extensive and subjective matters. The criteria could lead to costly information requirements for the simplest application. Section 104 of the RMA is sufficient consideration of land use activities requiring resource consent.	Delete Assessment Criteria 25.4	

One submission was received on the Assessment Criteria relating to the Industrial Zone. The submission opposes the criteria set out in 25.4 and seeks its deletion.

4.46.2 Discussion & Evaluation

1. The purpose of the Assessment Criteria are to assist applicants for resource consent and Council in assessing resource consent applications on the matters that for different types of proposals in different zones. Homestead Group Limited (37.06) oppose the general Industrial Zone Assessment Criteria set out in 25.4 and seek its deletion.
2. The Proposed Plan includes Assessment Criteria in Chapter 25. The structure of Chapter 25 is that each Zone (25.2 – 25.6) has a 'general' list of considerations that cover the majority of permitted activity non-compliances, and if applicable, a range of specific matters.
3. The General Assessment Criteria for the Industrial Zone are set out in 25.4 and cover a range of likely considerations that should be addressed in a land use consent application where an activity has not complied with permitted activity condition(s) or is a discretionary activity. It is recognised not all assessment criteria will be relevant for every application, and any resource consent application can state this.
4. Assessment Criteria are not conditions, standards or rules, and therefore an element of subjectivity is considered appropriate. The function of assessment criteria is to assist an applicant and Council on the pertinent matters in the effects assessments (including positive effects) of a proposal.
5. I consider the Industrial Zone Assessment Criteria in 25.4 would contribute to effective and efficient resource consent process. I recommend that the Homestead Group Limited submission point 37.06 be rejected.

4.46.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
37.06		Homestead Group Limited		Reject

4.46.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Industrial Zone Assessment Criteria (25.4).

4.47 Schedule 5 Tararua Road Growth Area

4.47.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.00	Future Map Limited	Oppose	The Tararua Growth Area Structure Plan (TGASP) encompasses a 38ha site and includes a mix of	Delete the proposed Tararua Growth Area Structure Plan.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>industrial and residential activities. The TGASP includes provision for and extension of Residential zoned land from that existing on Kinross Street and Strathmore Avenue. There is provision Industrial land that connects to the existing Industrial land. There is no connection to Arapaepae Road (SH57). There is provision for landscape noise buffers on Arapaepae Road and on the road frontage to Tararua Road. The TGASP sets the guidelines for how the site is intended to be developed.</p> <p>A Zoning Master Plan has been prepared by Pocock Design:Environment and takes into consideration the unique characteristics of the site as set out in the TGASP design guide.</p> <p>The Pocock Zoning Master Plan encompasses an area of 54ha and includes no provision for residential land but does include a significant reserve/stormwater area as a buffer to the existing residential zone and a “stepped” industrial zoning.</p> <p>The balance of the details continued within the TGASP design guide could all be applied to the Pocock Zoning Master Plan.</p> <p>The Pocock Zoning Master Plan has been developed in accordance with the submitter’s requirements to work with the TGASP in terms of develop a future growth area but remove the provision for residential development within this site.</p> <p>Oppose the proposed Tararua Growth Area Structure Plan.</p>	<p>AND</p> <p>Include the Tararua Road Development - Zoning Master Plan.</p>	
70.01	Future Map Limited	Oppose	The Design Guide is an integral part of the Tararua Growth Area Structure Plan. Most of what is	Amend Tararua Road Growth Area Design Guide as presented by	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>contained in the document in relevant for the Pocock Zoning Master Plan. However some amendments are sought including setbacks, diagrams, the inclusion of a stormwater reserve and associated landscape plantings, the introduction of a low impact industrial area and removal of the residential area.</p> <p>The submitter will undertake to make the required amendments/changes and present a revised Design Guide at a future hearing.</p>	submitted at future hearing.	
110.04	Fraser	In-Part	The submitter considers the Tararua Road Growth Area setbacks that apply from industrial areas to residential area marginal and should be carefully assessed.	<p>No specific relief requested:</p> <p>Inferred: Amend the Tararua Road Growth Area Overlay setback provisions to provide appropriate residential protection from the industrial area.</p>	523.03 Future Map Limited

Three submissions were received on Schedule 5 (Tararua Road Growth Area Structure Plan and Design Guide). Two submissions oppose the Structure Plan and Design Guide and seek to delete and replace these documents with a revised concept, whereas the third submission questions the residential protection provided for in the Tararua Road Growth Area Overlay.

4.47.2 Discussion & Evaluation

Scope of Relief Sought in Submission

1. The relief sought in submission points 70.00 and 70.01 is considered to be wide ranging. The requested rezoning under 70.00 contains two key elements. Firstly, the rezoning of residential land to industrial, and secondly, the expansion of the industrial area through rezoning rural land to industrial. These two requested zoning changes raise the potential for a number of consequential amendments to the Proposed Plan if they are accepted in full or in part. In addition, submission point 70.00 includes the introduction of a new “Zoning Master Plan” which has the form of a Structure Plan. This plan shows various new or amended elements for the Tararua Road Growth Area Overlay, such as a Low Impact Area, reserve/stormwater management area and internal roading network and connections. If this Zoning Master Plan is accepted in full or in part, there is potential for a number of consequential amendments to the Proposed Plan provisions. It is considered submission point 70.00 provides wide scope to amend the provisions for the Tararua Road Growth Area Overlay and to incorporate the relief sought into the Proposed Plan. Any person who may have had an interest in the Tararua Road Growth Area Overlay would have understood the

nature and extent of these changes from the Summary of Submissions. It is noted no further submissions were made on this submission point.

2. Submission point 70.01 seeks to amend the Design Guide in Schedule 5 to ensure it aligns with the Zoning Master Plan in submission point 70.01. The submission did not include the amended Design Guide but indicated the nature and extent of the anticipated changes. Since the original submission was made, the submitter has supplied an amended Design Guide to Council (see Appendix 6.8). As with submission point 70.00, the relief sought in 70.01 is considered to have wide scope for changes to the Design Guide.
3. Correspondence between Future Map Limited and HDC prior to the hearing, including meeting notes from a teleconference is included in Appendix 6.11.
4. It is noted that not all of the land sought to be rezoned by Future Map is owned by the submitter. (Refer to Appendix 6.10)
5. Any person who may have had an interest in the Tararua Road Growth Area Overlay would have understood the nature and extent of these changes from the Summary of Submissions. It is noted no further submissions were made on this submission point.
6. All the recommended amendments below are considered to be within scope of the above two submission points.

Background to the Tararua Road Growth Area Overlay

7. The Tararua Road Growth Area is situated in south-east Levin and adjoins an existing residential area to its north (Awatea Street, Kinross Street, Taitoko School, Perth Street, Winiata Street) and existing industrial activities to the west (off Roe Street and Cambridge Street South). The Tararua Road Growth Area is undeveloped and continues to run grazing stock.
8. The Tararua Road Growth Area was created by way of a private plan change in 2008 Private Plan Change 17 (by NZ Wise Ltd) requested the rezoning of 48ha of rural zoned land to a mix of zones: Residential, Industrial and Commercial. During the processing of the private plan change the extent of the zoning reduced to 38ha, which excluded 16ha of rural zoned land in the south-east corner adjoining Tararua and Arapaepae Roads. The Commercial Zone (large format retail) component of the original plan change request was also removed. The public notification of the plan change attracted submissions on the following matters: loss of amenity on rural lifestyle, adverse effects from increased traffic, air and noise pollution, industrial traffic through the residential area to the north, servicing and economic effects on Levin's town centre.
9. Plan Change 17 was considered by an independent commissioner who concluded that the request represented an efficient use of natural and physical resources and was a logical extension to the township of Levin. Adverse effects on amenity, noise from development and traffic and increased traffic on Tararua Road, were to be addressed through additional provisions in the Structure Plan and Design Guide, and managed through each resource consent application for subdivision and development. On this basis, Plan Change 17 was approved with minor changes to policy, rules, the Structure Plan and the Design Guide. It is noted that there were no appeals to this Plan Change and the Plan Change became operative in May 2008.

10. A summary of the Plan Change 17 provisions included in the Operative District Plan are the following:
- Rezoned 38ha of land from Rural to Residential (18ha in the northern part of the site) and Industrial (20ha in the southern part of the site)
 - Inserted a new Objective and Policies directing growth in the south-east periphery of Levin. The policies also emphasis protection of SH57, and provide for a neighbourhood centre within the Tararua Road Growth Area (Policy 6.2.5 of the Proposed Plan).
 - Inserted a Structure Plan for the area showing:
 - the zoning pattern,
 - road network (main roading connections, minor linkages and future road linkage) and road calming areas.
 - landscaping (landscape noise buffer on SH57 to protect future residential, and landscape buffer along Tararua Road for amenity purposes).
 - Inserted a Design Guide for the purpose of assessing resource consent applications. The document includes:
 - description of the main characteristics and context of the area,
 - describes in more detail (and correlates to the Structure Plan) the access and movement to and within the Tararua Road Growth Area.
 - emphasises residential road connections to be made to the existing residential areas north of rezoning, and industrial use of these roads is restricted.
 - demonstrates how the road setbacks and the Industrial/Residential interface provisions are to work in practice with diagrams and further guidance.
 - demonstrates how the landscaping and noise buffer treatments are to work and the location and design of buildings.
 - Inserted new provisions to the Residential and Industrial Zone rule chapters making subdivision applications Restricted Discretionary Activities, and any land use in the Industrial Zone a Controlled Activity.
 - Inserted new building setbacks in the Industrial Zone:
 - 15m from Tararua Road; and
 - 8m from the Tararua Road Growth Residential area.
 - Inserted new Controlled Activity Conditions to limit (and provide for) retail and commercial activities in the Industrial Zone.
11. No resource consent applications have been submitted since Plan Change 17 was made operative.
12. The land within the Tararua Road Growth Area has since been sold to new owners (Future Map Limited). These new owners have demonstrated in their submission a different vision for the growth area from that introduced by Plan Change 17.

Horowhenua Development Plan

13. The Development Plan is a non statutory planning document adopted by HDC to guide future growth in the District. In respect of this area, the Development Plan identifies the south-east corner of Levin (Tararua Road/Cambridge Street) as an appropriate location for future development for industrial activities. This location is considered appropriate for this type of urban development because of the proximity to transport networks (SH1 and 57 and the North Island Main Trunk Railway Line), proximity to existing industrial activities along Cambridge and parts of Tararua Road. The recognised constraint of industrial development in this locality is the proximity to residential development and traffic effects on the safety and efficiency of SH57.

Proposed Plan Provisions

14. At the time of reviewing the Operative Plan and drafting the Proposed Plan, it was understood the new landowners of land in the Tararua Road Growth Area were considering the opportunities for this land and the appropriateness of the provisions of the Operative District Plan. Given Plan Change 17 was relatively recently completed, the Operative District Plan provisions for the Tararua Road Growth Area were “rolled over” into the Proposed Plan.
15. Future Map Limited seek the following overall changes to the Tararua Road Growth Area provisions in their submission:
 - Replacement of the Schedule 5 Structure Plan and Design Guide (70.00 and 70.01) with the submitter’s ‘Tararua Road Development – Zoning Master Plan’ and ‘Design Guide’. As part of the Zoning Master Plan a stormwater reserve/open space area is identified along the northern boundary. Its purpose is two-fold; providing collection, detention and disposal of stormwater runoff from the industrial area, and a buffer area between the industrial activities and existing residential area of south-east Levin. A “Low Impact Industrial Zone” is also proposed as a buffer between the existing residential and the heavier industrial activities.
 - Landscaping along Tararua Road is provided for, and includes an acoustic fence and cycleway. The proposed acoustic fence extends for a length of approximately 120m along Arapaepae Road from the intersection with Tararua Road. The balance of Arapaepae Road includes landscaping but no acoustic fence.
 - The Zoning Master Plan provides an internal roading network and external connections to Tararua Road, Arapaepae Road (SH57), the existing industrial area to the west, and existing residential area to the north. The submission acknowledges the constraints in creating access to SH57, and offers design possibilities or otherwise would accept no access to SH57 and therefore manage traffic within the internal roading network and connections to local roads.
16. In addition to the above overall changes, Future Map seek a series of consequential amendments to the Industrial and Residential Zone provisions. To ensure a complete understanding of these changes, all submission points are discussed and evaluated in this section, and then referred back to under each of the individual submission points through the balance of this report.
17. Future Map’s consequential changes include the following:
 - Rezone 18ha of Residential land and 16ha of Rural land to Industrial on Planning Maps 29 and 30 as shown in the Zoning Master Plan (submission point 70.02).

- To provide for the Low Impact Industrial Zone (submission point 70.04), a new maximum height condition of 10m is sought (Industrial Zone Permitted Activity Condition Rule 16.6.1) and a higher 18m maximum height limit for the remaining Industrial Zone land.
- The submitter also seeks (submission point 70.03) to exempt this new height condition from Controlled Activity Rule 16.2(g).
- To provide for “lighter industrial” activities to occur in the Low Impact Industrial Zone, a new Controlled Activity Condition is sought (70.06) and references “offices, commercial activities, service activities including warehousing, storage and distribution activities....”.
- Another Controlled Activity Condition requested is the specific requirement that all development undertaken in the Tararua Growth Area Structure Plan shall be in accordance with the Design Guide (70.06).
- Submission point 70.05 removes reference to setbacks from the Tararua Road Growth Residential Area, but retains the 10m building setback for Tararua Road. The submission infers that this 10m setback is to apply to Arapaepae Road as well, but the relief sought does not include it.
- Submission point 70.07 seeks to remove all existing provisions relating to residential subdivision and development within the Tararua Road Growth Area.
- Submission 70.08 and 70.09 seek to retain the Proposed Plan Matters of Discretion and Conditions for the assessment of subdivisions, or land uses that do not comply with the Industrial Zone permitted and/or controlled activity conditions.

Zoning Master Plan

18. Future Map refer to the Pocock Zoning Master Plan in their submission and request this plan replaces the Schedule 5 Structure Plan.
19. The Zoning Master Plan represents a relatively significant change to the pattern and form of urban development the south-east periphery of Levin. The land subject to the Zoning Master Plan includes the Proposed Plan Tararua Road Growth Area Overlay, as well as an area of adjoining land currently zoned Rural. This evaluation is to assist the Hearing Panel to decide on which method represents the most appropriate way of managing this area in achieving the Urban Environment Objectives in the Proposed Plan.
20. It is noted that the submitter does not own all the land shown in purple on the Zoning Master Plan. The property on the corner of Tararua Road/Arapaepae Road (165 Tararua Road) and the smaller property at 172 Arapaepae Road which has a dwelling located on it are not owned by Future Map. The submitter confirmed that they had talked to the owner of the 165 Tararua Road, including offering to purchase this land. The landowner declined this offer as they wanted to continue owning and grazing this land, but they had no objection to the land being rezoned Industrial. I understand that this property is currently for sale, however, it is understood the submitter has had no contact with the property owner of 172 Arapaepae Road. I also note that Lot 1 DP 341015 has been purchased unconditionally by Future Map, yet the property records still refers to Cullimore Steel, Ian Gray as the owners. HDC owns the strips of land (lot 4 and 5 DP 30627) on the boundary with SH57. These strips are rezoned Open Space and align with the beautification strip along SH57 to the north of the site.

21. Refer to Appendix 6.10 for a location plan which identifies the owners of land within the subject area.
22. I note there are no further submissions on the submission from Future Map by the landowners who would potentially be the most affected, such as the owners of 172 Arapaepae Road and 165 Tararua Road. The further submission process provided the opportunity for these landowners to make a submission if they felt the proposed zone change may affect them. I am not aware of any legal obligations on HDC to specifically notify or advise this property owner of the submission to rezone their land. Records from Plan Change 17 show that the landowner of 172 Arapaepae Road did submit in opposition to Plan Change 17, but did not appeal the final decision.
23. The rezoning of 165 Tararua Road and 172 Arapaepae Road from Rural to Industrial would limit future primary production activities to those currently carried out under existing use rights. The Industrial Zone provisions would also bind them to comply with the Tararua Road Growth Overlay requirements. To that end, any industrial land use would require a Controlled Activity resource consent and an intensification of their access onto SH57 would be problematic. It is likely any future industrial development would need to wait until the internal road developed through the land owned by Future Map.
24. There is uncertainty as to the current owner's future aspirations for the land at 172 Arapaepae Road. The relief sought by Future Map has significant consequences on the effective use of this land in the short, medium and long term, depending on these aspirations and the rate of development expected throughout the Tararua Road Growth Area. Therefore, I recommend these two properties are not rezoned Industrial and be excluded from the Tararua Road Growth Area Overlay. This recommendation would result in a revised Zoning Master Plan from Future Map with consequential changes to associated diagrams in the Design Guide, I do not consider that the exclusion of these properties would undermine the overall planning approach sought by the submitter. The submitter may wish to advise at the hearing whether the landowners of these two sites would prefer to have their land rezoned.
25. Future Map's submitted Zoning Master Plan locates industrial activity closer to an existing residential area. Compared to the Proposed Plan provisions which provide for new residential development to develop at the boundary with the existing residential area, with new industrial activity located adjacent to this new residential development and further into the growth area. However, the Future Map Zoning Master Plan and associated provisions provides a relatively large separation distance between the existing residential area and new industrial activity. This large separation distance would be up to 72m through the combined use of a stormwater/reserve (60m wide) and a 12m building setback on industrial buildings on the other side of the reserve. This separation distance is significantly greater than the 8m building setbacks between new residential and industrial development within the Tararua Road Growth Area provided for in the Proposed Plan.
26. The large separation distances submitted by Future Map between existing residential area and new industrial activities is considered to effectively minimise potential incompatibility issues between the areas zoned Residential and Industrial. Therefore, this approach and methods are considered to more appropriately achieve Residential Zone Objective 6.3.1 and Industrial Objective 6.3.3.
27. The extent of the Industrial Zone would increase by 50% (38 ha to 54ha) as a result of the relief sought. Yet, there is no demonstrated demand for such a large area of industrial land,

particularly when considering the District Plans are required to be reviewed every 10 years, including the zoning of land.

28. Notwithstanding the lack of information on industrial demand, the location is considered well suited for expansion of industrial activities as this area is well serviced with transportation networks, services, flat topography and adjoins existing industrial activities. The entire area is physically bounded by Tararua Road and Arapaepae Road, which creates a logical south-east urban limit for the Levin township. The greater land area would potentially provide economies of scale and enable a more effective and efficient form and pattern of urban development including internal roading network and reticulation of services.
29. The cost of rezoning the additional 16ha of rural land would be a loss of primary production activity, potential loss of rural character and outlook (and the 350m setback from Arapaepae Road), potential for vehicular access to SH57, increased scale and intensity of industrial activities and the potential ineffective and inefficient use of 165 Tararua Road and 172 Arapaepae Road.
30. The growth and extension of the Residential Zone from Kinross Street, Perth Street and Winiata Street was considered appropriate in the Development Plan, particularly with the proximity of the existing school. However, Plan Change 21 has enabled considerable residential growth for Levin in other locations and the Proposed Plan continues to provide infill development and new provision for medium density development. Therefore residential growth options within the Levin urban area are wide ranging. The Residential Zone Objective 6.3.1 would still be achieved if the rezoning of the 18ha of residential zoned land in south-east Levin to Industrial.
31. The submitter offers a range of methods to manage the future effects on residential and rural amenity and access to SH57, through the adherence to a revised Structure Plan and Design Guide.
32. The Zoning Master Plan would create a significant area of industrial zoned land for Levin, but it would also enable an integrated and coordinated approach for the future / long term provision of a wide range of industrial uses. The use of substantial landscaping along SH 57 would assist the loss of rural outlook and mitigate the future impacts of industrial buildings and associated activity. Similarly the landscape buffer and integrated acoustic fence along Tararua Road (and part of Arapaepae Road) would provide a consistent landscape treatment for the length of road, and mitigate noise from future industrial activities on the existing rural-residential activities on the southern side of Tararua Road (Garth Road).
33. Avoiding access onto SH57 would also assist the avoidance of adverse traffic effects on rural landowners situated on the opposite side of Arapaepae Road (SH57). The submitter has confirmed that they have discussed the rezoning with NZTA and access to SH57 as shown in the Zoning Master Plan. NZTA prefer that access (both street and vehicular) onto SH57 be avoided. Future Map are satisfied with their alternative provision of access, that is to use an internal roading network which is accessed from Tararua Road. As a consequence the Zoning Master Plan will require an amendment to show this alternative roading system with no new access onto SH57.
34. In principal, I consider Future Map's Zoning Master Plan has the potential to be more appropriate in achieving the Urban Environment Objectives of the Proposed Plan than the notified Tararua Road Growth Area Structure Plan, Design Guide and associated provisions

in the Industrial and Residential Zone Chapters. This conclusion is subject to amendments to the Zoning Master Plan (remove access to SH57, exclude 165 Tararua Road and 172 Arapaepae Road and extend the Low Impact Industrial Zone so its boundaries 172 Arapaepae Road on all sides) and the recommendations made on the provisions that support the Zoning Master Plan, Design Guide and consequential submission points which are evaluated below. On this basis, I recommend that submission point 70.00 be accepted in part, due to amendments recommended below. As a consequence, submission point 70.02 is recommended to be accepted in part so that Planning Maps 29 and 30 are amended to show the rezoning of land within the amended Zoning Master Plan from Residential to Industrial Zone and Rural to Industrial. (Refer to Section 4.49 of this Report for the recommendation).

Residential Zone Interface

35. The stormwater / reserve and buffer area that is shown between the existing residential area (Kinross Street, Taitoko School) and the Industrial Zone is described as being 60m in width in the submission. However, the Design Guide does not specify this 60m distance in Section 3.2 or Figure 4 of the Design Guide. A potential implementation issue could arise should the final calculations of the stormwater system demonstrate that 60m width is not required for stormwater purposes. Further, the HDC is unlikely to accept the vesting of a stormwater reserve with an area much larger than required, due to the cost of maintenance. It is requested the submitter clarifies the most appropriate method to give certainty on the 60m reserve width. This method needs to consider that the stormwater reserve runs the length of the area and the staging of development may influence stormwater calculations and requirements.
36. Comments received from HDC Community Assets Department indicate an area dedicated to stormwater collection and on-site disposal for the Growth Area is appropriate. The location identified on the Zoning Master Plan is also considered appropriate, but the Community Assets Department noted that another stormwater collection and disposal area may be required closer to Tararua Road due to the natural fall of the ground. It is anticipated that the design and calculation of the stormwater management system would be carried out at the time of subdivision (including any consent requirements from Horizons) which would determine the exact extent and location of the stormwater collection and disposal areas.
37. Assuming a 60m separation distance is provided, future industrial uses would still be part of the overall outlook and surrounding environment of residents and the Taitoko Primary School. I note that the aim of the stormwater/reserve is to include planting and create an off road cycle and walkway link, therefore improving this immediate environment and making it functional in recreational use. This form and function is considered appropriate. The submitter may like to comment on whether the Design Guide should include reference to using local sourced plants and involvement with the local residents, school and local Maori to make this a community project.
38. The concept of transitioning 'lighter' through to 'heavier' industrial activities from the existing residential area is considered appropriate to achieve both the Residential and Industrial Objectives (6.3.3 and 6.3.1). This approach would address in part the review of Proposed Plan setbacks that Fraser raised in submission point 110.04.
39. To implement this transitioning concept, the Zoning Master Plan shows a Low Impact Industrial Zone (darker purple) adjoining the stormwater/reserve. The submitter seeks that the Low Impact Industrial Zone provides opportunities for "office, commercial activities, and

warehouse and distribution activities”. However, I consider the inclusion of commercial activities would be inconsistent with the objectives in the Proposed Plan for the Industrial Zone. Commercial activities (office, retail and etc.) are better provided for within the Commercial Zone. Therefore, I consider an alternative approach of providing for light industry could be achieved in this area which does not encompass commercial activities but still achieves the objectives of the Industrial Zone generally as well as the Tararua Road Growth Area.

40. As an alternative, “heavy industrial activities” or “primary industries” within the Low Impact Industrial Zone could be listed as a Non-Complying Activity in the Industrial Zone. These more intensive industrial activities could generate significant adverse effects which are incompatible with the adjoining residential areas as well as other activities in a ‘low impact’ area. If this approach is supported by the submitter, some consequential changes to the Proposed Plan may be required, such as adding a definition or listing what constitutes “heavy industrial activities” or “primary industries”.
41. The Low Impact Industrial Zone adjoins the property at 172 Arapaepae Road on its northern boundaries. The residential dwelling on 172 Arapaepae Road is positioned near the SH57, on the southern extent of the property. It would be appropriate to afford the protection and buffering of the Low Impact Industrial Zone to this residential dwelling. To do this, I recommended in paragraph 31 that the Low Impact Industrial Zone be extended to include the area adjoining to the south and south-west of 172 Arapaepae Road to the extent marked by the internal road layout.
42. On this basis I would recommend submission point 70.06 be accepted in part (Refer to Section 4.42.4 for the recommendation).
43. It should be noted that the Proposed Plan provisions for the Tararua Road Growth Area enable the provision of a mixed use neighbourhood centre (Policy 6.2.5). If the Tararua Road Growth Area is purely industrial, then a mixed use neighbourhood centre would no longer be appropriate. I consider that another consequential amendment would be the removal of Tararua Road Growth Area retail activities provisions set out Controlled Activity Condition 16.7.7(b)(i) and Policy 6.2.5.
44. This recommended amendment would enable any retail component of a future industrial activity to comply with the [standard] Industrial Zone provisions (i.e. either wholesale trade, or as provided within the definition of Industrial Activity). This change would apply consistent provisions for all Industrial Zone areas.
45. The Proposed Plan sets a maximum height of 12m for all buildings in the Industrial Zone. The submitted Design Guide seeks 18m in the main Industrial Zone and 10m in the Low Impact Industrial Zone. As noted in the assessment above on the maximum height conditions, it was unclear whether the submitter requested a taller (18m) height limit for the Industrial Zone. However, since discussing this point with Future Map it was confirmed that they do seek this new height limit.
46. I consider an 18m height limit would result in tall buildings which are out of scale and context for this environment. The predominant height of buildings in the existing industrial areas is 1 – 2 storeys (4 – 8 metres). I consider continuing the 12m height maximum is the most effective height limit to achieve the objective of maintaining the character and amenity values of industrial areas, rather than introduce a new larger scale of building. However, the concept

of transitioning through the use Low Impact Industrial Zone with a lower height limit of 10m is considered appropriate.

47. Submission point 70.04 only seeks to add the new height maximum of 10m to the Low Impact Industrial Zone and 18m to the Industrial Zone. On this basis, I recommend submission point 70.04 be accepted in part, and that a consequential change to the Design Guide be made so that the maximum height of the main Industrial Zone refers to 12m rather than 18m (Refer to Section 4.30.3 for the recommendation).
48. It should be noted that the amenity controls in the form of permitted activity conditions (noise, vibration, storage and odour) within the Industrial Zone would also apply at the existing Residential and Rural Zone boundaries.

Rural Zone Interface

49. The extension of the Industrial Zone to Arapaepae Road (SH57) brings future industrial activities closer to rural properties that have established dwellings close by. In addition, Arapaepae Road (SH57) is a main arterial route in the district with adjacent properties having a high level of visibility from passing traffic. Section 4.0 and 5.0 of the Design Guide explains the aim of the landscaping mitigation shown on both Tararua Road and Arapaepae Road. The provision of acoustic and visual mitigation along the frontage of these roads that is directly opposite existing rural and rural residential properties is considered an appropriate response.
50. The landscaping strips are shown to be within the Tararua Road Growth Area boundary, and it is assumed that these areas would be maintained by future owners of the site rather than by HDC. However, clarification is sought from the submitter in terms of the anticipated maintenance. It is noted this landscaping would continue the existing 'beautification strip' which extends along the length of Arapaepae Road from the northern edge of the Tararua Road Growth Area. It is noted that Lot 2 and 3 DP 30627 (proposed for rezoning) are existing strips of land (403m² in area), owned by HDC, which align with the existing beautification strip down Arapaepae Road.
51. The proposed cycleway shown in the Design Guide along Tararua Road has not previously been proposed. Initial comments from HDC Community Assets Department express some reservations about this cycleway, primarily due to uncertainty about the need for such a facility at this time and ongoing maintenance costs. However, as further development occurs in this area, changes in traffic movements and people travelling to/from this area, and future upgrades to Tararua Road, this cycleway may be appropriate.
52. I consider the landscaping requirements set out in Future Map's revised Design Guide to be more comprehensive than the Proposed Plan. The outcome should be a consistent landscaped edge to the Tararua Road Growth Area which contributes to the amenity corridor envisaged by the Development Plan along SH57 and the entry to Levin. This amenity corridor would be consistent with the provisions to improve the south entrance to Levin and Foxton. It is noted that by removing the properties at 165 Tararua Road and 172 Arapaepae Road from the rezoning would disrupt the continuous landscaping and beautification strip along both of these roads.
53. Future Map seek revised building setbacks for the Tararua Road Growth Area which are discussed in Section 4.42 of this report. I recommend the 10m building setback from Tararua

Road be retained (submission point 70.05), for this consistency, I recommend that a 10m building setback also apply to Arapaepae Road (SH57). On this basis, I recommend that submission point 70.05 be accepted in part.

54. The Proposed Plan Industrial Zone provisions include permitted activity conditions that provide building setbacks, daylight angles and screening (Rule 16.6.2) on sites that adjoin the Rural Zone. The setbacks component of Rule 16.6.2 is exempt from applying to the Tararua Road Growth Area Overlay. This exemption is a hangover from the Plan Change 17 and would be appropriate to change as a consequential amendment. Adding these provisions would protect the properties at 172 Arapaepae Road and 165 Tararua Road from future industrial activities within the zone extension. Refer to Section 4.27 for the recommendation.

Amenity within the Tararua Road Growth Area

55. The Design Guide details building scale and design with the aim of creating a positive interface between the new development and the internal access roads. The Design Guide includes specific building setbacks, building design and landscaping requirements within the Growth Area that are more stringent than the Proposed Plan Industrial Zone provisions. To ensure that these amenity and design considerations are implemented at the resource consent stage, Submission point 70.06 seeks to include a new Controlled Activity Condition that requires all development to be in accordance with the Design Guide.
56. As discussed in Section 4.42 of this report above, I consider the Design Guide is more appropriately used as a matter of assessment (i.e. Matters of Control and Matters of Discretion), rather than a condition due to the broad and subjective nature of the Design Guide matters. Therefore, I recommend that submission point 70.06 be accepted in part with alternative wording (Refer to Section 4.42 for the recommendation).
57. Linked to this evaluation is submission point 70.08 and 70.09 where the relief sought is to retain the Matters of Discretion for land use and subdivision. However, given the substantive changes and different form and pattern of development in the Tararua Road Growth Area, I recommend that these submission points be rejected in part, so that amendments to the Matters of Discretion can be made (Refer to Section 4.43 for the recommendation).

The Design Guide

58. I have covered the content of Future Map's Design Guide in the proceeding paragraphs. I consider the document supports the Zoning Master Plan providing guidance to achieve an appropriate level of amenity within the Tararua Road Growth Area and protection between the Residential and Rural Zones.
59. However, the Design Guide does not extend to provide guidance on the internal and external roading networks, or access to individual sites, which are significant issues for the effectiveness of the Tararua Road Growth Area. The format and purpose of the Design Guide would better fit the Proposed Plan if it included introductory sections to assist the plan user understand the context and role of the design guide in a similar way as the Greenbelt Residential Subdivision Design Guide (Schedule 7). I have included a draft contents page which sets out the sections and topics that would enable the Design Guide to be complete. It is requested the submitter provide further details at the hearing to provide for the matters set out in the draft contents page.

60. It is noted the Future Map have not sought amendment to the Tararua Road Growth Area Objective 6.2.1 and Policies (6.2.2 – 6.2.5) to better reflect their aspirations for the area. However, I consider it that consequential changes are necessary to align the objective and policies with the development outcomes shown in Zoning Master Plan and outlined in Design Guide to manage industrial growth in south-east Levin (Refer to Section 4.7 of this report for this recommendation).
61. Overall, I recommend that submission point 70.01 be accepted in part and that the replacement Design Guide is updated as explained above. I also recommend a consequential amendment, to the Tararua Road Growth Area policy framework in Chapter 6 of the Proposed Plan.

4.47.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.00		Future Map Limited		Accept In-Part
70.01		Future Map Limited		Accept In-Part

4.47.4 Recommended Amendments to the Plan Provisions

Amend Schedule 5 by deleting the Tararua Road Growth Area Structure Plan and Design Guide and insert the amended Zoning Master Plan and the supporting Design Guide (subject to amendments). The following amendments are required to the Zoning Master Plan:

- remove external access points to State Highway 57,
- exclude properties at 165 Tararua Road and 172 Arapaepae Road, and the HDC open spaces adjoining SH57; and
- extend the Low Impact Industrial Zone around the property at 172 Arapaepae Road.

Amend the Design Guide so that the following sections and topics are provided for:

Table of Contents

1. Purpose of the Design Guide

2. Process

3. Site Context

4. Development Outcomes

- Overall development aspirations/goals for the area and its connection with south-east Levin;
- Purpose, nature and intensity of activities/development in the Industrial and Low Impact Industrial Zones and expected level of amenity.

- Protection of adjoining zones, Residential Zone to the north, and surrounding Rural Zone to the south and east.
- Safe, efficient, and connected transport system, both internally and external links.
- Cost effective provision of infrastructure and servicing.

5. Guidelines

- Overall development aspirations for the area and its connection with south-east Levin:
 - o Context
 - o Staging
 - o Consultation
- Purpose, nature and intensity of development in the Industrial and Low Impact Industrial Zones and expected level of amenity:
 - o Design guidelines for site layout and design, access, building scale, setbacks, fencing, visual amenity and landscaping.
- Protection of adjoining zones, Residential Zone to the north, and surrounding Rural Zone to the south and east:
 - o Design guidelines for Residential Zone protection.
 - o Design guidelines for Rural Zone protection.
- Safe, efficient, and connected transport system, both internally and external links:
 - o Function, connection and design of roads;
 - o Design considerations for external connections to Tararua Road
 - o Design consideration for external connections to Winiata Street and Perth Street (residential areas), such as traffic calming design considerations and avoiding heavy industrial traffic movements through residential areas.
- Cost effective provision of infrastructure and servicing.
 - o Design considerations of the overall stormwater system, including maintenance.
 - o Staging and future proofing infrastructure capacity.
 - o Network utility operator and Regional Council requirements

6 Appendices

- Road section details

- Examples (buildings, swales, dual stormwater/reserve design)

The consequential amendments are detailed in individual submission points 70.02 – 70.09 which are included in the previous evaluation and the Residential and Industrial Zone provisions throughout this report.

4.48 Schedule 10 Medium Density Residential Development Design Guide

4.48.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
110.07	Fraser	In-Part	The submitter seeks provision for visitor parking in higher density developments. With more urban infill there will be more isolation if provision is not made for human interaction.	Include provision for visitor parking in higher density developments.	

Fraser (110.07) supports in part the Medium Density Residential Development Design Guide, but seeks that provision for visitor car parking be provided for in higher density developments.

4.48.2 Discussion & Evaluation

1. The design of quality medium density developments requires a careful balance of competing demands for space. I agree that in most situations the provision of on-site visitor carparking is appropriate, particularly when there is high demand for on-street carparking. However, to require on-site visitor carparking may result in an inefficient use of space when there is sufficient on-street carparking available for visitors to temporarily use. To ensure the best use of space, it is considered that visitor car parking remain optional, rather than a requirement, due to the general availability of on-street carparking in the area identified for medium density development. On this basis, I recommend that Fraser's submission point (110.07) be rejected.

4.48.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
110.07		Fraser		Reject

4.48.4 Recommended Amendments to the Plan Provisions

No recommended changes to the Medium Density Residential Development Design Guide.

4.49 Planning Map 29 and 31

4.49.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
70.02	Future Map Limited	In-Part	<p>The submitter seeks to rezone the Tararua Road Growth Area so the entire area is Industrial. Currently this Tararua Road Growth Area is split over Residential and Industrial Zones. In addition to rezoning the current extent of the Tararua Road Growth Area, the submitter seeks to extend this southern industrial area to Arapaepae Road and Tararua Road by rezoning the south-east area from Rural to Industrial Zone. The extension increases the area of the Tararua Road Growth Area land from 34ha to approximately 54ha.</p> <p>The intent of the submitter is to rezone the land now as opposed to seeking a deferred zoning for the sites.</p> <p>In terms of a future Industrial zoning, the submitter considered provision for this zone can be achieved by provision for some additional rules in the Industrial zone.</p> <p>The following sites and adjoining other land are zoned a mix of both Residential and Industrial:</p> <p>Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627, Pt Lot 1 DP 9882, Lot 1 DP 341015, Lot 1 and Lot 191 DP 52352, Lot 2 and 3 DP 30627. The submitter seeks all the land specified above to be rezoned Industrial and Future Industrial in accordance with the Tararua Road Development - Zoning Master Plan.</p>	<p>Amend Planning Maps 29 and 30 to rezone the following parcels of land and adjoining properties from Industrial and Residential to Industrial and future Industrial, as shown on the Zoning Master Plan attached to the submission and includes the following properties:</p> <p>Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627, Pt Lot 1 DP 9882, Lot 1 DP 341015, Lot 1 and Lot 191 DP 52352, Lot 2 and 3 DP 30627</p>	

One submission was received on Planning Maps 29 and 30 in relation to the Tararua Road Growth Area and land to the south-east, bound by Tararua Road to the south and Arapaepae Road to the east.

4.49.2 Discussion & Evaluation

1. As discussed above in Section 4.47 of this Report, I consider the submitted Zoning Master Plan has the potential to be more appropriate in achieving the Urban Environment Objectives of the Proposed Plan than the notified Tararua Road Growth Area Structure Plan, Design Guide and associated provisions in the Industrial and Residential Zone Chapters. This conclusion is subject to recommendations made on the provisions that support the Zoning Master Plan and the Design Guide.
2. As a consequence, I recommend that submission point 70.02 be accepted so that Planning Maps 29 and 30 are amended to show the rezoning of land within the Zoning Master Plan from Residential to Industrial and Rural to Industrial.

4.49.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
70.02		Future Map Limited		Accept In-Part

4.49.4 Recommended Amendments to the Plan Provisions

Amend Planning Maps 29 and 30 to rezone the following parcels of land and adjoining properties from Residential and Rural to Industrial, as shown on the Planning Maps in Appendix 6.9.

Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627.

4.50 Chapter 17 Commercial Zone - Permitted Activities (Rule 17.1)

4.50.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.21	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Amend Rule 17.1 to include "The placement of any <u>Relocated building and/or accessory building on any site subject to the conditions at [rule ref]</u> ".	
40.41	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	Amend permitted activity rule to include removal and re-siting of buildings.	Amend Rule 17.1(m) as follows: "The construction, alteration of, addition to, <u>removal, re-siting</u> and demolition of buildings and structures for any permitted activity".	
73.00	McDonalds Restaurants (New Zealand) Limited	In-Part	The submitter considers that their business is best covered by a term or category being 'Drive-Through Restaurant'. No specific provision is made for drive-through restaurants, restaurants or cafes. Rather, these activities appear to be covered under the broad heading of 'retail'. It is considered more appropriate to specifically provide for the aforementioned activities, as this will provide greater certainty and clarity for future users of the Proposed Plan.	Amend Rule 17.1 to include 'Drive-Through Restaurant' as a permitted activity.	
95.04	New Zealand Defence Force (NZDF)	Support	Support inclusion of Temporary Military Training Activities as Permitted Activities.	Retain as notified	

Four submissions were received on Rule 17.1. Submissions seek the inclusion of permitted activities to be provided for in the Commercial Zone and for permitted activities to remain in Rule 17.1.

4.50.2 Discussion & Evaluation

1. House Movers Section of NZ Heavy Haulage Association Inc. (40.21 and 40.41) oppose the way in which the removal, re-siting, and relocation of buildings and dwellings is provided for

in the Proposed Plan. The submitter seeks that Rule 17.1 is amended to include the relocation of buildings and dwellings as a permitted activity. The Proposed Plan currently provides for the relocation of buildings and dwellings as a controlled activity. There are several consequential changes sought, including amendments to Rule 17.1(m) to include the removal and re-siting of buildings as a permitted activity.

2. In terms of submission points 40.21 and 40.41 the evaluation and discussion set out in Sections 4.6.2 and 4.26.2 of this report are relevant to the Commercial Zone.
3. The resource management issue presented by the reuse and relocation of buildings on sites is the dilemma between enabling this type of development and maintaining amenity levels anticipated in the different zones. The Commercial Zone has a lower level of amenity than the Residential Zone, but it is still considered appropriate that relocated buildings are reinstated in this Zone. The Controlled Activity resource consent process is considered the most effective activity status for these works.
4. Based on the earlier evaluation and recommendations made for the Residential Zone and Industrial Zone, I recommend that submission points 40.21 and 40.41 be rejected.
5. McDonalds (73.00) seek that "Drive-through restaurants" are included as a permitted activity in the Commercial Zone.
6. Drive-through restaurants are not defined nor specifically listed as a permitted activity in the Commercial Zone. However, restaurants in all forms are provided for as permitted activities subject to conditions, under Rule 17.1(a) Retail Activities. The definition for Retail Activity provides "the use of land or premises for the retail sale or hire of goods to the public; and includes any cafe, restaurant, take-away food outlet...". The amendment of Rule 17.1 to list "Drive-through restaurants" would be a duplication considering the activity is already permitted as a retail activity. On this basis, I recommend submission point 73.00 is rejected.
7. The NZDF (95.04) supports the inclusion of temporary military training activities as permitted activities in Rule 17.1(y) and seeks that this rule be retained. The submitter's support for the permitted activity status of Temporary military training activities is noted.

4.50.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.21		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.41		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
73.00		McDonalds Restaurants (New Zealand) Limited		Reject
95.04		New Zealand Defence Force (NZDF)		Accept

4.50.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Rule 17.1.

4.51 Controlled Activities - Commercial Zone (17.2)

4.51.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.19	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 17.2(c)	

One submission was received on Rule 17.2 which sought the deletion of clause (c).

4.51.2 Discussion & Evaluation

1. The matters raised in submission point 40.19 are identical to those raised by House Movers Section of NZ Heavy Haulage Associated Inc. across all zones in the Proposed Plan.
2. In terms of submission point 40.19 the evaluation and discussion set out in Section Sections 4.7.2 and 4.27.2 of this report is also relevant to the Commercial Zone.
3. The Proposed Plan requires a controlled activity resource consent for the placement of relocated buildings. This activity status and resource consent process is considered to be effective in managing the reusing buildings and maintaining amenity in the district. Following the recommendations in Section 4.7.2 and 4.27.2, I recommend that submission point 40.19 be rejected.

4.51.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.19		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.51.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Rule17.2

4.52 Restricted Discretionary Activities (17.3) and Discretionary Activities (17.4) -Commercial Zone

4.52.1 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
71.01	Progressive Enterprises Limited	In-Part	The submitter seeks amended to Rule 17.3.	Amend Rule 17.3 as follows: Insert <u>...(g) Supermarkets within a Large Format Retail Overlay Area.</u>	
71.00	Progressive Enterprises Limited	Oppose	Oppose the 3000m ² floor area as it is arbitrary. Rule 17.4(c) should be deleted. New generation Countdown supermarkets throughout New Zealand are generally 4200m ² in gross floor area and have car parking for 210 cars. Supermarkets are typically classified as a restricted discretionary activity largely because of their high traffic generating characteristics.	Delete Rule 17.4(c).	
117.22	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter seeks the inclusion of subdivision that negatively impacts on heritage values of listed sites in Schedule 2 as a discretionary activity.	Amend Rule 17.4 to include subdivisions that negatively impact on the heritage values of any sites listed in Schedule 2.	

One submission was received on Rule 17.3. Progressive Enterprises Limited seek the inclusion of supermarkets within the Large Format Retail Overlay Area as a Restricted Discretionary activity.

Two submissions were received on Rule 17.4. One of these related to the submission on Rule 17.3 while the other raises concern for impacts on listed heritage sites from subdivision.

4.52.2 Discussion & Evaluation

1. Progressive Enterprises Limited (71.01) seek amendment to Rule 17.3 to include supermarkets within a large format retail area as a restricted discretionary activity. There are consequential amendments sought, including the deletion of Rule 17.4(c) (71.00).
2. The Large Format Retail Area provides for retail activities with a gross floor area less than 3000m² as a permitted activity in the Commercial Zone, subject to conditions. In the case that a retail activity exceeds the 3000m² threshold, the activity becomes a discretionary activity under Rule 17.4(c). Progressive Enterprises Limited submit that new generation supermarkets are generally over 4000m² and oppose the discretionary activity status for retail activities of this size in the Large Format Retail Area. Progressive Enterprises Limited seek that supermarkets in the Large Format Retail Area be provided for as a restricted discretionary activity and the size threshold of 3000m² is removed from Rule 17.4. It is noted that the submitter does not provide for any matters of discretion in their relief sought.
3. Supermarkets are one of the larger retail developments in Levin that Rule 17.4(c) seeks to manage. Progressive Enterprises Ltd set out in their submission some of the differences

between supermarkets and other large format retail activities and cite matters such as high traffic and customer generation. I acknowledge there are differences but there are also many effects that are similar. For Council a key concern is the impact that these types of activities can have on the viability, vitality and vibrancy on town centres across the District as well as the potential effects on the surrounding land uses. The Large Format Retail Overlay anticipates large format retail activities (including supermarkets) to locate and operate from this overlay area.

4. It is recognised that while Large Format Retail activities (including supermarkets) are important to the local community, they do need to be sited appropriately so as not to adversely affect the vitality of the smaller shops and are compatible with the surrounding land uses. The Large Format Retail overlay has been specifically designed to provide an appropriate location. The limit of 3,000m² gross floor area is a parameter that enables HDC to assess more broadly the actual and potential effects on streetscape, traffic, town centre vitality/vibrancy and any other effects that may arise and require consideration in the case that a larger retail development exceeds the size threshold and the activity becomes a discretionary activity
5. I consider that if supermarket developments were a restricted discretionary activity, listed matters of discretion would limit the extent of HDC's breadth of consideration and evaluation. Therefore a restricted discretionary activity status requires a degree of certainty on the matters that are to be considered at the time of both preparing and evaluating a resource consent. Notwithstanding this, I consider the key matters that HDC would want to consider for larger supermarkets can be described and presented as matters of discretion. On this basis, I recommend that supermarkets over 3000m² in size are provided for as a restricted discretionary activity and matters of discretion are provided in 17.8.8.
6. To continue the provision of supermarkets up to 3,000m² in gross floor area as permitted activities and provide for larger supermarkets as a restricted discretionary activity, I recommend that the wording in Rule 17.4(c) be repeated but relocated as a restricted discretionary activity. This prevents a situation where all supermarkets would require a restricted discretionary activity, regardless of size.
7. I also consider there is scope to provide a new policy as a consequential change to the relief sought by the submitter. A new policy would be appropriate to ground the specific provision for supermarkets in the Proposed Plan.
8. On the basis of the assessment above, I recommend that submission point 71.01 be accepted in part to provide for supermarkets which exceed 3000m² as a restricted discretionary activity within the Large Format Retail Area. I recommend alternative wording for the restricted discretionary activity rule, and as a consequence of this change, new matters of discretion will be required to be included in Rule 17.8 and a new policy provided in Chapter 6.
9. Rule 17.4(c) refers to all Large Format Retail activities. It is not appropriate to delete this rule in its entirety as per the relief sought in 71.00. However, an amendment is recommended to exclude supermarkets from this rule which is consistent with the intent of Progressives submission point. On this basis, I recommend that submission point 71.00 be accepted in part.

10. It is noted that the submitter has sought for a definition of “supermarket” to be added to Part E, Chapter 26 Definitions. This submission point is considered in General Part 3 Hearing 14.
11. The NZHPT (117.22) seek an amendment to Rule 17.4 so that subdivisions that negatively impact heritage values of any sites in Schedule 2 [listed historic heritage buildings, structures and sties] are discretionary activities.
12. As discussed in the Residential and Industrial Zone Chapters (see Section 4.8.2 above), the relief sought by NZHPT in relation to subdivision and the impact on heritage values is already provided for in the Proposed Plan. I recommend that the NZHPT submission point be accepted in part.

4.52.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
71.01		Progressive Enterprises Limited		Accept In-Part
71.00		Progressive Enterprises Limited		Accept In-Part
117.22		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

4.52.4 Recommended Amendments to the Plan Provisions

Amend Rule 17.3 and add a new rule as follows:

(g) Supermarkets with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

Amend Rule 17.4 as follows:

(c) Retail activity (excluding supermarkets) with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

Amend Rule 17.8 to add a new rule as follows:

Rule 17.8.8 Supermarkets within the Large Format Retail Overlay Area

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building, including the space around buildings
- (ii) Landscaping
- (iii) Location and design of site access (pedestrian and vehicular), parking and servicing
- (iv) Traffic effects, including effects on the transport network from the volume and type of traffic generated
- (v) Effects on the vitality and vibrancy of the town centres.

AND

Consequential amendment to Chapter 6 to add a new policy under Objective 6.3.2 as follows:

New Policy 6.3.XX

Recognise and provide for supermarkets within the Large Format Retail Overlay in a way that ensures:

- The site layout and building design maintains and enhances an attractive streetscape and public focused environment;
- The traffic effects are managed so that the safety and efficiency of the road network is maintained;
- The vibrancy and vitality of the Levin town centre is not compromised.

4.53 Permitted Activity Standards (17.6) – General

4.53.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.05	Michael White	In-Part	The submitter seeks rules or conditions which govern outdoor lighting.	Amend Permitted Activity Conditions 17.6 to include rules that control the emission of outdoor lighting at and above the horizontal and to limit the level and timing of lighting in the Commercial zone.	525.21 Maurice and Sophie Campbell - Support
26.11	Horowhenua Astronomical Society Inc.	In-Part	The submitter seeks rules or conditions that manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values through light spill and impact on ecological values.	Amend Permitted Activity Conditions 17.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Commercial Zone.	
27.20	Horizons Regional Council	In-Part	There is concern that the Permitted Activity Conditions limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities.	Amend the Permitted Activity Conditions to provide for soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council as a permitted activity; and Provide for this criterion to be carried over to all other activity types in the Proposed Plan regarding soil conservation, erosion protection, river control or flood protection works undertaken by, or on	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				behalf supervised by of Horizons Regional Council.	
40.22	House Movers Section of NZ Heavy Haulage Association Inc.	In-Part	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	<p>Include the following performance standards/conditions (or to the same or similar effect) for relocated buildings:</p> <p>Permitted Activity Standards for Relocated Buildings</p> <p><u>i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</u></p> <p><u>ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></p> <p><u>iii) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the being moved to the site.</u></p> <p><u>iv) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed with [12] months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>v)The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the [12] month period.</u></p>	
95.19	New Zealand Defence Force (NZDF)	Support	<p>Support the removal of the following Permitted Activity Conditions;</p> <p>The written consent of the owner shall have been obtained.</p> <p>Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority.</p> <p>NZDF notes that this removes redundant requirement from the Plan.</p>	Retain the removal of conditions as notified	

Five submissions were received on the conditions for permitted activities in the Commercial Zone (Rule 17.6). The submissions sought the inclusion of provisions and the amendment of existing provisions for the purpose of clarity. One further submission was received.

4.53.2 Discussion & Evaluation

1. Michael White (25.05) and the Horowhenua Astrological Society Inc. (26.11) oppose in part the permitted activity standards and seek to add a standard to control light emission to manage amenity and ecological values. Maurice and Sophie Campbell (525.21) support Michael White's submission point. Michael White seeks standards in all zones to control light emission to manage amenity and ecological values. In Section 4.10.2 of this report lightspill in the Residential Zone is discussed and evaluated. It was recommended that the Permitted Activity conditions are amended so a lightspill standard is included in order to maintain amenity expectations between residential properties. The new condition recommended for the Residential Zone is similar to the lightspill condition set in the Open Space Zone and limits a maximum of 10lux (measured horizontally and vertically) of lightspill to fall at the site boundary.
2. In relation to the Commercial Zone a wide range of commercial activities are anticipated and a commensurate level of amenity is expected in this zone. The Commercial Zone objective (6.3.2) and associated policies direct the facilitation of commercial activities in a way that

maintains the character and amenity values of the Commercial Zone, and also 'protects' the values of adjoining zones.

3. The Commercial Zone permitted activity conditions are to maintain character and amenity in the Commercial Zone in a way that does not inappropriately restrict the use of the commercial land. The use of outdoor lighting by commercial operators during the hours of darkness could be an important part of the activity (e.g. for servicing) where goods are stored and/or loaded/unloaded outside. Requiring compliance with a lightspill standard has the potential to add a compliance cost to commercial operators, and may impede activities requiring high light levels, such as for health and safety reasons. The benefit of a lightspill standard applying throughout the Commercial Zone would be the overall reduction of light emission.
4. On balance, I consider a light spill condition throughout the Zone may unduly inhibit the type of activities that can only operate in the Commercial Zone and on this basis, I do not recommend a condition be imposed. However, the Commercial Zone does have zone interface controls (but no lightspill condition) to protect the amenity and character of adjoining zones, such as the Residential Zone. Excessive lightspill from activities in the Commercial Zone is considered to adversely affect the character and amenity in the Residential Zone. Therefore, I recommend that the submission points from Michael White (25.05) and the Horowhenua Astrological Society Inc. (26.11) be accepted in part.
5. Horizons (27.20) support in part the permitted activity conditions but seek amendments to ensure the conditions do not limit the ability of Regional Council to carry out its functions in all areas of its river and drainage scheme areas as permitted activities. The submission points raised by Horizons have been assessed and provided for in the Natural Hazards Report which found the relief sought by Horizons to be appropriate and is recommended to be accepted.
6. House Movers Section of NZ Heavy Haulage Association Inc. (40.22) seeks to insert new permitted activity conditions for relocated buildings. The matters raised in submission point 40.22 are identical to those raised by House Movers Section of NZ Heavy Haulage Associated Inc. across all zones in the Proposed Plan.
7. The evaluation and discussion set out in Section 4.6.2 for the Residential Zone and the earlier evaluation for the Industrial Zone in Section 4.26.2, applies to the Commercial Zone as well insofar as the provision for relocated buildings as a Controlled Activity is considered to be the most appropriate activity status for this activity. Therefore, submission point 40.22 is recommended to be rejected.
8. NZDF (95.19) supports the proposed temporary military training activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. The support from the NZDF on the removal of redundant permitted activity conditions which were included in the Operative District Plan is noted. The NZDF has submission points on specific noise and vibration standards which are assessed further on in this report.

4.53.3 Reporting Officer's Recommendation

Sub. No	Further	Submitter Name	Further Submitter	Officer's
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Sub. No.		Position	Recommendation
25.05	525.21	Michael White Maurice & Sophie Campbell	Support Accept In-Part
26.11		Horowhenua Astronomical Society	Accept In-Part
27.20		Horizons Regional Council	Accept
40.22		House Movers Section of NZ Heavy Haulage Association Inc.	Reject
95.19		New Zealand Defence Force (NZDF)	Accept

4.53.4 Recommended Amendments to the Plan Provisions

Amend Rule 17.6 by inserting a permitted activity condition on lightspill as follows:

17.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

....

17.6.X Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

4.54 Permitted Activity Standard (17.6.1) - Maximum Building Height

4.54.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.02	Progressive Enterprises Limited	In-Part	New generation supermarket buildings are 9m in high at the roof apex exclusive of plant platforms which range in height from 700-900mm but only normally occupy less than 5% of the overall roof area. A height limit of 8.5m is insufficient and should be changed to 9m with an exemption for plant platforms and associated screening. Notes that the height limit in the Residential Zone is 8.5m and it is normal planning practice to provide higher limits in Industrial and	Amend Rule 17.6.1(c) as follows: Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8m 9m provided that <u>supermarket platforms to a height of 9.8m shall be permitted where such platforms occupy less than 10% of the overall roof area.</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Commercial Zones.		

One submission was received on Rule 17.6.1. This submission opposes the proposed height restriction for buildings in the Commercial Zone outside the Pedestrian Overlay Area.

4.54.2 Discussion & Evaluation

1. Progressive Enterprises Limited seek amendment to Rule 17.6.1(c) to provide for building heights of up to 9.8m outside the Pedestrian Overlay Area in all towns.
2. Rule 17.6.1(c) provides that "Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8.5 metres". This provision seeks to control the building height of commercial activities outside of the central commercial area.
3. Commercial Zone Policy 6.3.43 directs the expectations for building height within commercial areas and seeks to maintain a low to moderate overall building height, with taller buildings provided for in pedestrian focused commercial areas of Levin. Consequently, the Proposed Plan provides for a maximum building height of 15 metres within the Pedestrian Overlay Area in Levin. In all other areas, the maximum building height in the Commercial Zone is 8.5 metres. This control seeks to ensure that the scale of commercial activities and profile of the Commercial Zone is compatible with surrounding residential activities. In Levin, the maximum building height of 8.5 metres outside the central Pedestrian Area where land use shifts from commercial into residential. The height standard works to ensure the scale of commercial activities does not degrade amenity values in the Residential Zone and allow for a transition from commercial activities to residential.
4. In all other settlements, the height across the extent of the Commercial Zone is uniform as commercial areas are not as established as Levin and are more integrated with residential areas. As a result, the building height is managed to protect and uphold anticipated and expected amenity values of surrounding areas.
5. The height standard of 8.5 metres for large format retail activities is equal to the height restrictions in the Residential Zone as Progressive Enterprises have identified. However, in considering the scale of developments and therefore the visual impact of a development, the bulk and location standards in the Residential Zone would limit the size and extent of developments. The "Large Format Retail Overlay Area" does not have such bulk and location standards so the overall footprint of the activity can be larger in gross floor area and site coverage to accommodate commercial activities, and therefore appear larger and bulkier.
6. In addition, the height measurements of the existing New World supermarket and Countdown supermarket in Levin reach maximum heights of approximately 8 metres and 7 metres respectively. These developments are predominant features of the town given their size and extent, yet both of these developments meet the proposed permitted 8.5 metre standard for large format retail activities. I consider that a maximum height of 8.5 metres is an appropriate height to allow for large commercial activities while not detracting from the character and amenity of commercial areas and not adversely affecting the amenity of residential area in all settlements. This is seen as an appropriate balance between providing for commercial activities while maintaining the character and amenity of commercial areas. On this basis, I

recommend that the height standard of 8.5 metres is retained and submission point 71.02 is rejected.

4.54.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.02		Progressive Enterprises Limited		Reject

4.54.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 17.6.1.

4.55 Permitted Activity Standard (17.6.2) - Building Frontage and Size

4.55.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.03	Progressive Enterprises Limited	In-Part	The limitation on the extent of blank walls fails to recognise the functional and operational requirements of supermarkets, where sunlight penetration has to be minimised to limit sun damage to produce lines.	Amend Rule 17.6.2(b) as follows: Insert <u>(iv) No blank wall maximum length limits shall apply to walls that otherwise do not front or face a street.</u>	
108.07	HDC (Planning Department)	In-Part	The phrasing of Rule 17.6.2 (b) and (c) is not explicit in the spatial area the rule applies to. Parts (b) and (c) refer to areas outside the pedestrian area overlay within the townships of Levin and Foxton but could be interpreted to apply to all areas of the district outside the pedestrian area overlays within Levin and Foxton.	Amend Rule 17.6.2 parts (b) and (c) as follows : <u>(b) In Levin</u> outside the Pedestrian Overlay Area in Levin , the following conditions apply: <u>(c) In Foxton</u> outside the Pedestrian Overlay Area in Foxton , the following conditions apply:	
108.30	HDC (Planning Department)	In-Part	This rule seeks to ensure that areas of car parking are landscaped to reduce their visual impact. The rule however is unclear on whether this should apply to the scenario where a small portion of the car park extends to the frontage. To bring greater clarity and a level of pragmatism to this rule, a threshold should be	Amend Rule 17.6.2(d)(iii) as follows: <u>The area between the front road boundary and any on-site carpark and the front road boundary with a frontage of more than 6 metres shall include a landscape strip.</u> This landscaping strip	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			introduced so that the landscaping requirement would not apply to car park areas with frontage that are less than the typical length of a car park (6m).	shall comply with the following conditions:	

Three submissions were received on Rule 17.6.2. One submission seeks amendment to the standard on featureless, blank walls in the Large Format Retail Area Overlay and two submissions seek minor amendment to assist with interpretation of the rule.

4.55.2 Discussion & Evaluation

1. Progressive Enterprises Limited (71.03) seek amendment to Rule 17.6.2(b)(iii). Rule 17.6.2(b)(iii) provides "No building shall have a continuous featureless facade/blank wall on the ground floor road frontage wider than 10 metres. A featureless facade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing". Progressive Enterprises submit that maximum length limits for blank walls should not apply to walls that otherwise don't face a road frontage. I consider that this submission point is already provided for in clause Rule 17.6.2(b)(iii) in that the provision specifically refers to "the ground floor road frontage" which means that this provision applies only to those blank walls/facades over 10 metres in length that front a road boundary. On this basis, I recommend that submission point 71.03 is rejected.
2. HDC (Planning Department) (108.07) seek amendment to Rule 17.6.2(b) and 17.6.2(c) to clarify the spatial extent to which the rule applies. The current wording of Rule 17.6.2 clause (b) and (c) could be interpreted to apply to all areas in the district outside of the Pedestrian Overlay Areas in Levin and Foxton. However, these rules are only intended to apply to areas within Levin and Foxton, but outside of the respective Pedestrian Overlay Areas. For this reason, I recommend that submission point 108.07 is accepted as it provides clarity and greater certainty for the application of the rule.
3. HDC (Planning Department) (108.30) seek amendment to Rule 17.6.2(d)(iii) to clarify and better define the area where landscaping strips are required. As this is a minor amendment for the purpose of ensuring the rule is applied correctly and as intended, I recommend that submission point 108.30 is accepted.

4.55.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.03		Progressive Enterprises Limited		Reject
108.07		HDC (Planning Department)		Accept
108.30		HDC (Planning Department)		Accept

4.55.4 Recommended Amendments to the Plan Provisions

Amend Rule 17.6.2 to read :

...

"(b) In Levin outside the Pedestrian Overlay Area ~~in Levin~~, the following conditions apply:

...

(c) In Foxton outside the Pedestrian Overlay Area ~~in Foxton~~, the following conditions apply:"

AND

Amend Rule 17.6.2(d)(iii) as follows:

The area between the front road boundary and any on-site carpark ~~and the front road boundary with a frontage of more than 6 metres~~ shall include a landscape strip. This landscaping strip shall comply with the following conditions:

4.56 Permitted Activity Standard (17.6.3) - Verandahs

4.56.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.04	Progressive Enterprises Limited	Support	Support the current wording of Rules 17.6.3 (a) and (b).	Retain Rules 17.6.3(a) and 17.6.3(b).	

One submission was received on Rule 17.6.3. This submission supported clause (a) and (b) as notified.

4.56.2 Discussion & Evaluation

1. I note that Progressive Enterprises Limited (71.04) supports the current wording of Rule 17.6.3 (a) and (b).

4.56.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.04		Progressive Enterprises Limited		Accept

4.56.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Rule 17.6.3.

4.57 Permitted Activity Standard (17.6.5) - Signs

4.57.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.05	Progressive Enterprises Limited	In-Part	The proposed requirements for signs are supported in part, in particular the lack of restrictions on wall signage face areas. However, oppose that there is no rule addressing free standing pylon signage.	Amend Rule 17.6.6(a) as follows: Insert <u>(vi) Pylon stands to a maximum height of 9m and a width of 3.3m with a maximum face area of 58m² (two faces) within a Large Format Retail Overlay Area.</u>	
108.04	HDC (Planning Department)	In-Part	The rule specifying the permitted display period for temporary signs allows such signs to be displayed for no more than two months for every calendar year. The reference to a calendar year would allow for a temporary sign erected in the month of November to be continuously displayed through February the following calendar year. This undermines the intent of the provision to permit the display of temporary signs for no more than two months within a 12 month period.	Amend Rule 17.6.5(a)(iv) as follows: Any temporary sign shall be displayed for no longer than two (2) calendar months in every calendar year <u>of a 12 month period</u> and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.	

Two submissions were received on Rule 17.6.5 Signs. One submission seeks the inclusion of a provision specifically for pylon signs and one submission seeks the amendment of clause (a)(iv) to ensure that this clause is interpreted and applied as intended. The summary extract above for submission 71.05 incorrectly refers to Rule 17.6.6(a) where it should in fact refer to Rule 17.6.5 Signs.

4.57.2 Discussion & Evaluation

1. Progressive Enterprises Limited (71.05) submit in support the permissive standards for face areas of wall signage however, oppose the absence of provision for free standing pylon signage.
2. Advertising signage is an integral and important feature of the Commercial Zone. Signage supports and promotes business and therefore economic growth which is essential for the effective functioning of a commercial area and this is recognised in the Proposed Plan.
3. Both remote advertising signage and on site advertising signage are provided for in the Proposed Plan as permitted activities subject to the permitted activity conditions. Advertising

Sign is defined in Chapter 26 - Definitions which helps to clarify those types or forms of signage that are considered as advertising signs. The definitions provides

"Advertising Sign means any advertising device or appliance, or any other thing of a similar nature used to advertise a product, service, event or location. This includes all parts, portions, units and materials composing the same, together with the frame, background, structure and support anchorage. "

4. This definition provides for pylon type signs (i.e. free standing signs) and therefore this form of signage is permitted in the Commercial Zone provided that signs shall comply with the maximum height and daylight setback standards in the Commercial Zone as set out in permitted activity conditions Rule 17.6.5(a). In the Large Format Retail Overlay Area, the maximum building height is 8.5 metres and this is seen to appropriately provide for large pylon signs without restrictions on the face area of the sign. On this basis, I recommend that Rule 17.6.5(a) is retained and submission point 71.05 is rejected.
5. HDC (Planning Department) (108.04) seek amendment to Rule 17.6.5(a)(v). This rule seeks to control the time period for which a temporary sign can be displayed. The way in which the rule is currently worded could lead to signs being displayed for longer than the two month intended period. If signs were erected in November, they could be continuously displayed through to February as this would comply with 'two calendar months in every calendar year. To prevent misuse of this Rule and uphold the intended provision for the display of temporary signs for no longer than two months, I recommend submission point 108.04 is accepted.

4.57.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.05		Progressive Enterprises Limited		Reject
108.04		HDC (Planning Department)		Accept

4.57.4 Recommended Amendments to the Plan Provisions

Amend Rule 17.6.5(a)(iv) as follows:

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

4.58 Permitted Activity Standard (17.6.6) - Noise

4.58.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
5.04	Elaine Gradock	Support	Support the noise limits and introduction of a noise limit between 7.00pm - 10.00pm.	No specific relief requested. Inferred: Retain proposed	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				Rule 17.6.6(a)(i) noise limits.	
95.28	New Zealand Defence Force (NZDF)	In-Part	<p>Temporary Military Training Activities are no longer included in the general permitted noise conditions for each proposed zone. However, the general provisions in 17.6.6(b) in the Permitted Conditions for Noise state that:</p> <p>“Sound levels shall be measured and assessed in accordance with the provisions of</p> <p>NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise”.</p> <p>Therefore Rule 17.6.6(b) is redundant, as there is no possible situation to which it might apply.</p> <p>For the avoidance of doubt NZDF requests that this clause is specifically excluded, by amending 17.6.6(d).</p>	<p>Amend Rule 17.6.6(d) as follows:</p> <p>The noise limits in Rule 17.6.6(a) <u>and the provision of Rule 17.6.6(b)</u> shall not apply to... Temporary Military Training Activities.</p>	
108.35	HDC (Planning Department)	In-Part	<p>The rule exempting certain activities from the permitted noise levels appears in each zone. Each rule refers to 'a normal residential activity'. For the Commercial, Industrial and Open Space zones the rule should be made zone specific by referring to the predominant permitted activity in each respective zone instead of referring to 'residential activity'.</p>	<p>Rule 17.6.6(e)(iv)</p> <p>Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential commercial activity.</p>	

Three submissions were received on Rule 17.6.6. These submissions generally supported the intent of the Rule controlling noise in the Commercial Zone but two submissions sought minor amendments to ensure the Rule is interpreted and applied as intended.

I note that the summary for the NZDF submission incorrectly refers to Rule 17.6.6(d) whereas the standard the Defence Force seek to amend is 17.6.6(e).

4.58.2 Discussion & Evaluation

1. The NZDF (95.28) seek an amendment to Rule 17.6.6(e) to ensure temporary military training activities are exempt from the general noise limits in Rule 17.6.6(a) and (b) as temporary military training activities are provided with specific noise standards in Rule 17.6.25. Rule 17.6.6(e) already lists these exemptions as follows "The noise limits in Rule 17.6.6(a) and 17.6.6(b) shall not apply to the following activities". NZDF made a submission across all zones and the amendment sought in submission point 92.28 may have been required in other zones however, Rule 17.6.6(e) correctly identifies temporary military training activities as exempt from sub clauses (a) and (b). I therefore recommend that submission point 95.28 is accepted but no change is required as the relief sought is provided in the Proposed Plan Rule 17.6.6(e) as notified.
2. The matters raised in submission point 95.28 are identical to those raised by NZDF across all zones in the Proposed Plan where a correction to the noise condition to ensure those exempt from the general noise conditions are also exempt from being measured and assessed in accordance with NZS 6801:2008. The numbering of the noise condition subclauses is slightly different for the Commercial Zone, compared to the Residential Zone. Therefore the wording sought by NZDF is not entirely correct, but the intent of the submission point is clear.
3. Rule 17.6.6(e) lists activities exempt from the general noise limits set out in Rule 17.6.6(a) and (b). Subclause (c) requires the general noise limits to be measured and assessed in accordance with NZS 6801:2008. It makes sense that any activity exempt from (a) and (b) should be exempt from (c) as well. Therefore I recommend accept in part the relief sought by the NZDF (95.28), but recommend alternative wording to achieve this outcome.
4. HDC (Planning Department) (108.35) seek amendment to the noise condition in Rule 17.6.6(e)(iv). Rule 17.6.6(e) lists the activities that are exempt from the Commercial Zone noise standards. Subclause (iv) refers to vehicles being driven on a road and also vehicles used within a site that are compatible with the activities generally expected within the zone. However, the rule refers to 'residential' activities, whereas the exemption is meant to capture noise associated with commercial activities.
5. The relief sought by HDC (Planning Department) is considered to have unintended consequences and would create a loophole, where vehicles used on commercial sites would not be required to comply with the Commercial Zone noise limits (e.g. vehicles used for moving stock in an outdoor storage area). The nature of commercial activities involves the use of vehicles and this requested change would undermine the intent of the zone noise limits, if noise from vehicles (whether driving up the driveway, loading, unloading goods) were exempt. On this basis, I recommend that submission point 108.35 be accepted in part, where the wording of the 17.6.6(e)(iv) is amended so it only exempts noise from vehicles on roads.
6. Support from Gradock (5.04) for the new shoulder period noise limit is noted.

4.58.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
5.04		Elaine Gradock		Accept

95.28		New Zealand Defence Force (NZDF)		Accept In-Part
108.35		HDC (Planning Department)		Accept In-Part

4.58.4 Recommended Amendments to the Plan Provisions

Amend the noise condition in Rule 16.6.5 as follows:

17.6.6 Noise

(a) *Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:*

...

(b) *Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.*

(c) *Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.*

(d) *Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.*

(e) *The noise limits in Rule 17.6.6(a) ~~and~~ 17.6.6(b) and 17.6.6(c) shall not apply to the following activities:*

(i) *Fire and civil emergency sirens.*

(ii) *Construction, maintenance and demolition work.*

(iii) *The operation of the Main North Island Trunk Railway.*

(iv) *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~*

(v) *Temporary Military Training Activities.*

(vi) *Temporary events.*

4.59 Permitted Activity Standard (17.6.7) - Noise Insulation

4.59.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
5.05	Elaine Gradock	Support	Support noise insulation in the Commercial Zone.	No specific relief requested.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				Inferred: Retain proposed Rule 17.6.7 noise insulation.	

One submission was received in support of Rule 17.6.7 in providing for noise insulation in the Commercial Zone.

4.59.2 Discussion & Evaluation

1. I note that Gradock (5.05) supports Rule 17.6.7 and it is inferred that the submitter seeks that this provision is retained. I recommend that submission point 5.05 be accepted.

4.59.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
5.05		Elaine Gradock		Accept

4.59.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Rule 17.6.7.

4.60 Permitted Activity Standards (17.6.8) - Vibration

4.60.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.38	New Zealand Defence Force (NZDF)	In-Part	<p>The Section 32 reports gives no specific reasons as to why these new standards are proposed, and gives no guidance as to the appropriateness or otherwise of these standards to Temporary Military Training Activities.</p> <p>NZDF adopts a neutral stance on the proposed introduction of the standards until a technical analysis of their implications has been completed. Once the results of this analysis are available, NZDF will come back to the Council with any further comments and requests.</p>	Retain Rule 17.6.8 as notified (conditionally).	

One submission was received on the Commercial Zone vibration condition. No amendments were sought, but the submitter indicated they may seek changes until such time as their technical review of the provisions has been completed.

4.60.2 Discussion & Evaluation

1. The NZDF (95.38) made a neutral submission on the proposed permitted activity standard which manages vibration (17.6.8) pending the outcome of a technical review of noise and vibration provisions in relation to temporary military training activities.
2. As discussed in section 4.34 of this report, NZDF engaged Malcolm Hunt Associates to carry out a technical review of both the noise and vibration conditions of the Proposed Plan that relate to temporary military training activities. Based on this technical review, NZDF now seek to exempt temporary military training activities from the Proposed Plan vibration standards (see correspondence in Appendix 6.5).
3. This request is linked to NZDF request to manage activities involving the use of explosives and the firing of weapons through separation distances, peak sound pressure limits and noise management plans. NZDF consider that these provisions manage noise and vibration together.
4. The exemption of these activities from the vibration condition has the potential to be outside the scope of the original submission point.
5. I consider it appropriate to continue to apply the vibration conditions to temporary military training activities and therefore accept in part the original relief sought, acknowledging that this would effectively reject the NZDF latest request.

4.60.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.38		New Zealand Defence Force (NZDF)		Accept In-Part

4.60.4 Recommended Amendments to the Plan Provisions

No recommended amendments to Rule 17.6.8.

4.61 Permitted Activity Standard (17.6.25) - Temporary Military Training Activities

4.61.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.09	New Zealand Defence Force	In-Part	Neutral stance on Rule 17.6.25(a)(i).	Retain Rules 17.6.25(a)(i) as notified.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(NZDF)				
95.52	New Zealand Defence Force (NZDF)	In-Part	Neutral stance on Rule 17.6.25(a)(ii)	Retain Rules 17.6.25(a)(ii) as notified.	
95.14	New Zealand Defence Force (NZDF)	Support	Proposed change clarifies ambiguities which may have arisen with the definition in the Operative Plan.	Retain Rule 17.6.25 (a) (iii) as notified	
95.23	New Zealand Defence Force (NZDF)	In-Part	Conditionally supports the introduction of these new noise standards, but has commissioned a technical review to investigate the matter in more detail. At the time of this submission this review has not yet been completed; as soon as the results of the review are available, NZDF will come back to the Council to confirm its support (or otherwise) for the change and to discuss any specific recommendations or request that may arise from the review.	Retain Rules 17.6.25 (iv) (v) as notified (conditionally)	
95.33	New Zealand Defence Force (NZDF)	Oppose	<p>The existing requirements for all zones (except Residential 1) is that:</p> <p>“Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC”</p> <p>The Section 32 reports supporting the Proposed Plan states that “it is considered efficient and effective to provide for permitted noise levels that are in character with the zone” but do not give any specific reasons why the change from the status quo is necessary. NZDF submits that the status quo has been working satisfactorily to date and there appear to be no valid reasons given for introducing a blanket restriction on night-time use of explosives and small arms.</p> <p>For these reasons NZDF opposes this proposed Permitted Activity condition, and request that the current provisions for the District Plan in respect of night-time noise</p>	<p>Include current provisions in the District Plan in regards to night time noise, which state;</p> <p>Impulse Noise Resulting from the use of explosives and small arms is not to exceed 122 dBC.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			be retains, with the proviso that NZDF would wish to discuss this matter further with Council once a more detailed technical review has been completed.		

Five submissions were received on Rule 17.6.25 by the NZDF.

4.61.2 Discussion & Evaluation

1. The NZDF (95.14, 95.09 and 95.52) supports the proposed temporary military activity provisions where there have been changes from the Operative District Plan that have removed ambiguous and redundant permitted activity conditions. However the NZDF (95.23, and 95.33) has concerns over the inclusion of new noise and vibration standards and has undertaken a technical review to understand the implications and whether the changes are appropriate from their point of view particularly as the conditions relate to nighttime activities from temporary military training activities. The matters raised in submission points 95.14, 95.09, 95.52, 95.23 and 95.33 are identical to those raised by NZDF across all zones in the Proposed Plan.
2. The discussion and evaluation of the NZDF's submission points on the permitted activity conditions for temporary military training activities in the Residential Chapter (see Section 4.18) is considered applicable for the Commercial Chapter as well.
3. NZDF submission points (95.14, 95.52 and 95.09) support or are neutral on permitted activity conditions in Rule 16.6.23 sub-clauses (i), (ii) and (iii) of the temporary military training activities provisions and seek that these provisions be retained as notified. This support and neutrality is noted. I recommend that these submission points be accepted.
4. The NZDF queries (95.23) the proposed noise limits on temporary military training activities in Rule 17.6.25(a)(iv) and (v), and opposes the need to impose a night time restriction on the noise resulting from temporary military training activities that involve the use of explosives and small arms (95.33).
5. As explained in Section 4.18 of this report, NZDF engaged Malcolm Hunt Associates to review the Proposed Plan noise conditions for temporary military training activities. Based on the review, NZDF seek alternative noise and vibration conditions.
6. I consider the recommendations made under the Residential Zone should be applied consistently across the Proposed Plan Zones. On this basis, I make the following recommendation to the NZDF's submission points on the Commercial Zone.

Fixed and Mobile Noise sources

7. The noise conditions relating to fixed and mobile noise sources from temporary military training activities, as requested by NZDF and are considered appropriate by Nigel Lloyd, can be provided for in the Proposed Plan.

8. I recommend that the original relief sought in submission 95.23 be accepted in part, insofar as accepting the NZDF’s noise provisions for fixed and mobile activities. Recommended amendments to the temporary military training activity noise conditions in Rule 16.6.23 are set out in the section below.

Noise from weapons firing and explosives

9. Nigel Lloyd finds the Proposed Plan approach^[1] to managing the noise from explosives and weapons are not appropriate and recommends rejecting the NZDF provisions (refer to Appendix 6.6).
10. I consider the key point to take from My Lloyd’s technical review, is that to comply with the technical parameters (whether separation distances or peak sound blast dBC limits) would be difficult during the nighttime period and could create unreasonable noise if not complied with. Therefore additional mitigation and management of this type of noise would be appropriate during the nighttime period, through a Controlled Activity resource consent process.
11. A solution could be to provide for the separation distances as permitted activity conditions but exclude the second part of the rule (a) – (c). As a result, where the separation distances cannot comply, then a Controlled Activity is required.
12. On this basis I recommend that the original NZDF submission point 95.33 be accepted in part.

4.61.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
95.09		New Zealand Defence Force (NZDF)		Accept
95.52		New Zealand Defence Force (NZDF)		Accept
95.14		New Zealand Defence Force (NZDF)		Accept
95.23		New Zealand Defence Force (NZDF)		Accept In-Part
95.33		New Zealand Defence Force (NZDF)		Accept In-Part

4.61.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity permitted activity conditions in Rule 17.6.25, with respect to the noise provisions as follows:

17.6.25 Temporary Military Training Activities

- (a) *All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:*
- (i) *No permanent structures shall be constructed;*

^[1] Lloyd (2013) Technical Review of Submission, Proposed Horowhenua District Plan, Noise Provisions, page 2.

- (ii) *The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;*
- (iii) *The duration of any temporary military training activity shall not exceed 31 consecutive days;*
- (iv) *Noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any notional boundary of any noise sensitive activity.*
- ~~(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; and~~
- (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 17.6.6 (a) - (c), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).
- ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
- (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
- (vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 17.1.

Table 17.1: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any site zoned Residential or Greenbelt Residential, or any building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

4.62 Controlled Activity Matters of Control and Conditions (17.7.1) - Subdivision of Land

4.62.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.16	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter is supportive of the inclusion of subdivision rules and the matters of controls, but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites.	Amend Rule 17.7.1(a) (vi) as follows: Effects on significant sites and features, including natural, cultural, archaeological and historical sites.	
41.38	Powerco	In-Part	Submitter seeks amendment to Rule 17.7.1(a)(iv) to include reference to gas.	Amend Rule 17.7.1(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable, gas.	

Two submissions were received on Rule 17.7.1 seeking amendment to provide for the consideration of archaeological sites and gas in assessing subdivision applications.

4.62.2 Discussion & Evaluation

1. The NZHPT (117.16) seek to extend the matters of control for subdivisions so that consideration of effects on significant archaeological sites is specified. Chapter 13 sets out the policy framework for historic heritage and Objective 13.2.1 aims to protect significant historic heritage that reflects the culture and history of the Horowhenua District from inappropriate subdivision, use and development.
2. Historic heritage includes archaeological sites that significantly contribute to the understanding and appreciation of culture and history of the District, the region and New Zealand. It follows that the consideration of effects on “archaeological” sites, as well as historic, cultural and natural, is appropriate. I recommend that NZHPT’s submission point be accepted.
3. Powerco (41.38) seek to include the servicing requirements for subdivisions to extend to the provision of gas, where applicable. The provision of utilities and infrastructure is an important consideration for any subdivision. The inclusion of a reference to the provision of gas, where applicable, is considered appropriate as gas is a common utility provided in many subdivisions. Therefore I recommend that Powerco’s submission point be accepted.

4.62.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.16		New Zealand Historic Places Trust (NZHPT)		Accept
41.38		Powerco		Accept

4.62.4 Recommended Amendments to the Plan Provisions

Amend the Matters of Control for Subdivisions as follows:

17.7.1 Subdivision of Land (Rule 17.2(a))

...

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

...

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

4.63 Controlled Activity Matters of Control and Conditions (17.7.3) - Relocated Buildings

4.63.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.20	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	The submitter seeks that relocated dwellings and buildings be provided for in the Proposed Plan as a permitted activity subject to the suggested performance standards/conditions.	Delete Rule 17.7.3	
40.34	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	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. Inferred delete Rule 17.7.3(a)(iii).	

Two submissions were received on Rule 17.7.3 Relocated Buildings. Both submissions seek the removal of provisions for relocated buildings as controlled activities in the Proposed Plan.

4.63.2 Discussion & Evaluation

1. The House Movers Section of NZ Heavy Haulage Association Inc. (40.20 and 40.34) seek the deletion of the Matters of Control and Conditions relating to relocated buildings. These are consequential changes from earlier submissions points seeking relocated buildings be permitted activities, subject to permitted activity standards. As discussed earlier in this report in Sections 4.7.2 and 4.27.2, Controlled Activity is considered the most appropriate activity status for the placement of relocated buildings. Accordingly, the Matters of Control and Conditions are also considered effective in managing the reinstatement of previously used buildings. On this basis, I recommended that submission points 40.20 and 40.34 be rejected.

4.63.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.20		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.34		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.63.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 17.7.3 Controlled Activities.

4.64 Controlled Activity Matters of Control and Conditions (17.7.6) - Temporary Military Training Activities

4.64.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
95.43	New Zealand Defence Force (NZDF)	In-Part	Supports the retention of Controlled activity status for any Temporary Military Training Activities that are not Permitted Activities. However, NZDF requests that the matters for control are made more specific to noise In-Particular – in order to give the NZDF more certainty in understanding Council's requirements.	Retain Controlled activity status. Amend Rule 17.7.6 by clarifying matters for control, especially in regards to noise.	

One submission was received on Rule 17.7.6 by the NZDF seeking further clarification on noise provisions.

4.64.2 Discussion & Evaluation

1. The NZDF (95.43) generally support the Matters of Control set out for temporary military training activities, but seek further clarification with respect to noise matters. The matters raised in submission point 95.43 are identical to those raised by NZDF across all zones in the Proposed Plan.
2. The discussion and evaluation of the NZDF's submission point on the Matters of Control for temporary military training activities in the Residential Chapter (see Section 4.20) is applicable for the Industrial Chapter as well.
3. A controlled activity consent is required for any temporary military training activities that does not comply with any of the permitted activity conditions. The permitted activity conditions for temporary military training activities manage the use of structures, excavation, duration of the activity, noise in general and noise from the use of explosives. The effects of not complying with the conditions may vary and include visual, traffic, noise and overall disturbance if the duration is longer than provided for.
4. The NZDF request that the matters of control are clarified, particularly in relation to noise.
5. Amendments to the Matters of Control were generated from the supplementary Section 42A Report and evidence presented by NZDF at the Council Hearing for the Open Space Zone on the 10th April 2012. These amendments provide the basis for the recommendations made in Sections 4.20.2 and 4.41.2 of this report. The same issues and recommendations are considered to be relevant for the temporary military training activities in the Commercial Zone.
6. I consider applying more specific Matters of Control for temporary military training activities is appropriate based on the wording recommended below. I recommend that submission point 95.43 be accepted in part and that Rule 17.7.6 be amended with the wording set out in my recommendation below.

4.64.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
95.43		New Zealand Defence Force (NZDF)		Accept In-Part

4.64.4 Recommended Amendments to the Plan Provisions

Amend the temporary military training activity Matters of Control in Rule 17.7.6 as follows:

17.7.6 Temporary Military Training Activities

(a) Matters of Control

~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~

(i) The size and positioning of buildings and structures;

- (ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
- (iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
- (iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
- (iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

4.65 Chapter 17 Commercial Zone Rules - General Matters Raised

4.65.1 Submissions Received

Air Quality

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
3.02	Matthew Thredgold	In-Part	The Proposed Plan does not address air quality issues such as wood smoke pollution.	Include a provision that prohibits the installation of new solid fuel wood burners, solid fuel stoves and heaters and have provisions for phasing out and eventually prohibiting the use of solid fuel wood burners, solid fuel stoves and heaters in the Commercial Zone.	528.03 Horizons Regional Council - Oppose

Thredgold (3.02) seeks amendment to the Commercial Zone provisions to prohibit new installation of burners that cause wood smoke pollution and seek provision for the removal all existing burners of this kind over time.

4.65.2 Discussion & Evaluation

1. Thredgold (3.02) seeks the inclusion of a provision to prohibit the installation of solid fuel wood burners, solid fuel stoves and heaters and have provisions for phasing out and eventually prohibiting the use of solid fuel wood burners, solid fuel stoves and heaters in the Commercial Zone. Thredgold submits that this will address air quality issues such as wood smoke pollution in the Commercial Zone. Horizons Regional Council (528.03) oppose this submission point.
2. Regional Council are responsible for discharges to air and the management of air quality in the District. There are a suite of issues, objectives, policies and methods in the Proposed

One Plan which seek to manage air quality and discharges to air. Chapter 14 of the Proposed One Plan provides provisions which control small-scale fuel burning, outdoor burning and burning activities including woodburners.

- The matters raised in Thredgold's submission (3.02), are considered to be Regional Council matters and are outside of the scope of the Proposed District Plan. For this reason, I recommend that submission point 3.02 is rejected.

4.65.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
3.02		Matthew Thredgold		Reject

4.65.4 Recommended Amendments to the Plan Provisions

No amendments are recommended.

4.65.5 Submissions Received

Rezoning of Residential Properties

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
51.01	Waitare Beach Progressive & Ratepayers Association (WBPRA)	In-Part	Submitters recognise the potential need of a dedicated area for future commercial activities and to keep this to a confined area but need to ensure existing residential owners are not disadvantaged.	No relief specified. Inferred: ensure that residential activities and development can continue on the existing residential sites identified for commercial zoning.	

Waitare Beach Progressive & Ratepayers Association (WBPRA) support the spatial definition of a Commercial Zone in Horowhenua settlements however, raise concern for land owners of residential properties that have been rezoned Commercial.

4.65.6 Discussion & Evaluation

- WBPRA (51.01) accept in part the rezoning of properties in Waitare Beach from Residential to Commercial. WBPRA recognise the need for a dedicated area for commercial activity however, they seek the consideration of those land owners within this area, who have had their property rezoned. I note that no specific relief is sought.
- Those properties that have been rezoned from Residential to Commercial form part of a designated area which provides specifically for commercial activities. The establishment of a Commercial Zone in Waitare Beach implements direction from the Horowhenua Development Plan which concluded that Waitare Beach does not have an identifiable town centre and could benefit from one.

3. Historically commercial activities have been established on residentially zoned land along Waitarere Beach Road. Through the Development Plan process, it was recommended that a discrete area be rezoned Commercial to provide for the efficient and effective establishment of commercial activities in Waitarere Beach. The Proposed Plan sought to implement this direction by identifying a new Commercial Zone that extended along the area of Waitarere Beach Road where there are currently residential zoned properties with existing commercial uses. The new commercial area would provide for further commercial development in this area while recognising that it has historically and at present continues to be a predominantly residential area. With this in mind the Plan has been set up to encourage commercial development along the street frontage while also enabling residential activities to also be provided on the same site (whether these residential activities and buildings are existing or new). It is important to appreciate that the provisions of the Proposed Plan cannot be applied retrospectively. In other words where activities have been lawfully established they can continue to operate/exist under 'existing use rights'.
4. In terms of continued residential use or development in the Commercial Zone, Rule 17.1(q) provides for the following activities as permitted:
5. *"Within Foxtton Beach, Waitarere Beach and Manakau Pedestrian Overlay Areas, residential activities"*
6. There are no Pedestrian Overlay Areas in Foxtton Beach, Waitarere Beach or Manakau identified in the Proposed Plan and this Rule incorrectly refers to Pedestrian Overlay Areas. Clause 16 (of the RMA) would be used to correcting this minor referencing error. This correction would confirm that the Commercial Zone area of Waitarere Beach (and Foxtton Beach and Manakau) would provide for residential activities as permitted activities (i.e. no resource consent is necessary for this activity).
7. This rule provides for residential activities within the Commercial Zone subject to permitted activity conditions provided for in Rule 17.6.2(d). These conditions are tailored towards commercial activities in terms of building frontage and size, setbacks and noise provisions. Where new residential activities, building or alterations do not comply with all of these conditions resource consent would be required to consider the environmental effects of the non-compliance.
8. Rezoning of properties from Residential to Commercial would allow for the development of a range of activities including commercial activities, retail activities and community activities. No building setback from boundaries would be required and the noise levels allowed would increase from 55dB LAeq (15 mins) from 7.00am - 7.00pm, 50dB LAeq (15 mins) from 7.00pm - 10.00pm and 40dB LAeq (15 mins) from 10.00pm - 7.00pm when measured at any point within another site to 65dB LAeq (15 mins) at any time when measured at or within any other Commercial zoned site. Onsite parking would be required for any additional activity which would potentially mitigate any adverse effects on the safety and efficiency of the roading network.
9. Commercial activities adjacent to commercial properties still used for residential purposes have the potential lower the level of 'residential' amenity enjoyed by the occupants of the property in residential use. Residents may experience higher noise levels and a difference in the appearance of buildings however I consider commercial and residential land uses are already well integrated in Waitarere Beach and the Proposed Plan provides conditions to allow for mixed use development. The transition of this area from a predominantly residential

area to a predominantly commercial area will not be something that happens quickly. During the transition period it is likely that residents could notice a change in their residential amenity.

10. In terms of the existing and future use of residential properties, existing use rights and the permitted activity standards allow for continued residential land use. I consider the main concern for residential land owners within the Commercial Zone is the potential impact of commercial activities adjoining to, or adjacent to residential land uses. New commercial and residential activities would be permitted within the Commercial Zone at Waitarere Beach. Any new habitable room for use by a residential [or other noise sensitive] activity would be required to have sufficient noise insulation as required by Rule 17.6.7. Otherwise all the building frontage and size permitted activity conditions set out in Rule 17.6.2 apply unanimously across commercial and residential activities.
11. As recognised by the submitter, there is a need to provide for commercial activities in settlements such as Waitarere Beach. A Commercial Zone works to group compatible activities and build a focal point for communities while recognising present and providing for new development. This aligns with the direction of the Horowhenua Development Plan 2008. Although commercial activities may differ from residential activities, the Proposed Plan recognised such differences and seeks to relieve potential tensions. Objective 6.3.2 and associated Policies 6.3.33 and 6.3.39 all outline the direction to provide for commercial activities while managing adverse effects, such as noise, on nearby residential areas.
12. I consider that there are a number of commercial activities already operating within the proposed Commercial Zone in Waitarere Beach and it is not expected that the rezoning will change the nature of the existing environment as both residential and commercial activities are permitted in the Proposed Plan, providing for a composition of residential and commercial land uses. I am satisfied that the Proposed Plan provides for existing and future residential activities in the Commercial Zone while promoting a focal point for communities and there are provisions in place which consider noise and visual effects of commercial activities on the surrounding environment. For this reason I consider that the Proposed Plan already provides for submission point 51.01 and recommend that this submission be accepted in-part.

4.65.7 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
51.01		Waitarere Beach Progressive & Ratepayers Association (WBPRA)		Accept In-Part

4.65.8 Recommended Amendments to the Plan Provisions

Amend Rule 17.6.2(d) to exempt residential buildings from the display window requirement as follows:

- (d) In Foxton Beach, Waitarere Beach and Manakau, the following conditions apply:
 - (i) No building shall be setback more than 5 metres from the front road boundary.
 - (ii) All buildings, except for residential buildings, shall have display windows along the ground floor road frontage. At least 50% of ground floor facade surface shall be

display space or transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

4.65.9 Submissions Received

Cross Reference to National Environmental Standards

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
93.21	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to National Environmental Standards in Chapter 17.	

The Oil Companies (93.21) support the cross reference to the National Environmental Standards in the Commercial Zone Chapter.

4.65.10 Discussion & Evaluation

1. For every Zone Chapter there is a reference to the three operative National Environmental Standards (NES). All activities managed under these NES's refer to the NES documents to ensure there are no provisions duplicated in the Proposed Plan. The Oil Companies' support for this approach is noted.

4.65.11 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
93.21		The Oil Companies		Accept

4.65.12 Recommended Amendments to the Plan Provisions

No amendments are recommended.

4.65.13 Submissions Received

Relocated Buildings and Dwellings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
40.08	House Movers Section of NZ Heavy Haulage Association Inc.	Oppose	In the event that the relocation of a building/dwelling is not a permitted activity under this Plan, then the Plan shall provide for them no more restrictively than a restricted discretionary activity which is	Amend the Proposed Plan to provide for the relocation of buildings/dwellings as no more restrictively than a restricted discretionary	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>expressly provided for on a non-notified, non-service basis and subject to the suggested assessment criteria.</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>	<p>activity (in the event that it is not a permitted activity) and that such application e expressly provided for on a non-notified, non-service basis and subject to the following assessment criteria:</p> <p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <p>i) <u>proposed landscaping</u></p> <p>ii) <u>the proposed timetable for completion of the work required to reinstate</u></p> <p>iii) <u>the appearance of the building following reinstatement</u></p>	

One submission was received seeking an alternative activity status for relocated buildings/dwellings.

4.65.14 Discussion & Evaluation

- As evaluated earlier in this report in Sections 4.6.2, 4.26.2 and 4.50.2 it is considered that provision for relocated buildings as a Controlled Activity is the most appropriate activity status for this activity, therefore this submission point is recommended to be rejected.

4.65.15 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
40.08		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

4.65.16 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Commercial Zone in relation to relocated buildings and dwellings provisions.

4.65.17 Submissions Received

Earthwork Provisions for Heritage Sites

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.27	New Zealand Historic Places Trust (NZHPT)	In-Part	There are no standards for earthworks on heritage sites and this could affect the heritage values of sites. This could lead to a loss of heritage values and a potential loss of important archaeological sites.	Amend Chapter 17 to include earthworks rules that apply to historic heritage sites. Any earthworks within these sites should be restricted discretionary or discretionary activities dependent on the effects of the proposed earthworks on the heritage values of the sites.	

One submission was received which seeks amendments to include earthwork rules for heritage sites.

4.65.18 Discussion & Evaluation

1. As set out in the Section 42A report for the Open Space Zone, all Zones in the Proposed Plan require a discretionary activity consent for earthworks within the heritage setting of a Group 1 or 2 listed heritage item, and earthworks within a heritage site.
2. The assessment matters set out in Chapter 25 that relate to earthworks within a heritage setting (25.7.16(a)(xiv)), requires an assessment of likely damage, modification or destruction of an archaeological site.
3. Any earthwork proposals involving the destruction or irreversible change within a heritage site would need to be evaluated against the rarity and integrity of the listed heritage site (25.7.16(b)(vi)).
4. It is considered that the matters raised by the NZHPT are already provided for in the Proposed Plan as notified. Accordingly, it is recommended this submission is accepted in part.

4.65.19 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
117.27		New Zealand Historic Places Trust (NZHPT)		Accept In-Part

4.65.20 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Commercial Zone provisions relating to earthworks and listed heritage items or sites.

4.65.21 Submissions Received

Network Utility Rules

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
79.09	Chorus New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Commercial Chapter.	
78.09	Telecom New Zealand Ltd	Oppose	That all rules for network utilities be contained in a standalone chapter, to enable a 'one stop shop' approach and allow for greater confidence in determining how a proposal fits the district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Commercial Chapter, other than specific cross referencing to particular standards in the zone chapters where relevant and reasonably applicable to network utilities.	

Two submissions were received seeking the removal of all network utility standards in the Commercial Zone and inserting these into a stand alone Network Utilities Chapter.

4.65.22 Discussion & Evaluation

1. The format of the rules and standards of the Proposed Plan is based on five zone chapters and three district-wide chapters – Vehicle Access, Manoeuvring and Roads (Chapter 21), Utilities and Energy (Chapter 22), and Hazardous Substances (Chapter 23). The district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide the mechanics to identify the relevant activity status and any consent requirements within each zone.
2. The Commercial Zone permits the construction, operation, maintenance and upgrading of network utilities (Rule 17.1(o)(i)). The permitted activity conditions for network utilities in the Commercial Zone cross reference to Chapter 22 (Rule 17.6.19) and require compliance with

any relevant Commercial Zone standards. Relevant standards are noise standards, vibration, outdoor storage, hazardous substances.

3. This format of the Proposed Plan and cross references are considered clear. On this basis I recommend that the submission points raised by Telecom and Chorus be rejected.

4.65.23 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
79.09		Chorus New Zealand Ltd		Reject
78.09		Telecom New Zealand Ltd		Reject

4.65.24 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Commercial Zone provisions relating to network utilities.

4.65.25 Submissions Received

Commercial-Residential Interface Provisions

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
114.01	Gary Spelman	In-Part	<p>In the case that Submission point 114.00 is not satisfied, the submitter seeks that the following issues are specified with regard to future commercial developments occurring on a Residential Zone boundary:</p> <p>Single level low profile structure with high degree of articulation; limit on the maximum site coverage with specific setback requirements on the zone boundary; consideration of operational aspects of the planned commercial activity with respect to delivery hours, positioning of extraction and like systems and positioning of off-street parking; hours of operation; noise and vibration; and respect for environment.</p>	<p>Amend Chapter 17 to ensure the following issues are specified with regard to future commercial developments occurring on a Residential Zone boundary:</p> <p>Single level low profile structure with high degree of articulation; limit on the maximum site coverage with specific setback requirements on the zone boundary; consideration of operational aspects of the planned commercial activity with respect to delivery hours, positioning of extraction and like systems and positioning of off-street parking; hours of operation; noise and vibration; and respect for</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				environment.	

Spelman (114.01) made a submission seeking amendment to Chapter 17 to include controls for commercial activities on the Residential Zone boundary.

4.65.26 Discussion & Evaluation

1. Spelman (114.01) seeks amendment to Chapter 17 provisions in the case that his relief sought in submission point 114.00 is rejected.
2. Submission point 114.00 opposes the rezoning of properties in the Exeter and Bristol Street, Levin area from Residential to Commercial. Spelman has concerns regarding the impact of commercial rezoning on adjacent residential properties and given the current low projected demand for commercial development, it is questioned whether the rezoning is necessary.
3. This submission point (114.00) on rezoning will be addressed in the Section 42A Report on General Part 3 Planning Maps which is not yet available. Spelman makes submission point 114.01 to address concerns for the impact of future commercial developments occurring on a Residential Zone boundary through amendment to Commercial Zone provisions.
4. In considering the impact on Residential properties that abut the Commercial Zone, the Proposed Plan provides a suite of objectives, policies and methods which seek to recognise tensions between commercial and residential activities and manage the zone boundary interface to protect land owners of Residential properties located on the boundary of the Commercial Zone.
5. Objective 6.3.2 provides "Maintenance and enhancement of the individual character and amenity values of the commercial areas in each of the settlements of the District in a manner which provides for a wide range of complementary and compatible activities while avoiding or mitigating adverse effects on the environment within and adjoining the Commercial Zone."
6. This objective specifically identifies the need to avoid or mitigate adverse effects on the environment in adjacent areas to the Commercial Zone. This objective is to be achieved by corresponding Policies 6.3.45 and 6.3.46 below:

Policy 6.3.45 Manage activities and development to ensure the nature, scale and level of environmental effects originating from the Commercial Zone do not adversely effect the character and amenity values of properties in the adjacent Residential and Open Space Zones.

Policy 6.3.46 Manage noise levels to an appropriate level which reflects business activity and movement and avoid noise effects, particularly loud noise events which detrimentally affect the amenities of nearby residential and rural areas.

7. Therefore, in a policy context, the relief sought is already provided for.
8. Chapter 17 provides rules for maximum buildings height, building frontage and size, sites adjoining residential zone or open space zones, and noise and vibration. I consider that

these provisions address the majority of issues and concerns raised in submission point 114.01.

9. Spelman (114.01) seeks that commercial developments adjacent to the Residential Zone boundary should be single storey and of low profile with high degree of articulation.
10. The properties proposed to be rezoned as Commercial on Exeter and Bristol Street are located outside of the Pedestrian Overlay Area. Chapter 17 provides Conditions for Permitted Activities. Rule 17.6.1(c) provides the following height standard:

Outside the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8.5 metres.
11. The maximum building height in the Residential Zone is also 8.5 metres and therefore I consider there to be little difference between the Commercial Zone and Residential Zone in terms of the effects of building height.
12. In combination with the height and building articulation, the submitter seeks a site coverage limit as well. The efficient and effective use of commercial sites may require a high level of building coverage as a result of larger footprint buildings. Imposing a site coverage limit could unduly restrict commercial development and therefore is not appropriate for Commercial Zone.
13. Spelman seeks amendment to Chapter 17 to provide for appropriate setbacks for commercial activities that adjoin the Commercial-Residential Zone boundary. Rule 17.6.4(a)(ii) provides that all buildings and structures within the Commercial Zone shall be setback 4.5 metres from the Residential Zone or Open Space Zone. I consider that this setback provides an appropriate buffer between residential and commercial activities to mitigate both noise and visual impacts of commercial activities. If the Exeter and Bristol Street sites were to remain Residential, the site boundary setback requirement is a minimum of 1.5 metres therefore the increase in setback is seen as providing greater protection for adjacent landowners for future commercial activities, than would be provided if it were a residential-residential interface.
14. There are no specific requirements for site coverage of buildings in the Commercial Zone however, I consider that provisions for maximum building height and setbacks help to control the scale of commercial buildings and the extent to which buildings cover the land parcel. In addition to height and setback standards, Rule 17.6.4(a)(i) provides that all buildings and structures that adjoin a Residential or Open Space Zone shall comply with the daylight setback envelope of the adjoining Residential or Open Space Zone. The daylight setback envelope in the proposed Residential Zone is a 45 degree slope measured 2.7 metres above ground level at the boundary. This would further limit the encroachment and presence of a commercial building or structure on an adjacent residential site.
15. Delivery hours and hours of operation are also a concern raised in submission point 114.01 by Spelman. Rule 17.6.4(a)(iv) provides that the servicing of activities shall not occur between the hours of 10.00pm and 7.00pm. This would limit deliveries during this time and manage noise levels associated with services on site to not exceed the anticipated and expected noise levels in the residential zone throughout the night.

16. There is no specific provision for hours of operation however, the main impact on residential properties from commercial activities is considered to be noise and vibration other than the servicing of activities. Rule 17.6.6 Noise and Rule 17.6.8 provide:

17.6.6 Noise

- (b) *Noise from any activity shall not exceed the following limits when measured at, or within, any point in any site in the Residential, Greenbelt Residential, or Rural Zones:*
- (i) *On any day:*
- *7.00am – 7.00pm: 55dB L_{Aeq} (15mins).*
 - *7.00pm – 10.00pm: 50dB L_{Aeq} (15mins).*
 - *10.00pm - 7.00am: 40dB L_{Aeq} (15mins).*
 - *10.00pm – 7.00am: 65dB $L_{(max)}$.*
- (c) *Noise from any activity shall not exceed 65dB L_{Aeq} at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.*
- (d) *Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.*
- (e) *Construction, maintenance and demolition works work shall be measured, assessed, managed and controlled by in accordance with the provisions of NZS6803:1999 Acoustics – Construction noise.*

17.6.8 Vibration

- (f) *No activity shall create any vibration which exceeds the limits in the following standards:*
- (i) *AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.*
- (ii) *AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).*
- (iii) *DIN 4150-3:1999 Effects of vibration on structures.*
- (iv) *NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.*

17. Rules 17.6.6 and 17.6.8 apply across all zones. In terms of noise, while 65dB is permitted in the Commercial Zones at all times, beyond this boundary noise levels must comply with noise standards equal to those in the Residential Zone. In the case that commercial activities generate noise and vibration, if this disturbance extends beyond the boundary into the Residential Zone, the Residential Zone noise standards apply. This would ensure that commercial activities contain noise and vibration within their commercial sites and adjacent residential land owners are not adversely affected. These standards would not specifically control the location of extractor fans and similar commercial systems. However, wherever they located on a commercial property they would still need to comply with the noise standards.

18. In terms of design and articulation, there are provisions for design and landscaping for blank walls/facades of buildings and carparking that front the road boundary under Rule 17.6.2(d). However, this would not require articulation of commercial buildings on side boundaries which would face the Residential Zone. To mitigate the adverse effects of a commercial building which may be larger in extent than a residential dwelling, setback provisions and screening would help to mitigate any visual impact of a commercial building. Rule 17.6.4(iii) provides that all outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2 metres. Although there are no specific provisions in place for articulation of commercial buildings where they adjoin a residential site, I am satisfied that the height, setback and daylight setback envelopes in addition with any fencing required for servicing areas, will adequately screen and mitigate any adverse visual effects of commercial activities adjacent to the Residential Zone.
19. In assessing the issues and concerns raised in submission point 114.01, I am satisfied that Chapter 17 provides for commercial activities within the Commercial Zone without adversely effecting adjacent residential properties in the Residential Zone. Policy direction provided in Chapter 6 sets a direction for the effective management of zone interfaces where there may be incompatibilities with activities occurring in the differing zones. This is reflected in Chapter 17 and I am satisfied that the points raised by Spelman are already provided for in the Proposed Plan. On this basis, I recommend that submission point 114.01 is Accepted In-Part.

4.65.27 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
114.01		Gary Spelman		Accept In-Part

4.65.28 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 17 in relation to the interface between Residential and Commercial Zones.

4.66 Chapter 25 - Assessment Criteria

4.66.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.07	Progressive Enterprises Limited	In-Part	The General Assessment Criteria should be amended to recognise the functional and operational requirements of supermarkets.	Amend 25.5.1 as follows: Insert <u>...(o) The extent to which the functional and operational requirements of supermarkets, including but not limited</u>	510.00 McDonald's Restaurants Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>to the following:</u></p> <p><u>Visibility of the store and related parking;</u></p> <p><u>Relationship of the site to the placement of the supermarket, building, customer parking area and store entry;</u></p> <p><u>Adequate and easily accessible heavy goods servicing; and</u></p> <p><u>The necessary restrictions on the extent of exterior glazing;</u></p> <p><u>Have been taken into account when assessing compliance with criteria (a) to (n) of section 25.5.1.</u></p>	
71.08	Progressive Enterprises Limited	Support	Support providing 25.5.1 is amended as above.	Retain 25.5.2, 25.5.3, 25.5.4 provided criterion (o), clause (g) is adapted.	
71.09	Progressive Enterprises Limited	In-Part	Supermarkets should be exempt from such a requirement.	<p>Amend 25.5.6(a)(vii) as follows:</p> <p>...The extent to which verandahs have been incorporated as an integral part of the design, to establish a strong relationship with pedestrians and so that the shop fronts appear obvious and accessible <u>provided that such criterion shall not apply to supermarkets....</u></p>	
71.10	Progressive Enterprises Limited	Support	Support providing 25.45.1 is amended as above.	Retain 25.7.11.	

Four submissions were received on Chapter 25.5: Assessment Criteria for Land Use Consents in the Commercial Zone. The submissions are generally in support, but seek amendments to better

recognise the functional and operational requirements of supermarkets in the consideration of resource consent applications.

The summary for submission point 71.10 incorrectly refers to 25.1.1 when the submission actually relates to section 25.5.

4.66.2 Discussion & Evaluation

1. Progressive Enterprises Limited (71.07, 71.08, 71.09 and 71.10) support in part the General Assessment Criteria for Land Use Consents in the Commercial Zone 25.5 so that the functional and operational characteristics of supermarkets are matters specifically listed and therefore recognised in the Proposed Plan. McDonalds Restaurants Ltd (510.00) supports submission point (71.07).
2. Submission point 71.07 provides specific examples of functional and operational requirements of supermarkets, including the visibility of store and parking; relationship between the site and the design of the development; accessibility for servicing; and the extent of exterior glazing.
3. Assessment Criteria set out in 25.5.1 would be used to understand and evaluate any land use consents within the Commercial Zone. For example, proposed activities that exceed any of the Commercial Zone permitted activity conditions (Restricted Discretionary Activity) or any listed discretionary activities (large format retail activity exceeding 3,000m² in gross floor area). The other more specific Assessment Criteria 25.5.2 – 25.5.6 would also be used where they are relevant.
4. An accompanying Assessment of Environmental Effects (AEE) would demonstrate why an activity, building or site layout generates a non-compliance with the District Plan. To enable HDC and decision makers to understand important operational and functional matters that are inherent in any future commercial activity, then the AEE would be the place to set these out as well. To this end, I can see the merit in adding a general reference to “operational and functional matters” in Assessment Criteria 25.5.1. There is an existing Assessment Matter that can be amended to better articulate the consideration of operation and functional requirements.
5. The detailed matters listed in submission 71.07 are considered to be indirectly provided for in the large format retail Assessment Criteria in 25.5.6 in the overall consideration of the visual impact, the form and location of the building and site development layout, and traffic generation as well as the ability of the site to accommodate parking, loading, manoeuvring and access. These matters would be considered alongside the extent to which a development complies/does not comply with the Commercial Zone rules, and as well as providing an avenue for an applicant to offer a discussion on the operational and function requirements of their proposed activity as part of their resource consent application.
6. To recap, I consider an amendment to better articulate reference to the operational and functional requirements of activities (including supermarkets) would be appropriate, but not the list of specific examples that is included in the relief sought. On this basis I recommend that submission point 71.07 is accepted in part,
7. Submission points 71.08 and 71.10 conditionally support and seek to retain 25.5.2 Shop Frontage, 25.5.3 Verandahs, 25.5.4 Amenity and Landscaping and 25.7.11 Advertising

Signage on the basis that the relief sought in submission point 71.07 is accepted. Better reference and acknowledgement is made of the operational and functional requirements of activities are recommended, but not all provisions set out in 71.07 have been accepted. On this basis I recommend that the relief sought in submission point 71.08 and 71.10 be accepted in part.

8. Submission point 71.09 refers to the Large Format Retail Assessment Criteria 25.5.6, specifically sub clause (vii) which states:

(vii) The extent to which verandahs have been incorporated as an integral part of the design, to establish a strong relationship with pedestrians and so that the shop fronts appear obvious and accessible.

9. The submitter does not see the relevance of this criterion to supermarkets and to that end, seeks that it be amended. I think the relevance of this criterion should be made on a case by case basis for individual resource consents and supermarket proposals and should therefore be retained without the amendment sought by Progressive Enterprises Ltd. On this basis I recommend that submission point 71.09 be rejected.

4.66.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.08		Progressive Enterprises		Accept In-Part
71.07	510.00	Progressive Enterprises McDonalds Restaurants Ltd	Support	Accept In-Part Accept In-Part
71.09		Progressive Enterprises		Reject
71.10		Progressive Enterprises		Accept In-Part

4.66.4 Recommended Amendments to the Plan Provisions

Amend 25.5.1 General Assessment Criteria for Land Use Consents in the Commercial Zone to include:

...

- (o) The extent to which any application for a supermarket or other large format retail activity demonstrates the functional and operational requirements of the proposed activity have been taken into account when assessing a proposal against the relevant matters in 25.5.1 (a) to (n).

4.67 Chapter 26 Definitions - New Definition "Drive-Through Restaurant"

4.67.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
73.01	McDonalds Restaurants (New Zealand) Limited	In-Part	<p>The submitter considers that their business is best covered by a term or category being 'Drive-Through Restaurant'.</p> <p>No specific definition is made for drive-through restaurants. Rather, this activity appears to be covered under the broad heading of 'retail'. It is considered more appropriate to specifically define drive-through restaurants, as this will provide greater certainty and clarity for future users of the Proposed Plan.</p>	<p>Include definition for "Drive-Through Restaurant" as follows:</p> <p><u>Drive-Through Restaurant means any land and/or building with a drive-through service on or in which food and beverages are prepared, served and sold to the public for consumption on or off the premises and may include an ancillary café and /or playground area.</u></p>	

One submission was received on Chapter 26 - Definitions in relation to the commercial provisions.

4.67.2 Discussion & Evaluation

1. McDonalds Restaurants Limited (73.01) made a submission to include a definition in Chapter 26 for "Drive-through Restaurant". This is a consequential amendment to submission point 73.00 which sought the inclusion of "Drive-through restaurants" as a permitted activity in the Commercial Zone.
2. Drive-through restaurants are not defined nor specifically listed as a permitted activity in the Commercial Zone. However, restaurants in all forms are provided for as permitted activities subject to conditions, under Rule 17.1(a) Retail Activities. The definition for Retail Activity provides "the use of land or premises for the retail sale or hire of goods to the public; and includes any cafe, restaurant, take-away food outlet...". Providing a definition for "Drive-through restaurants" would result in duplication considering the activity is already defined as a retail activity. This could also lead to confusion in the application of the commercial provisions as a definition would imply that drive-through restaurants are a separate activity to retail activities which they are not. The term is not used in the Proposed Plan provisions and would therefore be redundant. On this basis, I recommend that submission point 73.01 is rejected.

4.67.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
73.01		McDonalds Restaurants (New Zealand) Limited		Reject

4.67.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 26 - Definitions.

4.68 Schedule 9 - Foxton and Shannon Town Centre Design Guide

4.68.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
71.12	Progressive Enterprises Limited	In-Part	Appropriate recognition of the functional and operational requirements of supermarkets should be added.	Amend Section 4.1 as follows: Insert <u>7. Notwithstanding the foregoing guidelines, where practicable such provisions shall not generally apply to supermarkets because of their functional and operational characteristics.</u>	

One submission was received on Schedule 9 - Foxton and Shannon Town Centre Design Guide. This submission seeks amendment to Section 4.1 to generally exclude supermarkets from such guidelines.

4.68.2 Discussion & Evaluation

1. Progressive Enterprises Limited (71.12) seek the exclusion of supermarkets from the guidelines provided in the Foxton and Shannon Town Centre Design guide within the Commercial Zone.
2. It is recognised that supermarkets have functional and operational requirements (like all developments and activities) and there may be cases where it may not be entirely appropriate to apply all guidelines to a supermarket development. However, Schedule 9 provides guidance for best practice in areas of the District where the character and heritage values are significant and worthy of protection.
3. Many of the guidelines such as building location and form, signage, and materials and detail are applicable to supermarket developments. New World supermarket in Foxton is an example of a super market development that sought to protect the historical design of the street frontage and existing buildings to make a positive contribution to the main street character and heritage values. On the basis that Schedule 9 is a design guide and there is a level of flexibility in how the guidance is used and incorporated into a development design, I consider that supermarkets can still adhere to many of the guidelines while maintaining their functional and operational requirements. It is my view that Schedule 9 should apply to all development. I recommend that submission point 71.12 is rejected.

4.68.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
71.12		Progressive Enterprises Limited		Reject

4.68.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Schedule 9 - Foxton and Shannon Town Centre Design Guide.

4.69 Chapter 18 Greenbelt Residential Zone

4.69.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.12	Horowhenua Astronomical Society Inc.	In-Part	The submitter seeks rules or conditions that manage artificial outdoor lighting. Wasteful lighting practices reduce amenity values through light spill and impact on ecological values.	Amend Permitted Activity Conditions 18.6 to include rules that control the emission of light at and above the horizontal and to limit the level and timing of lighting in the Greenbelt Residential Zone.	
117.17	New Zealand Historic Places Trust (NZHPT)	In-Part	The submitter is supportive of the inclusion of subdivision rules and the matters of controls, but in addition seeks the inclusion of archaeological sites as not all archaeological sites are deemed as cultural sites.	Amend Rule 18.7.1(e) as follows: Effects on significant sites and features, including natural, cultural, archaeological and historical sites.	
93.22	The Oil Companies	Support	Support cross referencing to national environmental standards in chapter.	Retain the cross reference to National Environmental Standards in Chapter 18.	

Three submissions were received in relation to Chapter 18 - Greenbelt Residential Zone in the Proposed Plan. These submission were all submissions that sought changes to be made across all zones.

4.69.2 Discussion & Evaluation

1. Horowhenua Astronomical Society Inc. (25.12), NZHPT (117.17) and the Oil Companies (93.22) all made submissions that sought changes to be made across all zone chapters.

2. In doing so submitters have made submission points which are out of scope of the District Plan Review. Chapter 18 has been reviewed as part of a separate plan change process (Plan Change 21) which was not operative at the time the Proposed Plan was notified. Officers anticipate that a future plan change will be undertaken after the Proposed Plan decision has been issued, which would seek to ensure the current plan changes such as Plan Change 21 are comfortably integrated into the Proposed Plan. This future Plan Change would be the appropriate time to address matters raised by submitters especially where they achieve consistency across the Plan. All provisions within Chapter 18 are not open for submission and submission points 25.12, 117.17 and 93.22 have not been considered and no recommendations have been made as a result.

4.69.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.12		Horowhenua Astronomical Society Inc.		Out of scope
117.17		New Zealand Historic Places Trust (NZHPT)		Out of Scope
93.22		The Oil Companies		Out of Scope

4.69.4 Recommended Amendments to the Plan Provisions

There are no recommended amendments to Chapter 18 - Greenbelt Residential Zone.

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

The review of the Operative District Plan Urban Environment policy framework and respective zone provisions in the Residential, Industrial and Commercial Zones was largely directed by feedback and consultation gathered from previous HDC projects such as the Horowhenua Development Plan, the Levin Town Centre project, staff and also the feedback from the Shaping Horowhenua Survey and Discussion Document.

Chapter 6 is based on five key resource management issues with a corresponding objective and followed by policies, methods and anticipated environmental results. The first issue sequence sets the scene for sustainable urban environments, setting urban extents, servicing expectations and that these areas can, collectively, provide for a range of urban activities. The second issue sequence is specific to the Tararua Road Growth Area and represents the policy framework added by way of Private Plan Change 17. The third, fourth and fifth issue sequences provide for the Residential Zone, Commercial Zone and lastly the Industrial Zone.

The Zone Chapters list predominate activities for each respective zone and have corresponding permitted activity conditions to shape and manage amenity considerations. Typically a non-compliance with a permitted activity condition results in a Restricted Discretionary Activity. Subdivision that complies with the relevant conditions is typically a Controlled Activity, unless it relates to sensitive (heritage) or specific development issues (Tararua Road Growth Area). The default “catch all rule” for activities not specifically within the zone provisions requires a Discretionary activity resource consent. Each zone cross references the Chapters that provide ‘district wide’ matters, for example Chapter 21 (Vehicle Access, Parking, Loading and Rooding), Chapter 22 (Utilities and Energy), Chapter 23 (Hazardous Substances) and Chapter 24 (Subdivision and Development). Each zone has corresponding Assessment Criteria (Part D of the Proposed Plan) for general and specific consenting matters.

The direction and provisions of the Propose Plan Urban Environment provisions are not fundamentally different to the Operative District Plan, but do change and update some matters in the aim of providing a more effective and efficient planning regime to both enable development, but also protect the values that are important to the local community.

In terms of some of the matters that are changed and updated in the Residential Zone there is the provision of medium density development, amendments to the residential permitted activity conditions (site coverage, fences, accessory buildings, family flats, noise ‘shoulder’ periods and updated terminology) and updated temporary activities (including temporary military training activities and temporary filming).

The Commercial Zone has changed in that commercial activities are provided for in one zone with a series of overlays which recognise and provide for differences in the commercial environment both within and between different settlements. There is provision for commercial activities within the central commercial pedestrian areas and provision for large format retail activities in Levin. Amendments to permitted activity conditions provide rules that are tailored to these different commercial environments which align with the overlay areas. A Design Guide is provided for commercial development within the Foxton and Shannon Town Centre Character/Heritage area.

Lastly, the Operative District Plan Industrial Zone was reviewed and found to be largely effective. The key change was the introduction of a building setback from SH 1 at the southern end of Levin and Foxton, to enable the entry to these two towns to improve in amenity over the long term.

A variety of submissions were received, ranging from submissions supporting and opposing various Proposed Plan provisions. These submissions have requested a number of changes to the urban requirements in the Proposed Plan.

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

- Generally retaining the Urban Environment policy framework in Chapter 6 as it relates to Issue 6.1, 6.3.1, 6.3.2 and 6.3.3, but making substantial revisions to Issue 6.2 (Tararua Road Growth Area) and the corresponding objective and policies.
- Minor amendments in the Residential Zone chapter to improve the clarity of rules and conditions, for example the provision of family flats, home occupations, noise and signs.
- Inserting lightspill conditions to apply throughout the Residential Zone, and to apply within the Industrial and Commercial Zones at the Residential Zone boundaries.
- Amending the noise provisions as they relate to temporary military training activities throughout the Residential, Commercial and Industrial Zones.
- Amending the Ohau East residential density.
- Deleting the Medium Density Development Condition requiring specific utility space.
- Deleting all provisions relating to residential development within the Tararua Road Growth Area.
- Deleting the Schedule 5 Structure Plan and Design Guide Tararua Road Growth Area and inserting the Pocock Zoning Master Plan (with amendments) and corresponding Design Guide (with amendments).
- Amending the Industrial Zone provisions relating to the Tararua Road Growth Area so that they reflect the use of a Low Impact Industrial Zone and revised Matters of Discretion and Conditions in the consideration of future subdivision and land use non-compliances.

In relation to the late submission (119) received from Mr Halstead after the submission period had closed 12 November 2012, I have provided a brief assessment to guide the Hearing Panel in determining whether to accept this late submission. I have recommended that the Hearing Panel grant an extension of time under section 37 of the RMA and accept the submission and in doing so enable Mr Halstead the opportunity to speak to his submission.

6. Appendices

6.1 Proposed District Plan as amended per officer's recommendations

NOTE: The recommended amendments if accepted have potential to impact on the numbering of the Plan provisions it is recommended that any consequential amendments to the numbering be undertaken as necessary. The revised numbering has in most cases not been identified below.

Chapter 6 Urban Environment

Amend the Introduction of Chapter 6 by adding further description to the Hokio Beach section to read as follows:

Hokio Beach

The settlement extends along the narrow valley of the Hokio Stream which discharges surplus waters from Lake Horowhenua out to sea. On the northern side of the stream mouth was Te Ua-mairangi, a high grassed hill on which stood the first of the tall carved posts (pou rahui) that defined the boundaries of the Mua-Upoko territory. One of the lagoons connected with the hydrographic system of Lake Horowhenua - Pakau-hokio, translates to "the wing of the Hikoj". Hokioi (*Harpagornis moorei*) was a great bird of prey and it is thought that a breeding ground for the bird was located on the rockfaces of the Tararuas directly opposite Hokio.

The topography in this area is low-lying and surrounded by relatively young and unstable sand dunes. The nature of the coastal geology and location at the mouth of the Hokio Stream have confined the size of the settlement and high ground water means that surface-water ponding is a potential constraint on further development within the settlement.

Historically, the high water table was more of an advantage than a constraint for Maori, who dammed areas to enable wider transport by waka. Like other rivers and streams along the coastline, the Hokio Stream was used by Maori and pakeha settlers alike for loading, unloading, and the building of boats. Every 10 miles or so accommodation houses provided a place for the coach service to change horses and for passengers to refresh. The Hokio Accommodation House, was the largest of such houses along the Kapiti coast and provided an important link between colonial society and the Maori inhabitants of the immediate coastal area for trading and hospitality.

The settlement has developed as a beach holiday destination with a landscape character derived from the high proportion of baches, close proximity to the beach and sand soil, and coastal sand vegetation, with narrow roads and unformed berm areas. Water supply and sewage disposal are provided independently on each site. Average section size is therefore medium-large.

Amend Policy 6.1.4 as follows:

"Ensure that all developments within the urban settlements provide:

Water supply suitable for human consumption and fire fighting;

- Facilities for the collection, treatment, and disposal of sewage and other wastes in a manner that maintains community and environmental health; ~~and~~
- For the collection and disposal of surface-water run-off in a way which avoids worsening any localised inundation; and
- The ability to provide an energy supply, whether this is through connecting to a secure electricity or gas supply, or through an alternative method generated on-site. "

Issue 6.2 Tararua Road Growth Area

Amend the Urban Environment Policy Framework for the Tararua Road Growth Area as follows:

Issue 6.2 TARARUA ROAD GROWTH AREA

The provision for and management of industrial growth in South East Levin.

ISSUE DISCUSSION

Between 1999 and 2006 Levin has seen considerable change in the demand for land for urban development. From a low growth situation in the late 1990s increasingly competitive land prices have seen a significant change in demand for both rural residential land and for urban density development. In addition there has been a growing demand for industrial land in Levin from both local and the wider region because of constrained land supply in competing centres such as Palmerston North and Wellington.

One of the appropriate means of providing opportunities for growth and further development of Levin is to zone additional land for ~~both industrial and residential~~ activities. One of the most suitable areas for peripheral urban growth is on the southern edge of the urban area north of Tararua Road and west of Arapaepae Road.

This is an area of approximately ~~50~~ 54 hectares of flat land with no significant development constraints other than careful management of stormwater discharges to ground, protection of adjoining residential areas and adjacent rural areas, and, to some extent, road access. There is an opportunity to contribute to the provision of existing and future demand for ~~both residential and industrial~~ activities. ~~Initially it~~ is proposed to enable the development of ~~38~~ 54 hectares of this area which will contribute significantly to land supply over the next 10-15 years and potentially longer term.

This land forms a strategic growth node for Levin and the quality of development is important to the overall quality of the environment of the town. State Highway 57 is an important strategic transport corridor and currently forms the major route for Palmerston North to Wellington traffic. Therefore, development in the vicinity of this route will influence other activities within the District.

It is also important that development of this area is planned in a manner that avoids adverse effects on the safe and efficient functioning of the highway. The Tararua Road intersection has formerly had a poor safety record and recent design improvements have significantly reduced crashes at this intersection. Roading infrastructure will need to be upgraded as the area develops including upgrading of the intersections with State Highways.

~~Neighbourhood facilities/centre~~

~~Providing retail facilities to meet local community needs (such as a dairy, a café and / or bakery and a fast food takeaway) along with community facilities and open space will contribute towards the creation of a successful community, and could also benefit adjacent neighbourhoods and communities. These facilities could be integrated successfully with the proposed industrial area, and help create an environment that stimulates inward investment and economic development.~~

~~These uses should be grouped together to create a community centre, a focus for activity. A preferred location for this use is at the centre of the residential zone and adjacent/close to the industrial zone.~~

~~However, care must be taken to ensure that the scale of any such retail facilities do not undermine existing commercial activity within Levin's town centre (commercial centre zones).~~

~~Retail facilities provided as a neighbourhood centre could comprise of the following uses:~~

- ~~▪ Café~~
- ~~▪ Dairy (with or without a liquor licence)~~
- ~~▪ Bakery~~
- ~~▪ Butchers~~
- ~~▪ Hairdresser~~
- ~~▪ Fast food take away~~
- ~~▪ Pub / Bar~~
- ~~▪ Restaurant~~
- ~~▪ Post office~~
- ~~▪ Estate agent and / or other professional services~~

~~Maximum unit sizes should typically be around 150m² (net) in size. There should be scope to exceed this size, where grocery and food retail units of 400 to 500m² are now considered to be the minimum in order to be viable.~~

~~Careful consideration of potential impacts on the town centre is needed, particularly should the cumulative amount of retail floor space at the centre exceed 700m² (net).~~

Objectives & Policies

Objective 6.2.1 Tararua Road Growth Area

~~Promotion of urban peripheral growth to the south of Levin to enable development opportunities within a sustainable management framework.~~

To provide for efficient use and development in the Tararua Road Growth Area in an integrated, coordinated and cost effective way with the existing industrial area, while avoiding adverse effects on adjoining residential areas and adjacent rural areas, and maintaining the safety and efficiency of the local and State Highway roading networks.

Policy 6.2.2

~~Enable urban growth on land north of Tararua Road and west of Arapaepae Road in accordance with the Tararua Road Growth Area Structure Plan.~~

Provide for industrial development in south-east Levin through an extended Industrial Zone with Arapaepae Road (State Highway 57) and Tararua Road forming the boundaries of this zoning and identify as a specific urban growth area (Tararua Road Growth Area).

Policy 6.2.3

~~Provide opportunities within the Structure Plan for planned areas of industrial and residential activities.~~

Manage subdivision and development within the Tararua Road Growth Area through applying a specific management framework including a Structure Plan to ensure a structured and integrated pattern of development that is efficient and environmentally sustainable.

New Policy 6.2.X

Manage the actual and potential adverse effects on the environment from new industrial activity through the resource consent process using the Structure Plan and Design Guide to ensure the amenity of the industrial area reflects the outcomes set in the Design Guide and the Industrial Zone, as well as protecting the amenity values and character of the adjoining residential and adjacent rural areas.

New Policy 6.2.X

Manage all stormwater generated from the Tararua Road Growth Area Overlay through use of low impact urban design principles, including the provision a dual purpose stormwater / recreation reserve buffer between the industrial area and adjoining residential area.

New Policy 6.2.X

Ensure the safety and efficiency of Tararua Road is maintained as a result of new road connections and property access and the increased generation of traffic from the Tararua Road Growth Area Overlay, and discourage heavy vehicle movements through streets in the adjoining residential area.

New Policy 6.2.X

Restrict access to Arapaepae Road (State Highway 57) from the Tararua Road Growth Area to protect the safety and efficiency of this road from the adverse effects of land use activities, subdivision and development.

Policy 6.2.4

Ensure that development is of a high quality and that adverse effects on the State Highways are avoided.

Policy 6.2.5

~~Promote the development of a neighbourhood centre within the Tararua Road Growth Area that provides a mix of activities within a high quality environment, including open space and local housing.~~

Explanation and Principal Reasons

The Tararua Road Growth Area located in south-east Levin and adjoins an existing industrial area to the west. The Tararua Road Growth Area is bounded by existing residential areas to the north, Arapaepae Road (State Highway 57) to the east, Tararua Road to the south, and the existing industrial area to the west which fronts Cambridge Street. Rural land is located adjacent to this area on the opposite side of Arapaepae Road (State Highway 57) and Tararua Road. This large area provides a substantial industrial land supply to meet future requirements, both in the short and long term. It is anticipated that a wide range of different forms of industrial activities could locate within this area, including light servicing activities (such as goods storage and distribution) and manufacturing.

To manage the effects of subdivision and development in this area, a specific management framework, which complements the underlying Industrial Zone provisions. This management framework is based on three key main features: 1. Resource consent for all development and

subdivision; 2. Structure Plan; and 3. Design Guide. The resource consent process provides for a case-by-case assessment of each proposal to ensure the subdivision and development achieves the objectives for the growth area, and would be assessed against the Structure Plan and Design Guide. A Structure Plan has been prepared by the developer which provides a framework to ensure a coordinated and well designed pattern of development. A developer led Design Guide provides the basis for assessing the quality of the development to ensure the growth area achieves a certain level of amenity, as well as protecting the adjoining residential and adjacent rural areas.

Due to the flat topography of the area and the potentially high level of impervious surfaces from industrial development, the management of stormwater needs to be carefully planned. Low impact stormwater design principles are to be utilised in the Tararua Road Growth Area, including on-site techniques, on-road, and a dual purpose stormwater / recreation reserve area. This dual purpose stormwater / recreation reserve area would also form a buffer between the existing residential area and new industrial development. Each proposed subdivision and development would need to assess the quantity and quality of stormwater to ensure it is effectively managed.

Large traffic volumes are a necessary part of the functioning of the Industrial Zone. With such a large area zoned for industrial development, it enables the roading network, connections and access to be well planned and designed. Provision is made in the Tararua Road Growth Area Structure Plan and Design Guide for managing this network, connections and access. New access directly to main arterial roads, particularly Arapaepae Road (State Highway 57) is restricted, with alternative access to be provided through new roads connecting from Tararua Road. As some of the new roads connect to roads that traverse the adjoining residential area, measures are to be implemented to discourage heavy vehicles using these roads through the residential areas to protect their amenity values and safety in residential neighbourhoods.

Methods for Issue 6.2 & Objective 6.2.1

District Plan

- Identification of Tararua Road Growth Overlay Area in south-east Levin and shown on the Planning Maps.
- Use of a Structure Plan and Design Guide for managing subdivision and development within the Tararua Road Growth Area
- The existing District Plan Industrial Zone permitted activities and conditions framework of rules for activities are used for development of the Tararua Road Growth Area, as well as site specific rules including a “Low Impact Industrial Area” where appropriate.
- ~~The residential development is subject to the Residential Zone rules and associated general provisions.~~
- Rules will require resource consent for land use and subdivision activities, assessing against the Structure Plan (Pocock Zoning Master Plan) and Design Guide as to the form, character and amenity values of these areas, and the protection of adjoining residential and rural areas.
- ~~The industrial development area includes some modification to the existing Industrial Zone rules to reflect modern forms of industrial activities.~~
- ~~Rules will specify minimum standards in a similar manner to existing zones but the quality of site layout and landscape design will also be subject to scrutiny and in exercising this discretion regard will be given to the Tararua Road Growth Area Design Guide and Structure Plan.~~

Urban Settlements – Commercial Zone

Include a new Policy 6.3.XX to read:

“Recognise and provide for supermarkets within the Large Format Retail Overlay in a way that ensures:

The site layout and building design maintains and enhances an attractive streetscape and public focused environment;

The traffic effects are managed so that the safety and efficiency of the road network is maintained;

The vibrancy and vitality of the Levin town centre is not compromised.”

Include a new method in Methods for Issue 6.3 & Objective 6.3.2 as follows:

“Other Methods

Council will consider establishing and facilitating an Urban Design Panel consisting of suitably qualified professionals to work with Council, individuals and developers to help improve the design, amenity and viability of development projects that have potentially significant urban design implications due to scale, public nature or location.”

Chapter 15 Residential Zone

15.1 Permitted Activities

Amend Rule 15.1(c) to read:

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

15.2 Controlled Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

~~(e) Any subdivision of land, except within the Tararua Road Growth Area Overlay.~~

15.3 Restricted Discretionary Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

~~(d) Any subdivision of land within the Tararua Road Growth Area Overlay.~~

15.4 Discretionary Activities

Amend Rule 15.4(d) to read:

(d) Two or more residential units/family flats per site.

15.5 Non-Complying Activities

Deleted Rule 15.5(a) as follows:

~~(a) Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~

15.6 Conditions for Permitted Activities

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

15.6.4 Building Setback From Boundaries

~~(c) Within the Tararua Road Growth Area Overlay the following additional building setbacks apply:~~

- ~~(i) No building shall be located closer than 10 metres from the State Highway 57 road boundary; and~~
- ~~(ii) No building shall be located closer than 8 metres from an Industrial Zone boundary.~~

15.6.10 Home Occupations

Amend Rule 15.6.10(a) as follows:

~~(a) A home occupation shall not exceed 50m² of total floor area dedicated to this activity. The total floor area dedicated to home occupations on a site, shall not exceed 50m².~~

15.6.11 Noise

Amend Rule 15.6.11(d) as follows:

(d) The noise limits in Rule 15.6.11(a) and (b) shall not apply to:

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

15.6.27 Signs

Amend Rule 15.6.27(b) as follows:

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

15.6.31 Temporary Military Training Activities

Amend the temporary military training activity permitted activity conditions in Rule 15.6.31, with respect to the noise provisions as follows:

- (a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:
- (i) no permanent structures shall be constructed;
 - (ii) the activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;
 - (iii) the duration of any temporary military training activity shall not exceed 31 consecutive days;
 - (iv) noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any Residential Zone site boundary or notional boundary of any noise sensitive activity.
 - ~~(v) Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; and~~
 - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 15.6.11(a) and (b), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).
 - ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
 - (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
 - (vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 15.3.

Table 15.3: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any site zoned Residential or Greenbelt Residential, or any building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

Include a new Residential Permitted Activity Condition to read:

15.6.XX Light Spill

(a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (lumens per square metre) when measured at the boundary of an adjoining residential site. The maximum lux shall be measured horizontally or vertically at the site boundary.

15.7.4 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 15.7.4 as follows:

(a) Matters of Control

~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~

(i) The size and positioning of buildings and structures;

(ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.

(iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the residential area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;

(iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and

(iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

15.7.5 Subdivision of Land

Amend the Matters of Control for Subdivisions and Table 15-3 as follows:

...

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

Table 15-1: Standards Applying to Subdivision and Residential Dwelling Units

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area / Minimum Average Site Area	Minimum Shape Factor
Ohau and Manakau			
Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is not available	2,000 m ²	18 metres diameter
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	8,000 m ² <u>5,000 m²</u>	18 metres diameter

15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a)

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

(a) Matters of Discretion

- ~~(v) Within the Tararua Road Growth Area Overlay, effect on the residential amenity given the noise, vibration and air pollution effects of State Highway 57. In assessing effects full consideration will be given to the noise and vibration standards contained in Rules 15.6.11 and 15.6.12.~~

15.8.5 Non-Compliance with Home Occupations Rule 15.6.10 (Refer to Rule 15.3(a))

Amend Rule 15.8.5(b)(i) as follows:

(b) Conditions

- (i) ~~A home occupation shall not exceed 70m² of total gross floor area dedicated to this activity.~~ The total floor area dedicated to home occupations on a site, shall not exceed 70m².

15.8.7 Subdivision within the Tararua Road Growth Area Overlay

Delete the Tararua Road Growth Area provisions within the Residential Zone Chapter as follows:

(a) Matters of Discretion

- ~~(i) Those matters specified in Chapters 21 and 24.~~
- ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
- ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~
- ~~(iv) The design and layout of proposed urban areas.~~
- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))

(a) Matters of Discretion

- ~~(i) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:~~

~~Avoiding, remedying or mitigating of any effects deriving from noncompliance with the particular condition(s) that is not met.~~

~~The design and layout of proposed urban areas.~~

~~The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~

~~The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~

~~The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in Schedule 5 – Tararua Growth Area Design Guide.~~

15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach

Amend the Medium Density Development Restricted Discretionary Activity Conditions in Rule 15.8.9(b) as follows:

(b) Conditions

~~(viii) All residential dwelling units shall be provided with a utility space of at least 10m² and an outdoor lockable storage compartment of at least 3m² which meets the following requirements:~~

- ~~• Minimum dimension: 1 metre; and~~
- ~~• Kept free of access to other units driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.~~

Chapter 16 Industrial Zone

16.2 Controlled Activities

Amend Rule 16.2(g) to read:

- (g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 ~~(apart from Rule 16.6.2(a)(ii))~~ and complying with conditions in Rule 16.7.7. (Refer Rule 16.7.7).

16.5 Non-Complying Activities

Add a new Non-Complying Activity to 16.5 as follows:

The following activities shall be non-complying activities in the Industrial Zone:

...

(b) Any heavy industrial activity listed in Schedule 13 within the Tararua Road Growth Area Overlay, Low Impact Industrial Zone (Schedule 5).

The following activities are non-complying activities in the Industrial Zone:

...

(c) Any new access to State Highway 57 within the Tararua Road Growth Area Overlay.

16.6 Permitted Activity Conditions

16.6.1 Maximum Building Height

Amend the permitted activity conditions relating to maximum building height in 16.6.1 as follows:

- (a) No part of any building shall exceed a height of 12 metres.
- (b) Within the Low Impact industrial area of the Tararua Growth Area Structure Plan, no part of any building shall exceed a height of 10 metres.

16.6.4 Signs

Amend Rule 16.6.4(a)(iv) as follows:

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

16.6.5 Noise

Amend the noise condition in Rule 16.6.5 as follows:

- (a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:

...
- (b) Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.
- (d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 16.6.5(a), ~~and 16.6.5(b)~~ and 16.6.5(c) shall not apply to the following activities:
 - (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.

- (iii) The operation of the Main North Island Trunk Railway.
- (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~
- (v) Temporary Military Training Activities.
- (vi) Temporary events.

16.6.18 Hazardous Substances

Amend Rule 16.6.18 as follows:

(a) All activities using, ~~or storing, transporting or disposing of~~ hazardous substances shall comply with the Hazardous Substances Classification parameters for the Industrial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

16.6.23 Temporary Military Training Activities

Amend the temporary military training activity permitted activity conditions in Rule 16.6.23, with respect to the noise provisions as follows:

- (a) All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:
 - (i) No permanent structures shall be constructed;
 - (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;
 - (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days;
 - (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any notional boundary of any noise sensitive activity.
 - ~~(v)~~ Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; ~~and~~
 - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 16.6.5(a) - (c), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).
 - ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
 - (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measures in accordance with NZS6801:2008 Acoustics - Measurement of Sound.
 - (vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 16.1.

Table 16.1: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any site zoned Residential or Greenbelt Residential, or any building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

Include a new Industrial Permitted Activity Condition to read:

16.6.X Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

16.7 Matters of Control and Conditions for Controlled Activities

16.7.1 Subdivision of Land (Rule 16.2(a))

Amend the Matters of Control for Subdivisions as follows:

- (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
- ...
- (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.

16.7.6 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 16.7.6 as follows:

- (a) Matters of Control
 - ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
 - (i) The size and positioning of buildings and structures;
 - (ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.

- (iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
- (iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
- (iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

16.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

16.8.4 Within the Tararua Road Growth Area Overlay non-compliance with Permitted Activity Conditions (Rule 16.6), Controlled Activity Conditions (Rule 16.7) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

Amend the Matters of Discretion for land use activities within the Tararua Road Growth Area Overlay 16.8.4 as follows:

- (a) Matters of Discretion
 - (i) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
 - (ii) The location, layout, design and appearance of the development, including buildings.
 - (iii) The management of stormwater, wastewater, water supply and other servicing.
 - (iv) The maintenance of amenity values and reverse sensitivity effects at the growth area boundary and management of adverse effects on adjoining and adjacent properties, particular adjoining residential and rural areas.
 - (v) The provision of adequate carparking, manoeuvring and safe access to the site.
 - (vi) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
 - (vii) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met;
 - ~~(ii) Where performance standards in respect of floor space for retail, showrooms and commercial activities are exceeded or that space is used for the retail of products not manufactured on the premises, then discretion will also include:

 - ~~Traffic effects;~~
 - ~~The effect of the non-compliance on the role and function of the commercial centre as an important community and social resource and as employment location for the community of Horowhenua; and,~~
 - ~~Townscape and amenity effects.~~~~
- (b) Conditions
 - (i) All other aspects of the activity shall comply with any relevant conditions.

16.8.5 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 16.3(d))

Amend the Matters of Discretion for subdivision within the Tararua Road Growth Area Overlay 16.8.5 as follows:

(a) Matters of Discretion

- (i) Matters listed in Rule 15.7.5 for subdivision of land
- (ii) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
- (iii) Those matters specified in Chapters 22 21 and 24;
- (ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events;
- (iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider;
- (iv) The design and layout of proposed urban areas;
- (v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57;
- (vi) The amenity effects on existing ~~and proposed~~ residential areas should design standards contained in the Design Guide not be complied with or should proposals not be consistent with the Structure Plan; and,
- (vii) The transportation, movement, streetscape and community effects of not providing ~~all residential~~ the internal roading network and accesses to the external roading network, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide.
- (viii) ~~In the Tararua Growth Area Overlay~~ The design and positioning of any vehicular access on to Tararua Road, Winiata Street, Perth Street, landscape design and signage.

In exercising this control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Structure Plan and complies with the Tararua Road Growth Area Design Guide (refer Schedule 5).

(b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

(c)(b) Non-Notification

- (i) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 16.8.5 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

Chapter 17 Commercial Zone

17.3 Restricted Discretionary Activities

Amend Rule 17.3 and add a new rule as follows:

(g) Supermarkets with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

17.4 Discretionary Activities

Amend Rule 17.4 as follows:

(c) Retail activity (excluding supermarkets) with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.

17.6 Conditions for Permitted Activities

17.6.2 Building Frontage and Size

Amend Rule 17.6.2 Building Frontage and Size to read:

...

(b) In Levin outside the Pedestrian Overlay Area ~~in Levin~~, the following conditions apply:

(c) In Foxton outside the Pedestrian Overlay Area ~~in Foxton~~, the following conditions apply:"

- (d) In Foxton Beach, Waitarere Beach and Manakau, the following conditions apply:
- (i) No building shall be setback more than 5 metres from the front road boundary.
 - (ii) All buildings, except for residential buildings, shall have display windows along the ground floor road frontage. At least 50% of ground floor facade surface shall be display space or transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.
 - (iii) The area between the front road boundary and any on-site carpark ~~and the front road boundary with a frontage of more than 6 metres~~ shall include a landscape strip. This landscaping strip shall comply with the following conditions:

17.6.5 Signs

Amend Rule 17.6.5(a)(iv) as follows:

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

17.6.6 Noise

(a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:

...

(b) Noise from any activity shall not exceed 65dB LAeq at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.

- (c) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.
- (d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 17.6.6(a) ~~and 17.6.6(b)~~ and 17.6.6(c) shall not apply to the following activities:
 - (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.
 - (iii) The operation of the Main North Island Trunk Railway.
 - (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~
 - (v) Temporary Military Training Activities.
 - (vi) Temporary events.

17.6.25 Temporary Military Training Activities

- (a) All temporary military activities shall, in addition to the other conditions, also comply with the following conditions:
 - (i) No permanent structures shall be constructed;
 - (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;
 - (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days;
 - (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction noise when applied at any notional boundary of any noise sensitive activity.
 - ~~(v)~~ Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise; ~~and~~
 - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall comply with the noise limits and measurement set out in Rule 17.6.6 (a) - (c), except that during the nighttime period (10.00pm – 7.00am) the noise limit shall be 75dB (L_{max}).
 - ~~(vi) Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~
 - (vi) Noise generated from the use of helicopters shall comply with the noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

(vii) Any training activities involving the use of explosives and weapons shall comply with the separation distances identified in Table 17.1.

Table 17.1: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any site zoned Residential or Greenbelt Residential, or any building used for residential, educational or healthcare purposes</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>

Include a new Commercial Permitted Activity condition to read:

17.6.X Light Spill

(a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

17.7.1 Subdivision of Land

Amend the Matters of Control for Subdivisions as follows:

17.7.1 Subdivision of Land (Rule 17.2(a))

...

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

...

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

17.7.6 Temporary Military Training Activities

Amend the temporary military training activity Matters of Control in Rule 17.7.6 as follows:

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
 - (i) The size and positioning of buildings and structures;
 - (ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
 - (iii) The actual and potential adverse effects on the amenity (in particular noise) and character of the surrounding area and the measures to avoid, remedy or mitigate these effects as a result of a noise condition non-compliance or prolonged duration of a proposed activity;
 - (iii) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
 - (iv) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.
-

17.8 Matters of Discretion and Conditions for Restricted Discretionary Activities

Include a new Rule under 17.8 Matters of Discretion and Conditions for Restricted Discretionary Activities that reads:

Rule 17.8.8 Supermarkets within the Large Format Retail Overlay Area

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building, including the space around buildings
 - (ii) Landscaping
 - (iii) Location and design of site access (pedestrian and vehicular), parking and servicing
 - (iv) Traffic effects, including effects on the transport network from the volume and type of traffic generated
 - (v) Effects on the vitality and vibrancy of the town centres.
-

Chapter 25 Assessment Criteria

25.3 Assessment Criteria For Land Use Consents In The Residential Zone

25.3.4 Building Setbacks

Amend Assessment Criteria 25.3.4(b) as follows:

...

- (b) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones, including transport networks (rail and road).

25.5 Assessment Criteria For Land Use Consent In The Commercial Zone

Amend 25.5.1 General Assessment Criteria for Land Use Consents in the Commercial Zone to include:

...

(o) The extent to which any application for a supermarket or other large format retail activity demonstrates the functional and operational requirements of the proposed activity have been taken into account when assessing a proposal against the relevant matters in 25.5.1 (a) to (n).

Chapter 26 Definitions

Amend the definition of Residential Dwelling Unit to read:

Residential Dwelling Unit means a building which accommodates one (1) household unit, and can include a dwelling house, a flat, ~~a home unit~~, an apartment, or a town house, but excludes a family flat.

Schedule 5 – Tararua Road Growth Area Overlay Structure Plan and Design Guide

Structure Plan

Amend Schedule 5 by deleting the Tararua Road Growth Area Structure Plan and Design Guide and insert the amended Zoning Master Plan and the supporting Design Guide (subject to amendments). The following amendments are required to the Zoning Master Plan:

- remove external access points to State Highway 57,
- exclude properties at 165 Tararua Road and 172 Arapaepae Road, and the HDC open spaces adjoining SH57; and
- extend the Low Impact Industrial Zone around the property at 172 Arapaepae Road.

Design Guide

Amend Schedule 5 by deleting the Tararua Road Growth Area Design Guide and insert the Pocock Design Guide amended so that the following sections and topics are provided for:

Table of Contents

1. Purpose of the Design Guide

2. Process

3. Site Context

4. Development Outcomes

- Overall development aspirations/goals for the area and its connection with south-east Levin;
- Purpose, nature and intensity of activities/development in the Industrial and Low Impact Industrial Zones and expected level of amenity.
- Protection of adjoining zones, Residential Zone to the north, and surrounding Rural Zone to the south and east.

- Safe, efficient, and connected transport system, both internally and external links.
- Cost effective provision of infrastructure and servicing.

5. Guidelines

- Overall development aspirations for the area and its connection with south-east Levin:
 - o Context
 - o Staging
 - o Consultation
- Purpose, nature and intensity of development in the Industrial and Low Impact Industrial Zones and expected level of amenity:
 - o Design guidelines for site layout and design, access, building scale, setbacks, fencing, visual amenity and landscaping.
- Protection of adjoining zones, Residential Zone to the north, and surrounding Rural Zone to the south and east:
 - o Design guidelines for Residential Zone protection.
 - o Design guidelines for Rural Zone protection.
- Safe, efficient, and connected transport system, both internally and external links:
 - o Function, connection and design of roads;
 - o Design considerations for external connections to Tararua Road
 - o Design consideration for external connections to Winiata Street and Perth Street (residential areas), such as traffic calming design considerations and avoiding heavy industrial traffic movements through residential areas.
- Cost effective provision of infrastructure and servicing.
 - o Design considerations of the overall stormwater system, including maintenance.
 - o Staging and future proofing infrastructure capacity.
 - o Network utility operator and Regional Council requirements

6. Appendices

- Road section details
- Examples (buildings, swales, dual stormwater/reserve design)

Schedule XX – New Schedule

Include a new Schedule XX Heavy Industries (based on the list included in the Combined Wairarapa District Plan, Appendix 4)

Schedule of Heavy Industries

<u>Abattoirs and slaughterhouses</u>	<u>Glass manufacture</u>
<u>Acetylene-gas manufacture</u>	<u>Gelatine manufacture</u>
<u>Acids manufacture</u>	<u>Glue manufacture</u>
<u>Aerosol packers and manufacture</u>	<u>Gunpowder manufacture</u>
<u>Aluminium alloy manufacture</u>	<u>Gypsum manufacture</u>
<u>Alkali-waste works</u>	<u>Hydrochloric acid manufacture</u>
<u>Ammonia manufacture</u>	<u>Incinerator works</u>
<u>Ammunition manufacture</u>	<u>Industrial chemicals manufacture</u>
<u>Animal by-products manufacture</u>	<u>Iron works and foundry</u>
<u>Asbestos manufacture</u>	<u>Lacquer manufacture</u>
<u>Asphalt manufacture</u>	<u>Lead works</u>
<u>Battery manufacture and recycling</u>	<u>Leather tanning</u>
<u>Bearing manufacture</u>	<u>Lime manufacture</u>
<u>Briquette manufacture</u>	<u>Linoleum manufacture</u>

<u>Bisuphide of carbon works</u>	<u>Lucerne dehydration</u>
<u>Boiler makers</u>	<u>Manure (artificial) manufacture</u>
<u>Boiler manufacture</u>	<u>Meatworks – killing, freezing and packing</u>
<u>Boiling down works</u>	<u>Oil distillation and refining</u>
<u>Bone crushing</u>	<u>Oxygen – gas manufacture</u>
<u>Bulk storage of asphalt, tallow, industrial chemicals and scrap metal</u>	<u>Paint, varnish, lacquer etc. manufacture</u>
<u>Candle manufacture</u>	<u>Petroleum based products manufacture</u> <u>Plastics manufacture</u>
<u>Celluloid works</u>	<u>Pulp and paper manufacture</u>
<u>Cement – packing bag, cleaning works</u>	<u>Pyridine works</u>
<u>Cement manufacture</u>	<u>Railway workshops</u>
<u>Chemicals manufacture</u>	<u>Rubber goods manufacture</u>
<u>Chlorine works</u>	<u>Smelting metals (all types)</u>
<u>Coke manufacture</u>	<u>Soap manufacture</u>
<u>Concrete batching</u>	<u>Steel works</u>
<u>Detergent manufacture</u>	<u>Sale Stock yards (commercial)</u>
<u>Distillation of coal, wood and bones</u>	<u>Stone and mineral crushing</u>
<u>Explosive manufacture and storage</u>	<u>Sulphur-chloride manufacture</u>
<u>Fat rendering</u>	<u>Sulphur-dioxide manufacture</u>
<u>Fellmongering</u>	<u>Tallow- melting and refining</u>
<u>Fertiliser works</u>	<u>Tanning and curing of hides and skins</u>
<u>Fibreglass manufacture</u>	<u>Tar manufacture, refining, mixing</u>
<u>Fibrous plaster manufacture</u>	<u>Timber treatment</u>
<u>Fireworks manufacture and storage</u>	<u>Turpentine manufacture</u>
<u>Fire clay products manufacture</u>	<u>Varnish manufacture</u>
<u>Fish curing and preserving</u>	<u>White lead manufacture</u>
<u>Fluorine works</u>	<u>Wool scouring</u>
<u>Foundry</u>	<u>Zinc chloride manufacture</u>
<u>Fuel oil refining</u>	<u>Zinc works</u>
<u>Fur curing and tanning</u>	

Or any other industry, warehouse, or bulk storage that is, or under any conditions may become noxious or dangerous in relation to adjacent areas.

Planning Maps 29 and 30

Amend Planning Maps 29 and 30 to rezone the following parcels of land and adjoining properties from Residential and Rural to Industrial, as shown on the Planning Maps in Appendix 6.9 and includes the following properties:

Lot 1 and 2 DP 45916, Lot 2 DP 341015, Lot 1 DP 30627

6.2 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
Chapter 6				
41.00		Powerco		Accept
41.01		Powerco		Accept
55.14		KiwiRail		Accept
94.28		NZ Transport Authority (NZTA)		Accept
5.00		Elaine Gradock		Reject
94.29		NZ Transport Agency (NZTA)		Accept
37.01		Homestead Group Limited		Reject
11.24	519.19	Philip Taueki Charles Rudd	Support	Accept Accept
60.18	519.37	Muaupoko Co-operative Society Charles Rudd	Support	Accept Accept
101.59		Director-General of Conservation (DoC)		Accept In-Part
110.05		Fraser		Accept In-Part
110.06		Fraser		Accept In-Part
Chapter 15 – Residential Zone				
95.02		New Zealand Defence Force (NZDF)		Accept
40.13		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
108.09		HDC (Planning Department)		Accept
40.39		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
51.03		Waitarere Progressive Association (WBPRA)		Reject
119.00		Graham Halstead		Reject
40.11		House Movers Section of NZ Heavy Haulage Association Inc.		Reject

117.06		New Zealand Historic Places Trust (NZHPT)		Accept
70.07		Future Map Limited		Accept In-Part
81.01		Phillip Lake		Reject
117.20		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
108.11		HDC (Planning Department)		Accept
108.38		HDC (Planning Department)		Accept In-Part
116.01		Truebridge Associates Limited		Reject
94.24		NZ Transport Agency (NZTA)		Reject
25.03	504.01	Michael White	In-Part	Accept In-Part
	525.19	The Oil Companies	Support	Accept In-Part
		Maurice and Sophie Campbell		Accept In-Part
27.17		Horizons Regional Council		Accept
26.09		Horowhenua Astrological Society Inc.		Accept In-Part
40.14		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.17		New Zealand Defence Force (NZDF)		Accept
51.04		Waitare Progressive Association (WPRA)		Reject.
116.02		Truebridge Associates Limited		Reject
108.00		HDC (Planning Department)		Accept In-Part
95.26		New Zealand Defence Force (NZDF)		Accept
5.02		Elaine Gradock		Accept
95.36		New Zealand Defence Force (NZDF)		Accept In-Part
15.01	511.09	Charles Wallis	Oppose	Reject
		HDC (Community Assets Department)		Accept
108.02		HDC (Planning Department)		Accept
95.12		New Zealand Defence Force (NZDF)		Accept
95.50		New Zealand Defence Force (NZDF)		Accept
95.07		New Zealand Defence Force (NZDF)		Accept
95.31		New Zealand Defence Force (NZDF)		Accept In-Part

95.21		New Zealand Defence Force (NZDF)		Accept In-Part
40.12		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.32		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.41		New Zealand Defence Force (NZDF)		Accept In-Part
116.03		Truebridge Associates Limited		Reject
55.27		KiwiRail		Accept
117.14		New Zealand Historic Places Trust (NZHPT)		Accept
27.23		Horizons Regional Council		Reject
116.04		Truebridge Associates Limited		Reject
116.05		Truebridge Associates Limited		Reject
116.06		Truebridge Associates Limited		Accept In-Part
94.25		NZ Transport Agency (NZTA)		Reject
94.26		NZ Transport Agency (NZTA)		Reject
116.07		Truebridge Associates Limited		Reject
116.08		Truebridge Associates Limited		Reject
116.09		Truebridge Associates Limited		Reject
116.10		Truebridge Associates Limited		Accept
51.02		Waitarere Progressive Association (WBPRA)		Reject
94.21		NZ Transport Agency (NZTA)		Accept
117.25		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
3.01		Matthew Thredgold		Reject
93.19		The Oil Companies		Accept
78.07		Telecom New Zealand Ltd		Reject
79.07		Chorus New Zealand Ltd		Reject
40.06		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
Chapter 16 – Industrial Zone				
95.03		New Zealand Defence Force (NZDF)		Accept

40.17		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.40		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
110.02	523.00	Fraser Future Map Limited	Support	Accept In-Part Accept In-Part
40.15		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
70.03		Future Map Limited		Accept In-Part
117.21		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
25.04	525.20	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
26.10		Horowhenua Astronomical Society Inc.		Accept In-Part
27.19		Horizons Regional Council		Accept
40.18		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.18		New Zealand Defence Force (NZDF)		Accept
70.04		Future Map Limited		Accept In-Part
37.02		Homestead Group Limited		Reject
108.03		HDC (Planning Department)		Accept
95.27		New Zealand Defence Force (NZDF)		Accept In-Part
97.01		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Reject
5.03		Elaine Gradock		Accept
108.34		HDC (Planning Department)		Accept In-Part
95.37		New Zealand Defence Force (NZDF)		Accept In-Part
97.02		Lowe Corporation Ltd & Colyer Mair Assets Ltd		Accept In-Part
117.13		New Zealand Historic Places Trust (NZHPT)		Reject
37.04		Homestead Group Limited		Reject
110.03		Fraser		Accept In-Part
95.13		New Zealand Defence Force (NZDF)		Accept
95.51		New Zealand Defence Force (NZDF)		Accept

95.08		New Zealand Defence Force (NZDF)		Accept
95.22		New Zealand Defence Force (NZDF)		Accept In-Part
95.32		New Zealand Defence Force (NZDF)		Accept In-Part
117.15		New Zealand Historic Places Trust (NZHPT)		Accept
41.37		Powerco		Accept
40.16		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.33		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.42		New Zealand Defence Force (NZDF)		Accept In-Part
70.05		Future Map Limited		Accept In-Part
70.06		Future Map Limited		Accept In-Part
70.08		Future Map Limited		Accept In-Part
70.09		Future Map Limited		Accept In-Part
93.20		The Oil Companies		Accept
40.07		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
110.04	523.03	Fraser Future Map Limited	Oppose	Accept In-Part Accept In-Part
117.26		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
78.08		Telecom New Zealand Ltd		Reject
79.08		Chorus New Zealand Ltd		Reject
94.32		NZ Transport Agency (NZTA)		Accept
94.33		NZ Transport Agency (NZTA)		Accept
94.36		NZ Transport Agency (NZTA)		Accept
55.05	521.08	KiwiRail NZ Transport Agency (NZTA)	Support In-Part	Accept In-Part Accept In-Part
55.07	521.07	KiwiRail NZ Transport Agency (NZTA)	Support In-Part	Reject Reject
37.06		Homestead Group Limited		Reject

70.00		Future Map Limited		Accept In-Part
70.01		Future Map Limited		Accept In-Part
70.02		Future Map Limited		Accept In-Part
110.07		Fraser		Reject
Chapter 17 - Commercial Zone				
40.21		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.41		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
73.00		McDonalds Restaurants (New Zealand) Limited		Reject
95.04		New Zealand Defence Force (NZDF)		Accept
40.19		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
71.01		Progressive Enterprises Limited		Accept In-Part
71.00		Progressive Enterprises Limited		Accept In-Part
117.22		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
25.05	525.21	Michael White Maurice & Sophie Campbell	Support	Accept In-Part Accept In-Part
26.11		Horowhenua Astronomical Society		Accept In-Part
27.20		Horizons Regional Council		Accept
40.22		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.19		New Zealand Defence Force (NZDF)		Accept
71.02		Progressive Enterprises Limited		Reject
71.03		Progressive Enterprises Limited		Reject
108.07		HDC (Planning Department)		Accept
108.30		HDC (Planning Department)		Accept
71.04		Progressive Enterprises Limited		Accept
71.05		Progressive Enterprises Limited		Reject
108.04		HDC (Planning Department)		Accept

5.04		Elaine Gradock		Accept
95.28		New Zealand Defence Force (NZDF)		Accept In-Part
108.35		HDC (Planning Department)		Accept In-Part
5.05		Elaine Gradock		Accept
95.38		New Zealand Defence Force (NZDF)		Accept In-Part
95.09		New Zealand Defence Force (NZDF)		Accept
95.52		New Zealand Defence Force (NZDF)		Accept
95.14		New Zealand Defence Force (NZDF)		Accept
95.23		New Zealand Defence Force (NZDF)		Accept In-Part
95.33		New Zealand Defence Force (NZDF)		Accept In-Part
117.16		New Zealand Historic Places Trust (NZHPT)		Accept
41.38		Powerco		Accept
40.20		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
40.34		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
95.43		New Zealand Defence Force (NZDF)		Accept In-Part
3.02		Matthew Thredgold		Reject
51.01		Waitarere Beach Progressive & Ratepayers Association (WBPRA)		Accept In-Part
93.21		The Oil Companies		Accept
40.08		House Movers Section of NZ Heavy Haulage Association Inc.		Reject
117.27		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
79.09		Chorus New Zealand Ltd		Reject
78.09		Telecom New Zealand Ltd		Reject
114.01		Gary Spelman		Accept In-Part
71.08		Progressive Enterprises Limited		Accept In-Part
71.07	510.00	Progressive Enterprises Limited McDonalds Restaurants Ltd	Support	Accept In-Part Accept In-Part

71.09		Progressive Enterprises Limited		Reject
71.10		Progressive Enterprises Limited		Accept In-Part
73.01		McDonalds Restaurants (New Zealand) Limited		Reject
71.12		Progressive Enterprises Limited		Reject
26.12		Horowhenua Astronomical Society Inc.		Out of scope
117.17		New Zealand Historic Places Trust (NZHPT)		Out of Scope
93.22		The Oil Companies		Out of Scope

6.3 Relevant Provisions from the Proposed One Plan

13-10 Existing discharges[^] of domestic wastewater*

The discharge[^] of domestic wastewater onto or into land[^] pursuant to ss15(1) or 15(2A) RMA from an on-site wastewater treatment and land[^] application system and any ancillary discharge[^] of contaminants[^] into air pursuant to ss15(1) or 15(2A) RMA lawfully in existence at 1 July 2011.*

New and upgraded discharges[^] of domestic wastewater are controlled by Rule 13-11*

Controlled Activity

13-11 New and upgraded discharges[^] of domestic wastewater*

The discharge[^] of domestic wastewater onto or into land[^] pursuant to ss15(1) or 15(2A) RMA and any ancillary discharge[^] of contaminants[^] into air pursuant to ss15(1) or 15(2A) RMA from a new or upgraded onsite wastewater treatment and land[^] application system which either:*

- (a) is newly established after this rule[^] becomes operative[^], or*
- (b) involves the upgrade* of a system that existed at the date that this rule[^] becomes operative[^].*

Conditions/Standard and Terms

(da) Where the property within which the discharge[^] occurs is less than 4 ha:*

- (i) the property* must cover an area of at least either 5,000 m² for properties* created by subdivision after this rule[^] becomes operative[^], or 2,500 m² for properties* that existed at the date that this rule[^] becomes operative[^]*

13-12 Discharges[^] of domestic wastewater* not complying with Rules 13-10 and 13-11

The discharge[^] of domestic wastewater onto or into land[^] pursuant to ss15(1) or 15(2A) RMA and any ancillary discharge[^] of contaminants[^] into air pursuant to ss15(1) or 15(2A) RMA from an on-site wastewater treatment and disposal system that does not comply with one or more of the conditions[^] of Rules 13-10 or 13-11.*

- (a) The design flow must not exceed 6 m³/d.*
- (b) The flow allowance used to calculate the system design flow must be no less than 145 litres per person per day where the water[^] supply is provided by roof water[^] collection, or no less than 180 litres per person per day for other sources of water[^] supply.*
- (c) The discharge[^] must consist only of contaminants[^] normally associated with domestic sewage and greywater.*
- (d) The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.*

(e) The activity must not be to any historic heritage[^] identified in any district plan[^] or regional plan[^].

6.4 Copy of Late Submission – Graham Halstead

SUBMISSION FORM

Proposed Horowhenua District Plan

Resource Management Act 1991

Form 5 of Resource Management

(Forms, Fees, Procedure) Regs 2003

<p>Council Use Only</p> <p>Date Received:/...../.....</p> <p>Submission No:</p>
--



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

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

1. Submitter Contact Details

Full Name: Graham Allan Halstead

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

Address for Service: PO Box 28-035, Kelburn, Wellington

.....Post code: 6150

Telephone (Day time): 04 971 8086.....Mobile: 021 204 1848.....

Email: halstead@paradise.net.nz.....

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

2. Trade Competition

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

I am directly affected by an effect of the subject matter that
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition? Yes

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

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

.....

Residential zone permitted activities. There is no provision for primary production activities. Given that Council recently rezoned about 50ha in the vicinity of Roslyn Road, creating enough land for at least 50 years residential development, land owners need to be able to farm the land, change farm uses if necessary and erect farm buildings without having to engage in expensive and time-consuming resource consents. The existing use provisions of the RMA are far from satisfactory for land that will continue to be farmed for decades into the future.....

.....

.....

.....

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

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

.....
Add
Primary Production Activities' to the list of Permitted activities in the residential zone.....
.....
.....
.....
.....
(Continue on a separate sheet if necessary)

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

.....
Agree to 4. above.....
.....
.....
.....
(Continue on a separate sheet if necessary)

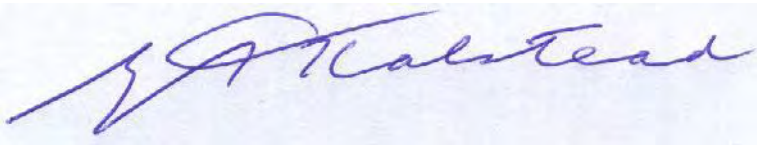
6. Proposed District Plan Hearing

Do you wish to attend the Council hearing for the Proposed District Plan? Yes

Do you wish to be speak in support of your submission at the hearing? Yes

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

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



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

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

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

Further Information

Late Submission: Apologies for late submission. It took some time for Proposed District Plan to be posted to me. Then a bereavement took me away for a week.

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

Privacy Act 1993

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

6.5 Malcolm Hunt Associates Technical Review and New Zealand Defence Force Correspondence

From: GRACE EMILY, MRS [<mailto:EMILY.GRACE@nzdf.mil.nz>]
Sent: Friday, 15 February 2013 9:35 a.m.
To: Sheena McGuire
Subject: RE: NZDF noise standards (unclassified)

Hi again Sheena,

I forgot to also mention vibration in my email below. In our submission, we also put a 'place holder' in for the new permitted activity standard proposed for vibration. Our acoustic advice included comment on vibration. In summary, the noise standards we are requesting in the table attached to my first email also appropriately addresses effects from vibration. Therefore, we would like an exclusion from the vibration standard for temporary military training activities.

Again, please give me a call if you would like to discuss anything.
Thanks very much
Emily

From: GRACE EMILY, MRS
Sent: Friday, 15 February 2013 09:24
To: 'sheenamc@horowhenua.govt.nz'
Subject: NZDF noise standards (unclassified)

Hi Sheena,

As discussed, NZDF made a submission on the Proposed Plan that included comment on the noise standards applying to permitted temporary military training activities. However, we were not able to be specific about what changes we were requesting, as at that time we were still awaiting expert acoustic advice, as part of a nation-wide review of noise standards applying to temporary military training activities. We have now received that expert advice, and have developed a set of permitted activity noise conditions for temporary military training activities that we would like to replace those currently included in the Proposed Plan.

Attached to this email are three documents: our proposed permitted activity noise conditions, in table format, a one-page explanation that summarises the technical advice that the standards are based on, and the technical report from NZDF's acoustic consultant.

I would greatly appreciate your consideration of these documents, as part of the preparation of the Officer Reports on submissions on the Proposed Plan. If you have any questions or would like to discuss what we are proposing, please give me a call. You can contact me on 04 381 8587 or 021 496 185 (I only work from NZDF's office one day per week).

Thanks very much

Emily Grace

Consultant Planner to NZDF

<< File: MHA final report Jan 2013.pdf >> << File: Explanation for noise standards.doc >> << File: Generic table Permitted Activity Noise Standards for Temporary Military Exercises.doc >>

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Permitted Activity Noise Standards for Temporary Military Training Activities

Rule x.x: Temporary Military Training Activities are permitted activities, provided they comply with the noise standards specified in Table x below.

Table x

Activity	Noise Controls				
Temporary Military Exercises	Type of military noise source	Standards			
		Time (Monday to Sunday)	Separation distance required to any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes		
	1. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with	
		1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with	
	2. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with	
		1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with	

		<p>Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:</p> <p>(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(c) The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.
	<p>3. Mobile noise sources, excluding sources (1) and (2)</p>	<p>Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i>, with reference to ‘construction noise’ taken to refer to other, mobile noise sources*</p>
	<p>Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment</p>	

	4. Fixed (stationary) noise sources, excluding sources (1) and (2)	Time (Monday to Sunday)	Noise level at the 20 metre notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes*	
		0700 to 1900 hours	55 dB LAeq (15 min)	n.a.
		1900 to 2200 hours	50 dB LAeq (15 min)	
		2200 to 0700 hours the next day	45 dB LAeq (15 min)	75 dB LAFmax
Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.				
	5. Helicopter landing areas	Compliance with noise limits set out in <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> .*		

* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound

Explanation: Permitted activity standards for temporary military training activities

NZDF acknowledges that noise effects from temporary military training activities need to be appropriately controlled within the District Plan. NZDF wishes to make sure that the noise standards included in the Proposed Plan are up-to-date, appropriate for the type of noise generated, and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. Based on this advice, NZDF has developed revised noise control permitted activity standards that it is seeking to have included in proposed district plans nation-wide.

In summary, the revised standards divide noise sources from temporary military training activities into three categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; and fixed noise sources such as power generators and water pumping. Each of these noise sources has different noise characteristics, and therefore a different set of standards should apply for controlling noise. The division allows a more comprehensive and appropriate method for controlling noise from temporary military changing activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes. Four separation distances are specified – a night time and daytime distance for firing of live ammunition and explosives, and a night time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distance will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

For fixed noise sources, which can be located to ensure compliance with standards, dBL_{Aeq} levels are specified, in line with *NZS6802:2008 Acoustics – Environmental Noise*. This is considered the most appropriate way to control noise levels from these sources.

NZDF, February 2013

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand *District Plan Recommendations*

MHA Reference: 932-OF3
January 2013

Prepared by:

MalcolmHuntAssociates

noise and environmental consultants

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Prepared For:



New Zealand Defence Force

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand *District Plan Recommendations*

MalcolmHuntAssociates



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New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand District Plan Recommendations

MalcolmHuntAssociates

noise and environmental consultants

Executive Summary

This report reviews noise and vibration controls applying to Temporary Military Training (TMT) activities specified within District Plans for the control of potential noise disturbance caused by these activities. These District Plan noise rules apply to activities undertaken on behalf of, and organised by, NZDF which may take place in any area according to training needs at the time. Specialised rules and requirements are necessary in District Plans to ensure normally applied District Plan noise limits are not applied to TMT activities which have always been considered a special case due to the need for such TMT exercises to take place in any part of a district, at any time, with noise effects themselves being temporary in nature and highly intermittent.

This review highlights potential noise and vibration effects of typical TMT activities by quantifying expected decibel levels in a generic sense in order to evaluate the nature and scale of TMT noise emissions and to test possible noise limits or rules. As a minimum, calculated noise emission levels set out in this report enable testing to check the reasonable needs of NZDF are adequately provided for, considering the appropriate scale and magnitude of potential noise levels.

The approach previously recommended by NZDF for managing noise from TMT activities is recommended to be upgraded and replaced with a more targeted approach that includes technical improvements recommended within recent New Zealand acoustic Standards.

Noise controls have been developed that cover three categories of TMT activities as follows:

- A. TMT activities involving weapons firing, detonations and pyrotechnics;*
- B. Mobile TMT noise sources, not including A (above);*
- C. Fixed or stationary TMT noise sources not including A (above).*

The methods recommended for adoption do not rely solely on specifying decibel limits applicable to each category of noise source. Achieving a minimum threshold separation distance from sites where potentially noisy weapons firing or loud explosive sounds take place to the nearest noise sensitive receiver site is a key element of the approach recommended for this noise source category which has the highest potential to create adverse noise effects over wide areas. TMT activities involving firing and explosive sounds are proposed to be permitted to occur within the minimum separation distances outlined below, however in those cases the activities would be required to be undertaken in accordance with a certified Noise Management Plan to ensure the heightened risk of adverse noise effects is adequately managed. Limits applying to peak sound pressure levels from TMT activities involving weapons firing or explosive sounds applying at the closest sensitive receiver site ensures an adequate baseline protection from the potential health and amenity effects of loud noise received from these sources.

Considered as a whole, the recommended approach provides an effective and flexible approach which acknowledges the over arching duty to adopt the “best practicable option” to avoid the emission of unreasonable noise.

Adopting the recommended approach within new generation District Plans will ensure the rules are technically up to date, whilst ensuring the control measures fit the type of sound source and a degree of flexibility is provided given the temporary nature of the potential noise and vibration.

New Zealand Defence Force

Re-Assessing Noise from Temporary Military Training in New Zealand *District Plan Recommendations*

MalcolmHuntAssociates

noise and environmental consultants

1 Introduction

Malcolm Hunt Associates, at the request of New Zealand Defence Force [NZDF] have undertaken a technical review of temporary military training activities noise and vibration provisions, as found in many existing District Plans in New Zealand. These established noise limits and requirements have been evaluated from an effectiveness and efficiency perspective, also considering new techniques now available through the adoption more recent NZS acoustic standards released since most current District Plans came into effect.

Potential noise and vibration effects of NZDF “temporary military training” (TMT) activities have been quantified in a general sense to evaluate the nature and scale of TMT noise emissions and to test possible new noise limits or rules. As a minimum, the noise emission calculations provided enable the reasonable needs of NZDF to be established to ensure any new recommendations adequately provide for infrequent noise from TMT activities.

An example of the wording of measures currently adopted into “first generation” district plans in New Zealand to control noise effects associated with TMT activities is set out in **Section 3.0** below. Traditionally, such noise provisions do not apply to any site designated under the RMA for military training purposes¹ but are instead intended to apply to temporary or one-off exercises undertaken from time to time in accordance with training needs assessed at the time.

This assessment has specifically considered changes to the existing District Plan TMT noise provisions to make the rules more targeted and to ensure consistency with recommendations of the more recent NZ acoustic standards. Existing district plan provisions such as those set out in **Section 3.0** are technically challenging to assess compliance with, especially as key components are missing, and due to complexities when multiple noise limits are specified using various noise metrics (two of which are out-of-date), with a different decibel limit applying to each metric. Critically, no night time L_{max} limit is proposed to protect noise sensitive sites from noise due to night time single events. Overall, the existing wording appears inadequate and inefficient with questionable technical merit.

The preferred approach to controlling noise from TMT activities has been developed to simplify applicable noise limits and ensure they are well matched to the various categories of TMT activities. The recommended limits discussed below are based on:

- Mobile TMT noise sources - NZS6803:1999 *Acoustics – Construction Noise* has been examined as a better alternative.
- Fixed TMT noise sources – These sources are fixed plant such as pumps and motors and are amenable to being positioned at locations remote from noise sensitive sites, or are capable of being screened, enclosed or otherwise reduced via physical means. Thus, limits for fixed sources are based on the more stringent guidance for noise sensitive sites provided within NZS6802:2008 *Acoustics – Environmental Noise*

¹ It is inappropriate to apply the term “temporary” to military training activities taking place on sites specifically designated in a District Plan for that purpose.

- Weapons firing, detonations and pyrotechnics – this is based on a minimum setback to noise sensitive sites rather than a noise limit per se. An additional large buffer is recommended to apply for any TMT site where these activities are proposed to be undertaken during night time. A smaller setback has been recommended where these TMT sounds are limited to light weapons firing blank ammunition.

In addition to specifying maximum noise levels, measures to mitigate noise emissions associated with TMT activities including minimum setback distances and the preparation of a Noise Management Plan also form part of the recommended approach. These measures particularly target TMT activities involving weapons firing and explosive sounds as these type of sounds have significant potential for inducing annoyance at noise sensitive receiver sites.

The recommended approach provides flexibility in avoiding unreasonable or excessive noise as the limits and requirements target specific sources which, when considered as a whole, provide a more effective approach to controlling noise from TMT, recognising the overarching duty for the noisemaker (including the Crown) to adopt the "best practicable option" to avoid the emission of unreasonable noise.

2 Effects Of Noise

Research to date into the effects of environmental noise have been mainly based on measuring the annoyance reaction, or the extent to which noise disturbs various activities undertaken by people. Annoyance the most commonly expressed reaction by those exposed to intrusive sound in the environment.

At a biological level, noise is considered a nonspecific stressor that may cause adverse health effects on humans in the long term. Epidemiological studies suggest a higher risk of cardiovascular diseases, including high blood pressure and myocardial infarction [heart attacks], in people chronically exposed to high levels of road or air traffic noise². In many cases noise occurring in the environment is simply intrusive, interfering with listening to television or radio or affecting the enjoyment of quiet outdoor areas around in the home or in parks or reserves.

The effects of environmental noise are usually expressed in terms of:

- Annoyance;
- Speech interference - high levels of noise can make normal speech difficult to hear
- Performance - some noises can make concentration difficult and interfere with tasks such as learning, checking fine details [such as any job with a large mathematical component or where the meaning of words is critical] or work where small, precise, movements or intense concentration is required;
- Mental health [including noise-induced stress-related effects];
- sleep disturbance - in addition to fatigue and mental health effects, disrupted sleep patterns can leave people irritable, change their behaviour, and reduce their ability to work or perform tasks.

There is scientific evidence to show that prolonged exposure to environmental noise can induce hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased learning performance in the classroom. However for effects such as changes in the immune system and birth defects, the evidence is very limited [WHO 1999].

Most public health impacts of environmental noise were identified as far back as the 1960's with research in more recent times concentrating on the elucidation of the mechanisms underlying the known effects, such as noise induced cardiovascular disorders and the relationship of noise with

² WHO Burden Of Disease From Environmental Noise - Quantification Of Healthy Life Years Lost In Europe. World Health Organisation, Geneva, 2011.

annoyance and non-acoustical factors modifying health outcomes³. The Ministry of Health monitors protection of public health from environmental noise through reporting by National Environmental Noise Service [NENS] which it funds. NENS has been closely involved in developing and revising various New Zealand acoustic standards, including NZS 6802, a key Standard guiding on the assessment of noise referred to within District Plans, and within the discussion below.

Thus to reasonably provide for the protection of health and amenity, recommendations for managing environmental noise should adhere to the guidance set out within NZS6802, in this case the 2008 version which supersedes the 1991 version referred to within most District Plans. A discussion of other relevant New Zealand acoustic Standards is set below in **Section 6.0**.

3 Existing TMT Noise Rules

The wording of many existing District Plan provisions applying to noise from TMT activities in various zones of a District Plan (possibly all zones) is typified by the wording set out below which in this case is taken from the Operative Horowhenua District Plan;

All noise emitted in the course of any temporary military training activities measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary, where this is closer to the dwelling, shall not exceed the following levels:

Time	Limits (dBA)		
	L10	L95	L _{max}
(Any day)			
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Impulse Noise resulting from the use of explosives small arms is not to exceed 122 dBC.

Temporary Military Training Activity means a temporary military training activity which may include an activity on the surface of any waterbody, undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence areas which include areas utilised for temporary military training activities, to be restricted.

Such existing rules used to control noise from temporary military training activities within the District Plans use FOUR different noise metrics as follows;

- L_{max} [dBA]
- L₁₀ [dBA]
- L₉₅ [dBA]
- L_{Peak} [dBC]

L_{max} is considered necessary as a measure to quantify and control single noise events, however such methods are not sensitive enough to adequately measure the peak sound pressure from weapons firing, explosives and pyrotechnics. In the case of those sounds, the C frequency weighted peak sound pressure level (L_{peak} dBC) is the most appropriate measurement unit. The use of both the L₁₀ and L₉₅ units with noise is not considered necessary, see discussion below.

³ Noise Exposure and Public Health Willy Passchier-Vermeer and Wim F. Passchier, Environmental Health Perspectives, Vol 108, Supplement I, March 2000.

A technical review has taken place of the existing approach to controlling noise from TMT, as typically set out above, adopted into many District Plans in New Zealand. The review has found the following deficiencies exist with the current typical approach;

1. No acoustic Standards are referred to. It may be assumed the 1991 versions of NZS6801 and NZS6802 would apply, or at least the versions of these Standards referred to within the District Plan in question.
2. In the example quoted above, there are no Lmax limits applying at night. Sound from single noise events occurring at night time are usually controlled by specifying and Lmax night time limit, which is the recommended approach of NZS6802:2008.
3. There is questionable utility of setting numerical decibel limits in terms of 4 separate noise units which can lead to potential complications and unnecessary complexity when establishing compliance. As described below, the new Leq unit replaces essentially both the L10 and L95 unit for which numerical decibel limits are currently specified.
4. There is a focus on control via setting decibel limits only. This requires technical expertise in terms of assessing compliance and in the planning of activities to avoid non-compliance. An alternative approach proposed below is based on specifying a setback or separation distance to identify a threshold beyond which noise effects associated with impulse sounds are adequately controlled to low levels. Such thresholds can be simple to implemented and require less technical input which is an appropriate response where it can be demonstrated only minor or *di minimus* noise effects would be experienced at noise sensitive locations found at or beyond this threshold separation distance. This approach is adopted below for managing loud impulsive sounds associated with weapons firing, pyrotechnics and detonations. Where certain minimum setback distances to noise sensitive sites cannot be achieved the recommended approach is to require a technical site-specific assessment and with enhanced noise management responsibilities applying.
5. Currently, numerical noise limits apply equally to all categories of TMT activities when in fact noise emissions associated with some aspects of TMT activities are easier to control in accordance with the RMA "best practicable option" compared to other aspects (eg. sound from fixed (stationary) sources is easier to control than sounds associated with live firing for example).
6. The TMT noise limits are fixed independent of the duration of the TMT activities on any particular site. Current recommendations for controlling TMT noise do not reflect the fact that receiver's of noise can tolerate higher levels for shorter periods, but noise lowered limits are usually when sound sources are constantly present within the environment for extended periods (for example, sound sources present in the environment for periods of several weeks or months). An example of an approach that neatly deals with increased sensitivity to elevated noise exceeding certain specified duration period is the approach of the NZ construction noise Standard NZS6803:1999 which recommends different Leq and Lmax limits depending upon the construction activity duration. The time periods specified are:
 - "short term" period (less than 2 weeks)
 - "typical" period of 2 weeks to 20 weeks
 - "long term" period of more than 20 weeks.

The limits for "short term" construction activities are set 5 dB higher than limits for "typical duration" activities, with the limits applying to "long term" construction activities set 5 dB lower again. Measures such as these adapted to the control of noise from TMT activities would be an efficient method to reflect the increased sensitivity to noise sources that are present within noise sensitive environments over extended periods.

4 TMT Noise Levels

NZDF direct considerable resources into training activities, including Temporary Military Training (TMT) conducted from time to time on sites remote from established NZDF bases designated for this purpose, such as Waiouru, Tekapo, West Melton and Burnham Military Camp.

By agreement with land owners, TMT is conducted on sites owned by others at various locations across New Zealand. Sites suitable for TMT are generally remote from sensitive sites such as residential areas, schools and hospitals. In addition, the recommended approach imposes an obligation to undertake TMT activities in accordance with a certified Noise Management Plan where minimum separation distances to noise sensitive sites are not able to be achieved.

For the purposes of assessing and controlling this noise impact, this investigation has divided TMT activities into TWO groups as follows;

4.1 Category 1 - Non-Weapons & Pyrotechnic TMT

This category encompasses the range of noise emissions expected to arise from the temporary occupation of a site for TMT activities involving any of the following but not including any pyrotechnics explosions, detonations or live firing of weapons:

- a) **Mobile sources** - Operation of motorised equipment including vehicles such as light and heavy vehicles, troop carriers, earth moving equipment, construction equipment, etc. including helicopter activity on the TMT site. This category includes people sounds from personnel during both the training exercises and at other times whilst the site is occupied for TMT purposes.

In terms of possible limits on noise from mobile sources, these types of sources may be permitted at higher levels at noise sensitive sites than fixed noise sources (as below) as effects of mobile sources tend to be infrequent and intermittent due to the source(s) being mobile. Due to the high degree of infrequency of sounds from TMT activities, not represent anything other than a temporary effect on the environment, the usually allowable limits for residential and noise sensitive sites may be relaxed without resulting in unacceptable effects. This is the basis of the elevated noise limits recommended for temporary construction noise assessed under NZS6803:1999. At clause 8.6.11 of NZS6802:2008 this Standard allows some specific activities to exceed the normally applied District Plan noise limits "where it is desired to allow for certain activities within a district". Recommended noise limits for below for Category 1 (Mobile) sources are based on noise limits set out within NZS6803:1999 for sensitive receiver sites.

Fixed Sources - Operation of fixed plant and equipment involved in infrastructure support such as pumps, motors and generators associated with providing electricity, canteen services, waste disposal, etc. Fixed sources are able to be located, oriented (and if necessary screened or enclosed) such that noise levels experienced at noise sensitive sites should be controlled to a level commensurate with protecting health and amenity at these sites. Recommended noise limits for Category 1 (Fixed) sources are the limits set out within NZS6802:2008.

4.2 Category 2 - TMT Involving Weapons Firing & Pyrotechnics

This category of TMT includes all of the above sources (Non-weapons & Pyrotechnic TMT sources) as well as any sounds associated with:

- Weapons Firing:
 - Small Arms: Styer rifle
9mm Pistol
 - Machine Gun; Minimi C9 Light Machine Gun
MAG™58 7.62mm Machine Gun
L7A2 7.62mm Machine Gun
Browning .50 Calibre Machine Gun
[NB. Includes firing blanks or firing of live rounds]

- Artillery:
105mm Light Gun L119
Javelin medium range anti-armour weapon [MRAAW]
- Mortar:
81mm Mortar L16A2
- Demolitions
Controlled explosion of up to 5 kg CNE
- Battle Simulation:
Combat Simulation Systems - Pyrotechnics for live fire training and combat simulation.

In order to complete training requirements these potentially noisy firing activities are occasionally conducted on private land associated with TMT. NZDF advise the planning for such exercises involving live firing (or firing blanks and / or simulation pyrotechnics) is planned well in advance and entails the primary consideration of safety for NZDF personnel on site, and members of the public in the area. We understand each class of weapon / ammunition must operate within a specific safety template that would need to be satisfied by the available buffer areas and separation distances to sensitive sites and areas before the use of that class of weapon can be approved for use on the subject site.

4.3 Noise Assessment Factors

In assessing the most effective and most efficient methods for characterising, quantifying and controlling noise from TMT activities, the following factors have been taken into account;

Duration of TMT activities - The duration of TMT activities on sites not owned by NZDF could be as short as few hours to a few days, up to 90 days or more. Concerning the duration of actual noise-making activities, the noise assessment method needs to take account of amount of noise emitted over a given time period. This is achieved by adopting the Leq unit which considers sound exposure averaged over specified time periods, and operates on the equal energy principle (meaning a loud, few short duration noise events would have a similar affect as sound at a lower level than was present for longer periods).

Scale of TMT Effects - The minimum scale of TMT activities could, at one end, simply involve noise from one NZDF person entering onto a site for example to drive a light vehicle to practice field driving for a few hours during daytime, through to a major encampment on private land involving upwards of 500 personnel, including a hundred or more vehicles, portable plant items, with the training itself involving live firing, pyrotechnics, etc. including possible night manoeuvres involving live firing of weapons at night. The recommendations of this report are intended to cater for this wide range in possible noise and vibration effects.

As described below, noise impact of the larger scale events are appropriately controlled in planning decisions to locate TMT activities on sites with a sufficiently large buffer distance available to reduce noise effects to acceptable levels when received at any noise sensitive locations in the area.

Definition of “Noise Sensitive Site” – Receiver sites to be protected from unreasonable noise are usually defined as including residential, educational or health care facilities including aged care facilities. Although variations in definitions of such sites exist, the thrust is to protect locations where people sleep, relax or within buildings where a controlled sound environment is critical and is the approach recommended below. The recommendations of this report centre on protecting noise effects experienced at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site, in accordance with NZS6801:2008 *Acoustics – Measurement of Sound* (except for noise from “mobile noise sources” which adopts the methodology of NZS6803:1999 *Acoustics – Construction Noise* and are therefore assessed at 1 metre from the building).

Also it is noted Table 3 of NZS6803:1999 refers to less stringent guideline limits as adequate to protect commercial and industrial sites which is a useful added guideline.

Due to the temporary and highly intermittent nature of noise effects of TMT activities experienced within any park, reserve or recreational area, these do not warrant any specific control limit, suffice to mention the duty under RMA s.16 for NZDF to avoid unreasonable noise effects on civilians occurring in such areas during training exercises.

Night time noise – Typical TMT activities take place during daytime with less activity during the night time period. However on isolated occasions noise will arise due to night time manoeuvres due to personnel, vehicles or combat simulation. These night time activities are usually planned well in advance. Measures currently used to properly plan such events and inform the community are discussed below. NZDF procedures ensure any events involving firing or pyrotechnics at night are located further from noise sensitive sites compared to TMT involving daytime exercises only, reflecting the NZDF's awareness of sensitivity of the community to noise during night time.

Concerning methods to minimise night time noise disturbance, NZDF are advised that to avoid sleep disturbance from TMT activities involving night time firing and detonations / pyrotechnics, it will be necessary to conduct these exercises on sites with a significantly greater setback than adopted below for managing daytime noise (unless specific approvals have been received from noise sensitive sites within this recommended setback). The setback recommended below for night time TMT activities involving night time firing and detonations / pyrotechnics is based on around 8 to 10 dB lower sound levels and are designed to ensure indoor sleep is protected with windows open. This does not ensure sounds of such activities will be inaudible within dwellings located beyond the recommended setback distance.

Vibration – According to the RMA, the term “noise” includes vibration. Vibration associated with TMT activities can be classified as either “ground borne” or “airborne”. In the case of ground borne vibration, this can be caused by the use of heavy vehicles, tracked vehicles, earthmoving equipment, or detonations or demolition explosives. The degree of vibration effect will vary according to the source however vibration effects would only be able to be detected locally, within 100 to 200 metres from source, at most. Airborne sound from explosions, artillery, or detonations can result in a “blast over-pressure” effect similar to vibration however these too are only experienced locally with no vibration effects likely to be detectable beyond 1,500 metres. A minimum threshold distance of 1,500 metres offers sufficient protection for vibration effects both on humans or damage risk criteria for building damage. Where these activities take place within the 1,500 metre minimum setback, compliance with the recommended limit on peak sound pressure levels of 120 dBC would ensure airborne and ground borne vibration effects are adequately controlled to acceptable levels.

Helicopter Noise - Noise effects from TMT events or manoeuvres occasionally involve the use of helicopters. The RMA restricts the ability of District Plans to control helicopter noise when in flight, and only allows local authorities to control noise in relation to the use of landing sites only. These noise effects are assessed below, taking into account the rare use of any particular site for helicopter landing in support of TMT activities. Effects are disregarded where the number of landings falls below 10 flights per month (or any event exceeds L_{max} 70 dBA between 10pm to 7 am, or L_{max} 90 dBA at any other time) which is the threshold for applying the recommendations of the relevant NZ Standard used to assess helicopter noise (NZS6807:1884, see below).

5 Predicted Noise Levels

Expected noise levels received at various distances have been predicted based on generic measured noise levels at source, based on measured noise levels associated with NZDF training activities held at Waiouru Military Training Area, Ardmore Military Training Area, and the West Melton Military Training Area.

Predictions of sound levels has been conducted using computer-based prediction programs based the algorithms set out within ISO 9613-2:1996⁴. The prediction method involves specifying input variables such as sound power levels at source, air absorption values based on temperature and humidity. The resultant noise levels at various distances for the various noise source categories are set out below in **Table 1**.

Expected Lmax and Leq noise levels versus distance from Table 1 are reproduced diagrammatically in **Figure 1** and **Figure 2** below.

Category	Sources	10 METRES			100 metres			1,000 metres			1,500 Metres			4,500 Metres		
		Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak	Leq	Lmax	Peak
MOBILE:	Heavy Vehicles	88	92	94	69	73	75	51	55	57	48	52	54	39	43	45
	Armed personnel / LAV	89	93	98	70	74	79	52	56	61	49	53	58	40	44	49
	Unimog	82	85	89	63	66	70	45	48	52	42	45	49	33	36	40
	Excavator	85	94	98	66	75	79	48	57	61	45	54	58	36	45	49
	Loader	86	96	103	67	77	84	49	59	66	46	56	63	37	47	54
FIXED:	100 kVA generator	71	73	75	52	54	56	34	36	38	31	33	35	22	24	26
	water pumps	62	65	66	43	46	47	25	28	29	22	25	26	13	16	17
	Kitchen plan	59	62	63	40	43	44	22	25	26	19	22	23	10	13	14
Category 2 Sources	Howitzer	118	131	143	99	112	124	81	94	106	78	91	103	69	82	94
	81mm Mortar	81	94	101	62	75	82	44	57	64	41	54	61	32	45	52
	40mm Mortar	93	106	110	74	87	91	56	69	73	53	66	70	44	57	61
	Grenade	87	99	102	68	80	83	50	62	65	47	59	62	38	50	53
	Battle Sim	80	97	102	61	78	83	43	60	65	40	57	62	31	48	53

Table 1 Predicted A-weighted Leq, Lmax levels (together with Z weighted peak sound levels), at various distances from source.

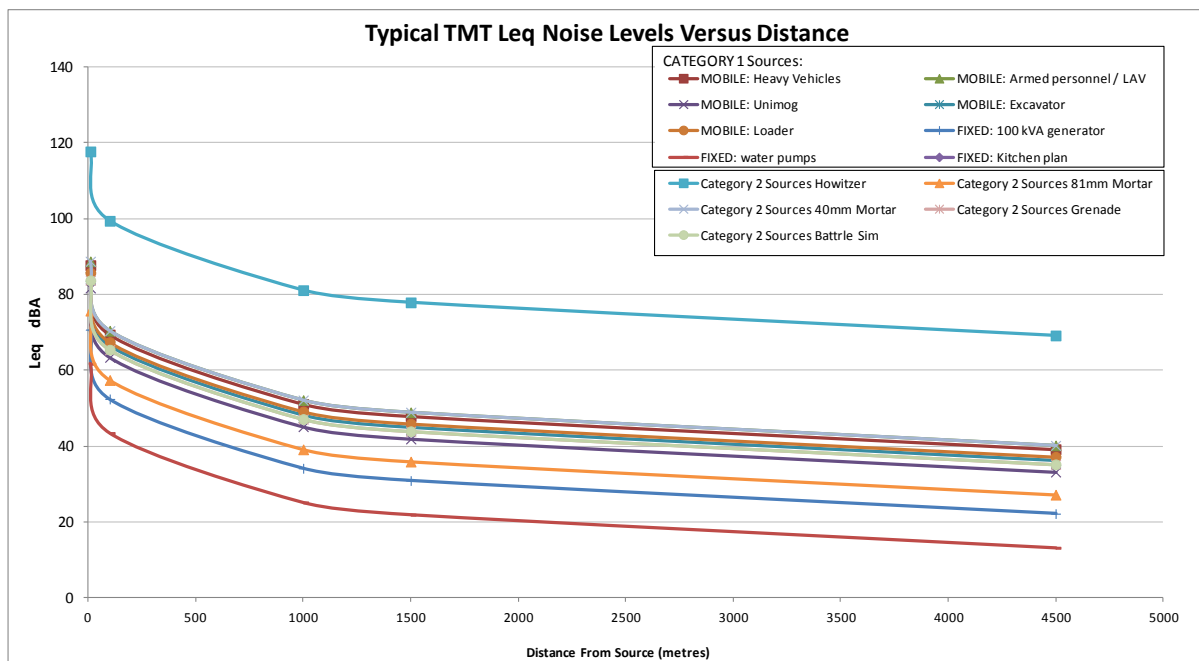


Figure 1 Predicted A-weighted Leq noise levels from a range of TMT activities, including fixed and mobile sources and sounds from live firing, grenades and detonations, estimated for various distances from source.

⁴ ISO 9613-2:1996 Acoustics - Attenuation of sound during propagation outdoors -- Part 2: General method of calculation. International Organisation for Standardisation 1996, Geneva.

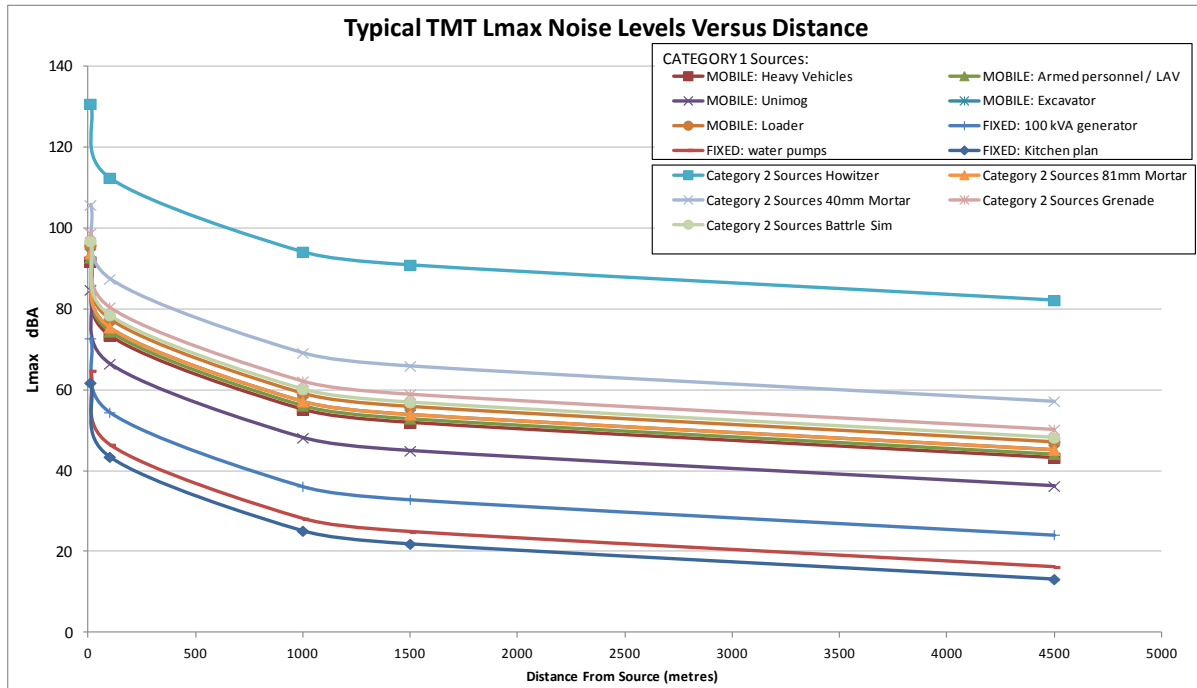


Figure 2 Predicted A-weighted Lmax noise levels from a range of TMT activities, including fixed and mobile sources and sounds from live firing, grenades and detonations, estimated for various distances from source.

Table 1 and **Figures 1** and **2** confirm noise emissions associated with TMT appear to be received at levels that may be adjudged significant when experienced at distances of less than 1,500 metres due to the levels of noise emission at source.

6 Assessment Criteria

6.1 New Zealand Standards

Standards New Zealand has published a number of New Zealand Standards guiding on the measurement and assessment of environmental noise from various sound sources. The review of noise controls applying to TMT activities has taken into account the recommendations of recent versions of the relevant acoustic Standards, particularly involving changes in noise units and guideline limits.

6.2 Current New Zealand Standards

NZ Standards relevant to the measurement and assessment of environmental sound in the current circumstances are set out Table 1 as follows

1. NZS6801:2008 *Acoustics – Measurement of Environmental Sound*;
2. NZS 6802:2008 *Acoustics –Environmental Noise*;
3. NZS 6803:1999 *Acoustics – Construction Noise*;
4. NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*

6.3 Current Best Practice Within NZ Standards

The most important acoustic standards referenced within all District Plans are NZS 6801 and NZS 6802 which set out technical guidance on the measurement (NZS6801) and assessment of noise (NZS6802) from most types of land use activities. It is accepted that reference to such technical Standards is necessary to ensure a noise is accurately and reliably measured and assessed, ensuring compliance with the rule is able to be reliably determined.

NZS 6801:2008 *Acoustics - Measurements of Environmental Sound* and NZS6802:2008 *Acoustics - Environmental Noise* are the most appropriate and applicable Standards, at least as a starting point.

Adopting the “best practice” 2008 versions of NZS6801 and NZS6802 means switching to the more modern sound measurement unit from L_{10} to L_{eq} . The L_{10} descriptor was originally adopted as it was demonstrated to have a reasonably good correlation with the degree of annoyance experienced by a person. L_{10} noise levels could be determined from analogue sound level meters by manual means available at the time.

More recent international research has shown that the L_{eq} descriptor has a greater degree of correlation to noise annoyance than L_{10} , and for this reason is widely accepted as being the preferred noise descriptor for use in environmental noise standards and noise limits. The L_{eq} level, being unrelated to the statistical variation in sound levels is more readily predicted which is a considerable advantage over L_{10} .

The L_{eq} level has the advantage that it quantifies all sound energy during the measurement period, whereas L_{10} , effectively measures only that sound which occurs for 10% of the measurement period meaning uneven treatment of intermittent sources.

The regulatory effect of changing the noise limit from say 50 dB L_{A10} to 50 dB $L_{Aeq [15 min]}$ will vary for different sound sources however the effect is not likely to be greater than about 3 dB. For sounds that vary from higher to lower levels in a regular, uniform manner the measured decibel level will measure slightly higher (no more than 3 dB) for L_{10} as opposed to L_{eq} . Thus, for these types of sound retaining the same numerical decibel limit but changing the units from L_{10} to L_{eq} will have the effect of allowing slightly more noise, depending upon the type of sound under consideration. If the sound source is constant (e.g. a constantly running fan or motor) the measured decibel level remains unchanged whether measured using L_{eq} or L_{10} . Unless the variability or intermittency of the sound source is known, it is not possible to make an exact comparison of the effect of changing from the L_{10} unit to the L_{eq} unit.

The recommendation original L_{10} TMT noise limit should retain the same decibel limit with the unit changed from L_{10} to L_{eq} . It is generally accepted by experienced acoustic engineers that there are no realistic situations known where the change from L_{eq} from L_{10} change would lead to significant degradation in amenity. However, the change will allow far more robust monitoring and enforcement which would provide benefit.

6.4 Background Sound Level L95

The recent NZ Standards no longer consider the background sound level (L95) should be controlled in addition to the L_{10} or L_{eq} level. A switch to L_{eq} unit with its “equal energy” principle will ensure the constant type sound sources are adequately controlled in proportion to the maximum sound, so controls based on L95 are now considered redundant.

In addition, the approach of this report is to include a recommended lowered noise limit for fixed sources. These are the types of sources which operate more or less all the time and which will govern

the levels of L95 emitted from TMT activity sites. Thus, constant sound sources will be adequately controlled with specifying a limit on L95 noise emissions from TMT activities.

For these reasons it is not considered necessary to continue the practice of limiting TMT activity background sound emission levels measured using the L95 sound level.

6.5 Assessment Of Impulse Noise

Clause 1.2 of NZS6802:2008 *Acoustics – Environmental Noise* sets out how that Standard was not designed to assess impulse type sounds such as gunfire and explosions, which means there are this standard provides no guidance relevant to the impulsive sounds associated with Category 2 noise sources discussed above associated with weapons firing, artillery or detonations / pyrotechnics.

In this respect, NZS6803:1999 sets out a guideline maximum “peak” sound levels due to explosions. NZS6803:1999 states at clause 8.1.4;

8.1.4

Noise from use of explosives is also a special case. The adoption of good blasting practices will reduce the inherent and associated impulsive noise and vibration. Practices should conform with the provisions of documents such as AS 2187:Part 2, provided that the airblast noise limit shall be a peak sound level of 120 dBC measured at a suitable location as specified in 6.2.

The use of the 120 dBC unit is slightly more onerous (although similar in effect to) the 122 dBC limit commonly adopted in TMT noise limits currently included within district plans.

The use of “peak sound level” is a technical necessity in order to ensure the highest sound pressure is adequately captured. The use of the units dBC means the limit is particularly sensitive to impulse noise events with pronounced low frequency content, such as a boom.

Table 1 provides guidance on received peak sound pressure levels from various TMT firing and detonations/ pyrotechnics. Peak sound levels received at 1,500 metres from source are less than 70 dBC (except for Howitzer operations⁵) which are within acceptable levels for daytime. This is confirmed by the Leq values not exceeding 55 dBA and the Lmax values not generally exceeding 70 dBA. These are within the general recommendations for maximum noise exposure at residential sites set out within NZS6802:2008.

In terms of cumulative effects of live weapons firing and detonation/pyrotechnics, Leq sound levels assume these explosive sounds occur more or less continuously over 5 hours worst case noise duration. We are informed this would be representative of a large training event only held infrequently.

Figure A1 set out within the attached **Appendix A** sets out cumulative sound level contour lines relevant to the sound levels experienced in the area surrounding the West Melton Training Area during busy periods of target shooting with live ammunition at the Wooster range shown. The cumulative sound over a whole day is calculated using the “Level Day / Night” (Ldn) unit which is the widely accepted method for assessing whole day exposure to noise in the environment . In this case the Ldn values have been calculated based on the C-weighted single event level in order to account for the impulsive nature of the sound from firing and detonations/ explosive sounds associated with TMT activities (normally, for non-impulsive sounds the lower A weighted single event sound level is used as a basis for calculating Ldn).

The Ldn 55 dBA contour shown in **Figure A1** encompasses the Ldn 55 dBA contour due to busy periods of live firing. Ldn 55 dBA is widely accepted as a threshold above which adverse effects may commence, with Ldn 65 dBA being a limit above is generally unacceptable for noise sensitive

⁵ Howitzer sound level predictions include the sounds of explosive shells – this is an over-estimate typical TMT Howitzer training.

residential land uses (ref. NZS6805, NZS6807, and NZS6809). Thus, taking into account the impulsive nature of the sound, cumulative noise effects experienced beyond 1,500 metres are likely to be acceptable to the affected persons, at least for a person of typical noise sensitivity. A minimum setback distance of 1,500 metres is therefore considered an acceptable approach for controlling worst case daytime live firing and detonation sounds from TMT activities.

In some cases a safety template for some classes of live firing may exceed 1,500 metres and it will be necessary to comply with those requirements irrespective of the noise situation. Although the safety template will assist in ensuring sites selected for TMT involving weapons firing, detonations or pyrotechnics are reasonably set back from sensitive sites, we note the typical templates are not effective at ensuring adequate setbacks to the rear of the firing position where only minimum setbacks are required in order to meet the safety template requirements.

Thus, recommended setback distances for daytime TMT activities emitting impulsive type sounds has been based on measured sound levels in the vicinity of active firing ranges such as West Melton and Tekapo. In order to provide a reasonable standard of protection, including taking into account the impulsive nature of the sound, is 1,500 metres (or greater if this is required for safety reasons).

The following two variations on this scenario are:

Weapons Firing Using Blank Ammunition – In this case we are aware the impulsive sound of a weapon firing blank ammunition measures lower peak sound levels than the same weapon firing live ammunition. Our research reveals measured differences range from 10 dB⁶ to 4 dB⁷. In this case a slightly conservative approach has been taken by reducing the setback distance by 50% to 750 metres (based on blanks peak sound levels being 6 dB lower than the same weapon firing live ammunition). Note, this recommendation applies only to TMT involving weapons firing blanks only and that no other explosive or impulsive sound sources.

Night Time Impulsive Noise – owing to the added sensitivity to noise received at dwellings and sensitive sites during night time, we recommend a wider setback be adopted where any explosions or arms firing, grenade throws, etc, are proposed to take place on any site between 7pm and 7 am.

Scaling up the noise sensitivity by 8 to 10 dB to account for increased night time sensitivity results in an increased recommended minimum setback of 4,500 metres. At this distance, although sound events will be noticeable (including indoors), the effects would not be unreasonable when conducted within a pre-planned programme which has been communicated to the affected parties.

In summary, the recommended approach is to manage the location of any weapons firing, explosions, grenade throws, pyrotechnics, etc. as follows

For impulsive sound activities taking place during daytime (7am and 7 pm):

- Activities firing live ammunition to be sited a minimum of 1,500 metres from any noise sensitive site such as at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site
- A *site-specific noise management plan* is to be implemented where noise sensitive sites are located within 1,500 metres.
- Activities to be sited a minimum of 750 metres from any noise sensitive site where the TMT activity involves only weapons firing of "blank" ammunition (and no other impulsive sounds occur such as weapons firing of live ammunition, explosions, grenade throws, pyrotechnics, etc.).

⁶ See <ftp://ftp.rta.nato.int/Fulltext/RTO/TR/RTO-TR-HFM-147/TR-HFM-147-03.pdf> page 3.15 states "...peak pressure levels measured for the firing of blank ammunition is almost 10 dB lower than real ammunition."

⁷ U.S. Navy Silver Strand E.I.S See http://www.silverstrandtrainingcomplexeis.com/Documents/10_SSTC_Final_EIS_Vol1_Chapter3-6_Acoustic.pdf. Section 3.6, page 20 "Most blank ammunition for small arms has a smaller propellant charge than that used for live ammunition. As a result, noise from small arms blank ammunition generates noise levels about four decibels below those of live ammunition..."

For impulsive sound activities taking place during night time (7pm and 7am):

- Activities firing live ammunition to be sited a minimum of 4,500 metres from any noise sensitive site such as at or within the 20 metre notional boundary to any dwelling, or buildings used for residential, educational or health care purposes, or within any residentially zoned site
- A *site-specific noise management plan* is to be implemented where noise sensitive sites are located within 4,500 metres.
- Activities to be sited a minimum of 2,250 metres from any noise sensitive site where the TMT activity involves only weapons firing of “blank” ammunition (and no other impulsive sounds occur such as weapons firing of live ammunition, explosions, grenade throws, pyrotechnics, etc.).

6.6 NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas

NZS6807:1994 is currently referenced in many District Plans as the standard for assessing helicopter noise. Section 9 the RMA indicates it is within the powers of consent authorities to control the movement of aircraft in the air for the purposes of managing the effects of aircraft noise in the vicinity of landing areas.

The RMA does not empower Councils to control noise from overflying aircraft when aircraft are en route to a destination and not in the vicinity of the landing area. In these situations Section 29A of the Civil Aviation Act 1990 can be used by Civil Aviation Authority [CAA] to control noise from overflying aircraft. As above, due to the highly intermittent nature of any sensitive receiver site receiving helicopter noise associated with TMT activities some allowance can be made for one-off events. This is a recommendation of NZS6802:2008.

Effects are disregarded where the number of landings falls below 10 flights per month (or any event exceeds L_{max} 70 dBA between 10pm to 7 am, or L_{max} 90 dBA at any other time) these limits representing thresholds for applying the recommendations of NZS6807:1994 (re. Clause 1.1, NZS6807:1994). This approach is recommended to apply to helicopter landing area noise associated TMT activities. A level of helicopter landing activity above this minimum level would be subject to limits on L_{dn} and L_{max} noise levels recommended within NZS6807:1994.

As the pilot in command has ultimate control over whether any noise sensitive locations are affected by helicopter activity associated with TMT activities, the guidance of Appendix A of NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* is proposed to be applied to ensure helicopter noise is minimised as far as practicable. A copy of this appendix is attached as **Appendix B** to this report.

The recommendations to limit helicopter noise associated with the use of any TMT site for helicopter landing or take-off is based on NZS6807:1994. This Standard is considered to limit helicopter noise to reasonable levels. Noise from airborne helicopter activity not associated with landing areas (such as flyover noise) cannot be controlled by district plans but is instead is a matter for the CAA to control.

6.7 Vibration

The RMA defines “noise” as including vibration. While humans are very sensitive to vibration and can detect this effect at low levels, it is difficult to precisely define levels which will adequately protect people from adverse effects (eg. annoyance) as a person's perception and response will vary according to the nature of vibration (duration, amplitude, frequency, and frequency of occurrence), health, state of mind, temperament, and physical attitude of individuals.

Taking into account available guidelines and standards, and the nature and scale of potential vibration effects associated with TMT activities, a minimum threshold distance of 1,500 metres for live firing (& 750 metres where blanks are used) has been recommended as setback(s) offering sufficient protection for vibration effects both on humans or damage risk criteria for building damage. Where these activities take place within the nominated minimum setback, compliance with the recommended limit on peak sound pressure levels of 120 dBC would ensure airborne and ground borne vibration effects are adequately controlled to acceptable levels.

7 Recommended Noise Limits

As a starting point, for sound sources that are within scope of NZS6802:2008, that standard provides appropriate guidance on noise limits. However special consideration needs to be given to the need to conduct TMT activities throughout the district and at any time. This does not absolve the NZDF from adequate noise management however. Mobile sources generate intermittent effects for any particular receiver site and mostly during daytime. Stringent noise limits such as the upper limits recommended within NZS6802:2008 are not considered necessary for this type of sound when elevated noise levels are only experienced for short periods during daytime. NZS6803:1999 contains recommended Leq and Lmax limits for noise sensitive sites during daytime and night time intended to apply to construction activities, however in this case these limits are recommended to apply to noise emitted by mobile TMT activities.

TMT activities involving weapons firing, detonations and pyrotechnics require specialised noise management owing to the impulsive nature of these sounds which can be particularly annoying in some cases. Below it is recommended TMT activities involving weapons firing and any other activities creating single or multiple explosive event sounds audible off the site should only be undertaken on sites where there are no noise sensitive sites located within a radius of:

- 1,500 metres for any such activities occurring 7am to 7pm unless the only impulsive sound from TMT activities is from firing of "blank" ammunition, in which case the minimum setback distance maybe reduced to 750 metres.
- 4,500 metres for any such activities occurring 7pm to 7am

In special cases (and only when undertaken in accordance with a Noise Management Plan certified by the Council) would TMT activities involving weapons firing, detonations and pyrotechnics be permitted to occur within these specified setback distances, however no sensitive receiver site should receive a peak sound pressure level of 120 dBC when in accordance with NZS6801:2008 *Acoustics – Measurement of Sound*.

In summary the recommended approach is based on;

1. Impulsive sound – this type of sound is not within the scope of NZS6802:2008. In this case minimum setback distances are proposed to be applied (separately for daytime and night time), with the absolute limit of 120 dBC (from NZS6803:1999) applying to impulsive sound sources. Where certain recommended setback distances cannot be reasonably complied with, the training activities are recommended to be undertaken in accordance with a site specific noise management plan approved for this purpose. No sensitive receiver site is recommended to receive impulsive sound at levels exceeding 120 dBC;
2. Mobile sources, although technically within scope of NZS6802:2008, are considered more appropriately controlled to the noise limits set out within NZS6803:1999 owing to the intermittent noise effects and temporary nature of noise associated with TMT activities. While NZS6803:1999 provides for elevated noise during daytime, Leq and Lmax night time limits recommended within this Standard are appropriate for the adequate protection of sleep at sensitive receiver sites during night time and on Sundays and public holidays.

3. Fixed or stationary TMT Noise sources that are able to be mitigated due to the equipment selection, its location, and treatment are considered fully capable of meeting the following stringent limits at noise sensitive receiver sites, as set out within NZS6802:2008 as follows;

<i>Monday to Sunday 7am to 7pm.....</i>	<i>55 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 7pm to 10pm.....</i>	<i>50 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 10pm to 7am the next day</i>	<i>45 dB L_{Aeq} (15 min)</i>
<i>Monday to Sunday 10pm to 7am the next day</i>	<i>75 dB L_{AFmax}</i>

These limits are considered appropriate for controlling noise from fixed (stationary) plant to reasonable levels. The limits incorporate an intermediate noise limit applying within a transition “evening” daytime period between 7pm and 10pm. The rationale is that the daytime limit is often too high for the evening leaving compliant noise sources becoming quite prominent within an environment which is experiencing lowering of ambient sound levels towards the end of the day.

8 Summary

This report reviews noise and vibration controls applying to Temporary Military Training (TMT) activities specified within District Plans for the control of potential noise disturbance caused by these activities. These established noise limits and requirements have been evaluated from an effectiveness and efficiency perspective, also considering new techniques now available through the adoption more recent NZS acoustic standards released since most District Plans came into effect.

The recommended amended controls do not rely solely on specifying decibel limits applicable to each category of noise source. Achieving a minimum threshold separation distance from sites where potentially noisy weapons firing or loud explosive sounds take place to the nearest noise sensitive receiver site is a key element of the approach recommended for this noise source category which has the highest potential to create adverse noise effects over wide areas. TMT activities involving firing and explosive sounds are proposed to be permitted to occur within the minimum separation distances outlined below, however in those cases the activities would be required to be undertaken in accordance with a certified Noise Management Plan to ensure the heightened risk of adverse noise effects is adequately managed. Limits applying to peak sound pressure levels from TMT activities involving weapons firing or explosive sounds applying at the closest sensitive receiver site ensures an adequate baseline protection from the potential health and amenity effects of loud noise received from these sources.

Measures to mitigate noise emissions associated with TMT activities are included within the recommended wording. Overall, the recommended approach provides flexibility in avoiding unreasonable or excessive noise effects as the limits and requirements target specific sources according to the scale of the potential effects and the ability to control such sources.

Considered as a whole, the recommended approach provides an effective and flexible approach which recognises the overarching duty to adopt the “best practicable option” to avoid the emission of unreasonable noise. Adopting the amended approach within new generation District Plans will ensure the rules are technically up to date, whilst ensuring the control measures fit the type of sound source and a degree of flexibility is provided given the temporary nature of the potential noise and vibration.

Appendix A

Extract From:

West Melton Military Training Area - 2003 Preliminary Noise Assessment Report, NZ Army. Malcolm Hunt Associates 2003.

Activity on firing range:

Activity	Estimated Future Firing
Single shot 5.56mm	4 days/week
Group shoot 5.56mm	4 days/week
GPMG (7.62mm machine gun) single bursts	2 days/week
GPMG (7.62 mm machine gun) rapid fire	2 days/week
M72 Sub Cal	2100 /year

Predicted Ldn contours (numbered white lines), and radius of 1.5 kilometres from firing location (yellow dashed line).

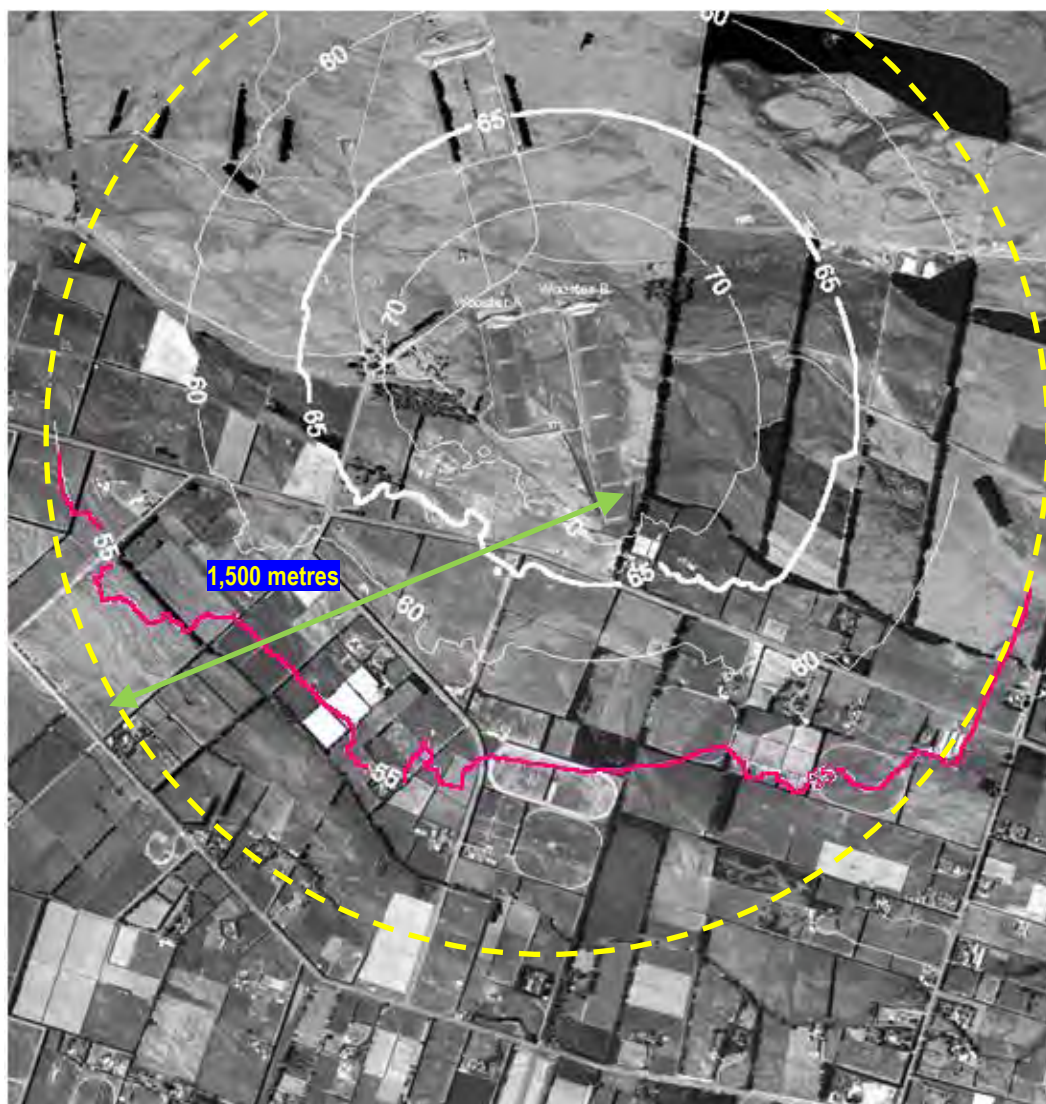


Figure A1. Predicted West Melton Ldn noise contours for use of firing ranges only, also showing Ldn 55 Contour (—) lies within the (dotted) is a 1.5 kilometre radius from the closest firing locations.

Appendix B**NZS 6807:1994 - Appendix A****Noise Management****A1**

The sections below contain matters that should be considered in the management of noise from helicopter landing areas so as to comply with the noise limits in this Standard. The matters below apply to helicopter landing areas in general, and may not all be applicable in any particular case.

A2 Management considerations**A2.1**

All helicopter movements should be flown in accordance with noise abatement techniques.

A2.2

A log record should be kept of all movements. A copy should be available at the request of the appropriate local authority.

CA2.2

Compliance with noise controls may be determined from the number and time of movements and the type of helicopter if noise emission is known.

A2.3

Helicopters using a helicopter landing area may be restricted to those with a certified noise emission not exceeding a specified limit. In this case no helicopter generating noise that exceeds the limit should use the helicopter landing area.

A2.4

Flight sectors should be restricted to avoid residential areas, as far as it is practicable to do so. Helicopters should minimize overflights of dwellings while at less than 500 feet above ground level.

A2.5

Movements should be restricted to avoid noise-sensitive times of day, as far as it is practicable to do so.

A2.6

Flight operations may be registered to normal arrival and departures. Flight training (including hover training), extended ground idling or engine testing may be prohibited.

A2.7

Movements may be restricted to a daily maximum.

6.6 Review of Noise Issues by Nigel Lloyd of Acousafe Consulting & Engineering Ltd



**PROPOSED HOROWHENUA DISTRICT PLAN
ANALYSIS OF SUBMISSIONS
NOISE PROVISIONS**

For

HOROWHENUA DISTRICT COUNCIL

N2279

Status – final V1

26th March 2013

ACOUSAPE CONSULTING & ENGINEERING LTD

A handwritten signature in black ink that reads "Nigel Lloyd". The signature is written in a cursive, flowing style.

Nigel Lloyd
Director of Acoustic Services

Mobile: 0274 480 282
E-mail: nigel@acousafe.co.nz

1. Introduction

The following is a technical review of submissions to Proposed Horowhenua District Plan regarding noise matters. The submissions points for the technical review are grouped as follows:

1. All Zones: Temporary military training activities;
 - a. Noise limits associated with the use of explosives and small arms,
 - b. Noise limits generally (i.e. the use of NZS6803:1999)
2. All Zones: Noise insulation standards for habitable buildings near railway;
3. All Zones: Subwoofer noise
4. Industrial Zone: Noise limits within the Industrial Zone;
5. Rural Zone: Audible bird scaring devices and changing periods of operation;
6. Rural Zone: Wind farm noise standards;

The brief from Council was to review the relevant submission points relating to the noise provisions and prepare a short letter or report. This document was to summarise the matters raised in submissions and provide specialist acoustic comment on the relief sought and recommend whether to accept or reject each submission point, and recommend any changes to the Proposed Plan provisions. The brief requested not to cover minor word changes raised.

2. All Zones – Temporary Military Training Activities

The New Zealand Defence Force (NZDF) has provided a Generic Table for Permitted Activity Noise Standards that it seeks to have included in the District Plan. This table was provided subsequent to the main submission and was derived from the work of Malcolm Hunt Associates (MHA) dated January 2013. The MHA report details measurements made of various NZDF activities at different locations and predicts the noise levels likely to be generated at different distances from the sources.

The MHA report establishes five different categories of Temporary Military Training (TMT) activities, discusses reasonable noise limits that might apply and then recommends what criteria would be appropriate for District Plans.

The five TMT categories are:

1. Live firing of weapons and single or multiple explosive events,
2. Firing of blank ammunition,
3. Mobile noise sources (excluding the above)
4. Stationary noise sources (excluding the above)
5. Helicopter landing areas.

Noise Limits for Explosives and Small Arms

NZDF (95.31) seeks to remove the blanket amended Rules throughout the Plan (such as Rule 20.6.22(a)(vi)) in regards to night-time noise which states:

Noise resulting from the use of explosives and small arms shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.

Section 8.1.4 of NZS6803:1999 requires the airblast noise limit to be a peak sound level of 120dBC measured at a suitable location specified by the Standard.

The Generic Table would have the noise limit as 90dBC for live firing of weapons and single or multiple explosive events and firing of blank ammunition. The live firing would need to be at least 4,500 metres from the noise sensitive activity to comply with this limit and the blank firing at least 2,250 metres. It is unreasonable to have night-time firing of weapons and single or multiple explosions as permitted activities in the District Plan given the high potential for noise impact on residents, stock and wildlife and given the large separation distances required to achieve reasonable night-time criteria.

The Proposed Plan currently provides for night-time firing and explosions as controlled activities and this is appropriate given that a resource consent can then provide details of the noise levels that are likely to be generated and also include provision for noise management plans. The resource consent and noise management plans would provide for a case-by-case assessment of the night-time firing taking into account the location and nature of the proposed activity, proximity to noise sensitive activities, and measures to mitigate noise impacts. I consider the approach in the Proposed Plan is more appropriate in managing the noise effects than that sought by NZDF.

It is therefore recommended that Sections 1 and 2 in the Generic Table be rejected.

TMT Noise Limits Generally

The Proposed District Plan otherwise controls TMT noise by reference to the construction noise standard and this is appropriate for live firing and explosions during the day and for mobile activities.

This part of the submission which supports the use of the construction noise standard for this purpose is accepted as it seeks what is already provided for in the Proposed Plan i.e. control by reference to NZS6803:1999.

The Generic Table seeks a stricter noise regime for fixed noise sources using the least stringent noise limits as recommended by NZS6802:2008 *Acoustics – Environmental noise*. NZDF has requested these criterion and they contend they will provide a better protection to residents. I concur with this request and comment, and therefore recommend that this part of the submission be accepted.

With respect to helicopters, the Proposed District Plan already applies NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* through reference to NZS6802:2008. The Noise Standard for helicopter landing areas only applies where ten or more flight movements occur in any month or where flight movements are likely to result in a

maximum sound level (L_{max}) of 70dBA at night-time or 90dBA during daytime on any residential zone or within the notional boundary of any rural land. Otherwise Table 1 of NZS6807 contains a series of acceptable noise dose limits for day/night operations and L_{Amax} limits for night-time. These limits and the process in determining them would not be appropriate for short term helicopter activity by NZDF for temporary training purposes. It is therefore recommended that this part of the submission be rejected.

3. All Zones - KiwiRail Reverse Sensitivity

KiwiRail (55.31) seeks to apply Rule 19.6.6 in the Rural Zone to other Zones in the District. While I can understand KiwiRail's desire to protect itself from reverse sensitivity effects of unsuitable noise sensitive development near to the Main North Island Trunk Line. The need for this requirement depends on the potential for development within each zone and the likelihood of noise sensitive activity development within 30 metres of the edge of the rail corridor. Our advice is that the control mechanism itself is appropriate but I believe it is a planning decision as to whether this should be applied throughout the District.

4. All Zones – Noise Levels Generally

Allen Little (29.07) submits that low frequency noise pollution occurs from the use of sub-woofers in residential areas. Mr Little is mainly concerned about the “immature use of sub-woofer capabilities” which generates bass type sounds that permeate over a wide area deliberately intended to attract attention. He also specifically refers to amplified noise in motor vehicles which falls outside District Plan controls.

This is not a matter that can be efficiently handled by the District Plan which is more intent on controlling noise during the planning process either by establishing limits on the levels of noise that can be produced, or by managing land use in areas that are identified as being noisy. The excessive noise provisions of S327 of the Resource Management Act provide a far more appropriate and immediate rectification solution for this issue. Section 327 provides for an enforcement officer or constable acting upon the request of an enforcement officer to serve an excessive noise direction on the occupier of a place from which such noise is being emitted. The officer can then seize the noisy equipment if the person fails to comply with the direction. In this way an immediate remedy is available.

Mr Little correctly infers that bass type noise may not be adequately controlled using the A-weighted sound scale (dBA) in the District Plan controls. Unfortunately there is no simple way of setting alternative noise rules that would adequately catch such low frequency noise. It is my opinion therefore that the S327 excessive noise provisions of the RMA are best suited to the control of the PA subwoofer noise this submitter is concerned about.

5. The Industrial Zone

Lowe Corporation Ltd and Colyer Mair Assets Ltd (97.01) seek to amend Rule 16.6.5 so that the noise limit applies in adjacent zones and not within the Industrial Zone. This is appropriate given that Industrial Zones are meant for high noise activities and loading activities could struggle to meet a 65dB L_{Aeq} at the immediate site boundary. It is recommended that the submission be accepted and that the word “Industrial” be deleted from Rule 16.6.5(b).

6. Rural Zone

Audible Bird Scaring Devices

In Proposed Plan Rule 19.6.7(e) bird scaring devices are permitted between sunrise and sunset.

Horticulture New Zealand (98.41) seeks that bird scaring devices be permitted for an extra hour before sunrise and after sunset.

On the other hand Peter and Susan Webb (118.00) oppose the change in time period in the Proposed Plan. They seek a return to the times in the Operative Plan which restricts the hours of operation to between 7am and 7pm. The times for bird scaring devices to operate in the Proposed District Plan are between sunrise and sunset.

This is a direct conflict of the needs of horticulturalists verses the impact on residents who live in and adjacent to the rural area.

The Webbs identify that sunrise and sunset in December occurs at about 5.40am and 8.45pm respectively. Sunrise is about 7am in the beginning of March and sunset is 8pm. After daylight saving commences (7th April this year) sunrise occurs at 6.40am and sunset at 6pm.

The outcome sought by Horticulture New Zealand therefore is that bird scaring devices would be permitted to commence at 4.40am in December and finish at 9.45pm. A study of sunrise and sunset tables indicate that dawn occurs no more than about ½ hour before sunrise. While it is appreciated that birds may be active in the one hour before sunrise it is our opinion that 4.40am is too early to be woken by the onset of bird scaring devices. It is therefore recommended that the Horticulture New Zealand relief sought be rejected.

The question then becomes should the start time be 7am rather than sunrise as requested by the Webbs. The earliest the bird scaring devices can start if the time is sunrise is 5.40am in December and this is early to be woken. However this time then gradually changes to 7am by the beginning of March and then reverts to 6.40am with daylight saving.

On balance therefore we believe that the time of sunrise and sunset is an appropriate compromise.

Horticulture New Zealand (98.41) also seeks to delete the restriction on 12 events per hour within 500 metres of a dwelling. The ASEL limit only controls each limit (by taking the noise level of the event and averaging it to a 1

second time period). The submission implies that there is averaging of a number of events taking place in the assessment of ASEL, which is not the case. The frequency of the number of events is a critical part of assessing a person's likely annoyance to the noise. This requirement only applies for bird scaring devices within 500 metres of a dwelling and this is an appropriate control to protect residential amenity working in combination with the ASEL noise limit. It is therefore recommended that the change the submitter seeks be rejected and that 19.6.7(e)(iv) and (v) be retained.

Wind Farm Noise

New Zealand Wind Energy Association submission (100.15) seeks a number of changes to the Proposed Plan which we will comment on section by section;

- a) Include a new permitted activity status for wind farms.

Comment

The recent PCC Plan Change 7 Environment Court decision¹ established wind farms as discretionary activities unless they are located at least 700m from the boundary of a site that is not part of the wind farm, and at least 700m from a zone boundary. Where these standards are not met, the wind farm is a non-complying activity.

It was found in the Turitea Wind Farm Hearing before the Board of Inquiry that there is considerable discretion required in the assessment process for wind farms using NZS6808:2010.

Because of the precedent established by the PCC Plan Change 7 decision and the discretionary nature of NZS6808 it is recommended that wind farms should not be provided for as permitted activities in the Proposed Plan.

- b) Establish a new Rule 22.1.12

The NZWEA Submission Point 15 settles ultimately on wind farms being a Restricted Discretionary activity (as in 22.1.11) except for assessment of noise where in Submission Point 16 it seeks a new permitted activity standard. It is recommended that wind farm noise not be given a permitted activity status for the reasons explained above. In any event the recommended wording of NZWEA's does not conform to that recommended by NZS6808. Wind farms are best left as discretionary activities where the provisions of NZS6808 can be applied. This requirement is adequately set out in Assessment Criteria 25.7.13(e). NZWEA seeks to delete reference to a particular consideration being given to special audible characteristics in 25.7.13(e). West Wind wind farm exhibited three different types of special audible characteristics at start-up which finally took six months to fully identify and correct. The presence of these characteristics aggravated the situation for neighbours and complaints reduced considerably once they had been

¹ <http://www.pcc.govt.nz/DownloadFile/News---Events/Public-Consultation/District-Plan-Change-7/Plan-Change-7---Environment-Court-Decision-dated-8-October-2012>

corrected. It has since been recognised that wind farms need to be designed to avoid special audible characteristics and that tests should be undertaken during the commissioning of the wind farms to ensure that the actual design is appropriate. Resource consent conditions were included by the Environment Court for Mill Creek wind farm and by the Board of Inquiry for Turitea wind farm and these go beyond the requirements of NZS6808.

I recommend that the NZWEA submission be rejected in respect of the changes they seek to the noise provisions.

7. Definitions

KiwiRail (55.00) seeks a change to the definition of “Notional Boundary”. It would be sensible for the definition of notional boundary to be the same as the 2008 version of NZS6801 (and as provided for in Acousafe’s District Plan Review). This definition is:

Notional Boundary : A line 20 metres from any side of a noise sensitive activity or the legal boundary where this is closer to the noise sensitive activity.

This avoids the use of the words “property” or “site”.

From: [Claire Price](#)
To: [Claire Price](#)
Subject: FW: Horowhenua DC - helicopter noise
Date: Monday, 8 April 2013 1:48:44 p.m.

From: Nigel Lloyd [mailto:nigel@acousafe.co.nz]
Sent: Monday, 8 April 2013 1:01 p.m.
To: Claire Price
Subject: RE: Horowhenua DC - helicopter noise

Hi Claire

Further to our telephone discussion this morning I would confirm the following points:

- I support the inclusion of NZS6807:1994 specifically in the Plan to provide for noise management and land use planning for helicopter landing areas.
- This Standard requires the setting of a helicopter noise boundaries for the control of helicopter noise and sets noise limits to protect dwellings.
- I am concerned that using NZS6807 could be overly complex for NZDF with respect to all Temporary Military Training.
- The issue with helicopters is that they are a highly flexible tool that can fly in and out of different areas as required and do not require a set area in which to land and take off from
- The standard works on the basis of controlling noise from helicopters and managing the land around the helicopter landing area within which the Local Authority must decide (in consultation with all interested parties) where the helicopter noise boundary should be and the provide for compatible land use measures within the contour. This is overly complex for what NZDF seeks and which will only take place on a temporary basis.
- If only the noise limits are referred to in the Plan then NZDF are in danger of not being able to operate their helicopters if they do not comply with the limits.
- The concern I have is that undertaking this assessment for each TMT event will be a cumbersome and onerous business for both NZDF and for Councils that have to administer it.
- I would prefer to see helicopters exempt from noise limits if they are to operate on a short term and transient basis.
- However I accept that regular use of a location for up to one month may cause significant noise issues if unregulated.
- On that basis I suggest that helicopters are exempt for TMT over a continuous period of up to 7 days and that they must then be assessed using NZS6807 for TMT that continues for longer than that with helicopters using any one site. In this way an assessment for short term activities will not be required and any noise impact will be over quickly and long term activity can be appropriately controlled.

Regards

Nigel Lloyd

Acousafe Consulting & Engineering Ltd
PO Box 14315
WELLINGTON 6241

DI: 0064 4 388 3407

Mob: 0064 274 480282



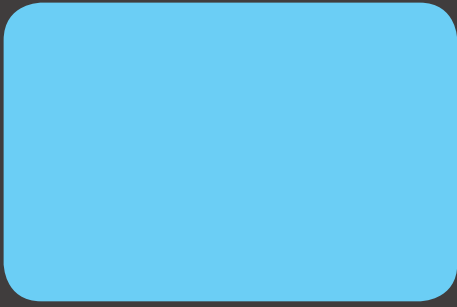
Please consider the environment before printing this email.

6.7 List of Heavy Industries Appendix 4 of the Combined Wairarapa District Plan

Abattoirs and slaughterhouses	Glass manufacture
Acetylene-gas manufacture	Gelatine manufacture
Acids manufacture	Glue manufacture
Aerosol packers and manufacture	Gunpowder manufacture
Aluminium alloy manufacture	Gypsum manufacture
Alkali-waste works	Hydrochloric acid manufacture
Ammonia manufacture	Incinerator works
Ammunition manufacture	Industrial chemicals manufacture
Animal by-products manufacture	Iron works and foundry
Asbestos manufacture	Lacquer manufacture
Asphalt manufacture	Lead works
Battery manufacture and recycling	Leather tanning
Bearing manufacture	Lime manufacture
Briquette manufacture	Linoleum manufacture
Bisuphide of carbon works	Lucerne dehydration
Boiler makers	Manure (artificial) manufacture
Boiler manufacture	Meatworks – killing, freezing and packing
Boiling down works	Oil distillation and refining
Bone crushing	Oxygen – gas manufacture
Bulk storage of asphalt, tallow, industrial chemicals and scrap metal	Paint, varnish, lacquer etc. manufacture
Candle manufacture	Petroleum based products manufacture Plastics manufacture
Celluloid works	Pulp and paper manufacture
Cement – packing bag, cleaning works	Pyridine works
Cement manufacture	Railway workshops
Chemicals manufacture	Rubber goods manufacture
Chlorine works	Smelting metals (all types)
Coke manufacture	Soap manufacture
Concrete batching	Steel works
Detergent manufacture	Sale Stock yards (commercial)
Distillation of coal, wood and bones	Stone and mineral crushing
Explosive manufacture and storage	Sulphur-chloride manufacture
Fat rendering	Sulphur-dioxide manufacture
Fellmongering	Tallow- melting and refining
Fertiliser works	Tanning and curing of hides and skins
Fibreglass manufacture	Tar manufacture, refining, mixing
Fibrous plaster manufacture	Timber treatment
Fireworks manufacture and storage	Turpentine manufacture
Fire clay products manufacture	Varnish manufacture
Fish curing and preserving	White lead manufacture
Fluorine works	Wool scouring
Foundry	Zinc chloride manufacture
Fuel oil refining	Zinc works
Fur curing and tanning	

Or any other industry, warehouse, or bulk storage that is, or under any conditions may become noxious or dangerous in relation to adjacent areas.

6.8 Future Map Limited (Submitter 70) Design Guidelines (received by HDC after the close of submissions)



Tararua Road Industrial Development Design Guidelines

28-03-2013



Prepared for Tararua Road Industrial Development

by Pocock design:environment limited

P.O.Box 39-028

Christchurch

ph: 03 358 3040

www.designenvironment.co.nz

1.0 Introduction

1.1 Tararua Road Industrial Development

The proposed development is located at Tararua Road, Levin. The site is approximately 56 hectares and the proposed land uses within the development includes Industrial Zone, Low Impact Industrial Zone, Landscape Buffer Zone, Landscape Noise Buffer Zone, Reserve / Open Space Zone and Reserve / Stormwater Treatment Zone (refer to Figure 1).

The site neighbours on to existing residential area to the north, existing rural and industrial land to the west, Tararua Road to the south and Arapaepae Road to the north.

The inclusion of Low Impact Industrial Zone and the position of Reserve / Open Space Zone and Reserve / Stormwater Treatment Zone is aimed at minimising the impact of the development on the existing residential area to the north, which will also be addressed in this document.

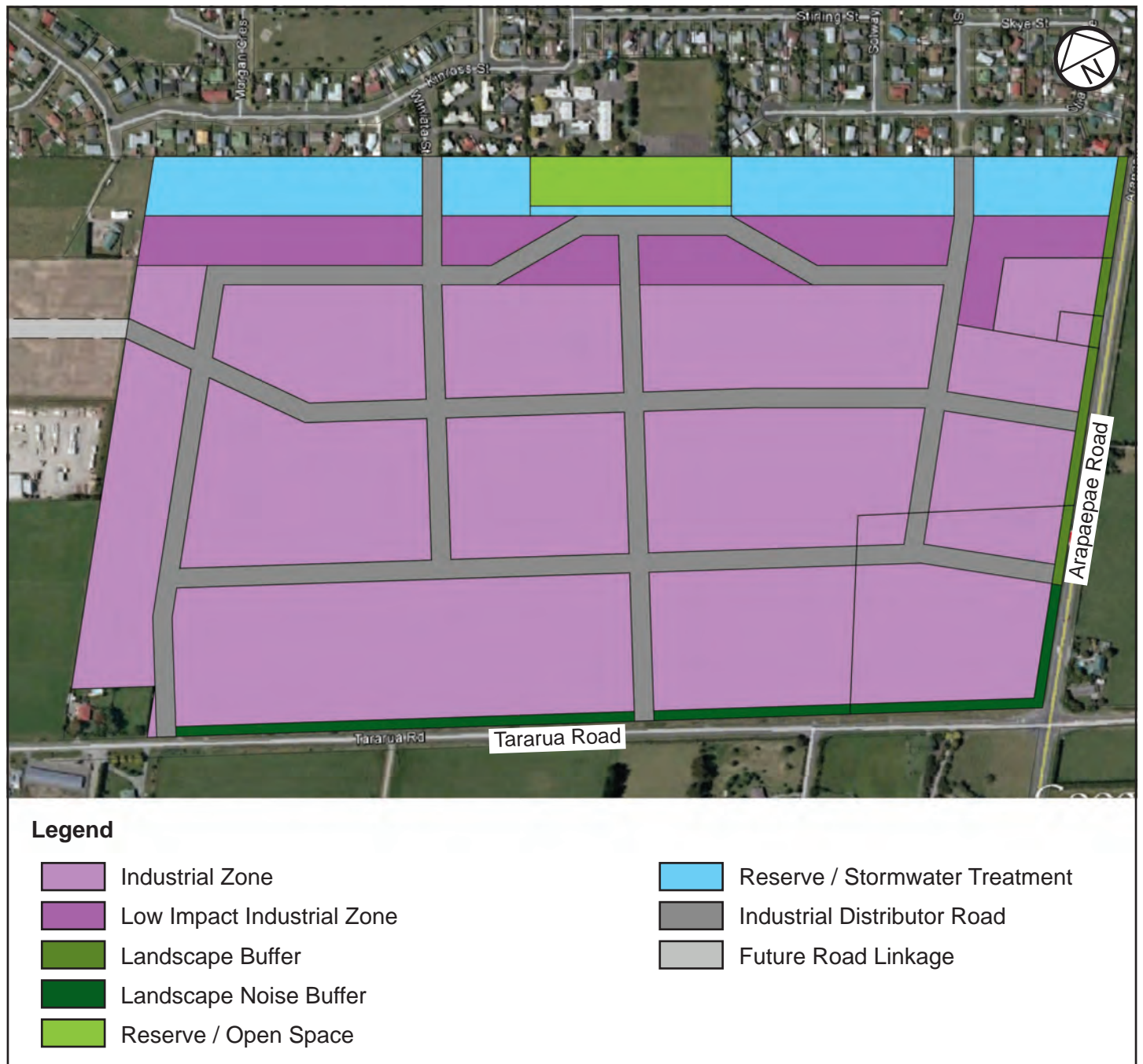


Figure 1. Proposed Development - Master Plan

1.2 Purpose of this document

The following guidelines are intended to provide for a good quality environment within the future development. This is considered important to attract quality business to the area, to create a place where people enjoy working, and to enhance the reputation, economic and social wellbeing of the area.

More importantly, the guideline are written to ensure positive interfaces are established between the private realm (future businesses) and public realm (roads, streetscapes and stormwater reserve / open space) both within and on the edges of the development (refer to Figure 2). These interfaces are:

- Interfaces between Industrial Zone and internal access roads;
- Interfaces between Low Impact Industrial Zone and internal access roads;
- Interfaces between Low Impact Industrial Zone, Stormwater Treatment and Open Space Zone;
- Interfaces between the development, Tararua Road and Arapaepae Road.



Figure 2. Proposed Development - Wider Connections

2.0 Design Guidelines - Industrial Zone

2.1 Goal

The Goal of the Design Guidelines for this zone is to:

- Create positive interfaces between the development and the internal access roads;
- Minimise and contain the impacts from the development.

2.2 Building Setback

The building setback requirements for this zone are (refer to Figure 3):

- Minimum set back of 10 metres from street frontage where primary access is achieved (this includes a minimum 2.5 metre landscape strip, refer to Section 2.6);
- Minimum set back of 7.5 metres from all other street frontages (this includes a minimum 2.5m landscape strip, refer to Section 2.6)

2.3 Site Layout and Design

Public accessible parts of the buildings should be located at the front of the building, closest to the road where primary access is achieved. Administration and office functions should therefore be located to the front with main doors and windows positioned accordingly.

2.4 Building Scale and Design

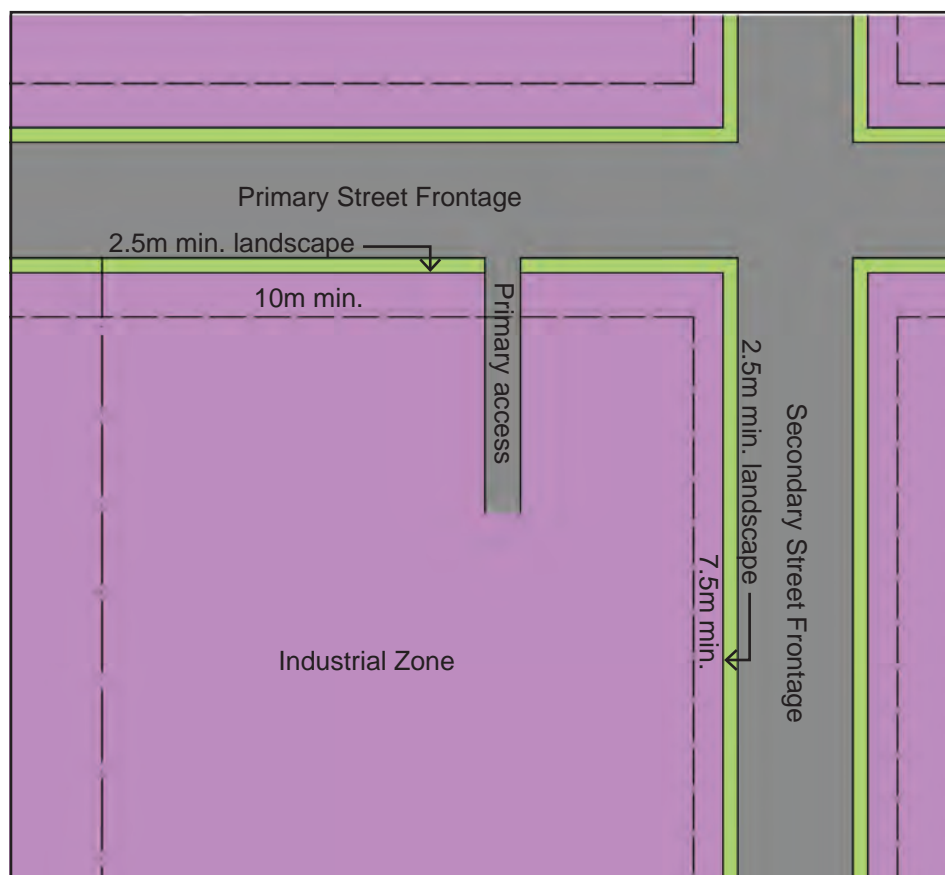


Figure 3. Building Setback - Industrial Zone

Buildings and structures shall not exceed a height of 18 metres. Where buildings face the primary street frontage it is preferable to reduce the building height for that part of the building.

Along the primary street frontage, the building mass should be reduced or broken by the use of either projected or recessive elements.

Along the primary street frontage, where walls with a length greater than 20 metres are proposed, the continuous built length should be reduced or broken by steps in plan. This is where sections of walls are stepped back or varied, eg. 1 metre for every 20 metre of wall or part thereof or varied in alignment and/or the use of material or colour changes.

Large expanses of blank walls shall be avoided along all street frontages, with minimum glazing of 5% and maximum glazing of 50%.

2.5 Fencing

Solid fences above 1.2 metre along the all road frontages shall be avoided.

Solid fences of any type along Arapaepae Road shall be avoided (except the section that requires acoustic fencing - see below).

Non solid security fencing is permitted. The minimum standard for security fencing is 1.8 to 2 metres rail-less chain link or steel mesh fence.

Acoustic fences shall be established along Tararua Road (including a section of Arapaepae Road adjacent to the Landscape Noise Buffer Zone as shown in the Master Plan), with a minimum height of 2.4 metres.

2.6 Visual Amenity and Landscaping

All developments shall have a 2.5 metre wide landscaping strip along all street frontages.

Trees with high canopies and low growing shrubs should be adequately spaced and located to allow views into and from the site.

Landscape elements shall be less than 0.9 metre or above 2 metres in height. Mature trees are to be pruned clear to a minimum of 1.8 metres above ground level.

3.0 Design Guidelines - Low Impact Industrial Zone

3.1 Goal

The Goal of the Design Guidelines for this zone is to:

- Create positive interfaces between the development and the internal access roads;
- Create positive interfaces between the development and the adjacent Stormwater Treatment and Open Space Zone (refer to Figure 4, Photo 1 and 2);
- Encourage public and employee access (by foot and cycle) from the Stormwater Treatment and Open Space Zone;
- Minimise and contain the impacts from the development, particularly for the existing residential area north of the development area, by using maximum set back, trees and landscaping to soften the interface.

3.2 Building Setback

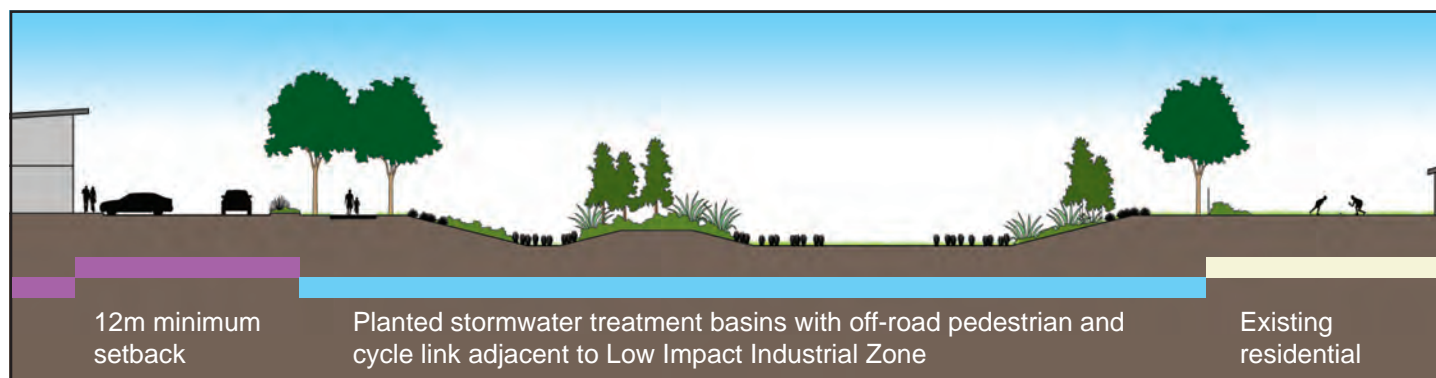


Figure 4. Landscape Buffer Zone



Photo 1. Example of planted stormwater area

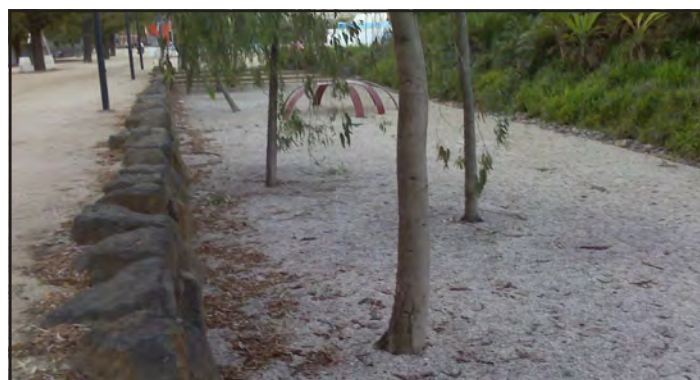


Photo 2. Example of planted stormwater area

The building setback requirements for this zone are (refer to Figure 5):

- Minimum set back of 12 metres from all edges adjacent to Stormwater Treatment and Open Space Zone (this includes a minimum 1 metre landscape strip, refer to Section 3.6);
- Minimum set back of 5 metres from all street frontages (this includes a minimum 5 metre landscape strip, refer to Section 3.6);
- Minimum set back of 3 metres from all other edges.

3.3 Site Layout and Design

Public accessible parts of the buildings should be located at the front of the building, closest to the road where primary access is achieved OR located to directly address the adjacent Stormwater Treatment and Open Space Zone. Administration and office functions should be located accordingly.

Main on site parking shall be provided adjacent to Stormwater Treatment and Open Space Zone. Additional visitor car parking is allowed along the street frontages.

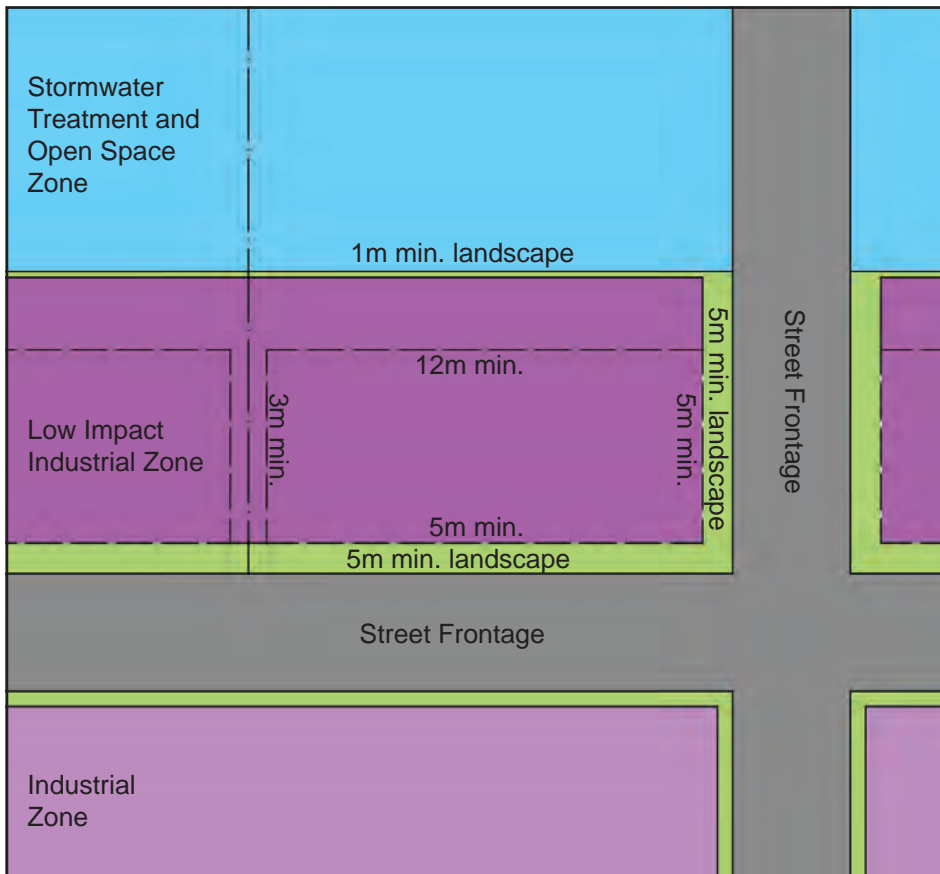


Figure 5. Building Setback - Low Impact Industrial Zone

3.4 Building Scale and Design (refer to Photo 3 - 4)

Buildings and structures shall not exceed a height of 10 metres. Where buildings face the primary street frontage and Stormwater Treatment and Open Space Zone, it is preferable to reduce the building height for that part of the building.

Where buildings front the street frontages, Stormwater Treatment and Open Space Zone, the building mass should be reduced or broken by the use of either projected or recessive elements.

Where buildings front the street frontages and walls with a length greater than 20 metres are proposed, the continuous built length should be reduced or broken by steps in plan. This is where sections of walls are stepped back or varied, eg. 1 metre for every 20 metre of wall or part thereof or varied in alignment and/or the use of material or colour changes.

Where buildings front on to Stormwater Treatment and Open Space Zone, the building shall be designed to



Photo 3. Example of Low Impact Industrial



Photo 4. Example of Low Impact Industrial

directly address the stormwater reserve and open space, with minimum glazing of 10% and maximum glazing of 50%.

Large expanses of blank walls shall be avoided for all sides along street frontages, with minimum glazing of 5% and maximum glazing of 50%.

3.5 Fencing

Solid fences above 1.2 metre along Stormwater Treatment and Open Space Zone shall be avoided.

All edges adjacent to street frontages shall not have more than 35% solid fence per street frontage.

Security fencing is permitted along all sides except along Stormwater Treatment and Open Space Zone. The minimum standard for security fencing is 1.8 to 2 metres rail-less chain link or steel mesh fence.

3.6 Visual Amenity and Landscaping

All developments shall have a 5 metre wide landscaping strip along all street frontages; 1 metre wide landscape strip along edges adjacent to Stormwater Treatment and Open Space Zone.

Car parking areas shall be designed with a regular grid of shade trees, of a suitable species, between parking rows at a ratio of 1 per 6 car-bays.

Trees with high canopies and low growing shrubs should be adequately spaced and located to allow views into and from the site.

Landscape elements shall be less than 0.9 metre or above 2 metres in height. Mature trees are to be pruned clear to a minimum of 1.8 metres above ground level.

4.0 Design Guidelines - Landscape Buffer

4.1 Goal

The Goal of the Design Guidelines for this zone is to:

- Create a visually pleasing and safe buffer between the development and Arapaepae Road.
- Minimise the visual impact from the development along Arapaepae Road.

4.2 Landscape Design (refer to Figure 6 and 7)

A minimum 2 metres low landscape strip shall be established adjacent to Arapaepae Road. Landscape elements within this strip shall be amenity planting with maximum mature height of 0.9 metre.

Continuous shrubs planting with mature height between 2 metre to 3 metres shall be limited to 20 metres maximum for every 40 metres.

The rest of the strip shall be planted with shrubs and amenity plants with maximum mature height of 1.5 metre

A minimum of 5 trees every 50 metres shall be planted in groves. Regular spacing of trees shall be avoided.

5.0 Design Guidelines - Landscape Noise Buffer

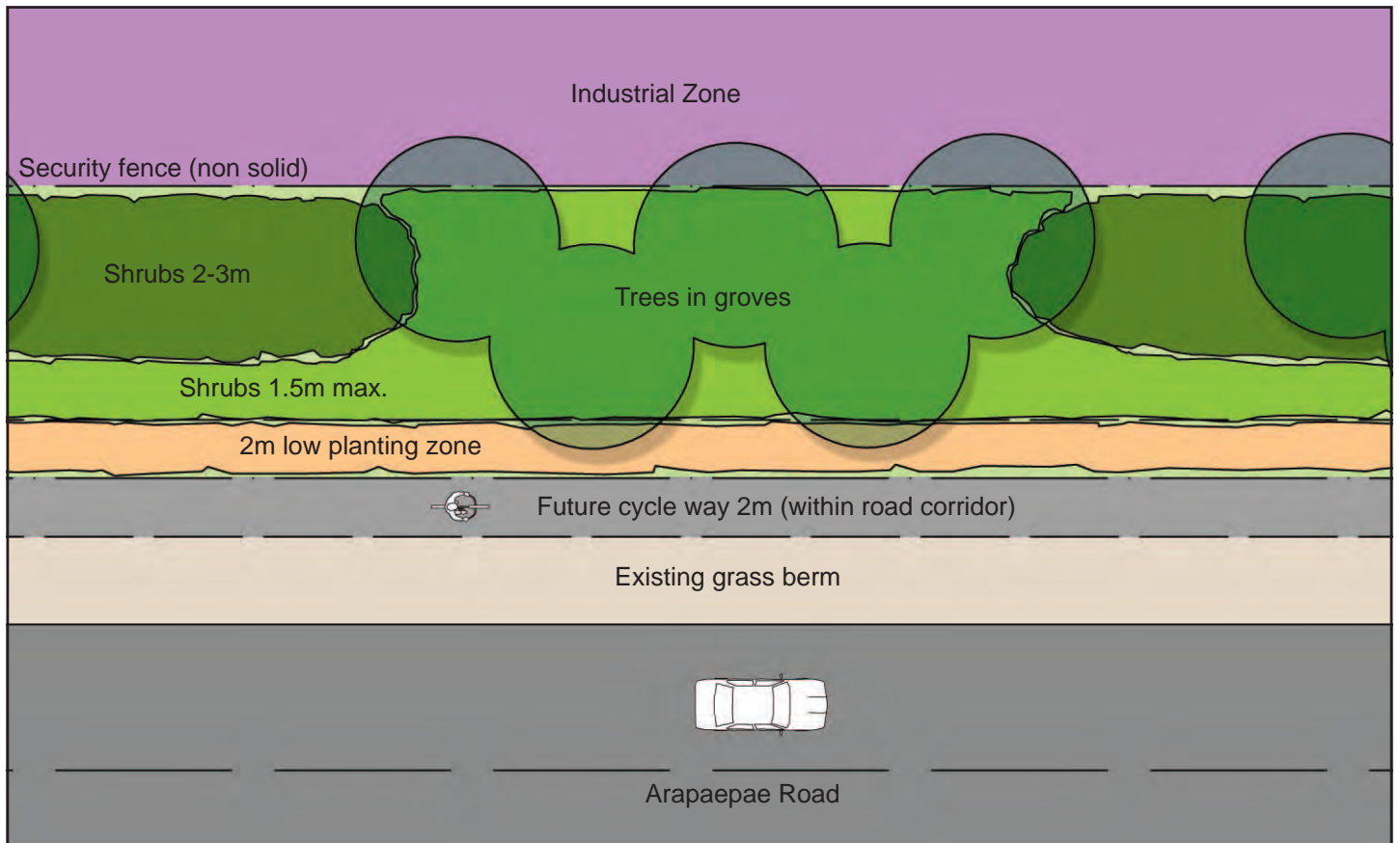


Figure 6. Landscape Buffer Zone

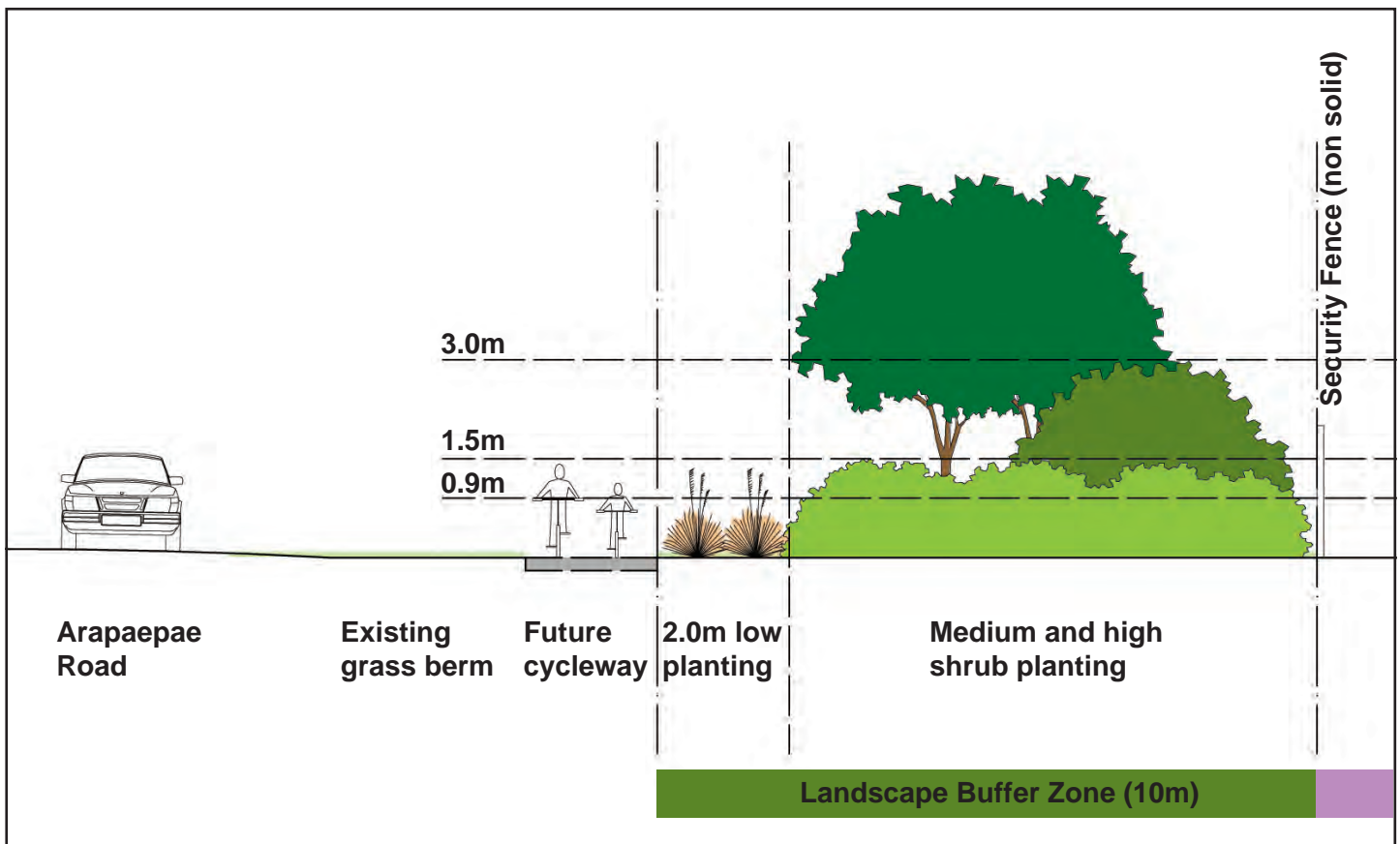


Figure 7. Landscape Buffer Zone Cross-section

5.1 Goal

The Goal of the Design Guidelines for this zone is to:

- Create a visually pleasing and safe buffer between the development and Tararua Road (including the section of Arapaepae Road as shown in the Master Plan).
- Minimise the noise and visual impact from the development along Tararua Road (including the a section of Arapaepae Road as shown in the Master Plan).

5.2 Landscape Design (refer to Figure 8 and 9)

A 3 metre lawn strip shall be established adjacent to Tararua Road (including the a section of Arapaepae Road as shown in the Master Plan).

The rest of the strip shall be densely planted with taller shrubs with a mature height between 2 to 3 metres so that the Acoustic Fence required in Section 2.5 is screened off.

The strip shall also be planted with a minimum of 5 trees every 50 metres planted in groves. Regular spacing of trees shall be avoided.

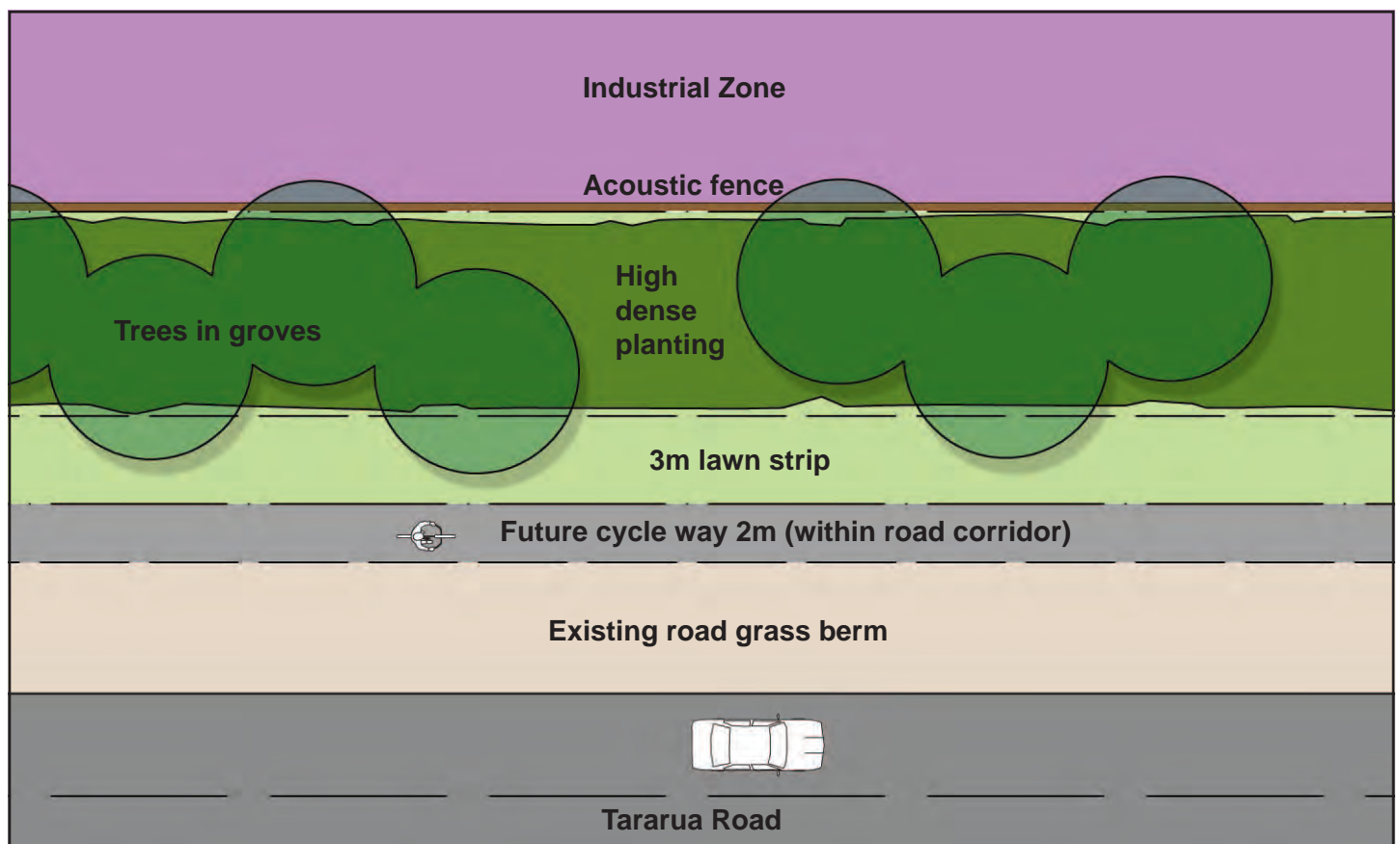


Figure 8. Landscape Noise Buffer Zone

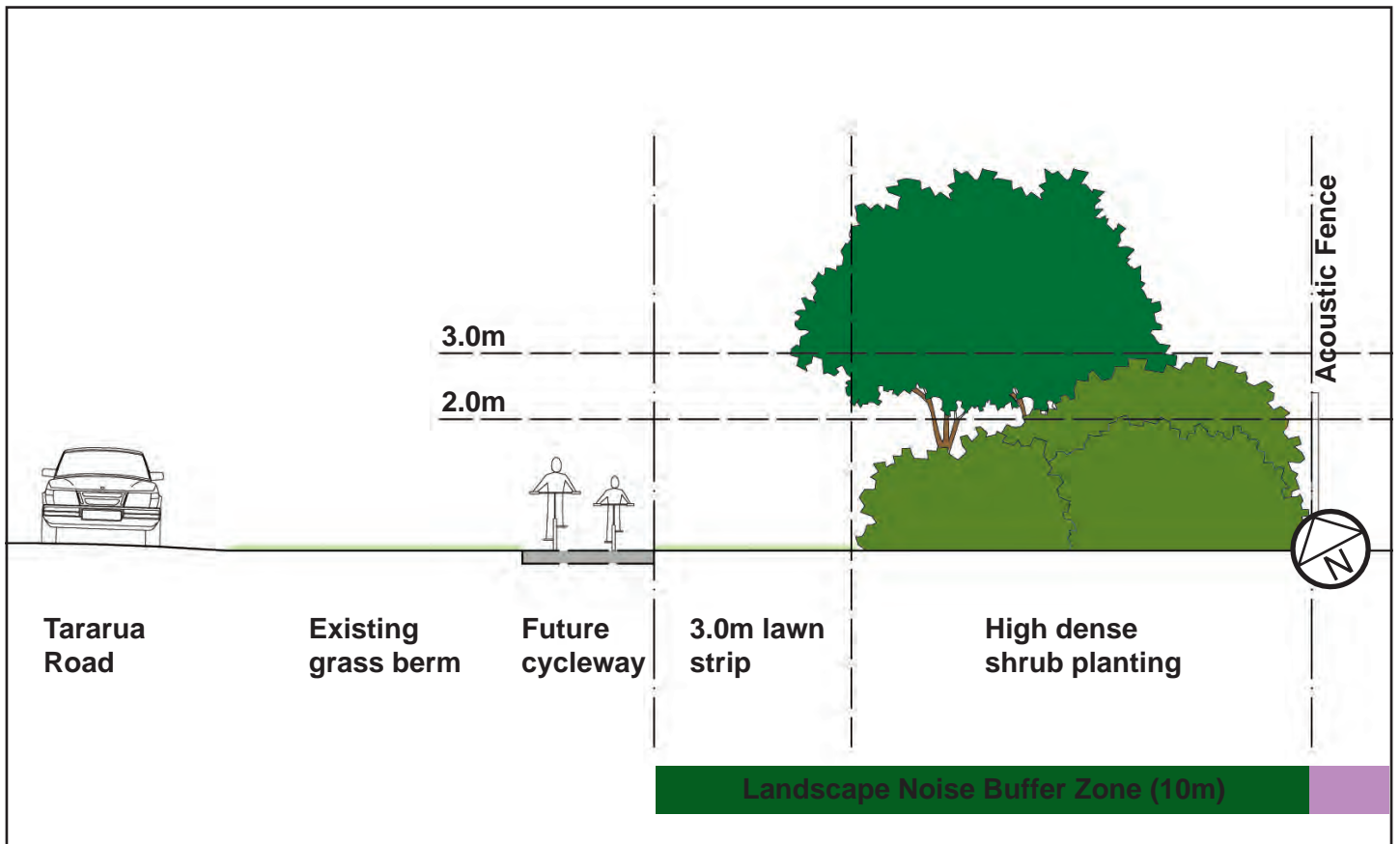


Figure 9. Landscape Buffer Zone Cross-section

6.0 Access into Existing Residential Area

6.1 Goal

The Goal of the Design Guidelines for the locations highlighted Figure 10 is to:

- Discourage heavy industrial vehicles from using internal access roads to enter existing residential area to the north of the site.



Figure 10. Internal access roads connecting to existing residential area

6.2 Roading Design (refer to Figure 11)

The roads shown in Figure 10 shall be designed to discourage heavy vehicle access by using methods such as road narrowing, a chicane and a raised platform for pedestrian crossing.

The street tree layout and planting design shall visually reduce the street width, encouraging slower traffic speed and discouraging heavy vehicle use.

The location of the raised platform crossing shall consider the alignment of the off-road pedestrian and cycle path along the south side of the Stormwater Treatment and Open Space Zone.

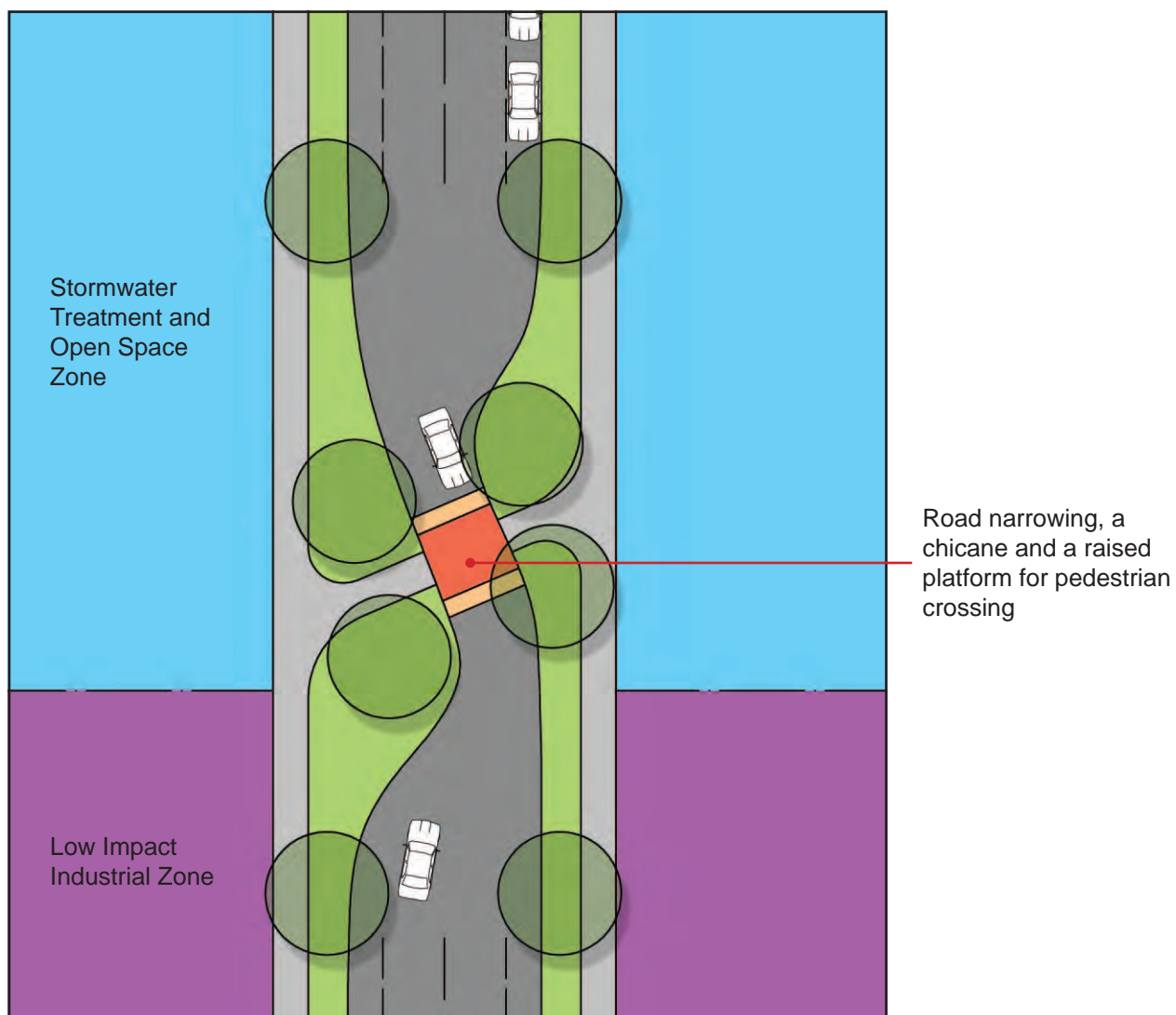
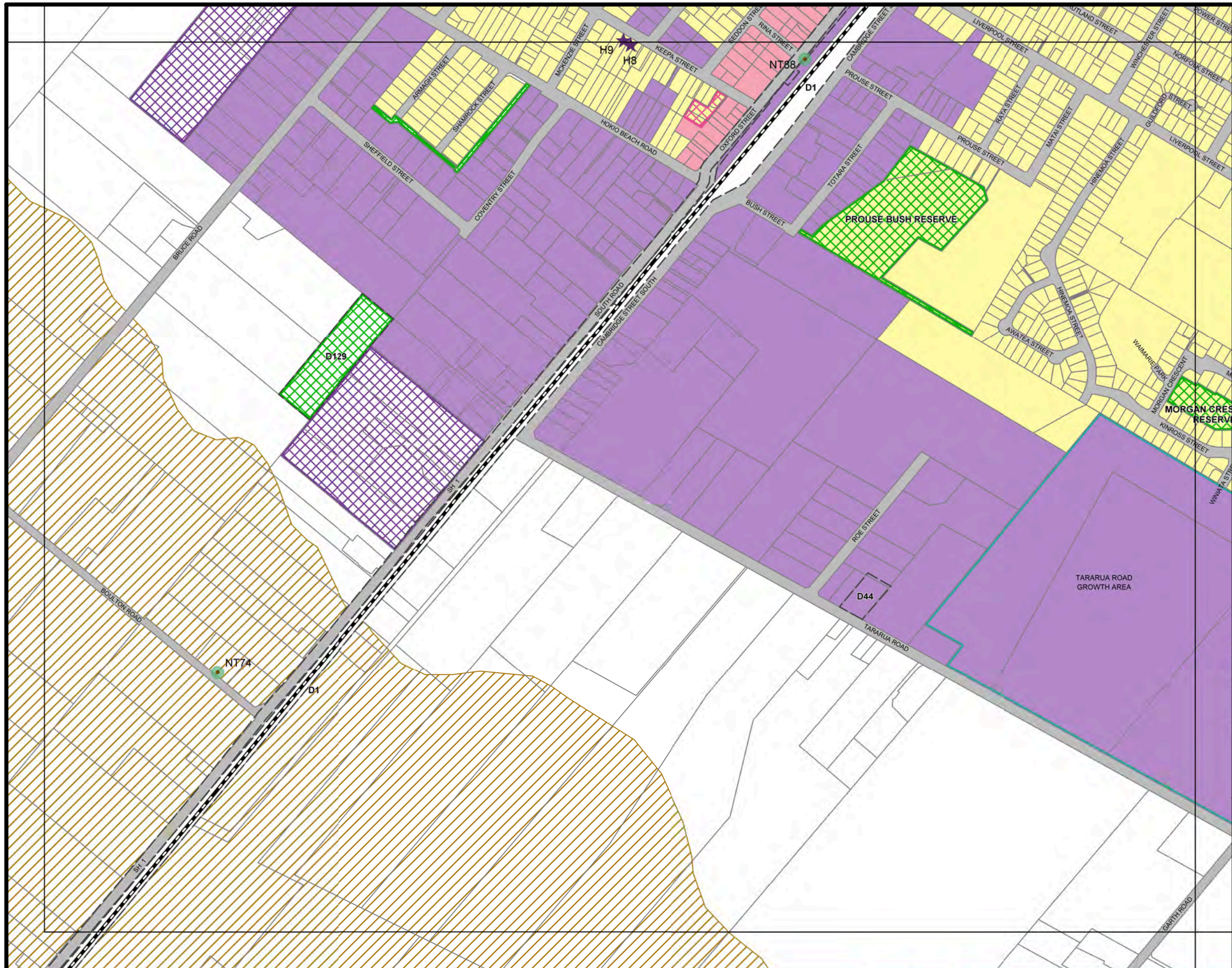


Figure 11. Example of roading design to discourage heavy vehicle access

6.9 Future Map Limited (Submitter 70) Recommended Amendment to Planning Map 29 and 30



LEGEND
ZONES

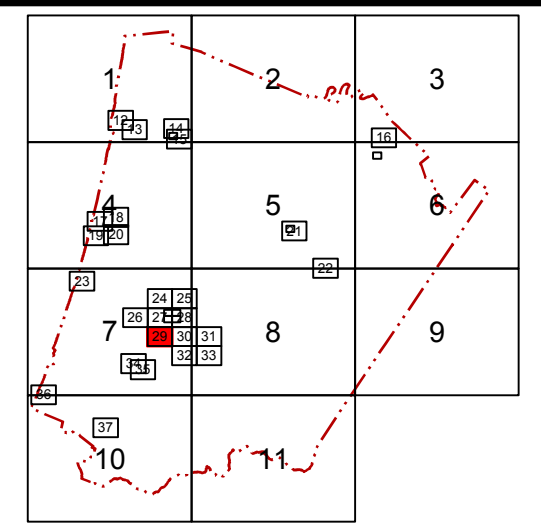
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed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

OVERLAYS

- Proposed Greenbelt Residential Waitarere Rise (part of PC 21)
- Proposed Low Density Area (part of PC 21)
- Proposed Medium Density Area
- Proposed Large Format Retail Area
- Proposed Town Centre Heritage/Character Area
- Proposed Foxtan Tourism Area
- Proposed Pedestrian Area
- Proposed Coastal Natural Character and Hazard Area (1:50,000 Rural Maps Only)
- Proposed Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

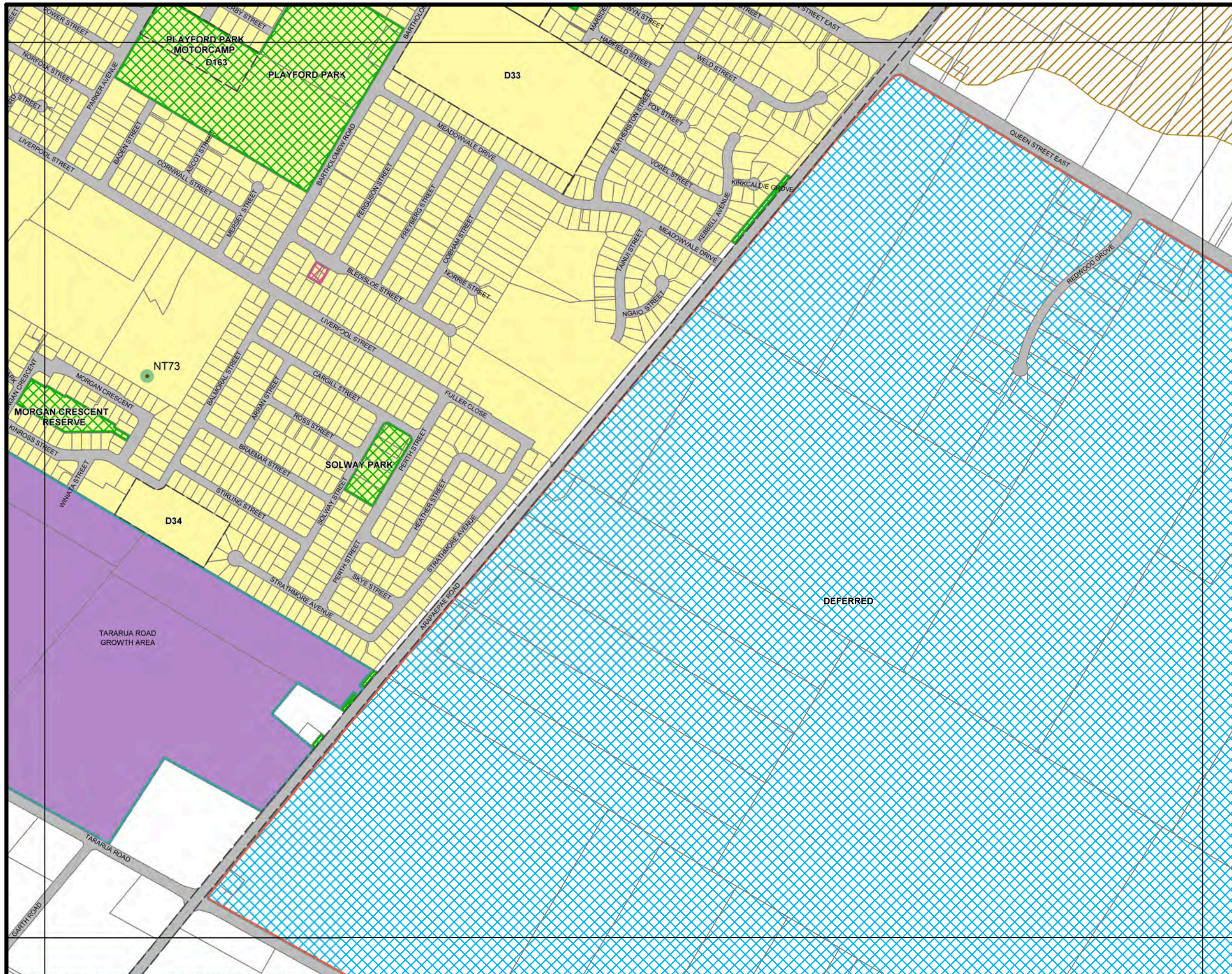
FEATURES

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



PROPOSED HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 29



LEGEND
ZONES

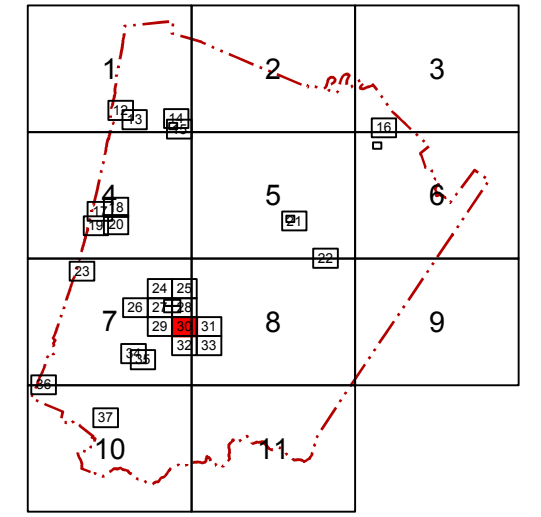
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
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- Versatile Land (LUC Class I & II Soil)

FEATURES

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

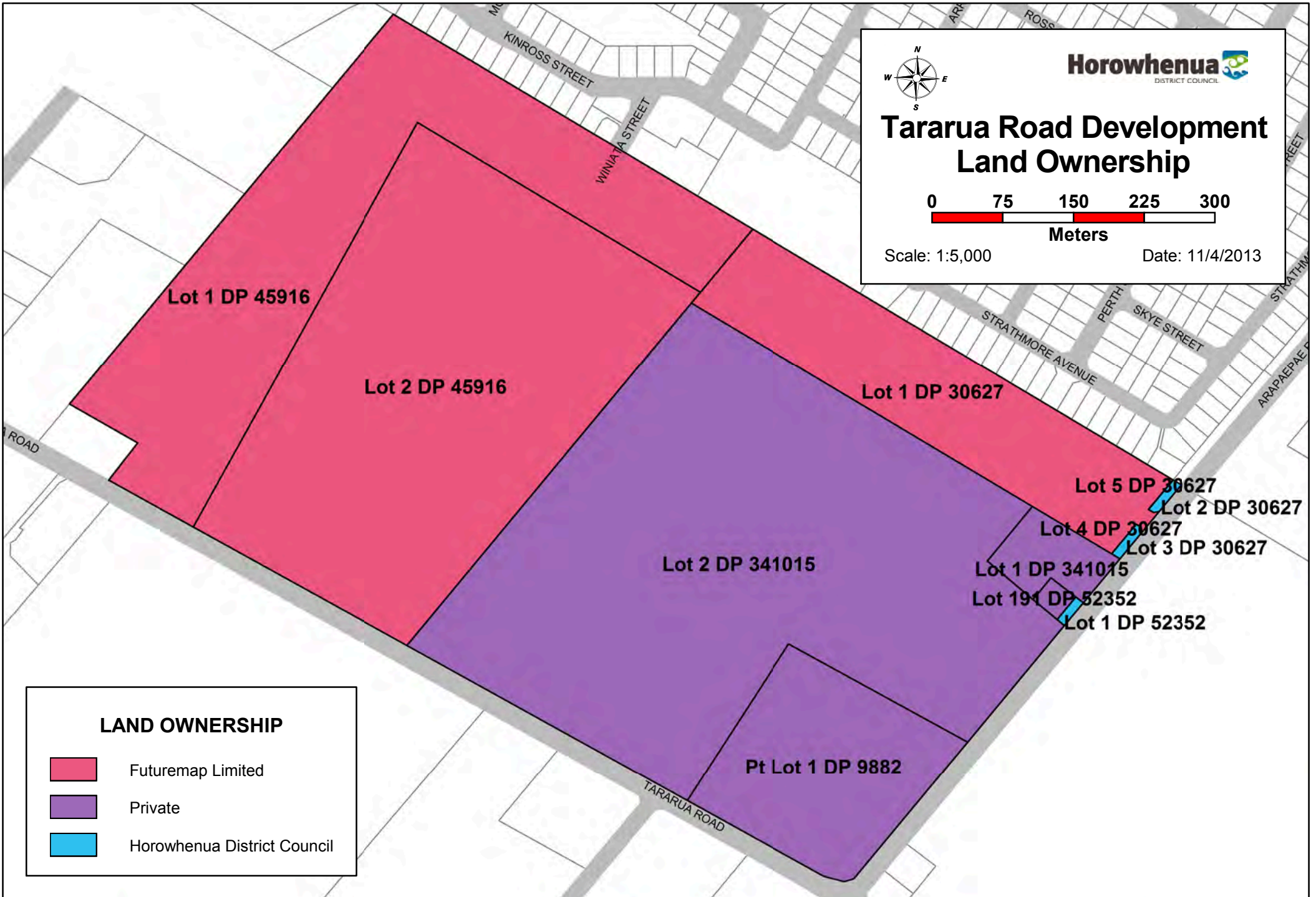


Scale 1 : 7,500

PROPOSED HOROWHENUA DISTRICT PLAN
LEVIN

Planning Map 30

6.10 Future Map Limited (Submitter 70) Ownership of Properties



6.11 Correspondence between Future Map Limited and HDC

Meeting Notes

W11004		Horowhenua Proposed Plan – Tararua Road Growth Area	
26 March 2013		11am	Phone Conference
Meeting purpose	<ul style="list-style-type: none"> • Prehearing meeting between submitter and officers reporting on matters raised in Future Map submission (submitter number 70) • To ensure full understanding of overall concept presented in Future Map's submission and also the technical workings within the Horowhenua District Plan. • To identify any outstanding concerns or matters to be addressed at upcoming Council Hearing (Urban Environment, 22nd – 24th April) 		
Meeting called by	Horowhenua District Council		
Minute taker	Claire Price		
Attendees	Andrew Mason (AM) David Harford (DH) Hamish Wesney (HW) Claire Price (CP)	Future Map Ltd (Landowner) Urbis (Planning Consultant on behalf of Future Map) Boffa Miskell (Planning Consultant on behalf of HDC) Boffa Miskell (Planning Consultant on behalf of HDC)	
Distribute to all above, plus:	David McCorkindale	Horowhenua District Council	
Landownership & Extent of the Proposed Industrial Zone			
Discussion			
<p>HW sought clarification on the reason for increasing the extent of the Industrial Zone, and whether Future Map owned all the land within the area shown in the Zoning Master Plan.</p> <p>AM explained that revised extent of the Industrial Zone (and Zoning Master Plan) provides a more regularised zoning pattern and that developing residential as per the Proposed Plan would not be cost effective.</p> <p>In terms of ownership, AM advised they owned all the land except for the property on the corner of Tararua Road/Arapaepae Road and the small property at 172 Arapaepae Road which has a dwelling located on it. AM has talked to the owner of the property on the corner of Tararua Road/Arapaepae Road, including offering to purchase this land, but the landowner declined this offer at this time as they wanted to continue owning and grazing this land, but they had no objection to the land being rezoned Industrial. Future Map has had no contact with the property owner of 172 Arapaepae Road.</p>			
Conclusion		Clarification provided.	
Access to State Highway 57			
Discussion			
<p>HW asked for clarification on restricting access from the Tararua Road Growth Area to State Highway 57 (SH57) and consultation with NZ Transport Agency. AM and DH explained that they would not want to provide direct property access onto SH57, but saw merit in providing a new road access. Notwithstanding this opinion, AM would not pursue road access to SH57 if the NZ Transport Agency oppose this proposal. Also, Future Map would accept recommendations to the Zoning Master Plan to remove any (street or property) access to SH57, as well as any necessary consequential changes to the District Plan provisions. For example, the inclusion of a new non-complying activity in the Industrial Zone (within the</p>			

Tararua Road Growth Area) providing for activities that create access to SH57.	
Conclusions	Clarification provided.
Stormwater / Reserve Area	
Discussion	
<p>The stormwater / reserve buffer area is shown on the Zoning Master Plan and reference to a width of 60m has been included in the submission. HW and CP asked how rigid or flexible was this 60m width, given it is to be based on the design of the future stormwater system requirements? The challenge being to provide for this 60m separation distance in the District Plan in a way that gives sufficient certainty for existing south-east Levin residents, but does not provide excessive stormwater/reserve land which could become a maintenance burden for Council in the long term.</p> <p>AM and DH explained that the 60m width was based on a conceptual understanding of the stormwater system requirements and the distance needed to achieve acoustic protection for the existing residential area in south-east Levin. Given the 60m is based on a conceptual, but informed calculation, some flexibility would be needed at the time of subdivision because the detail design may require more or less width than 60m.</p> <p>CP asked if there was a difference in width, based on the stormwater design (say 50m width) and the acoustic separation distance (say 60m), plus Council's Community Assets Department commenting they did not wish to have any "extra" width vested with Council due to the cost of maintenance. Therefore, how would the separation distance be provided? Would it fall on Future Map to provide the additional reserve and manage privately?</p> <p>AM explained that by not including all the separation distance in the stormwater/reserve, and leaving any "private land out" would result in an inefficient way of managing the undeveloped land adjoining a reserve. Therefore it would be necessary to get the agreement between Future Map and HDC that the entire separation distance area would be vested in HDC.</p> <p>HW & CP requested the AES acoustic assessment referred to the latest correspondence from Future Map.</p>	
Conclusions	Clarification provided DH to provide AES acoustic assessment to be HDC once it has been finalised.
Low Impact Industrial	
Discussion	
<p>A Low Impact Industrial Zone is shown on the Zoning Master Plan and described in Future Map's submission. HW asked what types of activities envisaged in this Low Impact Industrial Zone. AM and HD described a range of 'light industries' and indicated that the market would ultimately dictate the type and mix of activity. However, 'heavy' or 'wet' would not be appropriate.</p> <p>HW explained that the Proposed Plan had a simplified zoning regime, with one Industrial Zone that provides a range of activities. HW suggested as an alternative to listing activities that are to be provided in the Low Impact Industrial Zone, that restricting heavy or wet industries within the Low Impact Industrial Zone/Area could be a possibility. In this way, the Proposed Plan Industrial Zone would be used to provide the 'light industries' (e.g. warehousing, distribution, wholesale type activities), but restrict the heavier activities. AM and HD agreed that this approach would be appropriate.</p> <p>Further to the discussion about activities, HW raised the concept of the neighbourhood centre which is currently provided for in the Proposed Plan Tararua Road Growth Area</p>	

provisions (policy and rules). The neighbourhood centre (series of shops and open space to service the local area) was a concept in the original plan change to support the mixed use of residential and industrial land in the growth area. HW queried the need for such a neighbourhood centre given Future Map aspiration for a purely industrial area. HW and CP confirmed that limited retail activities are provided for in the Industrial Zone provisions (Rule 16.1(h)), that would cater for a ‘tuck’ shop and limited amenities for staff and workers.

AM and DH explain that a neighbourhood centre is a concept that is not in their current aspirations, but is something that may prove to be useful in the future (stage 2) once the industrial activity has established and grown. However AM and DH recognised that the economics of such a centre would need to be demonstrated, both in terms of its viability, but also the potential impacts on the Levin commercial centre. On this basis, AM and DH agreed that it would be appropriate to remove the policy and rule provisions relating to the neighbourhood centre.

Conclusions	Clarification provided. Remove the neighbourhood centre provisions (policy and rules)
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Maximum Height

Discussion

The Future Map submission included a maximum height limit of 18m for the Industrial Zone, but as provided in the submission it was not shown as an insertion and there was uncertainty whether a taller maximum height limit was sought (Proposed Plan maximum height level is 12m).

AM confirmed that there are seeking a maximum height of 18m for the Tararua Road Growth Area, except for the Low Impact Industrial Area where a 10m maximum height limit is sought. The reasons for the taller height limit were explained, including the needs of modern industrial buildings, particular warehouse and distribution buildings, with pallet stacking up to five shelves high. Do not expect the whole area to be developed up to 18m in height, only the occasional building.

Conclusions	Clarification provided.
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Mechanics of Rule 16.2(g)

Discussion

CP explained a query that related to Future Map’s submission for an requested amendment to Rule 16.2(g), as the submission point (70.03) seemed to inadvertently exempt a new condition (max height for Low Impact Industrial Area) from applying to the rule.

DH confirmed the submission point was a error and confirmed CP’s alternative (retaining status quo) would provide the outcome sought by Future Map.

Conclusions	Clarification provided.
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Design Guide

Discussion

As part of Future Map’s submission they are seeking a new design guide to replace the Proposed Plan design guide in Schedule 5. A draft design guide has been received by HDC and been reviewed by CP and HW. HW asked whether the design guide would have a transportation section to provide guidance on the high level connection and roading matters, to be used at the subdivision application stage.

AM and DH did not consider the role of the design guide in providing guidance on the internal roading system or connections, as the detail design was not known at this stage.

CP commented that the purpose of the design guide in the district plan is to be used by the applicant in designing future subdivisions and to also be used by HDC officers in determining and assessing future applications. Each subdivision will be required to be in general accordance with the Zoning Master Plan and the design guide needs to work alongside the Zoning Master Plan and specify the outcomes that are sought. The design guide should offer ways in which subdivision applications are to achieve these outcomes. For example, with respect to the internal roading network and connection to external roading network, CP explained that the Tararua Road Growth Area design guide should set out the outcomes to be achieved. These outcomes could include maintaining the safety and efficiency of Tararua Road, maintaining the residential amenity of south-east Levin and ensuring no heavy vehicles use the residential street connections. AM and DH understood the basis for the inclusion in the design guide.

Conclusions	Clarification provided.
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Consequential Changes

Discussion	
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HW explained that a series of consequential changes would need to be made to the Proposed Plan as a result of the relief sought by Future Map. HW mentioned that Future Map had covered some of the consequential changes to rule provisions in their submission, but further consequential changes would be needed in the Urban Environment policy framework (Chapter 6) and other parts of the Proposed Plan. AM and DH understood and agreed that this would be necessary.

Conclusions	Clarification provided.
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Next Steps

Discussion	
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HW explained that meeting notes would be prepared recording the matters discussed, and these would be circulated to everyone for review and confirmation they are an accurate record. The meeting notes would be appended to the Urban Environment Section 42A Report to ensure the Hearing Panel are aware of the discussion between Future Map and reporting officers on behalf of HDC.

HW also indicated that if time permitted, draft recommended provisions could be circulated to AM and DH prior to the Section 42A report being finalised. In addition, time permitting, feedback received from Future Map could be incorporated into the final Section 42A Report.

AM and HD were appreciative of any effort to get draft provisions to them for comment.

Conclusions	Timing understood.
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Horowhenua District Council
Private Bag 4002
Levin 5540

Attn: David McCorkindale

21 March 2013

Dear David,

RE: PROPOSED HOROWHENUA DISTRICT PLAN: FUTURE MAP LTD

In response to your email dated 11th March 2013 you raised some questions that we were to respond to at a recent teleconference. The teleconference has been postponed until next Tuesday 26th March however in the meantime we can respond to those questions raised as follows;

Roading:

- *Clarify the proposed roading connections (internal and external) as there are two approaches offered in the submission.*

The proposed roading connection it seems will now have to rely heavily upon Tararua Road for access/egress to the development. There is shown a future link to Cambridge St South through land that is not owned by Future Map Ltd. Future Map Ltd are happy to leave this as a future connection option.

- *Have Future Map had any discussion with NZTA re access to SH57? If so, what did NZTA say?*

Recent discussion with NZTA has been undertaken. The NZTA position is they would prefer that no access or egress to Arapaepae Road (State Highway 57) occur at all. They have said however that they are working on a significant amount of roading improvement and safety work between Levin and Wellington. This may have some benefit for the site in terms of possibly intersection improvement and/or road widening. This is not certain at this point and any information that might be relevant will be forwarded to us from NZTA.

- *If NZTA do not support access to SH57, then Future Map to confirm the alternative access expressed in submission is still on the table – i.e. the internal transport system and continue with access onto Tararua Road, where this is already shown on the Proposed Plan TRGSP.*

Based on the NZTA comments Future Map will need to work with the access/egress from Tararua Road.

Reserve and Stormwater Treatment Area

- *Have Future Map assessed the suitability of this location for stormwater collection and disposal (natural fall and hydrology, eventual receiving environment)?*

No specific on site assessments have been undertaken with regard to topography and receiving environment at this time. However what is known about the site is that it does not have any significant geographical constraints. The topography will allow for stormwater treatment and disposal and as the site is currently zoned for the Tararua Growth Area Structure Plan so no doubt earlier assessment work was looked into or undertaken to determine the sites suitability. Either way through design and layout stormwater disposal can be managed within the site.

- *Any resource consent requirements from Horizons Regional Council? Have Future Map discussed with Horizons?*

At this point no discussions have been undertaken with Horizons Regional Council. At this time we had requested consideration for a deferral on matters of providing details re stormwater. Obviously the site was deemed suitable for this type of industrial useage based on the existing Tararua Growth Area Structure Plan. I note the design guide has methods for storm water treatment but no firm engineering details that we are aware of.

- *Would the development of the area happen in stages? Does Future Map have plans to develop in the short-medium term?*

The proposal is the development would happen in stages. Should the rezoning in accord with the master Plan be approved by the Council the submitters intent is to start initial subdivision planning work including all engineering concepts and plans ready for filing at Council as soon as practicable following approval.

- *What determined the 60m width? Is this the necessary distance to ensure reverse sensitivity/protection between new industrial uses and established residential?*

This width was used on the basis of potential reverse sensitivity issues between the industrial, low impact industrial and residential. This is discussed further below based on the acoustic comments. It doubles up as well as a useful recreational space for public use as well. Future map are happy to provide some land for these purposes but as you will appreciate from a commercial perspective

Zone Interface Provisions

- *Further explain rationale behind distance and stepped industrial activities to avoid, remedy and mitigate effects on existing residential areas on northern edge of TRGSP area, including the school. To make sure everyone on the same page.*

This rationale is required to conform to the Master Plan to ensure mitigation of potential noise and visual effects at the boundary of the adjoining residential zone and traffic safety and efficiency on the adjoining road network. The thinking was with a 60m green area or buffer put in place between the industrial/residential interface with activities being graduated across the site with office, lighter service and industrial activities located on that land closest to the Residential Zone including the school and the heavier, manufacturing activities further away to the south toward Tararua Road it fits well in terms of potentially avoiding or mitigating potential amenity effects. Of note is that the Tararua Road Growth Area Structure Plan design guide had provision for an 8m setback at the industrial/residential interface. The submitter wishes to provide a great deal more area than this in terms of separation.

- *The landscape buffer along the Tararua Road or Arapaepae Road side appears to be for rural/industrial zone interface to mitigate visual effects of buildings. Therefore no acoustic fence or noise bund required?*

Since these questions were raised please see attached the acoustic comments from AES in Christchurch based on their experience with these type of situations. Based on the provision for a 2.5m landscape strip along Tararua Road included within a 10m wide setback with provision for an acoustic fence. This would mitigate noise to the extent of compliance with the Proposed Plan noise levels with the exception as listed but these seem very infrequent or controlled through building design.

If you require any further information please do not hesitate to contact me directly on 03 3077 164 or david@urbisashburton.co.nz.

Yours faithfully,



David Harford
Director

File Ref: A02313 – 01 – D2

2 April 2013

Mr David Harford
Urbis Ashburton 2102 Ltd
PO Box 603
Ashburton 7700

Email: david@urbisashburton.co.nz

Dear David,

**Re: Future Map Limited -
Submission on Proposed Horowhenua District Plan**

We refer to your email of the 14th of March 2013 which appended a request from Mr David McCorkindale of the Horowhenua District Council relating, among other things, to the rationale and purpose of a number of acoustic mitigation measures shown in the proposed "Pocock Master Plan", namely:

- A reserve setback in the order of 50 to 60 metres between the proposed Low Impact Industrial Zone and existing residential areas to the north, and
- A 2.4 metre high acoustic fence along the southern (and a small portion of the eastern) boundary of the proposed Industrial zone

We have reviewed the situation, and provide comment as follows.

1.0 District Plan noise limits

Activities on sites within the Low Impact Industrial Zone and Industrial Zone will be required to comply with the following noise limits:

- 65 dB LA10 at any time when received at their own site boundaries within the industrial area, and
- 55 dB LA10 (0700 to 2200 hours) and 40 dB LA10 / 65 dB LAmax (2200 to 0700 hours) at the boundary of any residential or rural zoned land

While noise from traffic on roads is not explicitly excluded from these limits, it would be unusual to seek to control such noise using noise limits in this form.

2.0 Discussion

The noise limits outlined above are in line with, or more conservative than, generic guidance as to noise effects on residential activities such as that provided by the World Health Organisation and in NZS6802:2008 *Acoustics – Environmental Noise*.

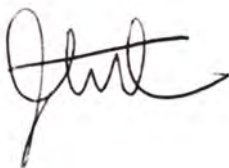
Noise generated in the industrial areas which complied with these noise limits would therefore not be expected to be unreasonable when received in any residential or rural area or give rise to significant noise reverse sensitivity effects, regardless of what mitigation is built into the layout of the subdivision.

Nevertheless, from a pragmatic point of view, we are supportive of the additional measures proposed for the following reasons:

- We understand that the Low Impact Industrial Zone will accommodate activities such as storage and distribution, warehousing and industrial showroom and office facilities. Expected noise sources associated with these activities include heavy goods vehicles, small forklifts, general workshop activities, processing equipment and generators and other mechanical plant. With a setback in the order of 50 to 60 metres in place, noise from such activities is expected to comfortably comply with the District Plan noise limits at the boundary of the residential area to the north, without the need to consider specific additional mitigation measures on a site by site basis.
- The 50 to 60 metre setback combined with the Low Impact Industrial Zone effectively sets the Industrial Zone back over 110 metres from the residential area to the north. This setback, combined with the requirement of all industrial activities to comply with a noise limit of 65 dB LA10 at their own site boundaries, will ensure compliance is achieved at the residential zone boundary by some margin. It is likely that certain activities locating into the Industrial Zone will need to integrate physical noise mitigation measures into their site layout and building design, primarily in order to comply with the 65 dB LA10 limit at their own site boundary. This is the case for any activity moving into an Industrial Zone in the Horowhenua District.
- With regard to the proposed 10 metre landscape buffer and 2.4 metre high acoustic fencing to the south adjoining Tararua Road, if the noise from activities within the Industrial Zone complies with the internal 65 dB LA10 limit, then the mitigation of landscape strip combined with acoustic fencing will ensure noise levels comply with the relevant LA10 noise limits on the opposite side of Tararua Road. We do note however that more intensive industrial activities locating on sites adjoining Tararua or Arapoepae Roads will need to be mindful of the requirement to also comply with the 65 dB L_{Amax} limit at the boundary of the residential or rural zone during night time (there is no L_{Amax} limit for noise received within the industrial area itself). For these specific sites this may mean, for example, workshop metalwork activities can only be undertaken outdoor during daytime or that truck unloading/loading which involves clangs and bangs cannot be undertaken during night time hours. As above, this situation would not be unusual and it is reasonable to expect individual operators to manage their noise emissions to comply with any relevant noise limits. In this situation such operators are provided with some inherent degree of flexibility due the proposed 10 metre landscape buffer and acoustic fencing.
- The 50 to 60 metre setback from existing residential to the north, area of Low Impact Industrial and acoustic fencing to Tararua Road will all reduce the noise levels from vehicles on roads within the proposed industrial areas, received at residential and rural locations. As above, this noise is not readily controlled via the existing District Plan noise limits.

We trust this is of some assistance. Please do not hesitate to contact us to discuss further as required.

Regards,



Dr Jeremy Trevathan
Ph.D. B.E.(Hons.) Assoc. NZPJ®

Acoustic Engineering Services
2 April 2013

Submitter Index

The page numbers for where the submitter index has been referred to within the report are indexed below by the Surname or Organisation name of the submitter.

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Campbell (58 & 525), 53, 55, 57, 105, 108, 109, 172, 174, 176, 242, 244, 246

Chorus New Zealand Ltd (79 & 507), 96, 97, 144, 145, 203, 204, 243, 245, 247

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