



Section 42A Report to the Hearing Panel

Proposed Plan Variation 1

Miscellaneous Matters (including Land Rezoning) and Update and Alignment of Greenbelt Residential Zone

November 2014



Hearing Date: 24 November 2014
Report Prepared by: Hamish Wesney

EXECUTIVE SUMMARY

The Horowhenua District Plan Review undertaken between 2011 and 2013 was a comprehensive review of all operative parts of the District Plan. However, provisions subject to concurrent plan changes introduced prior to the commencement of the full review (Plan Changes 20, 21 and 22) did not form part of the full review process due to being subject to Environment Court appeals. These included Chapter 18 (Greenbelt Residential Zone), provisions relating to rural subdivision and provisions relating to outstanding natural features and landscapes.

Given this situation Proposed Plan Variation 1 seeks to align relevant provisions in Chapter 18 with those in other zone chapters to ensure consistency across the plan. In addition it also endeavours to clarify provisions that are interpretatively confusing and to address emergent issues and/or those issues that were unable to be addressed as part of the District Plan Review process.

Through the public notification process a number of submissions were received supporting and opposing aspects of the Proposed Plan Variation. 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 Committee 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 variation, including refinements to the wording of some provisions, and changes to the maps and structure plan. Whilst recommendations are provided, it is the role of the Hearings Committee to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the Council planner before making a decision.

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

- Generally retain the proposed amendments to Chapter 18: Greenbelt Residential Zone to make them consistent with and in alignment with other zone chapters. In response to submissions, revise the Greenbelt Residential Zone rules relating to the National Grid and dwelling setback for sites adjoining the Rural Zone
- Amending the wording of the rule applying exemptions for hazardous substances in the Flood Hazard Overlay Area
- Amending the requirements in the subdivision rules in the Rural Zone relation to effluent disposal areas
- Minor amendment to accessway dimensions
- Minor amendments to the wording of the definitions of network utilities and earthworks
- Amendments to the Gladstone Greenbelt Structure Plan, including deleting an area of 'retaining existing vegetation', deleting a section of 'landscape buffer', re-aligning a section of road/landscape buffer and adding 'high voltage transmission lines'.
- Retaining the current Industrial zoning for a property in Hamaria Road, Levin

The Hearings Committee will determine whether to accept, reject or accept in part, the submissions received, in making its decisions and as a consequence, any amendments to be made to the proposed plan variation.

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1. Introduction

1.1 Qualifications

My full name is Hamish Philip Joseph Wesney, I am a Principal: Senior 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 (1st Class Hons). I am a Member of the New Zealand Planning Institute.

I have over 13 years' experience as a planner. In my first three and a half years in practice, I was employed as a planner with the Horowhenua District Council (HDC), undertaking a variety of planning tasks, including District Plan changes and processing numerous land use and subdivision resource consent applications.

For the past ten years, I have been a consulting planner based in Wellington, and have been involved in advising a wide range of clients, including local authorities, developers, central government and individuals on various projects. In particular, I have been involved in a number of District Plan Reviews (full and rolling) for various local authorities on a range of resource management issues. For example, Horowhenua District Plan (2009-11: Proposed Plan Change 21 Urban Growth and Greenbelt Residential), Wairarapa Combined District Plan (2004 – 2011), Hutt City District Plan (2008 – ongoing), Manawatu District Plan (2010 – 2012) and South Taranaki District Plan (2014 – ongoing). Therefore, I have a thorough understanding of the District Plan Review processes and requirements, and land use, development and resource management issues in the Horowhenua District.

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 included preparing and reviewing Section 42A (RMA) reports, including preparing this report. This role continued in 2014 with the engagement to assist HDC with the preparation of Proposed Plan Variation 1 (PPV1).

I note Boffa Miskell also provides policy advice and assistance to Transpower with reviewing and submitting on RMA planning documents. Therefore, in preparing this Section 42A Report for the Proposed Plan Variation 1, where provisions have been submitted on by Transpower, I am not the author of those evaluations or recommendations due to potential or perceived conflict of interest. Those evaluations and recommendations have been authored by David McCorkindale, Senior Manager - Strategic Planning, Horowhenua District Council.

1.2 Outline

This report considers submissions and further submissions which were received on Proposed Plan Variation 1 (Miscellaneous Matters (including Land Rezoning) and Update and Alignment of Greenbelt Residential Zone) to the Proposed Horowhenua District Plan (referred to in this report as "the Proposed Plan"). This report has been prepared in accordance with Section 42A of the Resource Management Act ("the RMA") to assist the Hearings Committee with its consideration of submissions received in respect of the provisions in this Proposed Plan Variation.

This report is structured according to the following format:

- An overview of the Proposed Plan Variation
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan Variation

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 Committee will make recommendations to the full Council. The Council will consider those recommendations and then make a decision concerning each submission. The report to the full Council will include recommendations to accept, accept in part, reject or reject in part individual submission points, and any amendments to Proposed Plan Variation.

The amendments to the Proposed Plan Variation arising from the staff recommendations discussed throughout this report are listed in full in Appendix 2 (Section 6.1). The suggested amendments are set out in the same style as the Proposed Horowhenua District Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual provisions in the Proposed Plan Variation. As far as possible, the individual submission points are listed in order to match the contents of each Plan provision.

Each submission and further submission has been given a unique number (e.g. 102). 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 102.01, meaning submitter number 102 and submission point number 01. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan Variation, 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 Plan Variation 1

2.1 Background

The Horowhenua District Plan Review undertaken between 2011 and 2013 was a comprehensive review of all operative parts of the District Plan. However, provisions subject to concurrent plan changes introduced prior to the commencement of the full review (Plan Changes 20, 21 and 22) did not form part of the full review process; these included Chapter 18 (Greenbelt Residential Zone).

Given this situation PPV1 seeks to align relevant provisions in Chapter 18 with those in other zone chapters to ensure consistency across the plan. In addition it also endeavours to clarify provisions that are interpretatively confusing and to address emergent issues and/or those issues that were unable to be addressed as part of the District Plan Review process.

The Proposed District Plan (2013) is subject to one outstanding appeal and therefore still remains proposed. The nature of the appeal that is yet to be resolved, is focused to specific provisions relating to relocated buildings and for this reason the remainder of the District Plan provisions are treated as operative.

The District Plan Review process resulted in changes being made to previous plan provisions across all zone chapters (Rural, Residential, Commercial and Industrial). However, as Chapter 18 (Greenbelt Residential) was the subject of a separate plan change which rendered it out-of-scope¹, the relevant reviewed provisions were not incorporated into this chapter.

Consequently, PPV1 provides an opportunity to amend this previously excluded chapter so that relevant provisions within it align with those contained in the balance of the plan. In the absence of doing this the District Plan would continue to be inconsistent across zone chapters, thereby affecting its efficient and effective implementation. As this chapter was also unable to be reformatted as part of the review process PPV1 also provides an opportunity for this formatting to be addressed.

Further, since implementing the Proposed District Plan provisions a number of anomalies and inconsistencies have been identified that impinge on the effective interpretation and application of the plan. To address this, a series of corrections, clarifications and updates have been developed and form part of PPV1, noting that a number of minor alterations have been made to the plan using the Schedule 1, Clause 16 process in the Resource Management Act 1991 (RMA).

Finally, during or subsequent to the review of the District Plan the Council either identified or received requests for further changes to the plan, many of which relate to the rezoning of properties. To address this situation PPV1 provides an opportunity to assess changes to specific rules identified as well as site specific re-zoning requests received.

2.2 Consultation & Process

As outlined in the Section 32 Report associated with Proposed Plan Variation 1, given the relatively minor nature of the changes proposed in PPV1 consultation was limited to the Ministry for the Environment, Horizons Regional Council, Iwi and those directly affected by proposed rezoning. As part of the consultation undertaken prior to notification only Horizons provided feedback by suggesting some minor changes, which were incorporated into the notified Proposed Plan Variation.

On 15 August 2014 Proposed Plan Variation 1 was publicly notified, with submissions closing on 15 September 2014. A total of 27 submissions were received. On 3 October 2014, a summary of submissions (decisions requested) was publicly notified and the period for further submissions closed on 17 October 2014. At the close of this further submission period, 22 further submissions were received.

¹ Chapter 18 was subject to the Environment Court appeal as part of Plan Change 21 and 'greyed' out in the notified version of the Proposed District Plan, clearly signalling that this chapter and any other 'greyed out' provisions were not included in the District Plan Review.

The submissions received were from a wide variety of parties, including private individuals, advocacy/interest groups, corporate and government agencies.

2.2.1 Late Submissions

No late submissions were received which raised matters relating to Proposed Plan Variation 1.

2.2.2 Status of Further Submitters

Under Clause 8 of the First Schedule of the Resource Management Act 1991, only certain persons may make a further submissions. These persons are:

- (a) *any person representing a relevant aspect of the public interest; and*
- (b) *any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has; and*
- (c) *the local authority itself.*

All further submitters have been reviewed to determine whether they fit into the above categories. All further submitters are considered to fit within one of the above categories except for further submission 508 from WA Huzziff. Mr Huzziff is not representing a public interest, nor is he considered to have an interest in this matter that is greater than the general public, nor did he make an original submission to PPV1. Therefore, it is recommended this further submission is not accepted. It is noted that Mr Huzziff did not make an original submission to PPV1.

3. Statutory Requirements

3.1 Resource Management Act 1991

In preparing a Plan Variation to the 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.

Part II of the Resource Management Act (RMA) underpins the exercise of all functions, duties and powers, with Section 5 providing that the purpose of the RMA, is to provide the sustainable management of natural and physical resources. As such, Section 5 is fundamental to any assessment, with the approach being to weigh the matters in Section 5(2) in order to reach a broad judgement as to whether a policy or rule would promote the sustainable management of natural and physical resources.

The Council has additional responsibilities under Section 6 of the Act in respect matters of national importance. The only matters in Section 6 relevant to Proposed Plan Variation 1 are where consistency is sought to some references for the coastal environment. Section 7 of the Act requires Council to have particular regard to (amongst other matters) - *The efficient use and development of natural and physical resources; The maintenance and enhancement of amenity values; and Maintenance and enhancement of the quality of the environment.*

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

3.2 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 (NZCPS). Given the purpose and scope of Proposed Plan Variation 1, the NZCPS is only considered relevant to Amendment 23 on rezoning an area of land at Waikawa Beach. The relevant policies of the NZCPS are discussed under the evaluation for Amendment 23 in Section 4 of this report.

3.3 National Environmental Standards

No National Environmental Standards (NES) are specifically relevant to the subject of this report.

3.4 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). Given the purpose and scope of Proposed Plan Variation 1, the only NPS relevant to this matter is the NPS on Electricity Transmission Activities with regard to Amendment 1 in aligning the rules in the Greenbelt Residential Zone. The National Grid traverses an area zoned Greenbelt Residential, therefore, the rules in this zone need to give effect to this NPS. The relevant policies of this NPS are discussed under the evaluation for Amendment 1 in Section 4 of this report.

3.5 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 Proposed One Plan (incorporating the Proposed Regional Policy Statement) is anticipated to be made fully operative before the end of 2014 with all appeals resolved earlier this year. Given this pending status, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by Proposed Plan Variation 1. Notwithstanding this, given the nature and scope of Proposed Plan Variation 1, the policies in the Proposed One Plan have limited applicability to this Variation. The only relevant matters are considered to be Amendment 1 – Aligning the Greenbelt Residential Zone rules (infrastructure policies) and Amendment 23 – Rezoning land at Waikawa Beach (coastal policies). The relevant policies are discussed under the applicable evaluations in Section 4 of this report.

4. Analysis of Submissions

4.1 Section 32 Report

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.00	Transpower New Zealand Ltd	In-part	Submitter supports consistency around provisions across the plan but seeks amendments to better manage the potential for activities to have adverse effects on the National Grid. Notes the National Policy Statement on Electricity Transmission (NPSET) is directly relevant and must be given effect to PPV1, but this is not acknowledged in the Section 32 report.	Give full effect to the NPSET in the Greenbelt Residential Zone provisions.	

One submission point was received relating to the content of the Section 32 Report.

4.1.2 Discussion & Evaluation

1. Transpower NZ (101.00) in their submission made reference to the Section 32 Report and that this report did not acknowledge that the Council is required to give effect to the National Policy Statement on Electricity Transmission (NPSET). While the Section 32 Report does not technically form part of the Proposed Plan Variation, it is acknowledged that the Section 32 Report should have referenced the NPSET. It is recommended the submission is accepted and the decision report acknowledges the relevance of the NPSET (the relevance of the NPSET is discussed further below on Amendment 1).

4.1.3 Reporting Officer's Recommendation

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

4.1.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the Section 32 Report, but the Decision Report is to refer to PPV1 is required to give effect to PPV1.

4.2 Amendment 1 – Chapter 18: Greenbelt Residential Zone

4.2.1 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
101.01	Transpower New Zealand Ltd	Support	Submitter supports the provisions for the construction, operation and maintenance of network utilities, specifically, any new infrastructure.	Retain Rule 18.1(j)(i) as notified.	
101.02	Transpower New Zealand Ltd	Support	Submitter supports provision of maintenance or minor upgrading of existing network utilities, the installation of underground network utilities and new above ground lines (including support poles) within the Flood Hazard Overlay Areas.	Retain Rule 18.1(l)(iii), 18.1(l)(iv) and 18.1(l)(v) and the first associated bulleted note as notified.	
101.03	Transpower New Zealand Ltd	In-Part	Submitter supports in part the current wording and structure of the rule but seeks to amend it to also include specific reference to Rule 18.6.32(b) regarding earthworks around a National Grid transmission line.	Amend Rule 18.1(s) as follows: (s) Earthworks Notes: Also refers to – (i) Refer to Rule 18.4(j)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure; (ii) Rule 18.4(k)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage; and (iii) Rule 18.6.32(b) a) – c) <u>Earthworks around a National Grid transmission line.</u>	
101.04	Transpower New Zealand Ltd	Support	Submitter supports reference to the NESETA regulating the existing National Grid transmission lines (as opposed to the District Plan).	Retain reference to NESETA at the end of Rule 18.1.	
101.05	Transpower New Zealand Ltd	Support	Submitter supports the provision of the default to discretionary activity status.	Retain Rule 18.4(a) as notified.	
101.06	Transpower New Zealand Ltd	In-Part	Submitter supports the need to manage subdivision around the National Grid infrastructure but seeks to amend Rule 18.3(h) to respond to NPSET policies 10 and 11. The amendment sought is to require identification of a building area on a scheme plan of subdivision which is suitably separated from the National Grid transmission lines. This reflects both the Submitter's refined approach to corridor management	Amend Rule 18.3(h) as follows: (h) Any subdivision within 32m <u>16m</u> of the centreline of a National Grid transmission line <u>where all relevant allotments (excludes reserves) created within 16m of the National Grid transmission line shall identify a building area</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			and the likelihood of higher demand for smaller allotments in the Greenbelt Residential Zone.	<p>on a scheme plan for a <u>dwelling or principal building which is located further than:</u></p> <p><u>(a) 12m from any National Grid support structure foundation; and</u></p> <p><u>(b) 12m from the centreline of any National Grid line where one or both ends of the span is on a pi pole; or</u></p> <p><u>(c) 10m from the centreline of any National Grid line where both ends of the span is on a single pole.</u></p>	
101.07	Transpower New Zealand Ltd	In-Part	Submitter notes that Non-Complying activity status is appropriate where any subdivision is unable to identify a building area within a proposed allotment and seeks to include an additional rule to that effect in 18.5 Non Complying Activities.	<p>Include an additional rule in 18.5 Non Complying Activities as follows:</p> <p><u>(aa) Any subdivision within 16m of the centreline of a National Grid transmission line that is not a restricted discretionary activity under Rule 18.3(h).</u></p>	
101.08	Transpower New Zealand Ltd	Support	Submitter supports any activity within the National Grid Corridor that does not comply with the permitted activity conditions in Rule 18.6.32 being a non-complying activity in the Greenbelt Residential zone.	Retain existing Rule 18.5(a).	
101.09	Transpower New Zealand Ltd	In-Part	Submitter seeks to amend heading of Rule 18.8.11 Subdivision within 32 metres of the Centre Line of High Voltage Transmission Lines	<p>Amend Heading of Rule 18.8.11 as follows:</p> <p>18.8.11 Subdivision within 32 <u>16</u>m metres of the Centre Line of High Voltage Transmission Lines</p>	
101.10	Transpower New Zealand Ltd	In-Part	Submitter seeks to expand Rule 18.8.11(a) to fully clarify and manage issues of adverse effects to line operation and maintenance due to subdivision occurring	<p>Retain Rule 18.8.11(a)(i).</p> <p>Include the following matters of discretion under Rule 18.8.11(a):</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			adjacent to the National Grid infrastructure.	<p><u>(ii) Impacts on the operation, maintenance, upgrade and development of the National Grid;</u></p> <p><u>(iii) Technical advice provided by Transpower;</u></p> <p><u>(iv) The ability of the applicant to provide a complying building platform; and</u></p> <p><u>(v) The nature and location of any vegetation to be planted in the vicinity of the National Grid lines.</u></p>	
101.11	Transpower New Zealand Ltd	In-Part	Submitter seeks to amend the notification requirement to confirm that it is a potentially affected party where any subdivision is proposed adjacent to the National Grid infrastructure.	<p>Amend Rule 18.8.11(b) as follows:</p> <p>Non-Notification</p> <p>In respective of 18.3(h), for the purposes of notification / non-notification, Transpower New Zealand Limited may shall be identified as a potentially affected party.</p>	
101.12	Transpower New Zealand Ltd	In-Part	Submitter seeks to amend Rule 18.6.32(b) in its entirety to give effect to Policy 10 of the NPSET and to ensure its ability to operate and maintain existing transmission infrastructure is not compromised by earthworks undertaken by other parties.	<p>Delete Rule 18.6.32(b) and include the following:</p> <p><u>(b) Earthworks</u></p> <p><u>Earthworks within the National Grid Corridor, subject to compliance with the following standards:</u></p> <p><u>(i) Be no deeper than 300m within 12 of any National Grid support structure foundations (except the vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt);</u></p> <p><u>(ii) Shall not compromise</u></p>	<p>501.00 Federated Farmers of New Zealand – Support in part</p> <p>502.00 Horticulture NZ - Support in part</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>the stability of a National Grid support structure;</u> and</p> <p><u>(iii) Shall not result in a reduction in the ground to corridor clearance distances below what is required by Table 4 of NZECP34.</u></p> <p><u>Provided that the follow are exempt from point (i) above:</u></p> <ul style="list-style-type: none"> • <u>Earthworks for a Network Utility within a transport corridor, as part of a transmission activity or for electricity infrastructure; or</u> • <u>Earthworks undertaken as part of agricultural or domestic cultivation;</u> or • <u>Earthworks undertaken for repairing, sealing or re-sealing of a road, footpath, driveway or farm track.</u> 	
101.13	Transpower New Zealand Ltd	In-Part	Submitter seeks to amend Rule 18.3 to include a new activity rule to cover earthworks that do not comply with proposed Rule 18.6.32(b)(i).	<p>Include new Rule 18.3(k) as follows:</p> <p><u>(k) Any earthworks not permitted by Rule 18.6.32(b)(i). (refer submission number 101.12 above)</u></p> <p><u>Matters of Discretion</u></p> <p><u>(a) Impacts on the operation, maintenance, upgrade and development of the National Grid.</u></p> <p><u>(b) Compliance with NZECP34:2001.</u></p> <p><u>(c) Technical advice provided by Transpower.</u></p>	502.01 – Horticulture NZ – Support in part

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>(d) The risk to the structural integrity of the National Grid.</u></p> <p><u>(e) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</u></p> <p><u>(f) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></p>	
101.18	Transpower New Zealand Ltd	In-Part	Submitter seeks that any consequential amendments that arise from the amendments are made.	Amend as necessary.	
105.00	New Zealand Defence Force	Support	Submitter supports the provisions in PPV1 relating to temporary military training activities as they align with those recently incorporated into the Proposed District Plan for other zones, were developed by experts and considered and accepted by the hearings panel and provide an important means of achieving national consistency.	Retain the provisions relating to temporary training activities (Rules 18.6.30 and 18.7.7)	
108.00	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Oppose	<p>Submitter opposes the proposed treatment of removal, re-siting, and relocation of buildings in their entirety, and considers that the proposed variation does not meet the aims of the RMA, with particular reference to Sections 5, 32, 75 and 76, and Part 2 of the RMA generally.</p> <p>Submitter also considers the proposed controls on removal, re-siting and relocation of buildings are disproportionate to those applying to new dwellings and buildings, that application of any performance bond or restrictive covenant is unnecessary, that any potential adverse effects of relocation on amenity values would be remedied after an initial</p>	<p>Amend the objectives, policies, rules, methods and reasons in PPV1 to reflect the reasons for this submission.</p> <p>Delete all provisions (including objectives, policies, rules, assessment criteria and other methods and reasons) on removal, re-siting and relocation of buildings.</p> <p>Amend the objectives, policies, rules and assessment criteria in the variation to recognise the need to provide for coordination between the</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>establishment period and that no recognition has been made of the transaction costs of not exempting building relocation and removal from any requirement to obtain neighbour approvals.</p> <p>Submitter seeks a range of amendments to give effect to their submission and to appropriately recognise the positive effects of removal, re-siting and relocation of dwellings and buildings.</p>	<p>Building Act and the RMA, to avoid regulatory duplication.</p> <p>Include allowance for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established heritage precinct.</p> <p>Include provision for relocation of dwellings and buildings subject to the following performance standards/ conditions (or to same or similar effect):</p> <p><u>Relocation of Buildings</u></p> <p><u>Relocated buildings are permitted where the following matters can be satisfied:</u></p> <p><u>(a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;</u></p> <p><u>(b) Any relocated dwelling must have been previously designed, built and used as a dwelling;</u></p> <p><u>(c) A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and</u></p> <p><u>(d) The building shall be located on permanent foundations approved by the building consent, no later than [2] months of the building being moved</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>to the site.</u></p> <p><u>(e) All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</u></p> <p>Include, in the event that relocation of a building/dwelling is not a permitted activity due to non-compliance with permitted activity performance standards, a default rule that provides for relocation of dwellings and buildings that is no more restrictive than restricted discretionary activity (provided that such application be expressly provided for on a non-notified, non-service basis) subject to the following assessment criteria (or to the same effect):</p> <p><u>Restricted Discretionary Activity (on a non-notified, non-service basis)</u></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><u>i) Proposed landscaping;</u></p> <p><u>ii) The proposed timetable for completion of the work required to reinstate the exterior of</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>the building and connections to services;</u></p> <p>iii) <u>The appearance of the building following reinstatement.</u></p> <p>Delete any provision for a performance bond or any restrictive covenants for the removal, re-siting and relocation of dwellings and buildings.</p> <p>Include provision to restrict (as a discretionary activity rule) the use of restrictive covenants for the removal, re-siting and relocation of dwellings and buildings.</p> <p>Include any consequential amendments required to give effect to the submission.</p>	
110.00	The NZ Transport Agency	Support	The Submitter supports the overall intent and direction of the Proposed District Plan.	Retain Rule 18.2(d) as notified.	
110.01	The NZ Transport Agency	Support	The Submitter supports the overall intent and direction of the Proposed District Plan.	Retain Rule 18.6.4(c) as notified.	
110.02	The NZ Transport Agency	Support	The Submitter supports the overall intent and direction of the Proposed District Plan.	Retain Rule 18.6.11 as notified.	
110.03	The NZ Transport Agency	Support	The Submitter supports the overall intent and direction of the Proposed District Plan.	Retain Rule 18.6.23 as notified.	
110.04	The NZ Transport Agency	In-Part	The Submitter supports the overall intent and direction of the Proposed District Plan but seeks a further advice note to be included regarding Transport Agency consultation.	<p>Amend Rule 18.6.26(g) to include the following:</p> <p><u>Note: Consultation with the Transport Agency is required for any sign visible from a State Highway.</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
110.05	The NZ Transport Agency	In-Part	The Submitter supports the overall intent and direction of the Proposed District Plan but seeks a minor amendment to clarify the intent of the rule.	Amend as follows: (v) The approval of the <u>NZTA Transport Agency</u> where the sign fronts <u>is visible</u> from a State Highway.	
110.06	The NZ Transport Agency	Support	The Submitter supports the overall intent and direction of the Proposed District Plan.	Retain Rule 18.6.6(a) as notified.	
117.00	KiwiRail	Support	Submitter supports the proposed 15m setback for all buildings from any rail boundary.	Retain provision (Rule 18.6.4(g)).	
117.01	KiwiRail	Support	Submitter supports the proposal that the noise limits prescribed in Rule 18.6.9(a) and (b) do not apply to the operation of the NIMT, and notes that irrespective of the District Plan provisions the overriding duty at Section 16 of the RMA to avoid unreasonable noise applies to KiwiRail activities.	Retain provision (Rule 18.6.9(d)(iii)).	
117.02	KiwiRail	Support	Submitter supports the requirement for noise insulation in relation to noise sensitive activities within 30m of the rail corridor boundary, and acknowledges that this setback is the same as was contained in its submission in 2012 on the District Plan Review. However, the submitter notes that at the time of the next review of these standards a distance of 100m is likely to be sought in relation to noise sensitive activities and mitigation.	Retain provision (Rule 18.6.11(b)).	
117.03	KiwiRail	Support	Submitter considers the protection of sight lines at level crossings is important for public safety and is therefore supportive of standards being imposed to ensure they are maintained.	Retain provision (Rule 18.6.23(a)).	
117.04	KiwiRail	Support	Submitter supports specific reference to utilities within the rail corridor being exempt from the setback from the national grid	Retain provision (Rule 18.6.32(a)).	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			corridor as the nature of the rail network is such that relocating it is not practicable nor always feasible.		
117.05	KiwiRail	Support	Submitter supports that access to the site, including any access over or under railway lines, is a specific matter for consideration at the time of subdivision.	Retain provision (Rule 18.7.1(ii)).	
118.01	Brian and Ann Thomas	In-Part	Submitter suggests some further clarification required around implementation timeframes.	Amend to clarify implementation timeframes.	
124.00	Truebridge Associates Limited	In-Part	Submitter seeks careful control of all relocated buildings (new and second hand) to combat inconsiderate relocation in the rural zone or negative effects on the area and district.	Include a new rule in 18.4 to make relocation of previously occupied buildings, irrespective of size, a discretionary activity. Amend Rule 18.2(e) to make relocation of new, unoccupied buildings a controlled activity.	
124.01	Truebridge Associates Limited	In-Part	Submitter seeks to amend Rural Zone Boundary rule to 3m to align with Greenbelt Zone Boundary Rule to eliminate the confusion and current inconsistency between the boundary separation distances in the two zones.	Amend Rule 18.6.4(f) as follows: (f) No dwelling shall be located closer than 45m <u>3m</u> from any Rural Zone Boundary.	501.01 Federated Farmers of New Zealand – Oppose 502.05 Horticulture NZ – Oppose
124.02	Truebridge Associates Limited	Oppose	Submitter seeks to have the Rule deleted as it is already covered by Rule 18.6.4(b).	Delete Rule 18.6.5(a).	
124.03	Truebridge Associates Limited	In-Part	Submitter seeks to ensure that the matters of control covered by the rule are consistent with the Environment Court Consent Order and are not applicable to the Waitarere Rise Greenbelt.	Amend Rule 18.7.1 to be consistent with the Environment Court Consent Order on the Waitarere Rise Greenbelt.	

Transpower and the NZ Transport Agency has made multiple submission points relating to amendment to align the rules in the Greenbelt Residential Zone with other rules in the Proposed District Plan. These submission points relate to providing for network utilities and protecting the National Grid and State Highways from impacts from other activities respectively.

One submission was received relating to the temporary military training activities rules.

Two submissions were received relating to the rules for relocating buildings.

KiwiRail supports multiple provisions in relation to the rail network.

One submission seeks clarity on implementation timeframes.

One submission was received seeking a change to a dwelling setback from Rural Zone boundary.

One submission was also received requesting the rule requiring separation distance between detached residential dwellings be deleted.

4.2.2 Discussion & Evaluation

1. The support from Transpower NZ for retaining the following rules is noted (Rule 18.1(j)(i), Rule 18.1(l)(iii), Rule 18.1(l)(iv), Rule 18.1(l)(v), Rule 18.4(a), Rule 18.5(a) and the reference to NESETA). In addition, the support from the NZ Defence Force for Rules 18.6.30 and 18.7.7 relating to temporary military training activities is noted. Furthermore, the support from the NZ Transport Agency on the following rules is noted (Rule 18.2(d), Rule 18.6.4(c), Rule 18.6.11, Rule 18.6.23 and Rule 19.6.6(a)). The support from KiwiRail for Rules 18.6.4(g), 18.6.9(d)(iii), 18.6.11(b), 18.6.23(a), 18.6.32(a) and 18.7.1(ii) is noted.
2. Transpower NZ (101.03) seek Rule 18.1(s) be amended to include specific cross-reference to the rule (18.6.32(b)) which manages earthworks around a National Grid transmission line. Adding this cross-reference to the permitted activity listing for earthworks is supported as it alerts Plan users to a third rule which manages earthworks in particular circumstances. It is recommended this submission point is accepted and the cross-reference be added.
3. Transpower NZ (101.06) requests Rule 18.3(h) managing subdivision near High Voltage Transmission Lines be amended to require identification of a building area on the subdivision Scheme Plan. The intent of the amendment sought is supported, as it ensures each lot created has an area where a building can be located in compliance with the land use standards. However, amending Rule 18.3(h) to state the building setback requirements in relation to the National Grid is not supported as it effectively duplicates Rule 18.6.32 (being the rule with the National Grid building setbacks). In addition, one of the standard matters Council considers in assessing any subdivision application is the location of building sites (see Rule 18.7.1 Matter of Control (a)(i)). The requested change of distance for subdivision within 32m to 16m of a National Grid transmission line is supported for the Greenbelt Residential Zone, as it recognises the nature of anticipated development and smaller size of the transmission line traversing this zone. Therefore, it is recommended this submission point is accepted in part, with the only amendment being the change in subdivision distance from the transmission line. As a consequential amendment, it is recommended the heading of Rule 18.8.11 also be amended from 32m to 16m (submission point 101.09).
4. Transpower NZ (101.07) seek a new non-complying rule be added to assess any subdivision which does not comply with the building setback requirements. This relief sought is considered to already to be provided for by Rule 18.5(a). However, to clarify this rule also applies to subdivision proposals, Rule 18.5(a) could be amended to reference subdivision. Therefore, it is recommended this submission point is accepted in part and Rule 18.5(a) be amended to include reference to subdivision.
5. Transpower NZ (101.10) requests the matters of discretion for Rule 18.8.11(a) relating to subdivision near high voltage transmission lines be expanded to clarify and manage the

adverse effects of this type of activity. The requested matters are considered to provide useful guidance on the particular matters to be assessed with a subdivision application. However, it is considered there is no need for a specific matter stating technical advice from Transpower, as this advice would relate to one or more of the other matters listed. Therefore, it is recommended this submission point is accepted in part and matters are added in relation to impacts on the National Grid, complying building platform and vegetation.

6. Transpower NZ (101.11) seek the notification clause for the rule relating to subdivision near high voltage transmission lines state Transpower 'will' be identified as an affected person rather than 'may' be. Whilst it is likely that the Council would generally identify Transpower as an affected person when resource consent was required for activities within the National Grid corridor or near high voltage transmission lines, there may be circumstances where this status may not be the case. For example, a simple boundary adjustment of two properties where a high voltage transmission line may cross one of the properties but the new boundary is located some distance from the high voltage transmission lines and there is no impact on the lines. Therefore, it is considered appropriate to rely on the tests under Section 95E in determining affected persons and not state 'will' in the Note. It is noted the primary purpose of the Note is to alert Plan users and applicants under this rule that an applicant could try and streamline the consent process by approaching Transpower for written approval prior to submitting any application to Council. Accordingly, it is recommended this submission point is rejected.
7. Transpower NZ (101.12) requests Rule 18.6.32(b) which manages earthworks within the National Grid Corridor be replaced in its entirety to give effect to the NPSET and protect the operation and maintenance of the existing high voltage transmission line. Further submissions from Federated Farmers (501.00) and Horticulture NZ (502.00) consider that the rule for earthworks near the National Grid should be consistent with the Rural Zone rules. The section of high voltage transmission line that traverses the Greenbelt Residential Zone is located on flat land between Queen Street East and Tararua Road east of Levin. Therefore, the nature and scale of earthworks in this area is likely to be insignificant compared to other locations (e.g. the Whitby example in the Transpower submission). Notwithstanding these conditions, it is recognised earthworks (e.g. trenching for installing underground services or stockpiles of soil) could pose a risk to the high voltage transmission line. One of the aims of PPV1 was to align and apply consistent provisions across the different zones. Having reviewed the replacement standards sought by Transpower, they are not considered materially different from those contained in PPV1. It is considered having the same permitted activity standards for earthworks in the Rural and Greenbelt Residential Zones provides for more efficient administration of the District Plan, while also effectively protecting the National Grid. Therefore, it is recommended this submission point from Transpower NZ is rejected and the further submissions from Federated Farmers and Horticulture NZ are accepted, and therefore the notified plan variation provisions are retained.
8. Transpower NZ (101.13) seeks a new restricted discretionary activity (Rule 18.3(k)) for earthworks which do not comply with the permitted activity standards (Rule 18.6.32(b)(i)). Horticulture NZ (502.01) support in part this submission but seek the provisions be the same as for the Rural Zone. PPV1 as notified applies non-complying activity status to non-compliance with the earthworks standards. Given the circumstances described in the paragraph above regarding the flat land, restricted discretionary activity is considered the more appropriate activity status given these conditions. All of the matters of discretion submitted by Transpower are considered appropriate except for the one relating to 'technical

advice from Transpower' for the same reasons as given above for Rule 18.8.11. Accordingly, it is recommended these submission points be accepted in part with a new rule introduced and associated matters of discretion.

9. Transpower NZ (101.18) seeks any consequential amendments to the Proposed Plan Variation arising from other amendments made. Based on the above evaluations and recommendations, the only consequential amendments are those relating to Rule 18.8.11 as noted for submission point 101.06 above. Therefore, it is recommended this submission point is accepted in part.
10. House Movers Section of New Zealand Heavy Haulage Association (Inc) (108.00) opposes the rules for relocating buildings as a controlled activity in the Greenbelt Residential Zone, and seeks it be a permitted activity. Truebridge Associates Ltd (124.00) seeks control over all relocated buildings and that it be classified a discretionary activity. This matter was considered as part of the full District Plan Review for all other zones where Council decided a Controlled Activity was the most appropriate activity status for relocated buildings over 40m². This matter for all other zones has been appealed by the Heavy Haulage Association and is unresolved at the time of writing this report. With respect to the Greenbelt Residential Zone, it is considered the same issues and circumstances apply as to all other Zones in the District Plan. A thorough evaluation of this matter by Council officers and advisors was prepared in response to questions from the Hearing Panel during the District Plan Review (attached in Appendix 5 – Section 6.5). For the reasons set out in the document in Appendix 5 – Section 6.5, it is recommended that the submission from the Heavy Haulage Association is rejected and the submission from Truebridge Associates is accepted in part in retaining the relocation of buildings as a Controlled Activity. However, it is noted if the appeal by the Heavy Haulage Association on this matter for all other zones results in changed provisions, these changed provisions should also apply to the Greenbelt Residential Zone.
11. The NZ Transport Agency (110.04) seeks a Note be added to Rule 18.6.26(g) (permitted activity standards for signs) requiring consultation with the Agency for any sign visible from a State Highway. The sign standards contain specific requirements for signs erected on or adjacent to all roads (including State Highway) to avoid creating distractions for drivers and maintain amenity values. Adding a Note to this rule requiring consultation with the NZTA for any sign visible from a State Highway is not considered an effective or efficient method. It is considered the standards effectively manage the potential effects on the safe and efficient operation of the State Highway, and that consultation with the NZTA should only be required where a sign is proposed which does not comply with one or more of the standards. Notwithstanding this evaluation, Council and NZTA produce information pamphlets detailing sign requirements to assist members of the public. A statement could be included in these pamphlets encouraging consultation with the NZTA for any signs located adjacent to State Highway. The preparation and content is determined outside of the District Plan process. Therefore, it is recommended this submission point is rejected.
12. The NZ Transport Agency (110.05) seeks Rule 18.8.9(a)(v) (matters of discretion for signs) be amended by changing the reference from 'NZTA' to "NZ Transport Agency" and replace the term 'fronts' with "is visible from" in relation to the position of the sign relative to the State Highway. Amending the reference to the Agency is supported as it clarifies who the NZTA is for people unfamiliar with this acronym. However, replacing the term 'fronts' with 'is visible from' is not supported as this terminology is considered to expand the area of application to an excessive area where there may be no effects on the State Highway. For example, a sign

may be located a significant distance (e.g. greater than 100m) from the State Highway, but would still be 'visible'. The wording 'fronts' is considered the most appropriate wording for this matter of discretion as signs located immediately adjacent to and facing the State Highway could have an adverse effect on the safety and efficiency of the State Highway. In addition, this wording is consistent with other zones in the District Plan. Therefore, it is recommended this submission point is rejected.

13. B & A Thomas (118.01) seek clarification on implementation timeframes for 18.4. From recent correspondence with this submitter (see email in Appendix 3 – Section 6.3), this submission relates to Table 18.4 in Rule 18.7.1(b) relating to the minimum lot area and shape and its relationship to the Gladstone Greenbelt Structure Plan area. The submitter notes the 'density change' line (2,000m²/5,000m² minimum lot size) shown on the Structure Plan bisects their property. The density change applies as only part of the Gladstone Greenbelt area is proposed to be serviced by the reticulated wastewater network (i.e. the 2,000m² area). The submitter seeks clarity on when this reticulated servicing is proposed and what lot size provisions apply. In terms of the installation of reticulated servicing, Council has deferred in its Long Term Plan the extension to the wastewater trunk main to service the Gladstone Greenbelt area (i.e. it is not in the 10 year plan 2012 – 2022). At this time, it is unknown what timeframe beyond this 10 years the wastewater trunk main would be provided. Given this timing, any subdivision in the Gladstone Greenbelt Zone area would be considered 'unserved', meaning the minimum lot size of 5,000m² applies to the entire area. Each lot would be required to provide on-site treatment and disposal of wastewater. In the longer term, and once the reticulated wastewater trunk main has been extended, properties would be able to be subdivided to into smaller lots (i.e. 2,000m²). It is hoped this clarifies this matter for the submitter, and it is recommended this submission is accepted in part.
14. Truebridge Associates Ltd (124.01) seeks the dwelling setback from the Rural Zone boundary be changed from 15m to 3m to align and be consistent with the 3m setback that applies to all other boundaries. Federated Farmers (501.01) and Horticulture NZ (502.05) oppose this submission point seeking the 15m be retained for reverse sensitivity reasons. The purpose of the dwelling setback is to maintain a level of privacy and amenity between properties and minimise the potential for reverse sensitivity issues to arise (particularly for the Rural Zone boundary). Building (and dwelling) setbacks was the subject of a number of submissions when the Greenbelt Residential Zone was introduced in 2009 (via Plan Change 21), as well as more recently for the Rural Zone through the Proposed Plan process (including an appeal as discussed further below). In determining the setbacks, it is recognised a balance is required in providing for efficient use of land, while also achieving the outcomes regarding privacy, amenity and reverse sensitivity issues. In addition, simple and consistent standards assists with the ease of understanding and application of the District Plan, increasing its overall efficiency. A 10m setback for dwellings from property boundaries in the Rural Zone was determined as the appropriate distance to minimise reverse sensitivity issues and maintain a level of privacy and amenity. However, for smaller sites (less than 5,000m²) in the Rural Zone, provision was made for 3m setbacks from property boundaries, as well as a 10m separation distance between dwellings on any other site. An appeal by Horticulture NZ on the Proposed Plan relating to dwelling setbacks for smaller sites in the Rural Zone resolved to introduce a 10m dwelling setback on smaller sites where they adjoined sites larger than 2 hectares (20,000m²). Such an approach is considered effective in the Greenbelt Residential Zone where it adjoins the Rural Zone as it addresses the zone interface issues and outcomes anticipated for each zone. Therefore, it is recommended these submissions are accepted in part and the 15m property boundary

setback from the Rural Zone boundary be replaced with a 10m separation distance for any residential dwelling on any site in the Rural Zone, plus a 10m setback where it adjoins a site of 2ha or more.

15. Truebridge Associates Ltd (124.02) requests Rule 18.6.4(a) (separation distance between detached residential dwelling units) be deleted as they contend it duplicates Rule 18.6.3(b) (building setbacks from boundaries and separation distances). While on face value Rule 18.6.4(a) appears to duplicate Rule 18.6.3(b), Rule 18.6.4(a) applies a separation distance where dwelling units are located on the same property, while Rule 18.6.3(b) applies to dwellings on adjoining properties. The separation rule recognises and provides for the circumstances where two or more dwelling units are located on a single property which may be subdivided in the future. This separation future proofs the site and dwellings to maintain sufficient area between dwellings in this circumstance. Therefore, it is recommended Rule 18.6.4(a) be retained and the submission rejected.

16. Truebridge Associates Ltd (124.03) seek Rule 18.7.1 (matters of control and conditions for Controlled Activity subdivision of land) be amended to be consistent with the Consent Order arising from the appeal on Plan Change 21 for the Waitarere Rise area. The Consent Order has been reviewed and no inconsistency has been identified. It is noted that there is an inconsistency in relation to the accessway dimensions, however this matter sits in a different section of the Plan and has also been specifically addressed as a submission point (124.05). The submitter has been contacted seeking clarification on this point, and at the time of writing this report, no response has been received. The submitter may wish to clarify this matter at the hearing. In the absence of this clarification and uncertainty as to the consistency, it is recommended this submission be rejected.

4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.01		Transpower New Zealand Ltd		Accept
101.02		Transpower New Zealand Ltd		Accept
101.03		Transpower New Zealand Ltd		Accept
101.04		Transpower New Zealand Ltd		Accept
101.05		Transpower New Zealand Ltd		Accept
101.06		Transpower New Zealand Ltd		Accept In-Part
101.07		Transpower New Zealand Ltd		Accept In-Part
101.08		Transpower New Zealand Ltd		Accept
101.09		Transpower New Zealand Ltd		Accept
101.10		Transpower New Zealand Ltd		Accept In-Part
101.11		Transpower New Zealand Ltd		Reject

101.12	501.00 502.00	Transpower New Zealand Ltd Federated Farmers of New Zealand Horticulture NZ	Support In-Part Support In-Part	Reject Accept Accept
101.13	502.01	Transpower New Zealand Ltd Horticulture NZ	Support In-Part	Accept In-Part Accept In-Part
101.18		Transpower New Zealand Ltd		Accept In-Part
105.00		New Zealand Defence Force		Accept
108.00		House Movers Section of New Zealand Heavy Haulage Association (Inc)		Reject
110.00		The NZ Transport Agency		Accept
110.01		The NZ Transport Agency		Accept
110.02		The NZ Transport Agency		Accept
110.03		The NZ Transport Agency		Accept
110.04		The NZ Transport Agency		Reject
110.05		The NZ Transport Agency		Reject
110.06		The NZ Transport Agency		Accept
117.00		KiwiRail		Accept
117.01		KiwiRail		Accept
117.02		KiwiRail		Accept
117.03		KiwiRail		Accept
117.04		KiwiRail		Accept
117.05		KiwiRail		Accept
118.01		Brian and Ann Thomas		Reject
124.00		Truebridge Associates Limited		Accept In-Part
124.01	501.01 502.05	Truebridge Associates Limited Federated Farmers of New Zealand Horticulture NZ	Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part
124.02		Truebridge Associates Limited		Reject
124.03		Truebridge Associates Limited		Reject

4.2.4 Recommended Amendments to the Plan Provisions

Amend Rule 18.1(s) as follows:

(s) Earthworks

Notes: Also refer to –

- (i) ~~Refer to~~ Rule 18.4(j)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure;
- (ii) Rule 18.4(k)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage; and
- (iii) Rule 18.6.32(b) a) – c) Earthworks around a National Grid transmission line.

Amend Rule 18.3(h) as follows:

(h) Any subdivision within ~~32~~ 16 metres of the centre line of High Voltage Transmission Lines provided the standards for Controlled Activities in Rules 18.7.1 are met (Refer to 18.8.11).

Consequentially amend Rule 18.8.11 as follows:

18.8.11 Subdivision within ~~32~~ 16 metres of the Centre Line of High Voltage Transmission Lines (Refer Rule 18.3(h))

Amend Rule 18.5(a) as follows:

- a) Any activity within the National Grid Corridor or subdivision within 16 metres of the centre line of High Voltage Transmission Lines that does not comply with the permitted activity conditions in Rule 18.6.32.

Amend the matters of discretion for Rule 18.8.11(a) as follows:

(a) Matters of Discretion

- (i) Measures necessary to protect existing high voltage transmission lines and people's health and safety.
- (ii) Impacts on the operation, maintenance, upgrade and development of the National Grid;
- (iii) Whether a complying building platform is provided; and
- (iv) The nature and location of any vegetation to be planted in the vicinity of the National Grid lines.

Insert a new restricted discretionary activity rule as follows:

(k) Any earthworks not permitted by Rule 18.6.32(b)(i) (Refer Rule 18.8.14).

Insert a new restricted discretionary activity rule as follows:

18.8.14 Earthworks Within National Grid Corridor (Rule 18.5(k))

(a) Matters of Discretion

- (i) Impacts on the operation, maintenance, upgrade and development of the National Grid.
- (ii) Compliance with NZECP34:2001.
- (iii) The risk to the structural integrity of the National Grid.
- (iv) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.
- (v) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

Amend Rule 18.6.4(f) as follows:

- (f) No dwelling shall be located closer than ~~45~~ 10 metres from any residential dwelling unit on any site in the Rural Zone boundary, or where the site adjoins a site of 20,000m² or more in the Rural Zone.

4.3 Amendment 2 – Rule 19.1(x) and (v) Rural Zone Permitted Activities

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.00	Federated Farmers of New Zealand	Support	Submitter supports permitted status of residential activities and accessory buildings in the Rural Zone, and considers the shift from the rule itself to the conditions for permitted activities will be consistent with the rest of the Plan.	Retain Amendment 2 – Rule 19.1(x) and (v).	500.02 Alliance Group Limited - Oppose

One submission point was received relating to the amendment clarifying the permitted activity status of residential activities and accessory buildings in the Rural Zone.

4.3.2 Discussion & Evaluation

1. The support from Federated Farmers for amending the permitted activity rules in the Rural Zone is noted. The opposition from Alliance Group Ltd to this submission relates to their original submission regarding proposed rezoning of a property from Industrial to Rural (see section 4.14 of this report). It is considered Amendment 2 is of a minor technical nature clarifying the activity status of residential activities. Residential activities are a common and essential aspect of the rural environment, supporting a range of primary production activities and providing living opportunities. Not to permit residential activities in the Rural would have significant costs on the economic and social wellbeing of the district. Therefore, it is recommended the submission from Federated Farmers is accepted and the further submission from Alliance Group is rejected.

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
102.00		Federated Farmers of New Zealand		Accept
	500.02	Alliance Group Limited	Oppose	Reject

4.3.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.4 Amendment 3 – Rule 19.6.1 and Rule 19.6.2 Rural Zone: Conditions for Permitted Activities

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.01	Federated Farmers of New Zealand	Support	Submitter supports retention of the graduated approach to the number of houses compared to the size of a property, and considers the shift from the rule itself to the conditions for permitted activities will be consistent with the rest of the Plan.	Submitter supports retention of the graduated approach to the number of houses compared to the size of a property, and considers the shift from the rule itself to the conditions for permitted activities will be consistent with the rest of the Plan.	

One submission point was received relating to the amendment to clarify the number of houses permitted in the Rural Zone.

4.4.2 Discussion & Evaluation

1. The support for amending the permitted activity rules and conditions in the Rural Zone is noted.

4.4.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
102.01		Federated Farmers of New Zealand		Accept

4.4.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.5 Amendment 5 – Rule 19.4.8(iv) Rural Zone: Discretionary Activity: Flood Hazard Overlay Area

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.02	Federated Farmers of New Zealand	In-Part	Submitter is unclear whether activities involving the storage or disposal of hazardous substances in Flood Hazard Overlay Areas remain unregulated or are intended to be regulated and to comply with the permitted quantities listed in Table 23-2: Quantity Limits for Hazardous Substances, and seeks to amend Rule 19.4.8(iv) to clarify that hazardous substances listed as exemptions at the beginning of Chapter 23 remain unregulated.	Amend Rule 19.4.8(iv) as follows: (iv) Any activity involving storage or disposal of hazardous substances <u>(including those activities permitted by Rule 23.2.1) but excluding those hazardous substances, facilities and activities listed in Section 23.1.1.</u>	502.03 Horticulture NZ – Support in part
125.00	Horticulture NZ	In-Part	Submitter seeks to amend Rule 19.4.8(iv) due to ambiguity and lack of clarity with respect to what is included, particularly provision for storage of on-farm substances subject to meeting the requirements of the HSNO Act.	Amend Rule 19.4.8(iv) as follows: (iv) Any activity involving the storage or disposal of hazardous substances <u>but does not include those hazardous substances, facilities and activities listed in Rule 23.1.1 Exemptions.</u>	

Two submissions were received relating to the amendment to clarify the hazardous substances exemptions in relation to the Flood Hazard Overlay Area.

4.5.2 Discussion & Evaluation

1. Federated Farmers of NZ (102.02) and Horticulture NZ (125.00) seek Rule 19.4.8(iv) be clarified to make it clear the requirements for hazardous substances in the Flood Hazard Overlay Area, in particular the exemptions listed Chapter 23 remain unregulated. Horticulture NZ (502.03) supports in part the submission from Federated Farmers, but considers its submitted wording is clearer. The intent of Amendment 5 is to clarify the relationship of the hazardous substances provisions in Chapter 23 and the Rural Zone Rule 19.4.8(a)(iv) (storage and disposal of hazardous substances in a Flood Hazard Overlay Area), as the Proposed Plan is currently silent on this specific relationship. The intent of the exemptions in Chapter 23 is that the storage and disposal of these specific hazardous substances is appropriate in all circumstances, including within the Flood Hazard Overlay Area. The

wording proposed by Federated Farmers is considered to clarify and provide for this intent better than the notified PPV1 wording and that submitted by Horticulture NZ. Therefore, it is recommended the Federated Farmers submission point be accepted and the Horticulture NZ submission point accepted in part and the rule be amended accordingly.

2.

4.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
102.02	502.03	Federated Farmers of New Zealand Horticulture NZ	Support in part	Accept Accept In-Part
125.00		Horticulture NZ		Accept In-Part
125.03		Horticulture NZ		Accept In-Part

4.5.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.4.8(iv) as follows:

- (iv) Any activity involving storage or disposal of hazardous substances (including those activities permitted by Rule 23.2.1) but excluding those hazardous substances, facilities and activities listed in Section 23.1.1.

4.6 Amendment 6 – Rule 19.6.16 Rural Zone: Permitted Activity Condition: Wastes Disposal

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.03	Federated Farmers of New Zealand	Support	Submitter supports proposed wording of the note associated with Rule 19.6.16 as it provides greater clarity that the rule does not apply in particular situations.	Retain Amendment 6 – Rule 19.6.16.	

One submission was received relating to the amendment to clarify the Note relating to different types of effluent and sewerage treatment and disposal.

4.6.2 Discussion & Evaluation

1. The support for Amendment 6 and changes to the Note for Rule 19.6.16 is noted.

4.6.3 Reporting Officer's Recommendation

Sub. No	Further	Submitter Name	Further Submitter	Officer's
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Sub. No.	Position	Recommendation
102.03	Federated Farmers of New Zealand	Accept

4.6.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.7 Amendment 7 – Rule 19.7.2 Note: Rural Zone – Matters of Control and Conditions for Controlled Activities: Subdivision Conditions applying to all Rural Landscape Domains

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.04	Federated Farmers of New Zealand	Support	Submitter supports the note associated with Rule 19.7.2 as it considers that provisions in the District Plan should align with provisions in the Horizons One Plan.	Retain Amendment 7 – Rule 19.7.2 Note: Rural Zone.	
124.04	Truebridge Associates Ltd	Oppose	Submitter seeks to delete Table 2 of this rule due to inconsistencies with Horizons One Plan and/or HDC's Subdivision and Development Principles and Requirements 2014.	<p>Delete Table 2 and amend Rule 19.7.2(f) to refer to the Horizons One Plan – Rule 2.4 Table 2.2; Rule 2.5 Table 2.3 and Rule 6.3.5 Table 6.4.</p> <p>Amend HDC's Subdivision and Development Principles and Requirements 2014 to refer to the Horizons One Plan – Rule 2.4 Table 2.2; Rule 2.5 Table 2.3 and Rule 6.3.5 Table 6.4.</p> <p>Delete the section entitled 'Sizing and Locating an Effluent Disposal Field' in HDC's Subdivision and Development Principles and Requirements 2014 and include a simple reference to the Horizons One Plan in its place.</p>	

One submission was received relating to the amendment to remove the 20m separation distance requirement from the Note for subdivision in the Rural Zone.

Another submission was received seeking this rule be amended to refer more explicitly to the requirements in the Horizons Regional Council One Plan.

4.7.2 Discussion & Evaluation

1. The support from Federated Farmers of NZ for Amendment 7 and changes to the Note for Rule 19.7.2 is noted.
2. Truebridge Associates Ltd (124.04) seek the requirements for effluent disposal area in Rule 19.7.2 be deleted and replaced with a cross-reference to the Horizons One Plan requirements. The purpose of Amendment 7 is to align the effluent disposal area requirements with the One Plan, with the only change proposed is deleting the requirement for a 20m separation distance between neighbouring disposal fields as this is no longer required by the One Plan. Based on advice from HDC's Development Engineer, I understand the effluent disposal area standards in the District Plan and the Subdivision and Development Principles and Requirements document are a set of parameters that apply a 'one size fits all' approach. This approach provides an efficient and effective baseline to determine whether each lot at the time of subdivision has an appropriate area for effluent disposal, rather than relying on detailed information as required to determine compliance with the Horizons Regional Council requirements (typically done at the time of building consent). Notwithstanding this, the current District Plan rule and Subdivision and Development Principles and Requirements document provide for other designs for the effluent disposal area which do not meet the 'one size fits all' standards, provided they comply with the Horizons Regional Council requirements. Given this, it is considered the current approach is the most effective in providing both certainty and flexibility in how effluent disposal areas are determined. Therefore, it is considered the relief sought is already provided for in part by including a cross-reference to the Horizons Regional Council requirements, and it is recommended this submission is accepted in-part.

4.7.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
102.04		Federated Farmers of New Zealand		Accept
124.04		Truebridge Associates Ltd		Accept In-Part

4.7.4 Recommended Amendments to the Plan Provisions

No recommended amendment to Rule 19.7.2 Note: Rural Zone.

4.8 Amendment 8 – Table 21-3 Accessway Dimensions

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
118.00	Brian and Ann Thomas	Oppose	Submitter considers the change takes a "one size fits all" approach	Amend Table 21-3: Accessway Dimensions to	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			and that greater flexibility is required.	provide more flexibility.	
124.05	Truebridge Associates Ltd	In-Part	Submitter seeks to amend Table 21.3 to better reflect actual requirements for access ways in terms of lot numbers serviced and lengths of the access ways, and to ensure consistency with the existing table in the Operative District Plan and the Environment Court Consent Order issue by Judge BP Dwyer relating to the Waitarere Rise Greenbelt Zone.	<p>Delete and include existing Table 21.3 from the Operative District Plan with the following amendments:</p> <p>Under the heading “Number of Allotments/Site Served” delete the words Up to in all areas and replace with the wording <u>2 to</u>.</p> <p>Under the heading “Maximum Permitted Length” amend:</p> <ul style="list-style-type: none"> • The maximum length for access legs in a Greenbelt zone to <u>150m</u> for all access legs. • The maximum length for access legs in a Residential zone to <u>75m</u> for all access legs. • The maximum length for access legs in a Commercial Zone to <u>100m</u> for all access legs. <p>Under the heading “Required Minimum Legal Width” amend the minimum width for an access way for a single residential lot from 3.5m to <u>3.0m</u>.</p>	

One submission was received seeking greater flexibility for the accessway dimensions. Another submission was received relating to the accessway dimensions for the Waitarere Rise Overlay Area.

4.8.2 Discussion & Evaluation

1. B & A Thomas (118.00) seek Table 21-3 provide for more flexibility in the dimensions for accessways. The purpose of the changes to Table 21-3 in the notified Proposed Plan Variation was to remove a degree of duplication in the accessway dimensions which apply to

some specific areas in the Greenbelt Residential Zone (i.e. Waitarere Rise and Foxton Beach North Overlay Areas). It is considered more effective and efficient to have a consolidated set of accessway dimensions for each Zone, as it provides certainty to landowners, community and Council to ensure new accessways are safe. Greater flexibility could be provided in the accessway dimensions, such as introducing more tiers of standards based on the number of lots served. However, these additional tiers could result in more complicated provisions. Flexibility is provided in the current provisions whereby a subdivider/developer could propose an accessway which does not comply with the accessway dimensions. This flexibility is provided through the resource consent process where the non-compliance with the accessway dimensions would be assessed in terms of its safety and efficiency on traffic movements to and from the site and road network. Therefore, it is recommended that the submission be accepted in part as the current and proposed provisions are considered to provide some flexibility.

2. Truebridge Associates Ltd (124.05) request Table 21-3 be amended to retain the accessway dimensions detailed in the Waitarere Rise Consent Order resolving the appeal on Plan Change 21. As noted above, the purpose of the changes to Table 21-3 in the notified Proposed Plan Variation was to remove a degree of duplication in the accessway dimensions which apply to some specific areas in the Greenbelt Residential Zone (i.e. Waitarere Rise and Foxton Beach North Overlay Areas). In reviewing the accessway dimensions in notified Proposed Plan Variation 1 and those in the Waitarere Rise Consent Order (and as in the current Plan), the only difference is the maximum permitted length for accessways serving one lot (currently 150m, proposed to change to 50m). As noted by the submitter, given the size of lots in the Greenbelt Residential Zone, it is likely some accessway will need to be longer than 50m. Therefore, it is agreed a 50m maximum length of accessways is too short as a permitted length. A balance is required between provided sufficient length for flexible subdivision design and efficient use of land, while also avoiding conflicts between users of the accessway due to its length. 150m is considered an appropriate distance, noting a passing bay could be provided to provide an opportunity to vehicles to pass. Therefore, it is recommended to amend the maximum length of 150m. In addition, the minor amendment replacing “up to 3” with “2 – 3” lots is supported as it clarifies the application of this standard.

3. As the scope of Proposed Plan Variation 1 solely relates to the accessway standards for Greenbelt Residential Zone, the relief sought for the Commercial and Residential Zones are considered outside of the scope of the variation. Notwithstanding this scope issue, the increased distances for accessway length are considered excessive and could result in conflicts arising. Therefore, it is recommended submission 124.05 be accepted in part.

4.8.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
118.00		Brian and Ann Thomas		Accept In-Part
124.05		Truebridge Associates Ltd		Accept In-Part

4.8.4 Recommended Amendments to the Plan Provisions

Amend Table 21-3 as follows:

Plan Zone	Number of Allotments/Site Served	Required Minimum Legal Width	Required Minimum Formation	Maximum Permitted Length
Rural	Up to 2	6m	2.5m formed and metalled to an all-weather standard	3km
	more than 2	8-10m	5m formed and metalled to an all-weather standard	3km
Residential	1	3m	2.5m formed and sealed to an all-weather standard	50m
	Up to 3	3.5m	3m formed and sealed to an all-weather standard	50m
	4 or more	5m	4m formed and sealed to an all-weather standard	50m
Greenbelt Residential (including Waitarere Rise Overlay and Foxton Beach North Overlay)	1	3m	2.5 formed and metalled to an all-weather standard	150m
	Up to 3	6m	4m formed and metalled to an all-weather standard	150m
	4 or more	8m	5m formed and metalled to an all-weather standard	150m
Commercial	3 or less	4.5m	4.5m formed and sealed to an all-weather standard	50m
	4 or more	7m	6m formed and sealed to an all-weather standard	100m
Industrial	1 or more	6m	5m formed and sealed to an all-weather standard where 2 or more allotments are served by the access	100m

4.9 Amendment 11 – Network Utilities Definition

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
102.05	Federated Farmers of New Zealand	Support	Submitter supports the proposed amendments to the definition of Network Utilities as it provides greater clarity than the original definition.	Retain Amendment 11 – Network Utilities Definition: Section 26.	
125.01	Horticulture New Zealand	In-Part	Submitter seeks inclusion of 'irrigation supply' in the definition to	Amend Part (h) of the definition of "network	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			ensure that where water is being supplied as part of an irrigation scheme or group that its conveyance is included as a network utility.	utility” as follows: (h) water supply, <u>irrigation supply</u> , drainage and sewerage systems, pipe, including any pipes that collect, drain, dispose and for conveyance or drainage of water, stormwater, or sewage and/or other wastes or natural gas;	

Two submissions were received relating to the amendment to clarify the definition of network utility relating to water supply, sewerage and drainage systems.

4.9.2 Discussion & Evaluation

1. The support from Federated Farmers of NZ (102.05) for Amendment 11 and changes to the definition of network utility is noted.
2. Horticulture NZ (125.01) requests ‘irrigation supply’ be added to the definition of network utility to confirm this type of water supply is classified as a network utility. Water supply systems, whether for urban or rural purposes are considered to be a network utility, and the inclusion of irrigation supply would reflect the definition of network utilities provided in the RMA. Therefore, adding reference to ‘irrigation supply’ is supported to clarify this status. Accordingly, it is recommended this submission point is accepted.

4.9.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
102.05		Federated Farmers of New Zealand		Accept
125.01		Horticulture New Zealand		Accept

4.9.4 Recommended Amendments to the Plan Provisions

Amend part (h) of the definition of ‘network utility’ as follows:

- (h) water supply, irrigation supply, drainage and sewerage systems, including pipes that collect, drain, dispose and convey water, stormwater, sewage and/or other wastes;.

4.10 Amendment 13 – Earthworks Definition

4.10.1 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
101.14	Transpower New Zealand Ltd	Support	Submitter supports retention of the definition of Earthworks as it reflects the intent of a recently issued Consent Order from the Environment Court.	Retain the definition of Earthworks as notified.	502.02 Horticulture NZ - Support
102.06	Federated Farmers of New Zealand	Support	Submitter supports the proposed amendment to the earthworks definition as it clarifies that where activities outlined in (d) occur in the National Grid Corridor they are subject to Rule 18.6.32(b) in the Greenbelt Residential Zone and Rule 19.6.14(b) in the Rural Zone.	Retain Amendment 13 – Earthworks Definition: Section 26.	502.04 Horticulture NZ - Support
124.06	Truebridge Associates Ltd	In-Part	Submitter seeks to amend the Earthworks definition as it does not include reference to removal and contains a grammatical error.	Amend the earthworks definition as follows: Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of <u>vegetation</u> and top soil and <u>depositing or removal</u> of clean fill.	501.02 Federated Farmers of New Zealand – Oppose 502.06 Horticulture NZ – Oppose in part
125.02	Horticulture New Zealand	Support	Submitter supports the proposed amendment as it will ensure consistency across the Plan.	Retain Earthworks Definition as notified.	

Four submissions were received relating to the earthworks definition, three supporting and one seeking minor amendments.

4.10.2 Discussion & Evaluation

1. The support by Transpower NZ Ltd for retaining the earthworks definition is noted.
2. Truebridge Associates Ltd (124.06) seek minor changes to the earthworks definition to correct a grammatical error and clarify that removal of cleanfill is considered earthworks. Federated Farmers (501.02) oppose and Horticulture NZ (502.06) oppose in part this submission as they consider the definition should be consistent with that agreed during the appeal between HortNZ v Horowhenua District Council for the Rural Zone. The only amendment to the definition of earthworks proposed by the Proposed Plan Variation is to add a new rule reference for the Greenbelt Residential Zone rule relating to the National Grid Corridor. This amendment is not considered to change the meaning or application of the definition agreed as part of resolving the Horticulture NZ appeal – rather it is considered entirely consistent. The minor wording amendments submitted by Truebridge Associates are

supported as they clarify the definition. Therefore, it is recommended this submission point from Truebridge Associates is accepted and the further submissions from Federated Farmers and Horticulture NZ are accepted in part.

4.10.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.14	502.02	Transpower New Zealand Ltd Horticulture NZ	Support	Accept In-Part Accept In-Part
102.06	502.04	Federated Farmers of New Zealand Horticulture NZ	Support	Accept In-Part Accept In-Part
124.06	501.02 502.06	Truebridge Associates Ltd Federated Farmers of New Zealand Horticulture NZ	Oppose Oppose in part	Accept Accept In-Part Accept In-Part
125.02		Horticulture New Zealand		Accept In-Part

4.10.4 Recommended Amendments to the Plan Provisions

Amend the definition of earthworks as follows:

Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing or removal of clean fill.

4.11 Amendment 14 – Gladstone Greenbelt Structure Plan

4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
103.00	Glenn and Rebecca Kaukau	Oppose	Submitter opposes the location of public cycle/access way as it will invade personal privacy and security, crosses a part of their property that is neither up for sale or subject to a Council easement and may result in trees and livestock being disturbed or interfered with.	Inferred – Delete Gladstone Green Structure Plan from PPV1.	509.00 Emma Prouse – Support 510.00 Stephen and Karen Prouse - Support
109.00	Warwick Meyer	In-Part	Submitter seeks special Greenbelt Residential zoning (or Rural Zoning) for Pt Lot 1 DP 86925 to include permitted activities (proposed Rule 18.6 or other) relating to the zone for vehicle	Amend the underlying Greenbelt Residential or Rural zoning of Pt Lot 1 DP 86925, Levin to provide for vehicle service stations, truck stops, visitor	512.00 Emma Prouse – Oppose 513.00 Stephen and Emma Prouse - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>service stations, truck stops, visitor accommodation, food preparation and sales and local produce stores, and that these activities are restricted to being permitted only after or in conjunction with intersection improvement/ designation.</p> <p>Submitter also notes that the subdivision of the land should be based on the rules for commercial activities once the special zoning has been activated and that the Gladstone Greenbelt Structure Plan and Planning Map 30 should be amended to include the special permitted activities.</p>	<p>accommodation, food preparation and sales and local produce stores as permitted activities following intersection upgrades.</p> <p>Amend the subdivision requirements relating to Pt Lot 1 DP 86925, Levin to enable future subdivision to be assessed in accordance with commercial requirements.</p> <p>Amend Gladstone Greenbelt Structure Plan: Schedule 8 – Structure Plan and Planning Map 30 to include special permitted activities.</p>	
110.07	The NZ Transport Agency	In-Part	<p>The Submitter recognises that indicative intersection upgrades have been identified at Queen Street East and Tararua Road on the Structure Plan, but notes that it cannot afford to invest everywhere to accommodate growth, that transport infrastructure takes time to put in place and that a carefully planned approach to allocating and enabling growth when certain transport investment related triggers are reached is required.</p> <p>The Submitter is of the view that the cost of any upgrades as a result of the development in these areas would need to be from funding sources other than the National Land Transport Fund.</p>	Inferred – Amend Gladstone Green Structure Plan to reflect funding source to be other than the National Land Transport Fund.	507.00 Horowhenua District Council (Infrastructure Services) - Oppose
112.00	Todd Isaacs	Oppose	Submitter opposes the minimum 2000m ² lot size proposed at the rear of Pohutukawa Drive, Levin as all the lots along the Drive are between 3500 m ² and 5000 m ² .	Amend Gladstone Greenbelt Structure Plan to increase the minimum 2000m ² lot size of lots adjacent to those adjoining the western properties in Pohutukawa Drive, Levin (sizes suggested between 3500m ² – 5000m ²)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
119.00	David Pearson	Oppose	Submitter opposes the storm water drain flowing via Queen Street then into Lake Horowhenua.	Include direction that HDC provide full treatment of storm water from Queen Street before it enters Lake Horowhenua.	
119.01	David Pearson	Oppose	Submitter opposes the 2000m ² minimum lot sizes as it puts more pressure on the town sewage and will result in further spills into Lake Horowhenua.	Include direction for HDC to provide for present and extended full treatment of sewage and wastewater by re-siting the sewage treatment plant away from Lake Horowhenua.	
119.02	David Pearson	Oppose	Submitter opposes pedestrian over-bridge design on Queen Street as it does not provide adequate space to cater for development of the new expressway.	Amend over-bridge design to provide for pedestrians, cyclists and prams and bridge width to accommodate potential road development. Inferred: Amend Gladstone Green Structure Plan.	
119.03	David Pearson	Oppose	Submitter opposes the bridge connection from Liverpool Street as it will encourage theft and is unnecessary given the proposed Queen Street over-bridge.	Delete the proposed Liverpool Street over-bridge. Inferred: Amend Gladstone Green Structure Plan.	
119.04	David Pearson	Oppose	Submitter opposes light pollution generated by street or corner lights.	Include direction that street and corner lighting has zero upward and sideways flare to prevent unnecessary light pollution.	
121.00	Shane and Tania Jack	Oppose	Submitter opposes the proposed 10m buffer/road reserve as its location runs through two of their properties (92 and 94 Pohutukawa Drive), and considers that the road reserve will have a detrimental impact on their daily life, personal privacy and security and result in an increase in traffic using the road reserve to access Gladstone Road and the proposed Greenbelt Connector Road.	Amend proposed Gladstone Green Structure Plan to relocate buffer/road reserve either alongside the Greenbelt Connector Road or through existing undeveloped farmland (Plan provided).	516.00 Emma Prouse - Support
122.00	Gail Woodhouse	Oppose	Submitter opposes the creation of diagonal pedestrian/cycle way as it is considered arbitrary, does not	Delete the proposed diagonal connection on the Gladstone Green Structure	517.00 Emma Prouse – Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			take into account existing boundaries or enhance the environment, will decrease the value of their property and does not respect existing residents.	Plan Map and include an alternative connection that aligns with Tararua, Gladstone and Queen Streets. or Amend the location of the proposed cycleway on the Gladstone Green Structure Plan Map to follow existing boundaries and avoid existing residences.	518.00 Stephen and Karen Prouse - Support
123.00	Jane Evans	Oppose	Submitter opposes the proposed road reserve as it will cause loss of grazing land and have a potentially detrimental impact on the value of their property.	Amend the proposed Gladstone Green Structure Plan to relocate the proposed buffer/road reserve to land not currently occupied by residential dwellings or livestock (the opposite side of 100 and 102 Gladstone Road is suggested).	519 Emma Prouse - Support
126.00	Prouse Family Trust	Oppose	Submitter suggests that the proposed vegetation block on Lot 2 DP86925, Levin is too dangerous to retain within an urban area, particularly if subdivision should occur.	Delete the area shown as 'Existing Vegetation Retained' on Lot 2 DP86925, Levin from the Gladstone Green Structure Plan Map.	506.00 Warwick Meyer – Support 520.00 Stephen and Karen Prouse - Support
126.01	Prouse Family Trust	Oppose	Submitter opposes proposed cycleway adjacent to their livestock paddocks as this would impact on their financial livelihood, the care and protection of their farm animals and eventually become an unsafe, secluded alleyway as the area is subdivided.	Delete from the Gladstone Green Structure Plan Map any references to the proposed cycleway/pedestrian connection where they are either associated with or border of Lot 2 DP86925, Levin.	506.02 Warwick Meyer – Oppose 520.01 Stephen and Karen Prouse - Support
126.02	Prouse Family Trust	Oppose	Submitter queries the intention of the yellow line indicated on the Gladstone Green Structure Plan adjacent to Queen Street East and seeks clarification as to whether it represents what is currently in place or is an extension of road reserve into private property.	Amend the Gladstone Green Structure Plan to retain the existing frontages along the length of Queen Street East, Levin. That Clarification is provided regarding the landscape buffer and the impact this will have on the	520.02 Stephen and Karen Prouse - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				front boundary.	
127.00	Stephen and Karen Prouse	Oppose	Submitter suggests the area mapped as existing vegetation on Lot 2 DP86925, Levin is both hazardous and inadequate as trees are largely exotic and nearing the end of their life span.	Delete the area shown as 'Existing Vegetation Retained' on Lot 2 DP86925, Levin from the Gladstone Green Structure Plan Map.	503.00 James Prouse – Support 504.00 Matthew Prouse – Support 506.01 Warwick Meyer - Support
127.01	Stephen and Karen Prouse	Oppose	Submitter opposes proposed cycleway along the western boundary of their property as it would compromise stock safety, increase opportunities for vandalism and poaching and eventually become an unsafe, secluded alleyway as the area is subdivided.	Delete from the Gladstone Green Structure Plan Map any references to the proposed cycleway/pedestrian way being located either on the boundary or within Lot 2 DP86925, Levin.	503.01 James Prouse – Support 504.01 Matthew Prouse – Support 506.03 Warwick Meyer - Oppose
127.02	Stephen and Karen Prouse	Oppose	Submitter opposes further extension of the road reserve landscape buffer along the south side of Queen Street East, Levin and considers there should be no further change to their front boundary and no further intrusion of buffer zone or planting into their historic garden and adjoining clear land.	Retain status quo in relation to existing front road boundaries on Queen Street East. That clarification is provided regarding whether the 10 metre Landscape Buffer with Road reserve will impact on the front boundary and existing garden.	503.02 James Prouse – Support 504.02 Matthew Prouse – Support
127.03	Stephen and Karen Prouse	Oppose	Submitter notes that the design of the proposed transport corridor impacts on their western boundary and cattle yard access, and are concerned that this is an unnecessary intrusion given the width of the corridor shown in the first draft Gladstone Greenbelt Schedule.	Amend the proposed location of the Transport Corridor on the Gladstone Green Structure Plan Map to a position that corresponds with that indicated on the 2009 Gladstone Greenbelt Structure Plan (1st Draft).	503.03 James Prouse – Support 504.03 Matthew Prouse – Support
101.17	Transpower New Zealand Ltd	In-Part	Submitter seeks recognition and annotation of the National Grid on the stand-alone Structure Plan map, similar to that relating to the future Transport corridor.	Amend the stand alone Structure Plan Map to recognise and annotate the National Grid	

Ten submissions were received opposing details of the Gladstone Greenbelt Structure Plan. These submissions raised various matters notated on the Structure Plan including walkway/cycleway,

minimum lot size, transport corridor, landscape buffer, retaining existing vegetation and stormwater management.

In addition, one submission seeks specific provision be included in the District Plan for their site within the Gladstone Greenbelt Structure Plan area.

One submission seeks clarity on the funding of transport infrastructure associated with development within the Structure Plan area.

One submission seeks a further annotation be added to the Structure Plan map to recognise and identify the presence of the National Grid transmission lines in this area.

4.11.2 Discussion & Evaluation

Pedestrian/Cycleway Connection

1. Glenn and Rebecca Kaukau (103.00), Gail Woodhouse (122.00), Prouse Family Trust (126.01) and Stephen and Karen Prouse (127.01) raise concerns regarding the proposed pedestrian/cycleway connection that either crosses or adjoins their properties and seek this connection be deleted or moved. Further submissions from Emma Prouse and Stephen and Karen Prouse support these original submissions. Concerns raised about this connection include interference or poaching of stock, loss of privacy, and disruption of use of the property.

2. The Structure Plan Report states the following in relation to the pedestrian/cycleway connection:

Internal network of cycleway/pedestrian links along routes defined in part by the landscape features external to the site, connection points to Levin, as well as to provide good connections across the large area. Some of these will be walking/cycling links within road reserve corridor with some separation to provide safety and amenity. Others will be public reserve type linkages that are not associated with roads and may also have some widened parts of open space with stormwater management opportunities associated with them (i.e. swales, detention areas).

3. The subject connection extends from the intersection of Tararua Road and Gladstone Road in the southeast (crossing properties owned by Woodhouse and Kaukau) to the intersection of Queen Street East and State Highway 57/Arapaepae Road in the northwest (adjacent to the property owned by the Prouse Family Trust). The need for this connection has been reviewed, as well its location. Removing this connection would result in pedestrian/cycling movements and stormwater management being limited to new roads. Given the size and configuration of properties in this area, new roads are anticipated to form a more north-south and east-west pattern of connections, rather than a diagonal cross connection. This pattern of roads could provide a sufficient level of pedestrian/cycling connections, provided they were relatively close together. However, given the size and shape of properties, as well as the density of development, this pattern of roads is not considered likely. Therefore, some form of diagonal connection is considered desirable.

4. As with all features shown on the Structure Plan (e.g. roads, reserves, landscape buffer), the pedestrian/cycleway connection would be created when land is subdivided. The location and alignment of all features on the Structure Plan are 'indicative only', meaning the exact

location and alignment would be determined at the time of subdivision. The indicative alignment of the connection has been reviewed, including whether it should follow existing property boundaries as well as move position. It is considered the proposed alignment is still the most appropriate as it extends from the two corners of the Structure Plan. Using straight lines (which do not always follow property boundaries) highlights the indicative nature of the line.

5. Therefore, it is considered the connection should be retained in its current form and location. It is considered a range of measures can be used in the design of the connection to avoid or minimise the concerns expressed by submitters. These measures could include planting, fencing, position and alignment of the pathway. Accordingly, it is recommended the submissions seeking the connection be deleted are rejected.

Site Specific Provisions (Warwick Meyer)

6. Warwick Meyer (109.00) requests a special zoning for his land on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East, Levin to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity. This same request (submission point) albeit it in a less detailed form was considered as part of the Proposed Plan, with various matters identified in the evaluation of this request. These matters included traffic safety, uncertainty associated with changes to State Highway 56 (including the intersection with Queen Street East), effects on vitality and vibrancy of the Levin town centre, location within the Greenbelt Residential area, and effects on character and amenity. The Hearing Panel for the Proposed Plan concluded “at this point in time, these issues have simply not been clarified or addressed in any detail.”
7. In the submission on PPV1, some additional information has been provided by the submitter in the form of two potential concept plans. While these concept plans are helpful in illustrating how such a development could be located on the subject site, no additional information has been provided addressing the issues identified during the Proposed Plan process. Given no new information is available on these issues, as well as the uncertainty on any future changes to this section of State Highway 57 still applies, it is considered the conclusion reached on the Proposed Plan is still the case. Therefore, it is recommended this request is rejected.

Funding Transport Infrastructure

8. The NZ Transport Agency (110.07) highlights the new and upgraded transport infrastructure shown on the Structure Plan and seeks development in the growth area fund this infrastructure. HDC Infrastructure Services (507.00) have lodged a further submission opposing this submission. Funding for all new and upgraded local roads would be provided by the subdivider, either through constructing the new/upgraded roads themselves or via development contributions. Regarding upgrading the State Highway intersections, the timing and manner of this transport infrastructure was considered when the Structure Plan was originally prepared in 2009. The Structure Plan Report states:

Upgrading will be required to the Queen Street East/State Highway 57 and Tararua Road/State Highway 57 intersections. There is also the possibility of a Levin bypass of State Highway 1 via State Highway 57. Given the future upgrading proposed to State Highway 57, it would be efficient to upgrade these intersections at the same time. Short

term options for facilitating improved access over the State Highway may include the installation of an underpass or overpass.

9. The funding of these intersection upgrades is considered a matter outside of the District Plan, and would be the subject of separate discussions between NZTA and HDC. In addition with NZTA currently investigating options for the future of this section of State Highway 57 as part of its 'Otaki to Levin' project, there is uncertainty on this matter. Given this context, it is not considered appropriate to amend the Plan Variation on funding transport infrastructure. Accordingly, it is recommended this submission is rejected.

Minimum Lot Size

10. Todd Isaacs (112.00) seeks the minimum lot size for the area to the west of Pohutukawa Drive be increased from 2,000m² to 3,500-5,000m² to reflect the size of properties on the western side of Pohutukawa Drive. It is understood the reason for seeking this change is to ensure development to the west of Pohutukawa Drive is a similar character and amenity to the Pohutukawa Drive area. The minimum lot size for the Greenbelt Residential Zone as a whole was evaluated through Plan Change 21 which introduced the Greenbelt Residential Zone and rezoned land. Two minimum lot sizes apply in the Greenbelt Residential Zone, 2,000m² for "serviced" areas and 5,000m² for "unserviced areas". For the purpose of these standards, "serviced/unserviced" means where Council's reticulated water and wastewater infrastructure is available/unavailable. For the Gladstone Greenbelt Zone area, the area is currently serviced by Council's reticulated water system but not the reticulated wastewater system. However, in the future, it is anticipated part of the Gladstone Greenbelt Zone area would be serviced by reticulated wastewater via an extension of a wastewater trunk main from Roe Street. The Gladstone Greenbelt Structure Plan identifies the extent of a 2,000m² minimum lot size area based on the design capacity of the extended wastewater trunk main.
11. In determining the minimum lot size for any area, a number of matters are considered. These matters include efficient use of land, facilities and infrastructure (reticulated and transport infrastructure), anticipated future use of land, changes and effects on the amenity and character of an area (neighbourhood wide and between individual properties), and on-site effects (e.g. disposal of stormwater and wastewater). These matters may change in the short and longer term.
12. It is agreed with the submitter changing the minimum lot size to 3,500-5,000m² on the western side of Pohutukawa Drive would be more consistent with the character and amenity of the Pohutukawa Drive subdivision. In addition, it would be consistent with other rural-residential subdivisions in the area (e.g. Redwood Grove, Arete Lane, Pukematawai Lane). However, all of these subdivisions have individual on-site wastewater systems, which has a significant influence on the lot size (e.g. majority are at least 4,000 – 5,000m²).
13. To make efficient use of the wastewater trunk main extension to service the Gladstone Greenbelt area, a minimum number of houses need to be serviced to make it viable (for cost and functional reasons). In addition, the cumulative effects of a number of individual on-site wastewater treatment and disposal in a concentrated area was of concern in relation to the effects on groundwater quality. With lots sized at 3,500-5,000m², an insufficient number of houses would be created to support the efficient use of the extended wastewater network. Therefore, changing the minimum lot size to 3,500-5,000m² is not supported.

14. Notwithstanding the above, Council has deferred in its Long Term Plan the extension to the wastewater trunk main (i.e. it is not in the 10 year plan 2012 – 2022). Therefore, in the next ten years, any subdivision in the Gladstone Greenbelt Zone area would be considered 'unserviced', meaning the minimum lot size of 5,000m² applies. However, longer term, it is considered appropriate that provision is made for smaller lot sizes (i.e. 2,000m²) to support the efficient use of land and infrastructure. Accordingly, it is recommended this submission is accepted in part.

Stormwater Management

15. David Pearson (119.00) seeks full treatment of stormwater from Queen Street before it enters Lake Horowhenua. In the Gladstone Greenbelt Structure Plan area, all stormwater from roads, other hard surfaces (e.g. driveways) and buildings would be managed and disposed of on-site. This management and disposal would be achieved through various measures, such as roadside swales and soak pits. Therefore, no stormwater would enter the Queen Street drain. The matter of the treatment of stormwater exiting the Queen Street near Lake Horowhenua is outside of the scope of this Plan Variation and the District Plan. However, this submission point has been referred to Council's Infrastructure Services who advise this matter is currently being investigated. Council has scheduled to undertake work on the Queen Street drain within the current financial year and for further work associated with the treatment of water from the drain in the 2015/16 financial year. Therefore, it is recommended this submission point be rejected.

Wastewater/Sewage Management

16. David Pearson (119.01) opposes the 2,000m² minimum lot size and seeks Council provide for full treatment of sewage and wastewater by re-siting the sewage treatment plant away from Lake Horowhenua. In the Gladstone Greenbelt Structure Plan area, all dwellings on sites less than 5,000m² are anticipated to be connected to the Levin's reticulated wastewater system in the long-term. Provision has been made in the Structure Plan for an extension of the reticulated network from the trunk main in Roe Street. The matter of the location of the Levin Wastewater Treatment Plant is outside of the scope of this Plan Variation and District Plan. Therefore, it is recommended this submission point is rejected.

Pedestrian Overbridges

17. David Pearson (119.02) opposes the design of the pedestrian overbridge at Queen Street and seeks it provide for pedestrians, cyclists and prams. The figure of the overbridge shown in the Structure Plan is a graphic only and is not representative of the overbridge design. As noted by the submitter, the overbridge design needs to take various matters into account, including the future of the State Highway and different users. Any overbridge would be designed to comply with New Zealand Standards which would ensure it caters for a range of users. The overhead bridge or any alternative such as an underpass would form part of the highway design for this portion of road. Therefore, it is recommended this submission is accepted in part.
18. David Pearson (119.03) requests the overbridge at Liverpool Street be deleted. The proposed overbridge would provide a safe crossing point midway between the Queen Street and Tararua Road intersections with State Highway 57. This crossing is considered to provide a number of benefits, as it would provide direct access between the Gladstone Greenbelt area and community facilities on the eastern side of Levin's urban area, including

Levin East School, Waiopēhu College and Playford Park. Removing the overbridge would increase the distance for pedestrians and may discourage people from walking. It is considered the design of the overbridge can minimise the potential for theft or vandalism. Therefore, it is recommended this submission is rejected.

Street Lights

19. David Pearson (119.04) seeks all street lights have zero upward and sideways flare to prevent unnecessary light pollution. A similar request (submission) was received from the Horowhenua Astronomical Society on the Proposed District Plan in 2012. In considering this matter as part of the Proposed District Plan, it was noted Council's "Subdivision and Development Principles and Requirements" document (i.e. Council's standards for various infrastructure, including new street lights) requires the design of new street lights in rural and residential areas to reduce light dispersion into the sky. Therefore, Council's current standards are considered to achieve the outcome sought by the submitter. Therefore, it is recommended this submission point is accepted in part.

Road Reserve/Landscape Buffer Connecting to Gladstone Road

20. Shane and Tania Jack (121.00) and Jane Evans (123.00) seek the road reserve/landscape buffer connecting to Gladstone Road be removed or amended to avoid their property. The purpose of the road connection in this location is to form a main east-west connection mid-block for the full length of the Gladstone Greenbelt area. This connection would provide for efficient movement of pedestrians, cyclists and vehicles within the growth area. However, as highlighted by the submitter, existing development (buildings) along the alignment of this road connection would be impacted if the road was built in this exact location. There is open farmland to the south of the current alignment where a road would not impact any buildings. While the proposed alignment is considered the ideal position (most efficient and legible alignment) for this road connection, the availability of an alternative to the south is acceptable in these circumstances. Accordingly, it is recommended this submission is accepted and the road connection re-aligned as shown on the Plan in Appendix 1 (Section 6.1).

Retain Existing Vegetation

21. Prouse Family Trust (126.00) and Stephen and Karen Prouse (127.00) request the area shown as 'Existing Vegetation Retained' on Lot 2 DP 86925 be deleted. These submissions are supported by five further submissions. This area of vegetation was identified during the 2008/09 Structure Plan process which involved a review of the existing features and characteristics of the area. All areas of existing vegetation were identified, with the larger areas generally identified for their retention due to their values (e.g. visual/aesthetic and ecological), and the general lack of vegetation in the overall area. However, the submitters have highlighted a number of issues with retaining this vegetation, particularly the poor condition of many of the trees. It is noted many of the rural-residential subdivisions in the Gladstone Greenbelt area have retained individual specimen trees (e.g. Redwood trees in Redwood Grove and adjacent to Waiopēhu Bush), as well as planting extensive gardens or landscaped areas. Therefore, it is recommended these submissions are accepted and the Structure Plan be amended by deleting 'existing vegetation retained' from this area.

Landscape Buffer Fronting Queen Street East

22. Prouse Family Trust (126.02) and Stephen and Karen Prouse (127.02) seek clarification regarding the 10m landscape buffer with road reserve along Queen Street East. These submissions are supported by three further submissions. The landscape buffer is to recognise the contribution the road berm makes to overall amenity values and open space of the area. The road berms of Queen Street East currently have an attractive quality as they are well maintained, and this quality has been enhanced by the addition of a dedicated pedestrian/cycle path on the northern side. In re-considering this matter, it is considered there are better mechanisms outside the District Plan for maintaining this landscape buffer. These other mechanisms include Council's level of service for maintaining and enhancing the road berm and voluntary initiatives of landowners in the area. Therefore, it is recommended these submissions are accepted in part in clarifying the purpose of the landscape buffer and removing it from the Structure Plan.

Transport Corridor

23. Stephen and Karen Prouse (127.03) request the location of the Transport Corridor be amended to a position that corresponds to the 1st draft of the Structure Plan in 2009. There are two further submissions supporting this submission. The 1st draft Structure Plan in May 2009 included a transport corridor with a nominal width of 100m along the full length of State Highway 57 due to the uncertainty about any future upgrades to State Highway 57. Mixed views were expressed about the width of the transport corridor during consultation on the draft Structure Plan, with parties seeking both a narrower and wider corridor. In considering this feedback, at that time, Council considering retaining the 100m width along most of the length was the most appropriate response given the uncertainty about the future of the State Highway and provide a degree of 'future proofing'. In relation to the Queen Street East/State Highway 57, NZTA indicated a grade-separated intersection may be required (e.g. an overbridge) which would require an area wider than 100m. Therefore, the transport corridor was widened at Queen Street East to provide sufficient area for a grade separated intersection. It is understood other options exist for upgrading this intersection (e.g. roundabout), which could be contained within the 100m width. It is considered making provision for the maximum footprint in this instance is the most appropriate response to provide an appropriate level of future proofing in absence of a finalised road design or designation. Therefore, it is recommended this submission is rejected.

National Grid Transmission Lines

24. Transpower NZ (101.17) seeks further recognition of the presence of the National Grid in the Gladstone Green area. The submitter has requested that the Structure Plan Map be annotated to show this National Grid in a similar way to how the future transport corridor has been identified on the map. It is considered that this would be a helpful addition to the Structure Plan providing additional context to the other information contained on the map. It is recommended that the Gladstone Green Structure Plan map be amended to show the location of the National Grid Transmission Lines, and that submission point 101.17 be accepted.

4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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103.00		Glenn and Rebecca Kaukau		Reject
	509.00	Emma Prouse	Support	Reject
	510.00	Stephen and Karen Prouse	Support	Reject
109.00		Warwick Meyer		Reject
	512.00	Emma Prouse	Oppose	Accept
	513.00	Stephen and Karen Prouse	Oppose	Accept
110.07		The NZ Transport Agency		Reject
	507.00	Horowhenua District Council (Infrastructure Services)	Oppose	Accept
112.00		Todd Isaacs		Accept In-Part
119.00		David Pearson		Reject
119.01		David Pearson		Reject
119.02		David Pearson		Accept In-Part
119.03		David Pearson		Reject
119.04		David Pearson		Accept In-Part
121.00		Shane and Tania Jack		Accept
	516.00	Emma Prouse	Support	Accept
122.00		Gail Woodhouse		Reject
	517.00	Emma Prouse	Support	Reject
	518.00	Stephen and Karen Prouse	Support	Reject
123.00		Jane Evans		Accept
	519.00	Emma Prouse	Support	Accept
126.00		Prouse Family Trust		Accept
	506.00	Warwick Meyer	Support	Accept
	520.00	Stephen and Karen Prouse	Support	Accept
126.01		Prouse Family Trust		Reject
	506.02	Warwick Meyer	Oppose	Accept
	520.01	Stephen and Karen Prouse	Support	Reject
126.02		Prouse Family Trust		Accept In-Part
	520.02	Stephen and Karen Prouse	Support	Accept In-Part
127.00		Stephen and Karen Prouse		Accept
	503.00	James Prouse	Support	Accept

	504.00	Matthew Prouse	Support	Accept
	506.01	Warwick Meyer	Support	Accept
127.01		Stephen and Karen Prouse		Reject
	503.01	James Prouse	Support	Reject
	504.00	Matthew Prouse	Support	Reject
	506.03	Warwick Meyer	Oppose	Accept
127.02		Stephen and Karen Prouse		Accept In-Part
	503.02	James Prouse	Support	Accept In-Part
	504.02	Matthew Prouse	Support	Accept In-Part
127.03		Stephen and Karen Prouse		Reject
	503.03	James Prouse	Support	Reject
	504.04	Matthew Prouse	Support	Reject
101.17		Transpower New Zealand Ltd		Accept

4.11.4 Recommended Amendments to the Plan Provisions

Amend the Gladstone Greenbelt Structure Plan as shown in Appendix 1, with the following amendments noted:

- Re-aligned road connection to Gladstone Road
- Delete 'existing vegetation retained' from the area on Lot 2 DP 86925
- Delete 'landscape buffer' along Queen Street East

4.12 Amendment 15 – Documents Incorporated by Reference: Subdivision and Development Principles and Requirements document

4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
124.07	Truebridge Associates Ltd	In-Part	Submitter seeks to amend the last paragraph on page 5 of Part 1, Section 2.2 of the Subdivision and Development Principles and Requirements 2014 in accordance with the Resource Management Act, with particular reference to responsibility for the cost of additional service capacity requirements being borne by the Council.	Amend Part 1, Section 2.2 of the Subdivision and Development Principles and Requirements 2014 as follows: In designing any scheme plan, consideration shall be given to the future development of adjoining land and the council may require the creation of legal roads, road reserve and/or the formation of	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				roads to or near the boundary of adjoining land at the developer's council's cost. Council may also require the increase in capacity of services for potential future development of adjoining land which is not part of the subject land. The cost of the increased capacity, if required will be met by council.	

One submission was received relating to the updated the document reference.

4.12.2 Discussion & Evaluation

1. Truebridge Associates Ltd (124.07) seek changes to the Subdivision and Development Principles and Requirements document included in the Proposed Plan by reference. The changes sought relate to who pays for infrastructure which additional capacity is required to service future development. This matter (who pays) is detailed in Council's Long Term Plan, specifically the Development Contributions Policy. This policy applies a user pays principle, whereby the costs of growth are met by those causing the growth, as well as an intergenerational equity principle in fairly allocating costs to the generation of users that benefit. The Long Term Plan and Development Contribution Policy is considered the appropriate documents to address this issue rather than in Council's technical standards. If the submitter wishes to pursue this matter, it is noted the Council is currently in the process of reviewing and updating its Long Term Plan including the current Development Contributions Policy, and that process provides for this matter to be considered. The opportunity for public submissions on these matters is anticipated to be during March and April 2015. Accordingly, it is recommended this submission point is rejected.

4.12.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
124.07		Truebridge Associates Ltd		Reject

4.12.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.13 Amendment 18 – Planning Map 12: Rezoning in Seabury Avenue/Dawick Street, Foxton Beach

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
104.00	Malcolm McEwen and Sandra Tustin	Oppose	Submitter opposes the rezoning of Seabury Avenue/Dawick Street, Foxton Beach as it will impact on the open space and quiet nature of the area. Submitter expressed concern that if a commercial centre was built on this land it would have a detrimental effect on the use and enjoyment of their property.	Retain the current Open Space zoning.	505.00 Horowhenua District Council (Property Department) - Oppose

One submission was received opposing the rezoning of the property on the corner of Seabury Avenue/Dawick Street from Open Space to Commercial.

4.13.2 Discussion & Evaluation

1. Malcolm McEwen and Sandra Tustin (104.00) request the current Open Space zoning be retained and the property not be rezoned Commercial (Deferred) due to concerns about traffic, noise and outlook. HDC's Property Department oppose this request. The basis for the proposed rezoning is outlined in the Section 32 Report which states:

The Council currently owns a block of land at Foxton Beach that extends between Seabury Avenue, Dawick Street and Hall Place. In the previous Operative District Plan this land was zoned Residential 1 but was rezoned Open Space during the District Plan Review process. The rationale behind this change was that the land is currently vacant and in Council ownership, and that it was historically a focal point for community activities including a motor camp and a picture theatre in the Dawick Street Hall (since removed).

However, Council has subsequently reconsidered the zoning of this land and has concluded that Open Space is not the most appropriate zoning. The land is identified in the Council's Development Plan as part of a potential future commercial centre for Foxton Beach. To provide for this future aspiration, zoning this land Commercial would better align with the strategic economic and social outcomes sought by Council and would enable a range of activities to establish which would benefit the Foxton Beach community. However, as Council recognises that the demand for commercial land at Foxton Beach is limited at present, PPV1 proposes that this commercial zoning be 'deferred' to provide for the continuation of open space use in the short term.

Option 4 (Commercial Deferred Zone) is considered to be the most appropriate option to achieve the objectives of the Plan. Given the strategic development direction for these sites outlined in the Horowhenua Development Plan, a deferred Commercial zoning would provide an efficient and effective means to assist Council to realise its stated

future development aspirations for this area and to ensure that potential risks associated with ad-hoc or inconsistent development of the land are limited.

2. Over a number of years various proposals have been scoped for the subject land, including residential, recreational and commercial uses, with none eventuating. As noted in the quote above, Council's Development Plan identifies this land as a potential future commercial centre for Foxtton Beach. During the preparation of the Development Plan in 2006-08, the need for commercial land was investigated, where it was concluded, in the long term (10-20+ years), Foxtton Beach would require a small commercial centre to service permanent and visiting residents. A number of sites were investigated, including the subject area, plus adjacent to existing commercial activities (e.g. dairies, cafes). The subject land was selected as the preferred location for a number of reasons, including its central location (walkable distance for the largest number of residents), located on main road (Seabury Avenue) for traffic reasons, suitable size and shape for commercial development, and did not impact existing residential properties (i.e. rezoning privately owned houses/properties to commercial).
3. In response to this submission, these other options for commercial centres have been re-considered. Overall, it is still considered the Seabury Avenue/Dawick Street land is the most appropriate location for the commercial centre for Foxtton Beach in the longer term for the reasons listed above.
4. The current split Commercial/Open Space zoning of this land is considered to have some merit. The portion of land zoned Commercial provides for small-scale commercial development fronting Seabury Avenue and Dawick Street. Standards apply in the Commercial Zone managing the effects of development, with standards relating to noise, odour and the bulk and scale of any commercial activity. In addition, there are specific standards which apply at the boundary between the Commercial and Residential Zone, including a larger building setback, residential daylight envelope and noise standards apply. However, this fragmented zoning pattern could impact on the efficient use and development of this land, particularly in the long term as the commercial centre for Foxtton Beach.
5. Notwithstanding the above, it is questioned whether the Commercial (Deferred) Zone is the most appropriate zoning for the subject land in the short-term (i.e. 10 year time frame). It appears there is limited demand for commercial land of this extent in the foreseeable future (hence the 'deferred' zoning status). Therefore, it may be preferable to retain the Open Space zoning in the short term to provide for the ongoing recreational use, particularly given the land would remain in Council ownership and therefore another form of development on the land that would restrict any future commercial zoning is unlikely.
6. At this time, it is recommended the submission from McEwen and Tustin is rejected and the Commercial (Deferred) Zone applied to the subject land. However, the further submitter (HDC Property Services) may wish to provide additional information at the hearing demonstrating the potential need for the commercial zoning in the short term.

4.13.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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104.00	505.00	Malcolm McEwen and Sandra Tustin Horowhenua District Council (Property Department)	Oppose	Reject Accept
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4.13.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.14 Amendment 20 – Planning Map 20: Rezoning in Hamaria Road, Levin

4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
107.00	Alliance Group Limited	Oppose	Submitter opposes the proposed rezoning of Lots 3 and 4 DP 58667, Hamaria Road, Levin and seeks the industrial zoning of this land to be retained as the rezoning would be incongruous with the nature of the existing environment and result in significant adverse reverse sensitivity effects on its plant and operations, particularly in relation to noise.	Retain the current Industrial zoning of Lots 3 and 4 DP 58667, Hamaria Road, Levin.	511.00 Paul Booth - Oppose
114.00	Graham Henry	Oppose	Submitter opposes rezoning of Lots 3 and 4 DP58667, Levin from industrial to rural as the rural noise restrictions would affect their current operations and no allowance has been made for a buffer area.	Retain current Industrial zoning of Lots 3 and 4 DP58667, Levin.	500.00 Alliance Group Limited – Support 514.00 Paul Booth - Oppose
115.00	Barry Aylward	Oppose	Submitter opposes rezoning of Lots 3 and 4 DP58667, Levin from industrial to rural due to current lack of suitable industrial land and potential reverse sensitivity issues.	Retain current industrial zoning of Lots 3 and 4 DP58667, Levin.	500.01 Alliance Group Limited – Support 515.00 Paul Booth - Oppose

Three submissions were received opposing the rezoning of the property in Hamaria Road from Industrial to Rural.

4.14.2 Discussion & Evaluation

- Alliance Group Ltd (107.00), Graham Henry (114.00) and Barry Aylward (115.00) oppose the proposed rezoning from Industrial to Rural. Alliance Group Ltd support the original submissions from Henry and Aylward, while Paul Booth opposes the three original submissions requesting the zoning be retained as Industrial (it is noted Paul Booth owns the subject land). Since the closing of the further submissions, further correspondence has been

received from Mr Booth advising that he no longer wishes the property to be rezoned from Industrial to Rural (see correspondence in Appendix 4).

2. The basis for the proposed rezoning is outlined in the Section 32 Report which states:

Through the District Plan Review process the property comprising Lot 4 DP 53896 Hamaria Road retained its Industrial zoning. Following the review, the adjoining property landowner has requested that their land be similarly rezoned. The reason for this request is that the current industrial zoning does not match the current or adjoining use of the site and that the nature of the surrounding industrial land uses is unlikely to encourage the establishment of new industrial activity on the site in the future.

The subject site is currently used for rural purposes and a Rural zoning would better align it with other adjoining land uses. In addition, there is sufficient industrially zoned land in other parts of Levin. The neighbouring site to the north was rezoned to Rural as part of the District Plan Review.

Regarding the use of surrounding industrial properties, the Council own industrial land to the south of the site and Alliance Meat Rendering Plant operates on the other side of Hamaria Road. These industrial uses are long established and given the nature of their activities (e.g. waste production and treatment) could act as a disincentive to other industries being attracted to a smaller site. In response, PPV1 proposes to rezone the subject site to Rural.

Option 2 (Rural zoning) is considered to be the most appropriate option to achieve the objectives of the Plan. The current use of the site is for rural purposes and rezoning it to Rural would be an effective means of recognising its compatibility with surrounding land uses and result in a more efficient use of the property given the nature of existing industrial activities and the surplus industrial land supply already available in the area. For these reasons, option 2 is considered to be the most appropriate option.

3. The location and extent of the zoning of all land was undertaken as part of the District Plan Review. It was concluded there is sufficient land zoned Industrial to meet the future needs of the district (there is a significant supply in Levin). Therefore, the issues for this matter are focused on the impacts in the immediate locality.
4. It is understood the subject land has been used as a rural property (grazing) for a number of years. As recorded above and in the submissions, the adjoining properties to the west, south and east are used for industrial purposes. The primary concerns expressed by submitters relating to reverse sensitivity effects, particularly the sensitivity of future rural-residents to noise and odour from these industrial activities. It is noted the Alliance property adjoins Rural zoned land to the south and west, with two dwellings located immediately to the south and two more dwellings to the west.
5. There is a history of odour issues associated with operation of the rendering plant, with complaints from both residents and business operators in the vicinity and some distance from the plant. However, I understand these issues were more significant prior to Alliance purchasing and operating this plant. It is understood the air discharge resource consent for the operation of the plant requires no offensive or objectionable odour being detected at the boundary of the site. Therefore, technically, irrespective of the zoning and use of the subject land, there would be no odour nuisance. However, practically, it is recognised if the property

was used for rural-residential purposes compared to industrial use, residents are not likely to expect and tolerate the same level of odour compared to workers in industrial premises.

6. With regard to noise, the submission from Alliance correctly notes lower noise levels would apply at the boundary of the subject land if it was rezoned. It is noted these same limits currently apply to the southern and western boundaries of the Alliance property, as well as a portion of their eastern boundary (i.e. north of the subject land). Like odour discussed above, if the subject property was used for rural-residential purposes compared to industrial use, residents are likely to be sensitive to noise if it exceed the permitted noise levels.
7. Given the mixed Rural and Industrial zoning in this area, as well as existing residential dwellings on rural properties in the area, it is questioned how significant the reverse sensitivity issues raised by submitters are likely to be from the proposed rezoning. The Rural zoning would permit a range of productive land uses which are considered to be compatible with the industrial zoning (e.g. grazing, horticulture). It is noted establishing a residential dwelling on the subject land would be a controlled activity under Rule 19.2(e), as the site is within the 800m buffer zone of the Levin Wastewater Treatment Plant. The purpose of this rule/consent is to manage reverse sensitivity effects for this plant. Therefore, if a dwelling was established on this site, the future residents would be aware of the nature of activities in the vicinity.
8. Conversely, the character of this section of Hamaria Road is industrial in nature with large utilitarian buildings, tall fences, and large carparking and manoeuvring areas. The current Industrial zoning pattern is a fairly regular shape which assists in minimising interface issues with adjacent activities.
9. On balance, it is considered that the current Industrial zoning is the most appropriate zoning for the subject land, as it minimises potential incompatibility issues and provides for the effective and efficient use of the subject site and surrounding land. In addition, consideration is given to the wishes of the owners of the site. Therefore, it is recommended these submissions are accepted and the further submission from Paul Booth is rejected.

4.14.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
107.00		Alliance Group Limited		Accept
	511.00	Paul Booth	Oppose	Reject
114.00		Graham Henry		Accept
	500.00	Alliance Group Limited	Support	Accept
	514.00	Paul Booth	Oppose	Reject
115.00		Barry Aylward		Accept
	500.01	Alliance Group Limited	Support	Accept
	515.00	Paul Booth	Oppose	Reject

4.14.4 Recommended Amendments to the Plan Provisions

Retain the current Industrial zoning for Lots 3 and 4 DP 58667, Hamaria Road, Levin.

4.15 Amendment 22 – Planning Map 28A: Rezoning in North Service Lane, Levin

4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
117.06	KiwiRail	Support	Submitter supports amending the underlying zoning of North Lane to road as opposed to the current rural zoning.	Retain provision (Planning Map 28A).	

One submission was received supporting the rezoning of the North Service Lane from Rural to Road.

4.15.2 Discussion & Evaluation

- The support for the rezoning is noted.

4.15.3 Reporting Officer's Recommendation

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

4.15.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.16 Amendment 23 – Planning Map 23: Rezoning at Waikawa Beach

4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
106.00	Mark and Hayley Gilbert	Support	Submitter supports the proposed rezoning of Pt Lot 1 DP 7432 and Lots 1 and 2 DP 8850 at Waikawa Beach to rural, and trusts the landowners to make good decisions in regard to the use and future development of the land if rezoned rural.	Retain proposed zoning change to Rural for Pt Lot 1 DP 7432 and Lots 1 and 2 DP 8850, Waikawa Beach.	
111.00	Lesley Anne and Richard Walker/	Support	Submitter supports rezoning of Lot 1 DP7432 and Lots 1 and 2	Retain proposed Rural zoning of Lot 1 DP7432	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Waikawa Edgewater Ltd		DP8850, Waikawa Beach from Open Space to Rural.	and Lots 1 and 2 DP8850 as notified.	
113.00	Cameron Walker	Support	Submitter supports the rezoning of Lot 1 DP7432 and Lots 1 and 2 DP8850, Waikawa Beach from Open Space to Rural.	Retain proposed Rural zoning of Lot 1 DP7432 and Lots 1 and 2 DP8850 as notified.	
116.00	Jane Andersen	Support	Submitter supports the rezoning of Lot 1 DP7432 and Lots 1 and 2 DP8850, Waikawa Beach from Open Space to Rural.	Retain proposed Rural zoning of Lot 1 DP7432 and Lots 1 and 2 DP8850 as notified.	
120.00	Francee Thompson	Support	Submitter supports the rezoning of Lot 1 DP7432 and Lots 1 and 2 DP8850, Waikawa Beach from Open Space to Rural.	Include scope for trees to be planted to encourage birdlife and enhance the visual appearance of the area. Inferred: Retain proposed Rural zoning of Lot 1 DP7432 and Lots 1 and 2 DP8850 as notified.	

Five submissions were received supporting the rezoning of the property in Waikawa Beach from Open Space to Rural.

4.16.2 Discussion & Evaluation

1. Mark and Hayley Gilberd (106.00), Lesley Anne and Richard Walker/Waikawa Edgewater Ltd (111.00), Cameron Walker (113.00), Jane Anderson (116.00) and Francee Thompson (120.00) support the rezoning. This support is noted.
2. Francee Thompson (120.00) also requests that trees be planted to encourage birdlife and enhance the visual appearance of the area. The basis for the proposed rezoning is outlined in the Section 32 Report which states:

In the previous Operative District Plan an area of privately owned land in the coastal environment at Waikawa Beach was designated as 'Proposed Foreshore Reserve'. This designation was subsequently rolled over into the District Plan and through the review process an underlying Open Space zoning was applied to be consistent with other Council managed coastal foreshore reserve land.

Originally, the Council designated the land with the intention of potentially leasing or acquiring it to manage as Foreshore Reserve but recently has concluded that it was no longer required for this purpose and requested that the designation be withdrawn. As a result, the land will no longer be identified for future reserve purposes and the retention of the Open Space zoning is no longer considered appropriate. Consequently, given the size and location of the site, PPV1 proposes that the land be rezoned to its previous Rural zoning as it was before the Plan Review. Council has consulted the

landowner and they have confirmed their support for withdrawal of the designation and the proposed Rural rezoning, particularly as it would align with their intention to undertake forestry activities on the site.

Option 2 (Rural zoning) is considered to be the most appropriate option to achieve the objectives of the Plan. Rezoning this private property to Rural would provide an effective means to enable the landowner to undertake intended rural activities on the site. As the Open Space Zone is primarily designed for the management of Council parks and reserves, the proposed rezoning would also enable a more efficient and realistic use of the site to occur. For these reasons option 2 is considered to be the most appropriate option.

3. As noted in the quote above, the landowner has indicated they plan to continue forestry activities on the subject land. Therefore, the request for trees would continue. However, as plantation forestry, it is anticipated there would be periodic harvesting of these trees. It is noted any use and development of this land would be managed by the District Plan. In particular, specific provisions apply as the area is within the Coastal Natural Character and Hazard Area Overlay, as well as the Coastal Outstanding Natural Features and Landscapes Overlay. In determining any proposal for this area, consideration would be given to various policy and planning documents, such as the New Zealand Coastal Policy Statement and Horizons One Plan.
4. Given submissions were only received in support, it is recommended all submissions be accepted.

4.16.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
106.00		Mark and Hayley Gilbert		Accept
111.00		Lesley Anne and Richard Walker/ Waikawa Edgewater Ltd		Accept
113.00		Cameron Walker		Accept
116.00		Jane Andersen		Accept
120.00		Francee Thompson		Accept

4.16.4 Recommended Amendments to the Plan Provisions

No recommended amendments.

4.17 General – Other Matters including Gladstone Greenbelt Structure Plan: Technical Report

4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
125.03	Horticulture NZ	In-Part	Submitter seeks any necessary changes to be made in order to address matters of inconsistency with the Operative and Proposed District Plan.	Amend as necessary.	
101.15	Transpower New Zealand Ltd	In-Part	Submitter is generally supportive of the Gladstone Greenbelt Structure Plan, but notes that the Plan refers only to restriction of 'new buildings' and considers that structures and earthworks should also be recognised.	Amend Section 4.4 – Gladstone Greenbelt Structure Plan: Technical Report as follows: The Proposed National Policy Statement on Electricity Transmission includes corridor protection requirements, which restrict new buildings <u>and structures and the undertaking of earthworks near National Grid</u> transmission lines.	
101.16	Transpower New Zealand Ltd	In-Part	Submitter supports the need to ensure that activities or development do not compromise the integrity of the National Grid but notes that it does not wish to see unnecessary constraints imposed and could support a reduction in the transmission line 'no build' area identified on the Opportunities and Constraints Map.	Amend the Opportunities and Constraints Map in the Gladstone Greenbelt Structure Plan: Technical Report as follows: <u>National Grid Transmission Lines 32m 10 – 12 metres no build.</u>	

Two submission points were received relating to the Technical Report for the Gladstone Greenbelt Structure Plan.

A submission point by Horticulture NZ has sought any necessary changes to be made in order to address matters of inconsistency with the Operative and Proposed District Plan.

4.17.2 Discussion & Evaluation

1. The submission point by Horticulture NZ (125.03) has sought any necessary changes to be made in order to address matters of inconsistency with the Operative and Proposed District Plan. The Plan Variation has generally sought to identify and address all the known

inconsistencies between the Operative and Proposed Plans. A significant area of inconsistency has been addressed through the recommendations in relation to Chapter 18 for the Greenbelt Residential zone. This submission point has not sought to address any specific provisions. Given that the submission point is in effect supporting many of the amendments set out in this report it is recommended that the submission point (125.03) be accepted in-part.

2. The Gladstone Greenbelt Structure Plan was prepared in 2009 involving technical considerations and landowner consultation. A background report was prepared at the conclusion of this process to document the findings. This background report contains details relating to the opportunities and constraints for development in the area, and the planning principles, key features of the Structure Plan and implementation actions.
3. Transpower NZ (101.15 and 101.16) has submitted on two references in this report relating to the high voltage transmission lines. As a background report, the report does not form part of the Proposed Plan Variation, and therefore cannot technically be submitted on. The nature of the two amendments sought by Transpower are considered to be clarifications, which have been considered in the evaluation of the Plan Variation provisions. Notwithstanding this, the Structure Plan in PPV1 (and therefore District Plan) could be amended to identify the high voltage transmission lines. Therefore, it is recommended these two submission points are accepted in part and the Gladstone Greenbelt Structure Plan included in the District Plan identify the existing high voltage transmission lines. This amendment to the Structure Plan has been addressed earlier in the report as part of submission point 101.17 in relation to Amendment 14.

4.17.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.15		Transpower New Zealand Ltd		Accept In-Part
101.16		Transpower New Zealand Ltd		Accept In-Part
125.03		Horticulture NZ		Accept In-Part

4.17.4 Recommended Amendments to the Plan Provisions

No recommended amendments to the technical report.

Consequential Amendment to Gladstone Greenbelt Structure Plan in the District Plan:

- Add the high voltage transmission lines to the Structure Plan.

5. Conclusion and Main Recommended changes from Proposed Plan Variation 1 (as notified)

Proposed Plan Variation 1 was made to align relevant provisions contained in parts of the District Plan that were subject to Plan Changes 20-22 with those that apply to other zone chapters in the plan, make minor corrections to the District Plan to assist with interpretation and application of provisions; and respond to resource management issues that have arisen since the District Plan Review process commenced in 2011.

A variety of submissions were received supporting and opposing individual amendments within the Variation. These submissions have requested a number of changes to the proposed plan variation.

As noted earlier in this report in Section 2.2.2, one further submission was received from a person not considered to have status as a further submitter. It is recommended the further submission from WA Huzziff (508) is not accepted on Proposed Plan Variation 1.

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

- Generally retain the proposed amendments to Chapter 18: Greenbelt Residential Zone to make them consistent with and in alignment with other zone chapters. In response to submissions, revise the Greenbelt Residential Zone rules relating to the National Grid and dwelling setback for sites adjoining the Rural Zone
- Amending the wording of the rule applying exemptions for hazardous substances in the Flood Hazard Overlay Area
- Amending the requirements in the subdivision rules in the Rural Zone relation to effluent disposal areas
- Minor amendment to accessway dimensions
- Minor amendments to the wording of the definitions of network utilities and earthworks
- Amendments to the Gladstone Greenbelt Structure Plan, including deleting an area of 'retaining existing vegetation', deleting a section of 'landscape buffer', re-aligning a section of road/landscape buffer and adding 'high voltage transmission lines'.
- Retaining the current Industrial zoning for a property in Hamaria Road, Levin

Overall, it is recommended that Council proceed with Proposed Plan Variation 1, subject to the amendments put forward in this report.

6. Appendices

6.1 Appendix 1: Proposed Plan Variation 1 as amended per officer's recommendations

Amendment 1: Chapter 18 Greenbelt Residential Zone Rules

Amend Rule 18.1(s) as follows:

(s) Earthworks

Notes: Also refer to –

- (i) ~~Refer to~~ Rule 18.4(j)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure;
- (ii) Rule 18.4(k)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage; and
- (iii) Rule 18.6.32(b) a) – c) Earthworks around a National Grid transmission line.

Amend Rule 18.3(h) as follows:

- (h) Any subdivision within ~~32~~ 16 metres of the centre line of High Voltage Transmission Lines provided the standards for Controlled Activities in Rules 18.7.1 are met (Refer to 18.8.11).

Consequentially amend Rule 18.8.11 as follows:

18.8.11 Subdivision within ~~32~~ 16 metres of the Centre Line of High Voltage Transmission Lines (Refer Rule 18.3(h))

Amend Rule 18.5(a) as follows:

- b) Any activity within the National Grid Corridor or subdivision within 16 metres of the centre line of High Voltage Transmission Lines that does not comply with the permitted activity conditions in Rule 18.6.32.

Amend the matters of discretion for Rule 18.8.11(a) as follows:

(a) Matters of Discretion

- (i) Measures necessary to protect existing high voltage transmission lines and people's health and safety.
- (ii) Impacts on the operation, maintenance, upgrade and development of the National Grid;
- (iii) Whether a complying building platform is provided; and
- (iv) The nature and location of any vegetation to be planted in the vicinity of the National Grid lines.

Insert a new restricted discretionary activity rule as follows:

(k) Any earthworks not permitted by Rule 18.6.32(b)(i) (Refer Rule 18.8.14).

Insert a new restricted discretionary activity rule as follows:

18.8.14 Earthworks Within National Grid Corridor (Rule 18.5(k))

(a) Matters of Discretion

- (i) Impacts on the operation, maintenance, upgrade and development of the National Grid.
- (ii) Compliance with NZECP34:2001.
- (iii) The risk to the structural integrity of the National Grid.
- (iv) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.
- (v) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

Amend Rule 18.6.4(f) as follows:

- (f) No dwelling shall be located closer than ~~45~~ 10 metres from any residential dwelling unit on any site in the Rural Zone boundary, or where the site adjoins a site of 20,000m² or more in the Rural Zone.

Amendment 5 – Rule 19.4.8(iv) Rural Zone: Discretionary Activity: Flood Hazard Overlay Area

Amend Rule 19.4.8(iv) as follows:

- (iv) Any activity involving storage or disposal of hazardous substances (including those activities permitted by Rule 23.2.1) but excluding those hazardous substances, facilities and activities listed in Section 23.1.1.

Amendment 8 – Table 21-3 Accessway Dimensions

Amend Table 21-3 as follows:

Plan Zone	Number of Allotments/Site Served	Required Minimum Legal Width	Required Minimum Formation	Maximum Permitted Length
Rural	Up to 2	6m	2.5m formed and metalled to an all-weather standard	3km

Plan Zone	Number of Allotments/Site Served	Required Minimum Legal Width	Required Minimum Formation	Maximum Permitted Length
	more than 2	8-10m	5m formed and metalled to an all-weather standard	3km
Residential	1	3m	2.5m formed and sealed to an all-weather standard	50m
	Up to 3	3.5m	3m formed and sealed to an all-weather standard	50m
	4 or more	5m	4m formed and sealed to an all-weather standard	50m
Greenbelt Residential (including Waitare Rise Overlay and Foxton Beach North Overlay)	1	3m	2.5 formed and metalled to an all-weather standard	150m
	Up to 3	6m	4m formed and metalled to an all-weather standard	150m
	4 or more	8m	5m formed and metalled to an all-weather standard	150m
Commercial	3 or less	4.5m	4.5m formed and sealed to an all-weather standard	50m
	4 or more	7m	6m formed and sealed to an all-weather standard	100m
Industrial	1 or more	6m	5m formed and sealed to an all-weather standard where 2 or more allotments are served by the access	100m

Amendment 11 – Network Utilities Definition

Amend part (h) of the definition of ‘network utility’ as follows:

- (h) water supply, irrigation supply, drainage and sewerage systems, including pipes that collect, drain, dispose and convey water, stormwater, sewage and/or other wastes;.

Amendment 13 – Earthworks Definition

Amend the definition of earthworks as follows:

Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing or removal of clean fill.

Amendment 14 – Gladstone Greenbelt Structure Plan

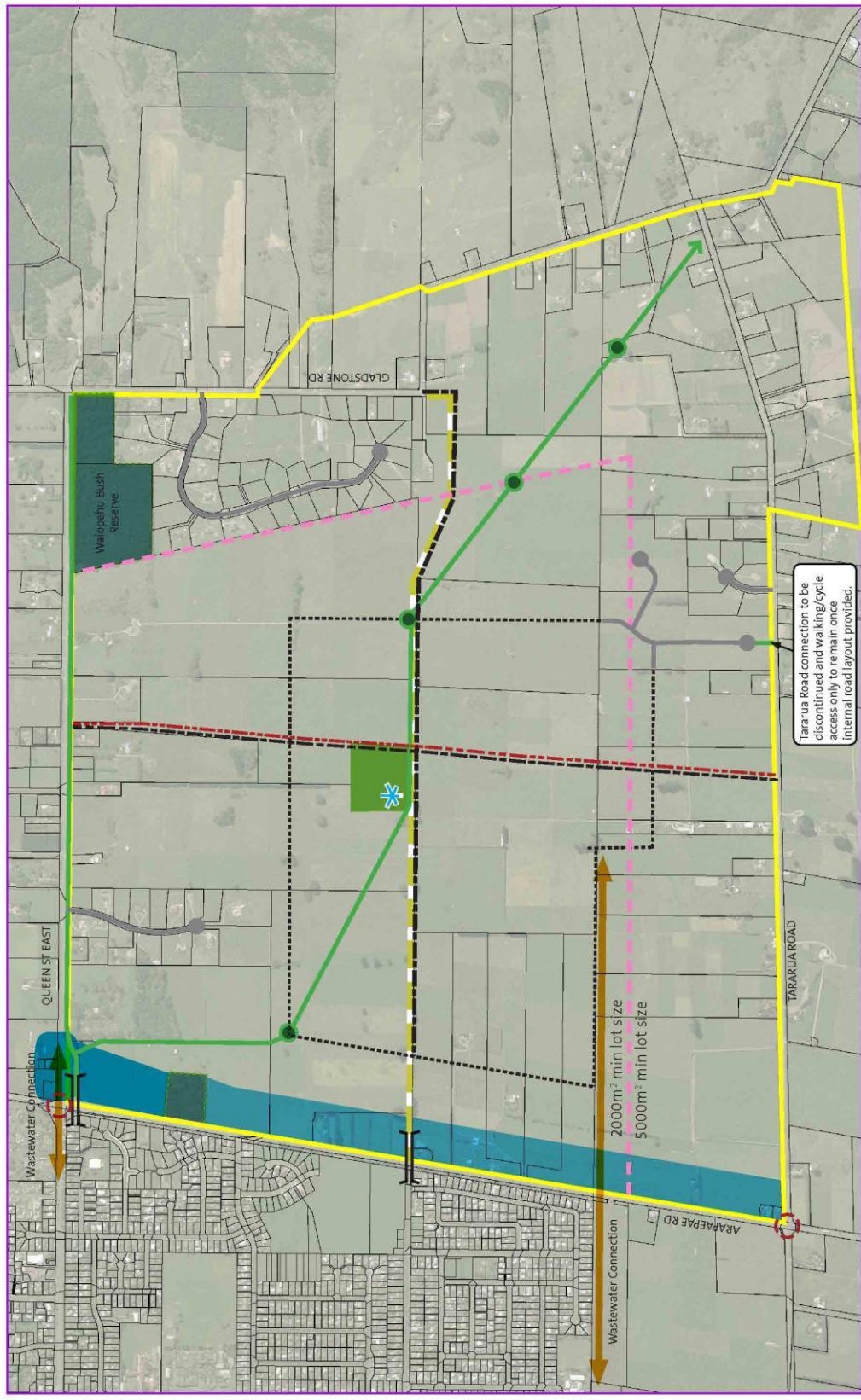
Amend the Gladstone Greenbelt Structure Plan as shown in Appendix 1, with the following amendments noted:

- Re-aligned road connection to Gladstone Road
- Delete 'existing vegetation retained' from the area on Lot 2 DP 86925
- Delete 'landscape buffer' along Queen Street East
- Amend to identify the National Grid Transmission Line

Structure Plan

Drawing
Revision 01
Scale: 1:10,000 @ A3

- Existing Roads
- Greenbelt Collector Road
- Greenbelt Local Road
- Reserve (public)
- 10m Landscape Buffer with Road Reserve
- Existing Vegetation Block Retained
- Future Local Commercial
- Density Change
- Transport Corridor (future upgrades)
- Urban Growth Area Boundary
- Landscape, Stormwater, Pedestrian and Cycling Connection with Open Spaces
- Future Pedestrian Overbridge
- State Highway Intersection Modification
- National Grid Transmission Line



Reference: H080018
November 2014
Prepared for Horowhenua District Council by Borja Miskell
Reference: W080018_M05_Supplementary_231004



Amendment 20 – Planning Map 20: Rezoning in Hamaria Road, Levin

Retain the current Industrial zoning for Lots 3 and 4 DP 58667, Hamaria Road, Levin.

General – Gladstone Greenbelt Structure Plan: Technical Report

No recommended amendments to the technical report.

Consequential Amendment to Gladstone Greenbelt Structure Plan in the District Plan:

- Add the National Grid Transmission Line to the Structure Plan.

6.2 Appendix 2: Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.00		Transpower New Zealand Ltd		Accept
101.01		Transpower New Zealand Ltd		Accept
101.02		Transpower New Zealand Ltd		Accept
101.03		Transpower New Zealand Ltd		Accept
101.04		Transpower New Zealand Ltd		Accept
101.05		Transpower New Zealand Ltd		Accept
101.06		Transpower New Zealand Ltd		Accept In-Part
101.07		Transpower New Zealand Ltd		Accept In-Part
101.08		Transpower New Zealand Ltd		Accept
101.09		Transpower New Zealand Ltd		Accept
101.10		Transpower New Zealand Ltd		Accept In-Part
101.11		Transpower New Zealand Ltd		Reject
101.12		Transpower New Zealand Ltd		Reject
	501.00	Federated Farmers of New Zealand	Support In-Part	Accept
	502.00	Horticulture NZ	Support In-Part	Accept
101.13		Transpower New Zealand Ltd		Accept In-Part
	502.01	Horticulture NZ	Support In-Part	Accept In-Part
101.18		Transpower New Zealand Ltd		Accept In-Part
105.00		New Zealand Defence Force		Accept
108.00		House Movers Section of New Zealand Heavy Haulage Association (Inc)		Reject
110.00		The NZ Transport Agency		Accept
110.01		The NZ Transport Agency		Accept
110.02		The NZ Transport Agency		Accept
110.03		The NZ Transport Agency		Accept

110.04		The NZ Transport Agency		Reject
110.05		The NZ Transport Agency		Reject
110.06		The NZ Transport Agency		Accept
117.00		KiwiRail		Accept
117.01		KiwiRail		Accept
117.02		KiwiRail		Accept
117.03		KiwiRail		Accept
117.04		KiwiRail		Accept
117.05		KiwiRail		Accept
118.01		Brian and Ann Thomas		Reject
124.00		Truebridge Associates Limited		Accept In-Part
124.01	501.01	Truebridge Associates Limited	Oppose	Accept In-Part
	502.05	Federated Farmers of New Zealand Horticulture NZ	Oppose	Accept In-Part
124.02		Truebridge Associates Limited		Reject
124.03		Truebridge Associates Limited		Reject
102.00	500.02	Federated Farmers of New Zealand Alliance Group Limited	Oppose	Accept Reject
102.01		Federated Farmers of New Zealand		Accept
102.02	502.03	Federated Farmers of New Zealand Horticulture NZ	Support in part	Accept Accept In-Part
125.00		Horticulture NZ		Accept In-Part
102.03		Federated Farmers of New Zealand		Accept
102.04		Federated Farmers of New Zealand		Accept
124.04		Truebridge Associates Ltd		Accept In-Part
118.00		Brian and Ann Thomas		Accept In-Part
124.05		Truebridge Associates Ltd		Accept In-Part
102.05		Federated Farmers of New Zealand		Accept
125.01		Horticulture New Zealand		Accept

101.14	502.02	Transpower New Zealand Ltd Horticulture NZ	Support	Accept In-Part Accept In-Part
102.06	502.04	Federated Farmers of New Zealand Horticulture NZ	Support	Accept In-Part Accept In-Part
124.06	501.02 502.06	Truebridge Associates Ltd Federated Farmers of New Zealand Horticulture NZ	Oppose Oppose In-Part	Accept Accept In-Part Accept In-Part
125.02		Horticulture New Zealand		Accept In-Part
103.00	509.00 510.00	Glenn and Rebecca Kaukau Emma Prouse Stephen and Karen Prouse	Support Support	Reject Reject Reject
109.00	512.00 513.00	Warwick Meyer Emma Prouse Stephen and Karen Prouse	Oppose Oppose	Reject Accept Accept
110.07	507.00	The NZ Transport Agency Horowhenua District Council (Infrastructure Services)	Oppose	Reject Accept
112.00		Todd Isaacs		Accept In-Part
119.00		David Pearson		Reject
119.01		David Pearson		Reject
119.02		David Pearson		Accept In-Part
119.03		David Pearson		Reject
119.04		David Pearson		Accept In-Part
121.00	516.00	Shane and Tania Jack Emma Prouse	Support	Accept Accept
122.00	517.00 518.00	Gail Woodhouse Emma Prouse Stephen and Karen Prouse	Support Support	Reject Reject Reject
123.00	519.00	Jane Evans Emma Prouse	Support	Accept Accept
126.00	506.00	Prouse Family Trust Warwick Meyer	Support	Accept Accept

	520.00	Stephen and Karen Prouse	Support	Accept
126.01	506.02	Prouse Family Trust Warwick Meyer	Oppose	Reject Accept
	520.01	Stephen and Karen Prouse	Support	Reject
126.02	520.02	Prouse Family Trust Stephen and Karen Prouse	Support	Accept In-Part Accept In-Part
127.00	503.00	Stephen and Karen Prouse James Prouse	Support	Accept Accept
	504.00	Matthew Prouse	Support	Accept
	506.01	Warwick Meyer	Support	Accept
127.01	503.01	Stephen and Karen Prouse James Prouse	Support	Reject Reject
	504.00	Matthew Prouse	Support	Reject
	506.03	Warwick Meyer	Oppose	Accept
127.02	503.02	Stephen and Karen Prouse James Prouse	Support	Accept In-Part Accept In-Part
	504.02	Matthew Prouse	Support	Accept In-Part
127.03	503.03	Stephen and Karen Prouse James Prouse	Support	Reject Reject
	504.04	Matthew Prouse	Support	Reject
101.17		Transpower New Zealand Ltd		Accept
124.07		Truebridge Associates Ltd		Reject
104.00	505.00	Malcolm McEwen and Sandra Tustin Horowhenua District Council (Property Department)	Oppose	Reject Accept
107.00	511.00	Alliance Group Limited Paul Booth	Oppose	Accept Reject
114.00	500.00	Graham Henry Alliance Group Limited	Support	Accept Accept
	514.00	Paul Booth	Oppose	Reject
115.00	500.01	Barry Aylward Alliance Group Limited	Support	Accept Accept
	515.00	Paul Booth	Oppose	Reject

117.06		KiwiRail		Accept
106.00		Mark and Hayley Gilbert		Accept
111.00		Lesley Anne and Richard Walker/ Waikawa Edgewater Ltd		Accept
113.00		Cameron Walker		Accept
116.00		Jane Andersen		Accept
120.00		Francee Thompson		Accept
101.15		Transpower New Zealand Ltd		Accept In-Part
101.16		Transpower New Zealand Ltd		Accept In-Part
125.03		Horticulture NZ		Accept In-Part

6.3 Appendix 3: Correspondence from B & A Thomas (118.01) – Clarification on reference to implementation timeframes for 18.4 (Amendment 1)

From: ANN THOMAS

Sent: Monday, 3 November 2014 8:38 p.m.

To: Hamish Wesley

Subject: Re: Clarification on Submission on Proposed Plan Variation 1

Hello Hamish

If you go to page 18-20 of the Plan Variation 1 you will see table 18.4.

Now our farm is located in the areas show on the map that came with the information - called structure plan Gladstone Greenbelt.

According to the Structure plan half our farm is in the 2000 sq m subdivision and the other half is in the 5000 sq m subdivision minimum sizes.

Table 18.4 states that the 2000 sq m areas are serviced.

What we want clarified is if the proposed plan is adopted then it would seem that we can instantly cut that portion of the farm into 2000 sq sections.....but there are no water and waste water services available so it this not a contradiction.....ie you can cut it up to that size now but not until there are services available are you able to sell the sections.....is this what the council means or intends to be the requirement. It just all seems a bit grey and we want it clarified. I was told in 2009 that it would be at least 20 years before waste water/sewage would be available in our areaso is there going to be a quantifier that you cant cut down to 2000 sqm until the services are available.

So hence why implementation clarification and the fact that it seems to contradict itself

Ann

6.4 Appendix 4: Correspondence from Paul Booth – Rezoning Hamaria Road (Amendment 20)

Paul Booth.
106 Wallace Rd.
Levin.

22/10/14

Dear Mr M. Conkendale,

The original plans for rezoning my sections (Lot 3+4 DP 58667 Hamaria Rd. Levin) has fallen through.

Considering the objections ^{from} ~~my~~ neighbours I have decided to withdraw the application for rezoning. However there is still a major problem in Hamaria Rd for commercial space and the property entrances. I have been told they are due to be upgraded in the near future.

Regards

PS Booth



6.5 Appendix 5: Relocated Buildings – Officer Right of Reply and Response to Commissioners Questions (May 2013)

Proposed Horowhenua District Plan

Relocated Buildings

Officer Right of Reply and Response to Commissioners Questions

We have considered the evidence presented by House Movers Section of NZ Heavy Haulage Association Inc (submitter no.40) at the Urban Environment hearing on 23rd April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the hearing.

The submission points raised by the submitter fall across all zones in the Proposed Plan therefore this right of reply covers the matters across the plan and has been worked collectively between officers and planning consultants.

The House Movers Section of the New Zealand Heavy Haulage Association Inc ('NZ Heavy Haulage') submitted on the relocated building provisions in the Proposed Plan, across all zones, seeking permitted activity status for the removal and relocation of buildings to their new destination sites, subject to complying with performance standards.

As this issue and relief sought applied across all Zones, it was covered in the Section 42A Report for each zone, but the same evaluation and recommendation was made across all zones (Open Space Zone Section 42A Report (Section 4.8), Urban Environment Section 42A Report (Section 4.6) and Rural Environment Section 42A Report (Section 4.34). This right of reply applies to all zones, as it is considered the issues and effects associated with relocated buildings are the same for all zones.

NZ Heavy Haulage presented submissions of Counsel (Rowan Ashton) at the Urban Environment hearing on 23rd April 2013. These submissions set out their key provision strategy and in summary contended that:

- There is no difference between a relocated building being established on a destination site, compared to a new house being built and the risk of construction ceasing and leaving an unfinished in situ building.
- The use of performance standards are more appropriate than conditions on a resource consent to ensure buildings are reinstated and established into the destination sites, due to greater certainty, lower costs, and ability to use enforcement powers provided in the RMA if a standard is breached.
- There is inequity between the management of new buildings and relocates referring to the Proposed Plan's 'unsightly building' rule as it applies to unfinished construction, yet does not impose a timeframe or landscape requirements to ensure completion.

- A resource consent requirement introduces a neighbour's right to veto for relocations, yet this is not a right imposed on new dwellings.
- The use of bonds as a condition of consent for relocations, when not used for new builds was rejected by the Environment Court. To this end, the statement of evidence from Paul Britton emphasised the financial burden of bonds on those individuals seeking to carry out a relocation exercise.
- Assurance the necessary works to the relocation building will be carried out and finished in accordance with the permitted activity conditions can be given through the process of a pre-inspection report with owner certification. The owner certifies that all necessary work is identified in advance and to be completed in accordance with the permitted activity performance standards. Paul Britton was asked by the Hearing Panel whether their company is involved in the process of establishing each relocated building, or whether it was purely the act of relocating the building to the site. Paul Britton confirms that their company is not involved with the works post relocation, but suggested anecdotally that most people undertaking a building relocation are seeking to make a home and therefore want to progress the works so they can live in it. Mr Britton did comment that there will be those who do not progress works on relocations and/or do a poor job, but these types of situations would occur no matter what the rules in the District Plan require.

Does the Horowhenua District have a current resource management issue with the placement of relocated buildings?

The Hearing Panel sought further comment on whether 'relocated buildings' are a resource management issue in the Horowhenua, and if so, how significant an issue.

Since 1999 (when the current District Plan was made operative) there have been nearly 400 relocated buildings sited in the District (192 relocated buildings were actively monitored and recorded between 1 July 1999 to May 2013). A number of these buildings have come from outside the district, including a significant number of former NZ Defence Force buildings with surplus buildings from bases in Waiuru, Linton and Ohakea. In addition, there are a number of building relocation companies operating in the Lower North Island who store and supply relocated buildings to the Horowhenua. Therefore, there has been a ready supply of buildings for relocation in relatively close proximity to the Horowhenua.

Over the last 14 years, Council has received enquiries from people who wish to relocate buildings, as well as enquiries and complaints from residents when a building is relocated next door or in their neighbourhood.

To better understand community views on relocated buildings, as part of the consultation to inform the District Plan Review, specific feedback was sought on this issue. In the Discussion Document (including a summary version) released for community feedback in October 2011, one of the "district wide" matters was relocated buildings.

The discussion document explained the types of issues that relocated buildings can have due to their varying age, condition and design and acknowledges that the public has had previous concerns about the design, but also where buildings are left in an unfinished state for long periods. The Discussion Document outlined three options to manage relocated buildings in the District Plan and included the key advantages/disadvantages so that the community would understand the pros and cons of each option. The options were:

- Option A to change the District Plan and permit relocated buildings,

- Option B to change the District Plan and require a Restricted Discretionary Activity consent for relocated buildings, or
- Option C retain status quo of a Controlled Activity but impose a shorter timeframe of 6 – 9 months for completion of exterior upgrade works.

To assist in responding to these three options, four questions were then asked on relocated buildings:

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

Of the 192 responses to the Discussion Document, 125 responded to the questions on relocated buildings.

Of the responses to question 47, 50 responses agreed, at some level, that Council should be concerned about relocated buildings. Some of the written comments included:

- *Yes-more care needs to be taken. Consent from neighbours is not enough- full impact not realised until too late*
- *Should control how it fits with surroundings- size & placement*
- *Appropriate conditions to protect visual amenity & building structure*
- *Council should have details before relocation*
- *Yes but only the finishing & what is required under the building code*
- *Yes- planning design guides should apply*
- *Yes- good, sound buildings should be used*

Conversely, 17 responses to question 47 did not think the Council should be concerned about relocated buildings, with a selection of written comments including:

- *No as long as building & health codes are met*
- *No providing building is restored & not left derelict looking*
- *Council should help & encourage relocates*
- *Option A- allow individual choice of home style, location & situation irrespective of the surrounding neighbourhood*

A majority of responses (54 out of the 83) to question 48 considered the finishing and landscaping of the buildings to be the concern with relocated buildings, rather than the architectural merits of the design or style of building.

The timeframe expected for relocates to be reinstated (question 49) was relatively even across 6 months and 1 – 2 years.

The majority of those answering question 50 (109) considered it appropriate for Council to have the discretion to decline applications for relocated buildings if they are out of-character for the area or are in poor condition.

I consider the community's feedback through this consultation on relocated buildings demonstrates that relocated buildings in the district are a resource management issue from a community perspective. Given the majority of respondents consider the Council should be concerned about relocated buildings for a range of reasons, primarily to ensure buildings are finished and reinstated in a timely way, and not because of their perceived difference in style or architecture. It is also noted that some of the community consider the reuse of buildings to be a good idea.

In the experience of Council officers, relocated buildings are also a significant resource management issue, in particular, due to effects on visual amenity. During the processing and compliance monitoring for relocated buildings, effects on visual amenity have been a key matter. Information has been sourced from Council's resource consent and monitoring records to demonstrate this issue.

Council records (1999 – 2011) on resource consents show that, on average over 30 applications for relocated buildings are made annually. The consent monitoring compliance officer advises approximately two thirds (119 of 192 monitored) of relocated buildings did not complete the reinstatement or finishing works within the required 12 month timeframe, or breached other conditions such as the entranceways.

Specific examples of relocated dwellings that have not been finished within time include and have involved recent Council monitoring (this is a brief list):

- 36 Morgan Crescent, Levin: Relocated in April 2005, uncompleted during compliance check in September 2012. Still uncompleted but progress made to complete since Sept 2012
- 14 Tokomaru Road, Tokomaru: Relocated in April 2006, uncompleted during compliance check in July 2012. Still uncompleted but progress made since July 2012
- 70 Rewa Rewa Street, Tokomaru: Relocated in June/July 2007 without building consent. Council note aware of relocation until July 2012. To be removed instead of fixed
- 8 Vogel Street, Shannon: Relocated in March 2008, uncompleted during compliance check in May 2012. Still uncompleted but progress made since May 2012
- 42 Tame Porati Street, Manakau: Relocated in May/June 2008, uncompleted during compliance check in May 2012. To be removed instead of fixed up
- 45A Stafford Street, Shannon: Relocated in August 2008 and compliance check in February 2009. Still uncompleted but progress made since February 2009
- 46A Purcell Street, Foxton: Relocated garage placed on ground but not the final concrete slab in September 2010. Still has not been completed
- 185A Hokio Sand Road, Levin: Relocated in June 2010. Completed after 13 months following compliance check.

Furthermore, Council has received complaints on relocated buildings, with specific concern over amenity (as opposed to the type or style of the building) in these following areas:

- 1 Taonui Street, Waitarere Beach
- 1-5 Puketea Street, Tokomaru
- 569 Waitarere Beach Road, Waitarere Beach
- 42 Tame Porati Street, Manakau

Given the above community views and advice from Council officers, I considered relocated buildings are a significant resource management issue in the Horowhenua District and requires management in the Proposed Plan.

Is there evidence to suggest that without the current use of the Controlled Activity consent process (therefore the use of Section 108 bonds), that the effects on amenity, particularly residential, coastal and rural character and amenity values would be significant and require management in the district plan?

The examples of relocates provided by Heavy Haulage were all positive and good results were achieved. However, Consent monitoring of the 85 consents processed for relocated buildings (over 2009 – 2012) shows that two-thirds required action from the Council to ensure progress was made on the completion. Some of these examples also generated new non-compliances, for things like the formation of vehicle access entranceways.

Therefore, while there are few examples on the ground of relocated buildings that have a poor level of amenity, there are several examples of the Council intervening to ensure compliance with conditions. This Council time spent on monitoring consent conditions is charged back to the individual consent holders who have generated this administration time. Consequently the cost of administrating and ensuring compliance is on the application and individual seeking to relocate buildings, rather than the ratepayer.

It is noted that Heavy Haulage emphasis the costs of third party (neighbour) involvement as part of the controlled activity resource consent process. As a controlled activity resource consent Council does not require written approvals from affected parties. In the case of the Proposed Plan rule it is noted that there is no explicit non-notification clause. Therefore Officers would support a recommendation to include a non-notification clause on the zone-wide relocated building Controlled Activity Rules.

Activity Status – Permitted Activity vs Controlled Activity

Further to the evaluation in the Section 42A Reports, we have considered the evidence and discussion at the hearing. We have further considered the efficiency, effectiveness, benefits and costs of providing for relocated buildings as a permitted activity versus a controlled activity.

In terms of efficiency, it is considered a permitted activity is slightly more efficient than a controlled activity in terms of timeliness for applicants. Avoiding the need for resource consent simplifies the process and associated monitoring. However, the applicant may potentially incur more time prior to lodgement in compiling the information to satisfy the submitted permitted activity standards (i.e. pre-inspection report). From Council's perspective, prior to relocation of the building, a permitted activity is considered slightly more efficient than a controlled activity, primarily due to avoiding the resource consent process. However, post-relocation, a permitted activity is considered significantly less efficient than a controlled activity due to potentially significant enforcement issues and monitoring issues responding to complaints. As evidenced above, even with the current

programmed compliance monitoring for relocated buildings as part of the resource consent, Council receives complaints on un-completed relocated buildings. The permitted activity status would remove this compliance monitoring, and monitoring would therefore become reactive (to complaints) rather than proactive. Therefore, overall, controlled activity is considered more efficient than permitted activity for relocated buildings.

In terms of effectiveness, the submitted permitted activity conditions would place significant onus on the quality of the information submitted. If good quality information is submitted detailing the work required, and that this work was undertaken in a timely manner, then a permitted activity could be relatively effective. However, a permitted activity status would be ineffective if poor quality information was submitted, and/or the completion work was not undertaken in a timely manner. Similar effectiveness evaluation applies to a controlled activity, where the processing and enforcement of the resource consent relies on good quality information and work being completed in a timely manner. However, the key difference in the effectiveness between a controlled activity and permitted activity relate to enforcement and completion of work. As a permitted activity, there is no planned or programme of enforcement. Rather, enforcement is undertaken in response to complaints. Therefore, if work is not completed in a timely manner, an uncompleted relocated building could be adversely affecting amenity values for some time. Conversely, for a controlled activity, conditions are imposed on the resource consent including a timeframe for completing the works (12 months), a bond is taken relating to the value of the works required, and a compliance monitoring programme applies. These conditions and monitoring programme are considered effective in ensuring all reinstatement work is completed in a timely manner. Given the above, it is considered a controlled activity is more effective than a permitted activity in managing the effects on amenity values from relocated buildings.

In terms of benefits, relocating buildings is considered an efficient use of resources as it re-uses buildings and provides for affordable housing. The benefits of a permitted activity include certainty that buildings can be relocated, one Council process (i.e. building consent) and time savings. The benefits of a controlled activity include certainty that buildings can be relocated (consents must be granted), and a targeted assessment and conditions imposed to mitigate effects for each building. Therefore, permitted activity and controlled activity are considered to have some similar and slightly different benefits.

In terms of costs, a permitted activity is likely to have lower costs for applicants. These lower costs are due to a single consent process (both in time and monetary). However, the costs incurred by Council are likely to be higher. These higher costs are associated with responding to complaints and taking enforcement action. These higher costs would be funded by rates rather than user-charges as currently applied through the resource consent process. For the controlled activity, applicants would experience higher costs compared to a permitted activity, while Council's costs would be lower as they are passed onto applicants through user-charges (fees). One specific concern expressed by the submitter about the resource consent costs was the potential for public notification. To address this concern, it is recommended that a non-notification clause be added to all building relocation rules to enable applications to be determined on a non-notified basis.

Overall, in our opinion, we consider a controlled activity status the more effective and efficient than a permitted activity in achieving the objectives of maintaining and enhancing the amenity values of the different environments.

Notwithstanding the above, the Hearing Panel sought further comment on specific aspects of the permitted activity conditions suggested by the submitter and we respond below.

The provisions suggested by Heavy Haulage largely provide for buildings that are going to be used for dwellings, rather than all buildings. We are unclear on how the submitter’s rules would provide for buildings that are not proposed for use as dwellings, such as buildings for use as schools, offices or storage. Presumably condition (i) is not applied, but conditions (ii) – (v) continue to apply in those circumstances.

The submitter’s rule specifically excludes previously used garages and accessory buildings from the list of requirements that would ordinarily apply to dwellings. Therefore the pre-inspection report and 12 month timeframe for reinstatement would not apply to these types of smaller, secondary buildings.

On further consideration, it is considered that smaller relocated buildings of 40m² in gross floor area would have comparatively less effects on amenity and character, compared to a larger relocated dwelling or building..

Therefore, it is recommended that relocated buildings less than 40m² be a permitted activity.

The submitter’s provisions would require a “pre-inspection report” to accompany a Building Consent Application. It is considered there is a lack of clarity in the intent and purpose of this report, as to whether it is for building consent purposes (i.e. structural integrity, weather tightness, thermal insulation, fire safety, etc) or for resource management purposes (i.e. visual amenity, condition of external materials, etc). It is considered the form/example of the Pre-Inspection Report provided would require the level of improvement needed to satisfy the Building Act, but not the level of external amenity and appearance that the community desire or consider comparable to new buildings. It is noted that works undertaken to satisfy the Building Consent requirements need to be commenced within 12 months and completed within 24 months of the consent being issued. This matter could be remedied by making the pre-inspection report clearer in terms of what degree of reinstatement of the exterior of the building is expected to meet the permitted activity standard. For example, Part 1 of the Pre-Inspection Report sets out the following:

1. External Condition			
	Type	Condition	Comments (please specify any reinstatement work necessary)
Exterior Cladding	e.g Fibroplank Weatherboard	Good	
Wall Frame (exterior)		Good	
Roofing		Good	
Spouting		Good	
Downpipes		Good	

Joinery		Good	
Decoration (exterior)			

The “condition” and “comments” column appear to be at the applicants discretion as to how much reinstatement work is necessary, or whether any work is required at all. It is not clear how the Council could ensure the reinstatement work is completed to maintain the level of external amenity. There also does not appear to be a requirement relating to foundations (baseboards) to assist the building establish on the site.

The report template may be useful for a stocktake of the existing condition and identifying what works is required to satisfy the Building Act. Whereas by demonstrating on simple plans/ drawings of the relocated building, and description the type of works planned by an applicant (in the form of an Assessment of Environmental Effects supporting a Controlled Activity resource consent application) would give the Council more certainty in understanding the level of reinstatement and the overall end result anticipated, and therefore considered more appropriate than using the pre-inspection report.

Conclusion

It is considered that the reinstatement of relocated buildings on destination sites is a current resource management issue to be managed within the Proposed Plan.

The Proposed Plan enables a range of housing opportunities and reuse of buildings, but does so in a way that allows the Council to effectively and efficiently manage potential adverse effects on the amenity and character of the Horowhenua district.

Streamlining processes between the Building Act and the RMA to be able to offer cost effective resource management is acknowledged. However, in the instance of managing relocated buildings it is considered more efficient and effective to assess each relocated building through a resource consent process to ensure it does not adversely affect amenity values. The resource consent process is considered to provide more effective enforcement mechanisms to manage the effects on amenity in the event work is not completed in a timely manner. It is considered appropriate the costs of relocating buildings falls on the proponent (benefactor) rather than the community (Council).

Recommendation

Collectively, officers consider the recommendations made in the Section 42A reports on all submissions made by Heavy Haulage are still appropriate, subject to amendments to include a non-notification clause and provide relocated buildings of up to 40m² as permitted activities.

Recommended Amendment

15.2 Controlled Activities

The following activities are controlled activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.7 and Chapters 21, 22, 23 and 24. Refer to Rule 15.7 for matters of control and conditions:

- (a) The placement of any Relocated building and/or accessory building on any site. (Refer Rule 15.7.1)

Except

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

15.7 Matters of Control and Conditions for Controlled Activities

The matters over which Council has reserved its control and the conditions are detailed below for each controlled activity:

15.7.1 Relocated Buildings (Refer to Rule 15.2(a))

(a) Matters of Control

- (i) (i) The length of time taken to re-construct, repair, or refurbish the building.
- (ii) (ii) Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
- redecoration or reinstatement of any roof or exterior cladding;
 - reinstatement of any porches, terraces, baseboards and steps;
 - replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
 - reinstatement of that part of a dwelling where a chimney has been removed;
 - reinstatement of the site and access to the site; or
 - details and length of time to complete site landscaping.
- (iii) (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.

(b) Conditions

- (iv) (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.

(c) Non-Notification

- (v) (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.7.1 shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

Response prepared by Claire Price and Hamish Wesney

Reviewed by David McCorkindale

Dated 27th May 2013

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