



Proposed Horowhenua District Plan

Proposed Plan Variation 1

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

Decision of Hearings Panel

Councillor Tony Rush (Chair)
Councillor Garry Good
Councillor Jo Mason
Commissioner Robert Nixon

Hearing Date 24 November 2014



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1.0 Introduction

We were appointed by the Horowhenua District Council to consider submissions on Proposed Plan Variation 1 to the Proposed Horowhenua District Plan. The hearing of submitters took place on 24 November 2014. During the deliberations the Hearings Panel collectively undertook a site visit to assist with the deliberations and preparation of the decision.

1.1 Abbreviations

In preparing this decision we have used the following abbreviations:

"PPV 1"	Proposed Plan Variation 1 to the Proposed Horowhenua District Plan
"PDP"	Proposed Horowhenua District Plan
"Officers Report"	Report evaluating the submissions and further submission, prepared by Mr Hamish Wesney, planning consultant of Boffa Miskell Ltd, on behalf of the Horowhenua District Council.
"Act"	Resource Management Act
"NZTA"	New Zealand Transport Agency

1.2 Appearances

Mr Roger Truebridge, Truebridge Associates Ltd
Mr Bill Huzziff
Ms Lynette Wharfe, Resource Management Consultant, Agribusiness Group, Horticulture New Zealand
Mr Warwick Meyer
Mr Derek Foy, Consultant, Market Economics, on behalf of Mr Meyer.
Ms Andrea Harris, Planning Consultant, Opus International, on behalf of Mr Meyer.
Mr Shaun Harvey, Planning Adviser, New Zealand Transport Agency
Ms Gail Woodhouse
Ms Emma Prouse
Ms Karen Prouse
Mr Stephen Prouse
Ms Tania Jack
Ms Anne Thomas

In addition to the above, written statements were also submitted from the following parties:
Ms Rhea Dasent, Senior Policy Adviser, Federated Farmers of New Zealand Inc
Mr Mike Hurley, Senior Environmental Planner, Transpower New Zealand

Mr Robert Owen, Environmental Manager, Defence Property Group, New Zealand Defence Force
Ms Claire Hunter, Planning Consultant, Mitchell Partnerships, for Alliance Group

Subsequent to the hearing, we requested that the NZ Transport Agency provide some additional supplementary evidence relating to the future plans for State Highway 57 past the Gladstone Greenbelt Structure Plan area, and in particular how such plans may affect the property owned by Mr Meyer on the southwest corner of State Highway 57 and Queen Street. A written response to these questions were subsequently received on 25 November 2014, with a copy circulated to Mr Meyer.

Preliminary matter

Mr Bill Huzziff appeared at the hearing to give evidence, expressing concern about reverse sensitivity complaints which would have the effect of constraining farming activity. Essentially, this was in opposition to the submission of Mr Truebridge. The officer's report drew attention to the fact that Mr Huzziff had in fact lodged an original submission rather than a further submission, and that this should be rejected. Although he argued that he was affected to a greater degree than members of the public, we were not presented with any evidence that demonstrated that his property was personally affected by the submission to any greater degree than other members of the rural public or the public generally. Accordingly, we were obliged to disallow his submission. However this was qualified by the fact that the concerns he expressed were capably addressed in the further submissions from Horticulture New Zealand and Federated Farmers.

2.0 Proposed Plan Variation 1

2.1 Background

The subject matter contained within PPV1 covers a wide variety of topics, and was described in the Section 42A report as follows:

"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".

By way of an update, it is noted that since the Section 42A report was prepared, and during the deliberations the consent order for final appeal to the Proposed District Plan in relation to relocated buildings was signed off by the Environment Court. All appeals on the Proposed District Plan are now resolved and the Plan is beyond legal challenge. It is anticipated that the Proposed District Plan is to be approved by Council and will be publicly notified in June. Following the notification of the Proposed District Plan this will become the Operative District Plan from the date specified in the public notice.

3.0 Assessment of Submissions

3.1 Section 32 Report

Evaluation of 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	Give full effect to the NPSET in the Greenbelt Residential Zone provisions.	

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.

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

Transpower NZ (101.00) submitted that the Section 32 Report did not acknowledge that the Council is required to give effect to the National Policy Statement on Electricity Transmission (NPSET). The Section 32 Report is not part of PPV 1, albeit it is agreed that the Section 32 Report should have referenced the NPSET. The Hearings Panel accepted the officer's recommendation that the decision acknowledge the relevance of the NPSET, and that the submission point be accepted in part.

3.2 Amendment 1 – Chapter 18: Greenbelt Residential Zone

Evaluation of Submissions Received

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	Support 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 <u>Notes: Also refers to –</u> (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) <u>Rule 18.6.32(b) a – c) Earthworks around a National Grid transmission line.</u>	
101.04	Transpower New	Support	Submitter supports reference to	Retain reference to	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Zealand Ltd		the NESETA regulating the existing National Grid transmission lines (as opposed to the District Plan).	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 and the likelihood of higher demand for smaller allotments in the Greenbelt Residential Zone.	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 on a scheme plan for a dwelling or principal building which is located further than:</u> <u>(a) 12m from any National Grid support structure foundation; and</u> <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> <u>(c) 10m from the centreline of any National Grid line where both ends of the span is on a single pole.</u>	
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.	Include an additional rule in 18.5 Non Complying Activities as follows: <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>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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	Amend Heading of Rule 18.8.11 as follows: 18.8.11 Subdivision within 32 <u>16</u> m metres of the Centre Line of High Voltage Transmission Lines	
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 adjacent to the National Grid infrastructure.	Retain Rule 18.8.11(a)(i). Include the following matters of discretion under Rule 18.8.11(a): <u>(ii) Impacts on the operation, maintenance, upgrade and development of the National Grid;</u> <u>(iii) Technical advice provided by Transpower</u> <u>(iv) The ability of the applicant to provide a complying building platform; and</u> <u>(v) The nature and location of any vegetation to be planted in the vicinity of the National Grid lines.</u>	
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.	Amend Rule 18.8.11(b) as follows: Non-Notification In respective of 18.3(h), for the purposes of notification / non-notification, New Zealand Limited may <u>shall</u> be identified as a potentially affected party.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.12	Transpower New Zealand Ltd	In-Part	<p>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>	<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 the stability of a National Grid support structure;</u> <u>and</u></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;</u> or • <u>Earthworks undertaken as part of agricultural or domestic cultivation;</u> <u>or</u> • <u>Earthworks undertaken for repairing, sealing or re-sealing of a road, footpath, driveway or</u> 	<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
				<u>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).</u> (refer submission number 101.12 above)</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> <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>	502.01 – Horticulture NZ – Support in part
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	Retain the provisions relating to temporary training activities (Rules 18.6.30 and 18.7.7)	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			national consistency.		
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 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>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 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</u></p>	

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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p>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 the building and connections to services;</u></p> <p><u>iii) 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.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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.	Amend Rule 18.6.26(g) to include the following: <u>Note: Consultation with the Transport Agency is required for any sign visible from a State Highway.</u>	
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 <u>fronts is visible from a State Highway.</u>	
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	Retain provision (Rule 18.6.11(b)).	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>contained in its submission in 2012 on the District Plan Review.</p> <p>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.</p>		
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 corridor as the nature of the rail network is such that relocating it is not practicable nor always feasible.	Retain provision (Rule 18.6.32(a)).	
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.	<p>Include a new rule in 18.4 to make relocation of previously occupied buildings, irrespective of size, a discretionary activity.</p> <p>Amend Rule 18.2(e) to make relocation of new, unoccupied buildings a controlled activity.</p>	
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	<p>Amend Rule 18.6.4(f) as follows:</p> <p>(f) No dwelling shall be located closer than 45m <u>3m</u> from any Rural Zone</p>	<p>501.01 Federated Farmers of New Zealand – Oppose</p> <p>502.05 Horticulture NZ – Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			in the two zones.	Boundary.	
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 NZ (“Transpower”) and the **NZ Transport Agency** (“NZTA”) made multiple submission points seeking to align the rules in the Greenbelt Residential Zone with the rules in other zones in the Proposed District Plan. These submission points relate to (1) provision for network utilities (2) protecting the National Grid and (3) protection of the State Highway network from impacts from other activities.

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

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

KiwiRail supported multiple provisions in relation to the rail network.

One submission sought clarity on implementation timeframes.

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

Finally, one submission was also received requesting the rule requiring separation distances between detached residential dwellings be deleted.

The Hearings Panel noted support from the following parties with respect to the retention of the following rules, and resolved that the submission points be accepted:

- **Transpower** (101) - 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.
- **NZ Defence Force** (105) - Rules 18.6.30 and 18.7.7 relating to temporary military training activities.
- **NZ Transport Agency** (110) - Rule 18.2(d), Rule 18.6.4(c), Rule 18.6.11, Rule 18.6.23 and Rule 19.6.6(a).
- **KiwiRail** (117) - 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).

Transpower lodged a written statement for the hearing dated 17 November 2014 which either supported or accepted the officer's recommendations, with the exception of submission points 101.12 and 101.13 described below.

Transpower (101.03) sought that Rule 18.1(s) be amended to include specific cross-reference to rule 18.6.32(b) which manages earthworks around a National Grid transmission line. The Hearings Panel supported adding this cross-reference to the permitted activity listing for earthworks as it alerts Plan users to the presence of a third rule which manages earthworks in particular circumstances. It resolved that this submission point be accepted.

Transpower (101.06) requested that 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 officer's report supported the intent of the amendment as it would ensure each lot created has an area where a building can be located in compliance with the land use standards, but opposed amending Rule 18.3(h) to state the building setback requirements in relation to the National Grid on the grounds that it would duplicate Rule 18.6.32 (being the rule with the National Grid building setbacks). The officer's report also supported the requested reduction in the setback requirement for subdivision from 32m to 16m for a National Grid transmission line in the Greenbelt Residential Zone, as it recognises the nature of anticipated development and smaller size of the transmission line traversing this particular zone.

The Hearings Panel resolved that this submission point be accepted in part, with the amendment to the setback distance from a transmission line from 32m to 16m, with a consequential amendment to the heading of Rule 18.8.11 (submission point 101.09).

Transpower (101.07) sought a new non-complying activity rule be added to assess any subdivision which does not comply with the building setback requirements. To clarify that this rule applies to subdivision proposals, the Hearings Panel resolved that Rule 18.5(a) be amended to reference subdivision, and that this submission point be accepted in part.

Transpower (101.10) requested that 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. Although the amendments requested were considered to provide useful guidance on the particular matters to be assessed with a subdivision application, the Hearings Panel agreed with the officer's report that there was no need for a specific matter addressing technical advice from Transpower, as this advice would relate to one or more of the other matters listed. It was resolved that this submission point be accepted in part, and matters are added in relation to impacts on the National Grid, complying building platform and vegetation.

Transpower (101.11) sought that the notification clause relating to subdivision near high voltage transmission lines require that Transpower '*would*' (rather than 'may be') an affected person. The officer's report stated that Transpower would typically be identified as an affected person when resource consent was required for activities within the National Grid corridor or near high voltage transmission lines, but that there would be circumstances where this was not necessary. The example was cited of a simple boundary adjustment of two properties where a high voltage transmission line may cross one of the properties but the new boundary was located some distance from the high voltage transmission lines. Reliance on the statutory tests under Section 95E of the Act was considered sufficient for determining affected persons rather than making notification of a particular party mandatory. It was resolved that this submission point be rejected.

Transpower (101.12) requested that 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 to protect the operation and maintenance of the existing high voltage transmission line. Further submissions took the position that earthworks in the Greenbelt Residential Zone near the National Grid should be consistent with the Rural Zone rules. The section of high voltage transmission line that traverses the flatlands of the Greenbelt Residential Zone are considered unlikely to generate a need for significant earthworks. The officer's report came to the opinion that comparatively, the provisions sought by the submitter were not materially different from those contained in PPV1, and that having the same permitted activity standards for earthworks in the Rural and Greenbelt Residential Zones would provide for more efficient administration of the PDP, while also effectively protecting the National Grid. It was resolved this submission point from Transpower NZ be rejected, and the further submissions from Federated Farmers and Horticulture NZ be accepted in part. The provisions contained in PPV1 as notified were accordingly retained.

Transpower (101.13) also sought a new restricted discretionary activity (Rule 18.3(k)) for earthworks which did not comply with the permitted activity standards in Rule 18.6.32(b)(i). Horticulture NZ supported this submission in part, but sought that the provisions be the same as for the Rural Zone. PPV1 as notified, applies non-complying activity status to breaches of the earthworks standards. The Hearings Panel concluded that restricted discretionary activity status was more appropriate given the character of the Greenbelt Residential Zone. All of the matters of discretion sought by Transpower were considered appropriate, except for a proposed requirement to obtain 'technical advice from Transpower' – this is for the same reasons as given above for Rule 18.8.11 (a), in Submission Point 101.10.

In its written submissions tabled at the hearing, Transpower accepted that given the flat nature of the land adjacent to the transmission line with the Greenbelt Residential Zone, submission point 101.12 could be rejected in favour of consistent provisions across the whole district, while noting that in the future changes to the Rural Zone provisions might be necessary on terrain which was not flat. However this matter was beyond the scope of PPV1.

It was however opposed to the introduction of a new 'restricted discretionary activity' rule. It went on to state that:

"For clarity, Transpower accepts the rejection of submission points 101.11 and 101.12 but is opposed to the manner in which its submission point 101.13 was accepted in part".

It went on to say in conclusion that:

"Transpower either support or accept all of the report's recommendations on submission points except on its submission point 101.13. Transpower considers that if its submission point 101.12 is rejected then submission point 101.13 should also be rejected as the two submission points only work as a complete package".

Having regard to the matters contained in the officer's report, and the response of Transpower, the Hearings Panel resolved that submission points 101.12 and 101.13 be rejected.

Transpower (101.18) sought the adoption of any consequential amendments to the PPV1 arising from other amendments made in response to a submission points. Given the consequential amendments to Rule 18.8.11 arising from submission point 101.06 above, the Hearings Panel resolved that this submission point be accepted in part.

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. This was consistent with their approach towards other chapters in the PDP, which subsequently led to Council decisions which the Association appealed to the Environment Court.

Truebridge Associates Ltd (124.00) in contrast, sought control over all relocated buildings in the zone, and that it be classified a discretionary activity.

The timing of these submission points created a difficulty for the Hearings Panel. The Panel were of the opinion that, in principle, the same issues and circumstances concerning relocated buildings would apply in the Greenbelt Residential Zone as in all other zones in the district. Mr Truebridge was of the opinion that relocated buildings could have an adverse effect on the amenity of an area, as had been demonstrated in a number of cases in the district.

The appeal (ENV-2013-WLG-000091) had not been resolved at the time of the hearings. However at the time that this decision was being finalised, a Consent Order had been agreed between the parties and approved by the Environment Court. It is not necessary to go in to the details of this agreement (which involve detailed amendments across the various chapters within the PDP), but broadly it involves:

- relocated buildings being made a permitted activity subject to conditions;
- non-residential relocated buildings of less than 40 m² being made a controlled activity;
- relocated residential buildings greater than 40 m² being made a restricted discretionary activity where they do not comply with conditions, which include requirements for pre-inspection reports, a refundable monitoring fee and reinstatement requirements.

Given the outcome that had been achieved by agreement on the Consent Order, the Hearings Panel resolved that it would be appropriate that the submission of the House Movers Section of New Zealand Heavy Haulage Association Inc. be accepted in part, and that of Mr Truebridge be rejected. In coming to its conclusions with respect to Mr Truebridge's submission, the Hearings Panel were aware of difficulties arising from previous case law where a Council had attempted to significantly restrict relocated buildings. Perhaps most importantly, a satisfactory balance had been achieved through the consent order which accepted in principle that relocated buildings were a means of providing affordable housing. This was subject to appropriate conditions, which went at least some way towards avoiding a scenario where unsightly and unfinished buildings remained on a site for a prolonged period. (Details of the amendments are set out in Appendix 3).

The following three submissions from the NZ Transport Agency were closely related.

NZ Transport Agency (110.04) sought that a 'Note' be added to Rule 18.6.26(g) - permitted activity standards for signs - requiring consultation with the NZTA for any sign *visible* from a State Highway.

NZ Transport Agency (110.05) also sought that Rule 18.8.9(a)(v) (matters of discretion for signs) be amended by changing the reference from 'NZTA' to "NZ Transport Agency" and more significantly, to replace the term '*fronts*' with "*is visible from*" in relation to the position of a sign relative to the State Highway. Amending the reference to the Agency was a simple amendment

which was supported, because as the reporting officer commented "*it clarifies who the NZTA is for people unfamiliar with this acronym*".

However, the other two submission points raised more vexed issues. The sign standards contain specific requirements for signs erected on, or adjacent to, all roads (including State Highways) to avoid creating distractions for drivers and to maintain amenity values. The officer's report recommended against the addition of a 'Note' to the rule on the grounds that consultation should only be required where a sign is proposed which does not comply with one or more of the standards applicable to signage. It was observed that the Council and NZ Transport Agency produced information pamphlets detailing sign requirements to assist members of the public, which could be amended to include a statement encouraging consultation with the NZ Transport Agency for any signs located adjacent to State Highway.

Mr Harvey for the NZ Transport Agency argued that while only a minority of signs created road safety issues, it was appropriate for the NZ Transport Agency to be consulted as signs had the potential to distract motorists because of their location or the complexity of their content. He added that there was a streamlined assessment and approval process developed by the NZ Transport Agency which could provide approval at no cost of the applicant.

The Hearings Panel accepted the contention of the NZ Transport Agency that some signage could adversely affect the safety of state highway users, but it was not persuaded that a mandatory consultation regime should be applied to signage that might otherwise be a permitted activity. If a sign did not qualify as a permitted activity, the Council was well aware of potential traffic safety implications and could be relied on to exercise its discretion in a manner that ensures that NZ Transport Agency consultation or notification be required in the specific circumstances of each case.

Turning to the issue of signs being "visible" from a state highway, the officers report expressed concerns about practical implications, with an example given where a sign may be located a significant distance (e.g. greater than 100m) from the State Highway, but would still be 'visible' and thus captured by the rule. The Hearings Panel came to a similar conclusion in terms of whether consultation should be required for signs that are "visible" from the State Highway. It readily accepts that in the district and throughout the country generally, commercial enterprises will seek to promote their businesses to the potentially wide audience offered by passing traffic on major roads - particularly state highways. However, the Hearings Panel shares the concerns expressed by the reporting officer that *requiring* consultation for signs that might be technically *visible* - but clearly not related to passing traffic - was a step too far, even allowing for the "streamlined" processes which the NZ Transport Agency had in place. Again, it was confident that the Council would exercise its discretion responsibly in situations where signage was clearly intended to draw the attention of passing motorists on state highways, and involve the NZ Transport Agency in circumstances where this was the case. The Hearings Panel acknowledged that the points made by the NZ Transport Agency were intended to be constructive, but came to the view that the relief sought was not necessary to achieve the objectives that the Agency was seeking to promote. For these reasons, it was resolved that the submission points be rejected, with the exception of the replacing "NZTA" with the words "NZ Transport Agency".

B & A Thomas (118.01) sought clarification on implementation timeframes for Table 18.4 which, with Rule 18.7.1(b), relates to the minimum lot area and shape within the Gladstone Greenbelt Structure Plan area. The submission specifically concerned the timeframe within which the Council would provide reticulated wastewater servicing to the Gladstone Greenbelt Structure Plan area, which in turn would enable more intensive subdivision over most of that area.

The submitter noted that the 'density change' line (2,000m²/5,000m² minimum lot size) shown on the Structure Plan bisects their property. The Gladstone Greenbelt area is proposed to eventually be serviced by the reticulated wastewater network enabling lot sizes to be reduced to 2,000m² from the current 5000 m², thus increasing the subdivision potential. The officer's report explained that under the Councils Long Term Plan, the extension to the wastewater trunk main to service the Gladstone Greenbelt area had been deferred and is not in the 10 year plan 2012 – 2022. The timeframe beyond this period for the extension of the wastewater trunk main is uncertain. It is probable that this information does not provide a great deal of comfort for the submitter, but does go some way to providing clarification, and for this reason the Hearings Panel resolved that the submission point be accepted in part.

Truebridge Associates Ltd (124.01) sought the dwelling setback from the Rural Zone boundary (within the Gladstone Greenbelt area) be changed from 15m to 3m to be consistent with the 3m setback that applies to all other boundaries. Federated Farmers (501.01) and Horticulture NZ (502.05) opposed this submission point, seeking retention of the 15m setback for 'reverse sensitivity' reasons.

This issue resulted in significant debate. The officer's report stated that 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). It went on to explain that following an appeal by Horticulture NZ on the PDP relating to dwelling setbacks for smaller sites in the Rural Zone, it was resolved to introduce a 10m dwelling setback on smaller sites where they adjoined sites larger than 2 hectares (20,000m²). An exception applied to smaller sites of less than 5,000m² in the Rural Zone, where provision was made for a 3m dwelling setback from rural property boundaries, as well as a 10m separation distance between dwellings on any other site.

Ms Lynette Wharfe for Horticulture New Zealand strongly opposed the relief sought by Truebridge Associates, and also that proposed in the officer's report. She explained that Horticulture New Zealand had only reluctantly accepted the 10m setback on Rural Zone boundaries elsewhere in the PDP, which reflected a spirit of 'compromise'. She cited the policy direction in the PDP, which in her view offered no basis for reducing the current 15m setback, nor did it take into account the specific circumstances of the Greenbelt Residential Zone. She reminded the Panel that "*the issue is not the location to another dwelling - it is the proximity to the rural production activities over the rural zone boundary*". A very similar set of comments were included in the statement of Federated Farmers which was tabled at the hearing.

Mr Truebridge made a brief verbal comment on his written submission. His argument was that the small lot sizes within the Gladstone Greenbelt Residential Zone could make a 15m setback from the Rural Zone boundary difficult to comply with, and be unduly restrictive in terms of siting a dwelling. Furthermore, he considered that there was an inconsistency in the rules, because a boundary setback of only 3m was provided for on a lot in the Rural Zone of less than 5000 m² in area. However, at the hearing he conceded that a reduction in the required setback of 15m from a rural zone boundary to only 3m may result in the setback being too small.

The Hearings Panel were highly conscious of the fact that residents on "rural residential" allotments had a propensity to complain about farming practices which involved activities including use of sprays. However, the issue is a very complicated one involving a range of complexities and inconsistencies. While some rural landowners wanted flexibility in terms of the subdivision of their land, the creation of small allotments has the potential to expose productive rural land uses on larger lots to complaints from people who like to live on small rural lots for

lifestyle reasons. Occupants of small rural lifestyle properties are reluctant to accept the potential adverse effects of surrounding rural activities. There were amenity issues associated with both the location of dwellings on rural properties and the effects on activities which take place outside those dwellings.

The Panel were not sympathetic to any substantial reduction in the building setback to as little as 3m, and during the hearing it was understood that such a large reduction was not, on reflection, being pursued by Mr Truebridge. This led to the need to consider the contrasting positions held by the reporting officer on one hand who suggested a 10m setback, and Ms Wharfe on the other who sought retention of 15m. Bearing in mind the application of the rules even on small lots in the Rural Zone, and the reality that an agreement had been reached on a 10m setback elsewhere, the Hearings Panel were inclined to favour a 10m setback for reasons of consistency within the PDP. However, another factor which was of major influence in this case was the fact that the majority of the common boundary between the Greenbelt Residential Zone and the surrounding Rural Zone followed road boundaries, which effectively created a setback distance of more than 30m. Although there was a common boundary between the Greenbelt Residential Zone and the Rural Zone in places, given the context of the Greenbelt Residential Zone as a whole the Hearings Panel, on balance, came to the opinion that a 10m setback would be appropriate.

Effectively this outcome does not give the submitter (Mr Truebridge) the full relief that he originally sought, nor does it provide the full relief sought by the submitters in opposition, albeit that it is 'closer' to their position. The submission point by Mr Truebridge was accordingly accepted in part to the extent provided by a 10m setback for dwellings in the Greenbelt Residential Zone where such a dwelling is located on an allotment which directly adjoins the Rural Zone boundary.

Truebridge Associates Ltd (124.02) requested that Rule 18.6.4(a) (separation distance between detached residential dwelling units) be deleted because the submitter contended it duplicates Rule 18.6.3(b) (building setbacks from boundaries and separation distances). This situation appears to arise perhaps from an understandable confusion over the application of the rules. 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 purpose of the rules was to address the situation where two or more dwellings on a single property may be subdivided in the future, and is intended to maintain an adequate separation between dwellings under this scenario. The Hearings Panel resolved that the submission point be rejected.

Truebridge Associates Ltd (124.03) sought that 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 Hearings Panel understood that while there is an inconsistency in relation to the accessway dimensions, this relates to a different section of the PDP and has been specifically addressed under submission point (124.05). The Hearings Panel resolved that this submission point be rejected.

The text changes arising from the above decisions are contained in **Appendix 2 and Appendix 3**.

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

Evaluation of 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.

The Hearings Panel resolved that the submission from Federated Farmers supporting permitted status for residential activities and accessory buildings in Rural Zone be accepted. *(The Alliance Group's opposition to this submission relates to their original submission regarding proposed rezoning of a property from Industrial to Rural (see section 3.14 of this decision).*

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

Evaluation of 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.	

The Hearings Panel resolved that the submission in support for amending the permitted activity rules and conditions in the Rural Zone be accepted.

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

Evaluation of 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.

Federated Farmers of NZ (102.02) and Horticulture NZ (125.00) sought that Rule 19.4.8(iv) be clarified to make it clear that the exemptions listed in Chapter 23 for hazardous substances apply in the Flood Hazard Overlay Area. Both Horticulture NZ and Federated Farmers, submitted alternative wording. The issue itself is somewhat confusing; however, the officer's report stated:

"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 listed wording proposed by Federated Farmers was preferred in the officer's report, but was opposed by Horticulture NZ as the wording of the proposed exemption contained both an "inclusion" and "exclusion". In any event, the wording sought by Horticulture NZ appeared

acceptable to Federated Farmers. In the final analysis the Hearings Panel preferred the wording sought by Horticulture NZ, which sought the following wording change to Rule 19.4.8 iv:

"iv. Any activity involving the storage or disposal of hazardous substances *but does not include those hazardous substances, facilities and activities listed in Rule 23.1.1 Exemptions*".

It also sought to add to clause 23.2.1 the words *"except in the Flood hazard Overlay Area"*. With the amendments sought by Horticulture NZ, no amendment to Rule 23.1.1 itself is required. The Hearings Panel resolved that the submission of Horticulture NZ be accepted, and that of Federated Farmers be accepted in part.

In their right of reply, the officer's noted the consequential change was required to Rule 18.4.1 (i) (iv) to ensure the rules were consistent with each other. The Hearings Panel agreed to make this change as being a necessary consequential amendment.

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

Evaluation of 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.	

The Hearings Panel noted the support for Amendment 6 and changes to the Note for Rule 19.6.16 and recommended that the submission be accepted.

3.7 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

Evaluation of 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	Delete Table 2 and amend Rule 19.7.2(f) to refer to the Horizons One Plan – Rule 2.4 Table 2.2;	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Principles and Requirements 2014.	<p>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'.

The support from **Federated Farmers of NZ** (102.04) for Amendment 7 and changes to the Note for Rule 19.7.2 were noted, and the Hearings Panel resolved that the submission point be accepted.

Truebridge Associates Ltd (124.04) sought that the requirements for the effluent disposal area in Rule 19.7.2 be deleted and replaced with a cross-reference to the Horizons 'One Plan' requirements. At the hearing Mr Truebridge drew attention to what he saw as an inconsistency between the effluent disposal fields required under the district and regional plans respectively.

The officer's report stated that the purpose of Amendment 7 was to align the effluent disposal area requirements with the One Plan, the only change proposed being to delete the requirement for a 20m separation distance between neighbouring disposal fields as this is no longer required by the One Plan. Advice from HDC's Development Engineer was that the effluent disposal area standards in the PDP and the Subdivision and Development Principles and Requirements document are a set of parameters that apply a 'one size fits all' approach. The current PDP rule and Subdivision and Development Principles and Requirements document provide for other designs for effluent disposal areas which do not meet the 'one size fits all' standards, provided they comply with Horizons Regional Council requirements.

It was recommended that the current provisions be retained as being the most effective in providing both certainty and flexibility in how effluent disposal areas are determined. The relief

sought is already provided for in part by including a cross-reference to Horizons Regional Council requirements.

The Hearings Panel considered that on balance the current provisions were working adequately and no change was needed at this point. Accordingly it was resolved that this submission point be rejected.

3.8 Amendment 8 – Table 21-3 Accessway Dimensions

Evaluation of 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 and that greater flexibility is required.	Amend Table 21-3: Accessway Dimensions to 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 <u>Up to</u> 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</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				access way for a single residential lot from 3.5m to <u>3.0m</u> .	

B & A Thomas (118.00) sought that Table 21-3 provide for more flexibility in the dimensions for accessways.

It was explained to us that the intention behind the changes to Table 21-3 in PPV1 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). One way of providing greater flexibility would be to provide more tiers of standards based on the number of lots served.

Ms Thomas explained that she is resident in a house located up an accessway off Gladstone Road on the eastern side of the Greenbelt Residential Zone. She said that her house was located 186m into the property, and if this house was subdivided and a new accessway created this accessway would not comply with the accessway dimensions (i.e. it would be too long). She considered that the rule was unnecessary and requested an exclusion clause for titles issued prior to the implementation of PPV1.

The Hearings Panel understood the purpose of the restriction on the length of accessways was to avoid having accessways which were so long that it would be difficult for conflicting traffic to pass safely. That is unlikely to occur on an access leg serving a single lot, such as was the case with the Thomas property. However, it appeared that the submitter was confused between *the length of the formed vehicular accessway* (i.e. driveway) to the house, and *length of the access leg itself*. In the case of rear lots such as that owned by the submitter, the restriction on the length of the accessway does not relate to the formed length of the vehicular accessway (i.e. driveway) from the road to the dwelling, but from the road to the end of the access “leg” (i.e. to the point where the surveyed access leg finishes, and the property assumes its full width). In the case of the submitter’s property, this appears to be at a point approximately 125m from Gladstone Road, so there is no non-compliance with respect to her property. While more refinement could be made to the rules, it then becomes an issue of balancing flexibility with more complex rules. *(It is noted that PPV1 has increased the length of an accessway serving a single lot from 50 to 150m).*

Given that the submission appears to have arisen from a misunderstanding about the application of the rule, the Hearings Panel resolved that it be accepted in part.

Truebridge Associates Ltd (124.05) requested that Table 21-3 be amended to retain the accessway dimensions detailed in the Waitarere Rise Consent Order resolving the appeal on Plan Change 21. The basis for the changes to Table 21 -3 was set out under the discussion of the Thomas submission above. The only difference is that the maximum permitted length for accessways serving one lot (currently 50m, proposed to change to 150m). The officer’s report conceded that given the size of lots in the Greenbelt Residential Zone, it is likely some accessways would need to be longer than 50m, which required a change - 150m is considered an acceptable length in terms of balancing subdivision flexibility with vehicle safety and convenience. A minor amendment replacing the words “up to 3” with the words “2 – 3” lots was also supported, as it improved the clarity of the rule.

The submitter also sought changes to accessway standards which related to Commercial and Residential Zones, but these were outside the scope of PPV1.

Given the relief granted that was within the scope of PPV1, the Hearings Panel resolved that the submission of Truebridge Associates Ltd be accepted in part.

3.9 Amendment 11 – Network Utilities Definition

Evaluation of 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 ensure that where water is being supplied as part of an irrigation scheme or group that its conveyance is included as a network utility.	Amend Part (h) of the definition of "network 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;	

Federated Farmers NZ (102.05) support for Amendment 11 concerning the definition of network utility was noted, and the Hearings Panel resolved that the submission point be accepted.

Horticulture NZ (125.01) requested that 'irrigation supply' be added to the definition of "network utility" to confirm that this form of water supply is classified as a network utility. The Hearings Panel accepted that water supply systems, whether for urban or rural purposes, should be considered to be a network utility, and the inclusion of irrigation supply would reflect the definition of network utilities provided in the Act. For these reasons, it was agreed that adding reference to 'irrigation supply' in the definition was appropriate, and the Hearings Panel resolved that this submission point be accepted.

3.10 Amendment 13 – Earthworks Definition

Evaluation of Submissions Received

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	Retain the definition of Earthworks as notified.	502.02 Horticulture NZ - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			the intent of a recently issued Consent Order from the Environment Court.		
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 <u>of</u> vegetation and top soil and depositing <u>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.	

Transpower's (101.14) support for retaining the earthworks definition was noted. The Hearings Panel resolved that the submission point be accepted in part, reflecting the Hearings Panel's decisions to grant the Truebridge submission as discussed below. However, acceptance of the Truebridge submission does not substantively alter the definition.

Truebridge Associates Ltd (124.06) sought minor changes to the earthworks definition to correct a grammatical error. More importantly, the submitter sought to clarify that removal of cleanfill is considered 'earthworks'. There was opposition in full or part to the submission from Federated Farmers and Horticulture NZ on the basis that the definition should be consistent with that agreed during the appeal between HortNZ and Horowhenua District Council for the Rural Zone. The only amendment to the definition of earthworks contained in PPV 1 was to add a new rule reference for the Greenbelt Residential Zone rule relating to the National Grid Corridor.

The amendment sought might be argued to be marginal in terms of scope, but the Hearings Panel agreed with the reporting officer that the amendments sought would not change the meaning or application of the definition agreed as part of resolving the Horticulture NZ appeal. It is noted that neither Federated Farmers nor Horticulture NZ went on to further address this issue in the evidence presented to the hearing. The wording amendments submitted by Truebridge Associates are supported, as they both clarify the definition and provide for a logical extension to the definition.

The Hearings Panel resolved that the submission point from Truebridge Associates be accepted, and the further submissions from Federated Farmers and Horticulture NZ be rejected.

3.11 Amendment 14 – Gladstone Greenbelt Structure Plan

Evaluation of 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 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. 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.	Amend the underlying Greenbelt Residential or Rural zoning of Pt Lot 1 DP 86925, Levin to provide for vehicle service stations, truck stops, visitor accommodation, food preparation and sales and local produce stores as permitted activities following intersection upgrades. Amend the subdivision requirements relating to Pt Lot 1 DP 86925, Levin to enable future subdivision to be assessed in accordance with commercial requirements. Amend Gladstone Greenbelt Structure Plan: Schedule 8 – Structure Plan and Planning Map 30 to include special permitted activities.	512.00 Emma Prouse – Oppose 513.00 Stephen and Emma Prouse - Oppose
110.07	The NZ Transport Agency	In-Part	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	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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>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>		
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)	
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.	<p>Amend over-bridge design to provide for pedestrians, cyclists and prams and bridge width to accommodate potential road development.</p> <p>Inferred: Amend Gladstone Green Structure Plan.</p>	
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.	<p>Delete the proposed Liverpool Street over-bridge.</p> <p>Inferred: Amend Gladstone Green Structure Plan.</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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 take into account existing boundaries or enhance the environment, will decrease the value of their property and does not respect existing residents.	Delete the proposed diagonal connection on the Gladstone Green Structure 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.	517.00 Emma Prouse – Support 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	Delete the area shown as 'Existing Vegetation Retained' on Lot 2 DP86925, Levin from the Gladstone Green Structure	506.00 Warwick Meyer – Support 520.00 Stephen and Karen Prouse -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			occur.	Plan Map.	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 front boundary.	520.02 Stephen and Karen Prouse - Support
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 521.00 Emma 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 521.01 Emma 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	Retain status quo in relation to existing front road boundaries on Queen Street East. That clarification is provided regarding whether the 10 metre	503.02 James Prouse – Support 504.02 Matthew Prouse – Support 521.02 Emma Prouse - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			buffer zone or planting into their historic garden and adjoining clear land.	Landscape Buffer with Road reserve will impact on the front boundary and existing garden.	
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 521.03 Emma 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	

The Gladstone Greenbelt Zone is a large area on the eastern side of Levin which is intended to provide for future rural lifestyle developments, subject to a 'Structure Plan'. This plan is intended to provide for coordinated development of roading and pedestrian accessway/ cycleway links and stormwater connections, recognising that ad hoc development is otherwise inevitable, as the area is held in multiple ownership. Within the zone, some parcels of land have already been subdivided.

Ten submissions opposed details of the Gladstone Greenbelt Structure Plan. These submissions raised various matters notated on the Structure Plan including walkway/cycleway, minimum lot size, the State Highway 57 highway corridor, landscape buffers, retaining existing vegetation and stormwater management. These submissions arguably raised the most contentious matters addressed in the course of the hearings on PPV1.

Pedestrian/Cycleway Connection

Glenn and Rebecca Kaukau (103.00), **Gail Woodhouse** (122.00), the **Prouse Family Trust** (126.01) and **Stephen and Karen Prouse** (127.01) raised concerns regarding the proposed pedestrian/cycleway connection that either crosses or adjoins their properties and sought this connection to either be deleted or moved. Further submissions from James Prouse, Matthew Prouse, 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.

It is perhaps helpful to begin by explaining the basis of the pedestrian/cycleway connection. In the Structure Plan report it is described as:

"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)".

The proposed connection extends diagonally across the Gladstone Greenbelt Zone, 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). As well as being a pedestrian and cycle linkage, it would also serve as a route for stormwater reticulation. The pedestrian/cycleway connection would be created when land was subdivided. Significantly, the officer's report noted that:

"Using straight lines (which do not always follow property boundaries) highlights the indicative nature of the line".

Ms Emma Prouse presented verbal evidence, and an extensive written submission was presented by Mrs Karen Prouse. It was explained that their property had been in the Prouse family since 1890 and now constituted 31.6 acres of what had originally been a 350 acre farm. With respect to the cycleway/pedestrian link, it was her opinion that these should run alongside roads. The Prouse family were particularly concerned that the cycleway either ran through or alongside private land. She considered this amounted to a 'land grab' and effectively involved the seizure of private land. She noted that there were no cycleways on other structure plans in the district. She considered the cycleway along Queen Street demonstrated that such provisions on public land were effective. She said the proposed cycleway/pedestrian link would extend along the entire 580 m length of their western boundary and would affect the security of their stock, with problems arising with poaching and wandering dogs. She expressed surprise that the planning officer had failed to consider the possibility of stock being stolen to provide meat, given recent reports of such activity in the district. She was also concerned that cycleway/pedestrian link would detract from people's privacy.

The issues raised in this submission also arose in other submissions, notably those of Woodhouse and Kaukau.

The submissions basically raised three concerns; firstly that the cycleway/pedestrian link amounted to an uncompensated seizure of private land; secondly that it would create privacy, crime and security issues; and thirdly that such facilities should be confined to roads.

The Hearings Panel can understand to some extent why people consider "indicative" cycleway/pedestrian links are effectively a designation of private land. Structure plans are now very common throughout district plans in New Zealand and can include a number of features including indicative roads - which are in fact a feature of the Gladstone Greenbelt Structure Plan. Structure plans are now a commonly accepted planning technique, particularly where a large area of land such as the Gladstone Greenbelt zone is in multiple ownership. Without structure plans, large areas such as this would be developed in an ad hoc and uncoordinated way by each individual landowner or developer.

The pedestrian accessway/cycleway links can only be achieved through the subdivision process. Put simply, if the submitter does not subdivide their land, there will be no accessway/ cycleway built across it. In that respect the pedestrian access way/cycleway linkage has identical status (and hence effects on private property) to the indicative roading links within the Gladstone Greenbelt Structure Plan. The Hearings Panel noted that these particular submitters did not raise concerns about the indicative roading links. If land is subdivided, the Council may require the landowner to vest land for roads, reserves or for a pedestrian accessway/cycleway linkage. The Prouse's

immediate neighbour to the east was required to pay for the construction of a road to serve their subdivision and then vest it in (i.e. give it) to the Council. If the submitter does not subdivide their land, and the Council were insistent on providing either a road or a accessway/cycleway through their property, the only other way it could achieve this would be by issuing a formal designation under Part 8 of the Resource Management Act (the Act), which provides full rights of submission and appeal, and for formal compensation under the Public Works Act. There is absolutely no prospect of the Council using such draconian powers to give effect to the Structure Plan. The reason why this accessway/cycleway link and the future roading links are called "indicative" is because they are not a designation, and unlike a designation, parts of the route do not follow a fixed position, because the location of most of the ultimate route is not yet known.

Ms Woodhouse is the owner of 437 Tararua Road, a property which has an irregular shape and the indicative pedestrian accessway/cycleway link is shown as crossing her property diagonally (i.e. not following the property boundary). The submitter was concerned not only about matters of privacy and amenity, but also that this would frustrate any future subdivision of her land. The Hearings Panel considered her submission did have some force because, unlike some of the other very large blocks in the Gladstone Greenbelt Zone where the future pattern of subdivision is as yet unknown, the small size of the allotments in the vicinity of the submitters property (and their limited subdivision potential) means that in reality any pedestrian accessway/cycleway link would almost certainly follow existing property boundaries. If this link were retained then it should be realigned to follow property boundaries.

However, a broader issue of compensation was also raised in the submission from Ms Woodhouse, and in other submissions. She tabled a report from Attwell Valuers Ltd, which calculated that the value of her property would reduce by \$47,000 if the proposed pedestrian accessway/cycleway link were retained. Of some concern was a statement on page 8 of that report headed "Conclusion" which stated:

"I strongly recommend you advise HDC that you will be seeking compensation for the adverse impact on your property, if they intend to proceed with the Structure Plan as provided".

The author of this report was not present at the hearing to answer questions, and the statement made turns on matters of resource management law. The provisions relating to compensation under the Act are quite clear. Section 85(1) provides that restrictions on the use of land in district plans do not give rise to compensation. This would apply to any properties affected by the proposed pedestrian accessway/cycleway, or the indicative roads shown within the Gladstone Greenbelt Zone. There is provision under Section 85 for a landowner to make application to the Environment Court that their land is *incapable of reasonable use*, which is a much more demanding test. The Court has also held that claims of loss of property values are not in themselves an adverse effect on the environment (*Giles v Christchurch City Council A092/00*). Issues relating to property values are a subset of any adverse effects, and not a separate issue in itself. Treating property values as an adverse effect independently of adverse effects is 'double counting'.

However in the case of the Woodhouse property, and as noted above, the Hearings Panel agreed that a realignment to follow property boundaries would be appropriate. This would address some, but not all, of the concerns raised by this submitter; this is because it may yet transpire that upon the eventual subdivision of land in the area that a pedestrian accessway/cycleway may yet follow a route *adjoining* her property, but not through it as she seems to fear. This conclusion is also relevant to the Kaukau submission.

This leaves the amenity issues associated with pedestrian accessway/cycleway links through future residential areas such as the Gladstone Greenbelt Zone. With respect to the submitters, the Hearings Panel has difficulty in understanding why the likely users of this linkage, who logically will mainly comprise local people, would be likely to steal stock for example. It was notable that in the example given in the evidence of Ms Prouse, and attributed to the Federated Farmers Provincial President (Mr Stewart), reference was made to the problem of stock rustling occurring particularly on farms bordering major roads and the urban centres. It seems clear to the Hearings Panel that any stock rustling activities are likely to be undertaken by people using vehicles with access to good roads, not by pedestrians or cyclists. There was no convincing evidence - certainly in the form of examples put forward - that pedestrian accessway/cycleway linkages created security and privacy problems elsewhere.

It was also put to the Hearings Panel that provision for pedestrian access /cycleways be confined to locations adjacent to roads. In some cases this would undoubtedly occur. However positions adjacent to roads in residential areas inevitably mean that cyclists have to contend with traffic from driveways and side streets, or to share the road with cars, outcomes which act to discourage cycling and to perpetuate car dependency. Not all pedestrian access/cycle routes are confined to road margins. The intention behind the Gladstone Greenbelt Structure Plan is to provide a reasonably direct route across what is a very large area without complete dependence on the roading network. As the area is developed this linkage would comprise parts which are within road reserves, parts within reserves, and parts between areas of housing. As the route is indicative, it could potentially completely avoid the submitter's property; connect to a road passing through their property if it was subdivided; or pass through the neighbour's property to the west, either along a road or in the form of a separate pedestrian accessway/cycleway. As to which one of these scenarios would eventuate will depend on whether the land is subdivided at all, the timing of any such subdivision, and negotiations between adjoining landowners.

Having given the matter careful consideration, the Hearings Panel came to a the view that continued provision for a pedestrian accessway/cycleway linkage following a broadly diagonal route through the Gladstone Greenbelt Zone was appropriate, also bearing in mind that it would serve a stormwater function as well. However, it was sympathetic to having a notation on the Structure Plan confirming that the route would be subject to subdivision, and that its final location would not necessarily follow the indicative route shown on the plan.

It is proposed that this notation, to be shown on the face of the Structure Plan, would read as follows:

"The location of future roads and the pedestrian accessway/cycleway/stormwater path through the Gladstone Greenbelt Zone is indicative only, and the final alignment and properties affected will be determined as part of the subdivision consent process. It is anticipated that the pedestrian accessway/cycleway/stormwater path will follow a combination of roads, reserves, or corridors vested in the Council upon subdivision".

For the above reasons, the submissions of the Prouse Family Trust and Stephen and Karen Prouse were rejected, and those of Gail Woodhouse and Glenn and Rebecca Kaukau were accepted in part, to the extent that the location of the cycleway is amended in the vicinity of their properties.

Site Specific Provisions (Warwick Meyer)

Mr Warwick Meyer (109.00) requested a special zoning for his 12.84 ha block of land on the south eastern corner of Arapaepae Road (State Highway 57) and Queen Street East to provide for vehicle service stations, food preparation and sales, visitor accommodation and local produce stores as a permitted activity. The submitter's block is located in the north western corner of the Gladstone Greenbelt Zone. This same request, albeit it in a less detailed form, was considered as part of the earlier hearings on the PDP. At that time it was decided that the proposal provided little detail on matters such as traffic safety, associated changes to State Highway 57 (including the intersection with Queen Street East), the effects on vitality and vibrancy of the Levin town centre, its location within the Greenbelt Residential Area, and effects on character and amenity. The Hearings Panel for the PDP concluded *"at this point in time, these issues have simply not been clarified or addressed in any detail."*

Mr Meyer has held the position of Development Engineer at the Horowhenua District Council since 2007. He said that his evidence was given on his own behalf and not that of the Council. He stated that when the Structure Plan was prepared in 2009, it identified the likely need for intersection improvements in the form of either grade separation or roundabouts at the Arapaepae Road (SH 57) /Queen Street intersection. In his opinion this would enable highway users to exit and enter the State Highway corridor to conveniently access commercial services including a service station, truckstop, premises selling food and produce, visitor accommodation and local produce stores. He said the importance of State Highway 57 as a heavy transport route, the future development of the Gladstone Greenbelt Zone, and overall growth in traffic, would necessitate upgrading of the State Highway and particularly the Queen Street intersection. He expressed concern that the Structure Plan showed a very large part of his property (along with others along the eastern side of Arapaepae Road) as being effectively 'sterilised' by 100m wide 'transport corridor'.

He presented two possible 'concept plans', the first showing a four-lane expressway through the centre of his property and parallel to Arapaepae Road. This would have access from Queen Street near a future roundabout at the Arapaepae Road/Queen Street intersection, and a "left in/left out" access direct from the highway to the proposed service station/truckstop. It also provides for a future road and buffer strip along the eastern boundary (adjacent to the Prouse property) to serve the balance of the Greenbelt Residential Zone. This would leave a strip of land between Arapaepae Road and the future expressway.

The second option would locate the same facilities in the strip between Arapaepae Road and the four-lane expressway, with access from Arapaepae Road and the expressway roundabout, and a similar left in/left out arrangement directly from the highway to the service station/truckstop. The remainder of his land between the realigned expressway through the centre of this property and the boundary with the Prouse property would be available for future (presumably residential) development. He envisaged that the local retail function of the centre would serve the Gladstone Greenbelt Zone as a whole, rather than the indicative small centre in the middle of the block.

Mr Derek Foy presented evidence on behalf of Mr Meyer, addressing in particular the potential impact of the commercial development proposed on the Levin town centre. This assumed a service station with a car wash truckstop and a store assumed to be 300m² in area. This would be associated with a small retail development of up to 750 m² of gross floor area which could include two takeaway premises, two fresh food retailers, and a motel complex. On analysis, he estimated that the direct "sales impact" on the Levin's CBD would, at worst, be only 2.7%. He said that in reality, a high proportion of the sales from the commercial area on this site would be likely to be made to non-locals. In his view, the limited retail opportunities sought through the submission

would be incapable of meeting a significant proportion of the demand met by retail sales in the central business district of Levin. He noted that while there were six service stations in Levin - and that the opening of a service station on Mr Meyer's land might conceivably result in one having to close - this was a trade competition effect, which was not to be a relevant consideration under the Act. He made a similar observation with respect to motels.

In his opinion, the low densities of development provided for in the Gladstone Greenbelt Zone, even if it was ultimately serviced for waste water, were such that pedestrian movement would be discouraged and people would use vehicles for shopping. A limited range of retail activities on Mr Meyer's property would in his view more conveniently serve the needs of the future residents, noting that the PDP sought to protect the vitality of the central business district of Levin, He was of the view that restrictions on the extent of retail floorspace could be justified in order to avoid retail development on a large scale.

Ms Andrea Harris presented planning evidence, and began by noting that some commercial development was anticipated within the Gladstone Greenbelt Zone, but that its proposed location in the centre of the zone would result in it taking a long time to develop. She said it would be preferable to instead develop a small commercial area of the Meyer property near the corner of Queen Street and Arapaepae Road, and that it was not appropriate to take a position that no changes to the Structure Plan should be provided for until future roading changes by the NZ Transport Agency had been confirmed - noting that Mr Meyer had put forward several options. She also said that while the submitter had no specific operator or developer supporting the concept of this stage, the location of the site made it likely to be one of the first parts of the zone to be developed. She further noted that roadside sales (but only of produce grown on-site) were already provided for as a controlled activity in the zone.

She proposed PPV1 be amended to provide for vehicle service stations, including a store up to 300m²; petrol pumps and truck stops; up to 1000m² gross floor area for cafe/restaurants, takeaway outlets and fresh food retail, as well as visitor accommodation as *permitted activities* on Lot 1 DP 86925. She also suggested an objective and associated policies reading as follows:

"Objective

To enable limited commercial activities within the Gladstone Greenbelt which contribute to the overall effective and efficient operation and resources of the Greenbelt Residential Zone.

Policies

- (a) To ensure that only a specific type of commercial activity is allowed within the Gladstone Greenbelt to provide amenities for residents and travellers.*
- (b) To ensure any commercial development does not have significant adverse effect on the viability and vitality of the Levin town centre.*
- (c) To enable commercial activity that would result in an overall economic benefit to Levin by locating in the Greenbelt Residential Zone rather than the Commercial Zone".*

She noted that the officer's report did not make comment with respect to whether site specific zoning or a private plan change was appropriate, but expressed the view that given Clause 25 of the First Schedule to the Act provides that the Council can reject a plan change request within two

years of the PDP becoming operative, she emphasised that Mr Meyer needed to be involved in PPV1 to better realise the potential of his site.

Mrs Karen Prouse spoke to her further submission in opposition to the submission by Mr Meyer. Firstly, she claimed that Mr Meyer had a potential conflict of interest, because as part of his employment with the Council he was involved in the feedback process on the Gladstone Greenbelt Structure Plan. She was especially suspicious of Mr Meyer's alleged involvement with the relocation of the proposed pedestrian accessway/cycleway adjacent to, or on, her land.

In terms of PPV1 specifically, she was concerned that the commercial outcome sought by Mr Meyer was inconsistent in an area which was not identified for commercial or industrial activities, and that it was preferable for passing traffic to exit the highway and go into Levin for retail activities, fuel and food needs. She felt the proposal was contrary to NZ Transport Agency objectives for limiting vehicle access and commercial activity along state highway corridors. She was particularly concerned that the proposals of Mr Meyer would detract from the amenity of her adjoining property, and that many parties would be unaware of the proposal.

The Hearings Panel are acutely aware that the development of the site was raised by the submitter in the substantive hearings on the district plan review, and that he was informed that his proposals for allowing commercial use of the land lacked information. He has obviously gone to some effort and expense to present a more detailed proposal. There is a point reached where he is entitled to a definitive answer, and it is perhaps appropriate that the submission is considered as part of the submissions relating to the Gladstone Greenbelt Zone.

The Hearings Panel can broadly accept the evidence of Mr Foy that the commercial and economic impact on Levin (at least for general retail activities) will not result in adverse effects of a magnitude likely to be harmful to the vitality of the Levin commercial centre, apart from those effects that can be regarded as trade competition. It can also accept that the planning mechanism put forward by Ms Harris would be an appropriate means of accommodating the proposals put forward by Mr Meyer.

Subsequent to the hearing, the Hearings Panel requested from NZ Transport Agency its views relating to access to the proposed development outlined by Mr Meyer. These were circulated to Mr Meyer. The Hearings Panel was extremely surprised that NZ Transport Agency did not submit on what would amount to a significant commercial development adjacent to the State Highway, and Mr Meyer would be entitled to take the view that the NZ Transport Agency had no objection to his proposal. The Hearings Panel was fully aware when it sought comments that it could not treat these as a submission, as the time for making submissions on PPV1 had long passed. However, the NZ Transport Agency response confirmed that it would not be prepared to grant direct access from the State Highway, noting that the proposal put forward by Mr Meyer anticipated "left in/left out" access directly from the State Highway as well as from a future upgraded Queen Street/State Highway 57 intersection. Without direct access from the State Highway, his proposal would be entirely dependent on the future Queen Street/State Highway 57 intersection for access to the mixed range of activities proposed including the service station, truck stop, motel accommodation and limited retail development.

It was also apparent during the hearing that the four-lane expressway concepts put forward as part of the submission were extremely unlikely to occur within the planning period, if in fact they ever eventuated. We were advised by the reporting officer that while State Highway 57 was a Limited Access Road, at this point in time there wasn't even a road widening designation in place. The 100m wide corridor adjacent to the State Highway appears at best represent a very long term

possibility for major road upgrading, and perhaps more realistically, a 'noise buffer zone' parallel to the highway which the NZ Transport Agency now commonly seeks in areas where residential development adjoins a busy state highway.

Taking an optimistic view, it is not inconceivable that the development proposed by the submitter could be viable from an economic perspective, even if the upgrading of the State Highway took on much more modest form than that suggested in the submission. However, the Hearings Panel was concerned that while the proposal being put forward relied on a scenario of future State Highway development that was highly unlikely to proceed within the foreseeable future. The Hearings Panel had some sympathy for Mr Meyer given the uncertainties were not of his own making, but resultant at least in part from the desire of the NZ Transport Agency to keep its options open.

The second issue of concern relates to the nature of the Gladstone Greenbelt Zone. This area is anticipated to contain low density residential development in what might be regarded as a bucolic transition between traditional urban development and rural lifestyle living. The form of the commercial development put forward by Mr Meyer does not sit comfortably with this concept, being by its nature much more urban and industrial in nature. As it would be of an entirely different character to the rest of the zone there is a very real risk that it would encourage other landowners along the State Highway frontage to seek to establish commercial or industrial activities, which in turn would further erode the rural lifestyle concept forming the basis of the Gladstone Greenbelt Zone.

The Hearings Panel in this case considered there was some force in the concerns of Ms Prouse about the effects of such a development on the neighbouring area. There was a real possibility, or indeed likelihood, that there would be people in the vicinity of the site who would have been unaware of the potential implications that would flow from granting this submission, unlike the case with a resource consent where the proposal would have been notified widely. Notwithstanding the potential for some buffer planting, the intensity of activity on the site and the appearance and character of the development which would occur would be significantly different to the residential lifestyle development which would otherwise be expected to occur within the zone. It was suggested by the applicant that if the development proceeded, the proposal of a commercial development in the centre of the zone could be dispensed with, and the needs of the residents met within the proposed commercial development on the submitter's site. It is acknowledged that any commercial development in the centre of the zone would be very small scale, possibly a small store/cafe. However, this type of development is considered far more appropriate in character and scale to service the Gladstone Greenbelt Zone than a vehicle dominated "strip mall" style development adjacent to the State Highway.

Taking these matters into account, while acknowledging the effort that the submitter has put into supporting his proposal, the Hearings Panel concluded that the assumptions underlying future highway/intersection development were very uncertain, it was unlikely that the necessary additional access to the State Highway would be available, and the nature of development being sought would conflict with the environmental outcomes expected within the Gladstone Greenbelt Zone.

For these reasons, the Hearings Panel resolved that the submission be rejected.

There was one other matter which the Hearings Panel considered needed to be addressed. During the course of the hearing Miss Prouse expressed concerns that Mr Meyer, who is employed by the Council, may have been using his position in a manner where he was exercising undue influence, and that issues of conflict of interest had arisen. The Hearings Panel note that if Mr Meyer was involved with reporting on these particular submissions, or serving in a decision-making role, there

would undoubtedly be a potential conflict of interest. Neither of these factors applied, and the Hearings Panel are satisfied that there is no conflict of interest in this case.

Funding Transport Infrastructure

The **NZ Transport Agency** (110.07) highlighted 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) opposed this submission. The officer's report noted that when the Structure Plan was originally prepared in 2009 it stated:

“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”.

The Hearings Panel agreed with the officer that these funding issues were matters outside of the PDP, and would be the subject of separate discussions between the NZ Transport Agency and HDC. Accordingly, the Hearings Panel resolved that this submission point be rejected.

Minimum Lot Size

Todd Isaacs (112.00) sought that 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, thus ensuring future development to the west of Pohutukawa Drive remains of a similar character. The minimum lot size for the Greenbelt Residential Zone as a whole was evaluated through Plan Change 21. Two minimum lot sizes apply in the Greenbelt Residential Zone, 2,000m² for “serviced” areas, and 5,000m² for “unserviced areas” (i.e. “unserviced” means where Council's reticulated water and wastewater infrastructure is 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 that 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 the 2,000m² minimum lot size area based on the design capacity of the extended wastewater trunk main.

It was explained that any extension to the wastewater trunk main was not in the Council's 10 year plan 2012 – 2022, so its implementation is in the medium or longer term. However, in determining the minimum lot size for any area the efficient use of land, facilities and infrastructure such as reticulated services, roading infrastructure, anticipated future use of land, changes and effects on the amenity and character of an area and on-site disposal of stormwater and wastewater had all been taken into account. It was acknowledged that changing the minimum lot size to 3,500-5,000m² on the western side of Pohutukawa Drive would be more consistent with the existing character of the Pohutukawa Drive subdivision and with other rural-residential subdivisions in the area.

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). On the other hand, retaining individual on-site wastewater treatment and disposal in a concentrated area raised concerns with respect to effects on groundwater quality. Increasing lot

sizes to 3,500-5,000m² would mean that the number of potential houses in the zone would be insufficient to support the efficient use of the extended wastewater network. Accordingly, the Hearings Panel resolved that the submission be rejected.

Stormwater Management

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 through measures such as roadside swales and soak pits. For these reasons, no stormwater would enter the Queen Street drain.

The Hearings Panel noted the treatment of existing stormwater from the Queen Street Drain to Lake Horowhenua was outside of the scope of this PPV1, and of the PDP as a whole. The officer's report stated that the submission point had been referred to Council's Infrastructure Services for investigation. Council was scheduled to undertake work on the treatment of water from the Queen Street drain within the current financial year, and also in the 2015/16 financial year.

The Hearings Panel resolved that this submission point be rejected, albeit that this was qualified by the information contained above.

Wastewater/Sewage Management

David Pearson (119.01) opposed the 2,000m² minimum lot size and sought that Council provide for full treatment of sewage and wastewater by re-siting the sewage treatment plant away from Lake Horowhenua. With respect to the Gladstone Greenbelt Structure Plan area, all dwellings on sites less than 5,000m² are eventually expected to be connected to the Levin's reticulated wastewater system. Although a medium to long-term project, provision has been made in the Structure Plan for an extension of the reticulated network from the trunk main in Roe Street.

However, as was the case with the previous submission point, the location of the Levin Wastewater Treatment Plant is outside of the scope of this PPV1. For this reason, the Hearings Panel resolved that this submission point be rejected.

Pedestrian Overbridges

David Pearson (119.02) opposed the design of the pedestrian overbridge at Queen Street, seeking that it provide for pedestrians, cyclists and prams. The Hearings Panel noted that notations relating to the pedestrian overbridges were indicative and very long term pending decisions by the NZ Transport Agency on the future form and alignment of State Highway 57. Final decisions relating to the design of overbridges, or alternatives such as underpasses, would only be determined at that stage, and would include assessments as to their suitability for a range of potential users. The Hearings Panel resolved that this submission point be accepted in part.

David Pearson (119.03) also requested that the indicative overbridge at Liverpool Street be deleted. This was intended to 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, Waiopahu College and Playford Park. It is also considered that the design of the overbridge can minimise the potential for theft or vandalism which had been raised by the submitter. Again, the

future design and implementation of this bridge is a very long term matter which would have to be resolved with the NZ Transport Agency. The Hearings Panel resolved that this submission be rejected.

Street Lights

David Pearson (119.04) sought that all street lights have zero upward and sideways flare to prevent unnecessary light pollution. The Hearings Panel recalled similar submissions from the Horowhenua Astronomical Society on the PDP in 2012. The Council's "*Subdivision and Development Principles and Requirements*" document, which contains standards for various infrastructure including new street lights, requires that the design of new street lights in rural and residential areas reduce light dispersion into the sky. The Panel considered that the Council's current standards achieved the relief sought by the submitter, and resolved that the submission point be accepted in part.

Road Reserve/Landscape Buffer Connecting to Gladstone Road

Shane and Tania Jack (121.00) and **Jane Evans** (123.00) have sought that the road reserve/landscape buffer connecting to Gladstone Road be removed or amended to avoid their property. This takes the form of a notation on the Structure Plan for the Gladstone Greenbelt Zone which is ultimately intended to create an east-west connection 'mid-block' across the Zone. This connection would provide for the movement of pedestrians, cyclists and vehicles within the growth area.

However, the pattern of subdivision which has eventuated towards the Gladstone Road end of this future link, the narrow dimensions of one of the properties, the presence of existing dwellings, and the recent subdivision of an adjoining property has significantly compromised the ability to create such a connection in this specific location. Following discussion at the hearing, and taking account of the potential impacts on other landowners, the Hearings Panel considered that the proposed link could be realigned over open farmland to the south of the current alignment, thus avoiding existing dwellings. While the proposed realignment is less direct and functionally inferior to the current position shown on the Structure Plan, the Hearings Panel accepted that this was the only practical alternative for realigning the route. We understood from the hearing that this would be acceptable to the affected land owner. Any attempt to establish a new road on the existing alignment as shown would significantly compromise the submitter's future enjoyment of their small properties. On that basis, the Hearings Panel resolved that the submission points be accepted and that the Structure Plan be amended.

'Existing Vegetation' Notation – Prouse Property

The **Prouse Family Trust** (126.00) and **Stephen and Karen Prouse** (127.00) requested that the area shown as '*Existing Vegetation Retained*' on their property (Lot 2 DP 86925) be deleted. It is not entirely clear why this particular area was originally included, and prior to the hearing the officer's report had recommended that the '*existing vegetation retained*' notation be deleted from the Structure Plan. Ms Prouse elaborated on the matter in some detail at the hearing, emphasising the very poor condition of the vegetation concerned.

The Hearings Panel had no difficulty accepting the submission, and resolved that it be accepted and that the Structure Plan be amended to delete the notation '*existing vegetation retained*' from this area.

Landscape Buffer Fronting Queen Street East

The **Prouse Family Trust** (126.02) and **Stephen and Karen Prouse** (127.02) sought clarification regarding the 10m landscape buffer associated with the road reserve along Queen Street East. The officer's report explained that the landscape buffer was included to recognise the contribution the road berm makes to overall amenity values and open space of the area. However, it was conceded that its protection can be better achieved outside the PDP process, including through Council's level of service for maintaining and enhancing the berm and voluntary initiatives of landowners in the area. Accordingly it was decided that the Structure Plan be amended by deleting 'existing vegetation retained' notation from this area. The Hearings Panel resolved that the submission points be accepted.

Transport Corridor

Stephen and Karen Prouse (127.03) requested that the location of the Transport Corridor be amended to a position that corresponds to the 1st draft of the Structure Plan in May 2009. This draft 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. Mixed views were expressed about the width of the transport corridor during consultation on the draft Structure Plan, with competing positions expressing support for both a narrower and wider corridor. The Council finally concluded that the retention of a 100m width was the most appropriate option having regard to uncertainties about the nature of future improvements to State Highway 57, and to provide a degree of 'future proofing'. This width would allow for a future grade separated intersection at Queen Street.

The transport corridor effectively "catches" a small corner of the Prouse property where there is a stock loading race. Having regard to information made available from the NZ Transport Agency during, and as a consequence of, the hearing there does not appear to be any justification for retaining the requirement over their land given that a grade-separated intersection requiring an area wider than 100m is unlikely. On this basis, the Hearings Panel resolved that the submission be accepted, and that the Structure Plan be amended to remove the transport corridor notation from the Prouse property.

National Grid Transmission Lines

Transpower NZ (101.17) sought further recognition of the presence of the National Grid in the Gladstone Greenbelt area. The submitter requested that the Structure Plan Map be annotated to show the powerlines forming part of the National Grid in a similar way to the future transport corridor. The presence of these lines could have potential effect on development within the Gladstone Greenbelt Zone area, The Hearings Panel concluded that this would be a helpful and relevant addition to the Structure Plan. It was resolved that the submission be accepted and that the Structure Plan be amended.

Recommended Amendments to the Plan Provisions

Given the relatively large number of submission points relating to the Gladstone Greenbelt Structure Plan (Appendix 2), the amendments to be made as a result of the Hearings Panels decisions are summarised below:

- 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 National Grid transmission line;
- Amend location/alignment of pedestrian accessway/cycleway extending diagonally across the Greenbelt Zone Structure Plan; and
- Amend to remove the transport corridor notation from Lot 2 DP 86925.

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

Evaluation of 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 roads to or near the boundary of adjoining land at the developer's council's cost. <u>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.</u>	

Truebridge Associates Ltd (124.07) sought changes to the Subdivision and Development Principles and Requirements document which are included in the PDP by reference. Their concerns related to ‘who pays’ for infrastructure when additional capacity is required to service future development, and they sought that the PDP specify that Council would meet these costs.

The Hearings Panel, consistent with its response to NZ Transport Agency submission (110.07), agreed with the officer’s report that the matter of “who pays” is detailed in Council’s Long Term Plan, and 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 Council is also aware that the matter of financial and development contributions may be revisited by the government as part of a review of regulatory requirements. Pending any such changes, the Long Term Plan and Development Contribution Policy is considered the appropriate vehicle to address this issue, and not as part of the Council's technical standards. It was noted that 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 Draft 2015-2025 Long Term Plan Consultation Document notified on 27 February 2015 identifies Council's preferred option is to cancel Development Contributions and introduce a Financial Contributions Policy. The opportunity for public submissions on these matters is open between 27 February 2015 and 3 April 2015. On this basis the Hearings Panel resolved that this submission point be rejected.

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

Evaluation of 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

Malcolm McEwen and Sandra Tustin (104.00) request that the current Open Space zoning be retained and the property not be rezoned Commercial (Deferred) due to concerns about traffic, noise and outlook. The officer's report contained a detailed assessment of the background to the zoning of this land, which does not need to be repeated here in detail. The site has the relative advantages of a central location, is on the main road through the settlement, is of a suitable size and shape, and its zoning does not interfere with private property rights as it is in Council ownership. It is apparent that the market demand for commercial development at Foxton Beach is limited, but the Hearings Panel was of the view that any future small scale development that might occur would be more appropriate on this site than other potential sites for the reasons outlined above.

The officer's report noted that there are a number of standards applicable on the common boundary between the Commercial (Deferred) Zone which offered protection for residential amenity, bearing in mind that the scale of commercial development that might occur is likely to be small. The submitters did not appear at the hearing to further elaborate on their position, and given the factors above the Hearings Panel resolved that the submission be rejected.

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

Evaluation of 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

Alliance Group Ltd (107.00), **Graham Henry** (114.00) and **Barry Aylward** (115.00) opposed the proposed rezoning from Industrial to Rural. Alliance Group Ltd support the original submissions from Henry and Aylward, while Paul Booth, the owner of the subject land, opposed the three original submissions requesting the zoning be retained as Industrial. Following further submissions closing, correspondence was received from Mr Booth, dated 22 October 2014, advising that he no longer wishes the property to be rezoned from Industrial to Rural.

By way of observation, the Hearings Panel was satisfied that the current Industrial zoning was the most appropriate zoning for the subject land as it minimises the potential for reverse sensitivity issues, and provides more effectively for the effective and efficient use of the subject site and the surrounding land. The Hearings Panel resolved that these submissions be accepted and the further submission from Paul Booth be rejected.

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

Evaluation of 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).	

The submission from **KiwiRail** (117.06) supporting the rezoning of the North Service Lane from 'Rural' to 'Road' was accepted.

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

Evaluation of 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 Waikawa Edgewater Ltd	Support	Submitter supports 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.	
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	

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

Mark and Hayley Gilbert (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. It was resolved that their submissions in support be accepted.

One submitter, Francee Thompson(120.00) made an additional request that trees be planted to encourage birdlife and enhance the visual appearance of the area. The officer's report noted that the landowner had indicated their intention to continue forestry activities on the subject land, although the crop would ultimately be harvested. The Rural zone provisions would provide scope for trees to be planted that could encourage birdlife. This particular submission was also in support of the rezoning, and for this reason the Hearings Panel also resolved that it be accepted.

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

Evaluation of 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	Amend the Opportunities and Constraints Map in the Gladstone Greenbelt	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			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.	Structure Plan: Technical Report as follows: <u>National Grid</u> Transmission Lines 32m <u>10 – 12 metres</u> no build.	

Horticulture NZ (125.03) sought that any necessary changes be made in order to address matters of inconsistency between the Operative and Proposed District Plans, which is the purpose of PPV1. Although the submission did not address any specific provisions, it is considered that plan inconsistencies have been addressed through the decisions on Chapter 18 for the Greenbelt Residential zone. On this basis the Hearings Panel concluded that the submission effectively supported PPV1 and resolved that it be accepted in-part.

The Gladstone Greenbelt Structure Plan was prepared in 2009, and a background report was prepared at the conclusion of this process. **Transpower NZ** (101.15 and 101.16) have submitted on two references in this report relating to the high voltage transmission lines, but as a 'background report' it is not part of PPV1 and is outside the scope of submissions. The nature of the two amendments sought by Transpower are considered to be clarifications, which have been considered in the evaluation of PPV1. Notwithstanding this, the Structure Plan in PPV1 has been amended to identify the high voltage transmission lines crossing the area. On this basis, it was resolved that these two submission points be accepted in part and the existing high voltage transmission lines be shown on the Gladstone Greenbelt Structure Plan (refer also to submission point 101.17 - Section 3.11, paragraph 60).

4.0 Section 32AA Assessment

Section 32 AA (1) requires a further evaluation, but “*only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed*” and be undertaken in accordance with Section 32 (1) to (4). It also must be undertaken at a level of detail that corresponds to the scale and significance of the changes. Under subsection (d) this must “*be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section*”.

PPV1 does not involve any amendments to the objectives and policies of the Proposed District Plan. As it is a variation to the PDP, it constitutes an “amending proposal” in terms of section 32 (3).

As a section 32 assessment has already been undertaken for PPV1 as notified, this part of the decision must therefore focus on amendments that have been made to PPV1 in order to address matters raised in submissions. None of the “*changes that have been made to... the proposal since the evaluation report for the proposal was completed*” involve additional regulation beyond that notified with PPV1.

In summary the changes made to PPV1 by this decision involve:

- reducing setback distances from transmission lines and incorporating the requirements of NZECP 34:2001;
- Identifying the location of the transmission line through the Greenbelt Residential Zone on the planning maps, noting that the rules relating to the setback distances from the transmission lines already have effect;
- Exemptions are provided for the storage of hazardous substances in flood management areas;
- An increased length is provided for some access-way provisions as they affect the Greenbelt Residential Zone;
- the definitions of network utility and earthworks have been widened;
- The provisions to regulate relocated dwellings over the district as a whole, and consequentially within the Greenbelt Residential Zone, have been liberalised and are dealt with through a consent order signed by the Environment Court.

There has been little change to the Greenbelt Structure Plan, except clarification and realignment of projected pedestrian access way/cycleway routes and the removal of an identified area of protected vegetation and a landscape buffer. The rules themselves are not changed, and would only take effect through negotiation upon subdivision of land (if in fact subdivision did occur).

The changes that have been made amount to refinements to the proposed rules in the area subject to PPV1 and the Greenbelt Residential Zone. With respect to the requirements under Section 32 (1) – (4):

In terms of section 32(1), the limited scope of the amendments resulting from these decisions is such that the objectives of the proposal (PPV1) as originally evaluated remain the most appropriate way to achieve the purpose of the Act, with the provisions in this proposal continuing to be the most efficient and effective means to ensure that its objectives are achieved. Furthermore, the amendments arising from these decisions would not require any changes to be made to the objectives and policies of the PDP (Section 32(3)).

In terms of section 32(2) amendments made to the proposal are not expected to have any significant effect on economic growth, but the minor refinements of the rules outlined above would result in a modest reduction in administration and compliance costs for both affected landowners and the Council. In terms of the continued incorporation of the proposed Structure Plan, the consequence of 'not acting' - i.e. through not having structure plan provisions - would be uncoordinated development of the large area of land within the Greenbelt Residential Zone resulting in increased infrastructure cost and limited modal choice.

In terms of section 32(4) the amendments made to this decision will not impose greater restrictions on activities than is already the case under PPV1 as notified, and the refinements made will actually act to liberalise several of the rules.

5.0 Decision

For the foregoing reasons, the Hearings Panel resolved as follows:

- 1 The pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991, that the Proposed Horowhenua District Plan be amended as set out in Appendix 2 and Appendix 3 to this decision.
- 2 That for the reasons set out in the above decision, that the submissions and further submissions be accepted, accepted in part, or rejected as listed in Appendix 1 to this decision.

Councillor Tony Rush (Chair)



Date 26 May 2015

Councillor Garry Good



Date 26 May 2015

Councillor Jo Mason



Date 26 May 2015

Commissioner Robert Nixon



Date 20 May 2015

6.0 Appendices

6.1 Appendix 1: Schedule of Hearings Panel Decision on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.00		Transpower New Zealand Ltd		Accept In-Part
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	Transpower New Zealand Ltd	Support In-Part	Reject
	502.00	Federated Farmers of New Zealand	Support In-Part	Accept In-Part
		Horticulture NZ	Support In-Part	Accept In-Part
101.13	502.01	Transpower New Zealand Ltd	Support In-Part	Reject
		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

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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		Accept In-Part
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	Oppose	Accept In-Part
		Horticulture NZ		Accept In-Part
124.02		Truebridge Associates Limited		Reject
124.03		Truebridge Associates Limited		Reject
102.00	500.02	Federated Farmers of New Zealand	Oppose	Accept
		Alliance Group Limited		Reject
102.01		Federated Farmers of New Zealand		Accept
102.02	502.03	Federated Farmers of New Zealand	Support In-Part	Accept In-Part
		Horticulture NZ		Accept
125.00		Horticulture NZ		Accept
102.03		Federated Farmers of New Zealand		Accept
102.04		Federated Farmers of New Zealand		Accept
124.04		Truebridge Associates Ltd		Reject
118.00		Brian and Ann Thomas		Accept In-Part
124.05		Truebridge Associates Ltd		Accept In-Part

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
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 Reject Reject
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	Accept In-Part Accept In-Part Accept In-Part
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		Reject
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	Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
123.00	519.00	Jane Evans Emma Prouse	Support	Accept Accept
126.00	506.00 520.00	Prouse Family Trust Warwick Meyer Stephen and Karen Prouse	Support Support	Accept Accept Accept
126.01	506.02 520.01	Prouse Family Trust Warwick Meyer Stephen and Karen Prouse	Oppose Support	Reject Accept Reject
126.02	520.02	Prouse Family Trust Stephen and Karen Prouse	Support	Accept Accept
127.00	503.00 504.00 521.00 506.01	Stephen and Karen Prouse James Prouse Matthew Prouse Emma Prouse Warwick Meyer	Support Support Support Support	Accept Accept Accept Accept Accept
127.01	503.01 504.00 521.01 506.03	Stephen and Karen Prouse James Prouse Matthew Prouse Emma Prouse Warwick Meyer	Support Support Support Oppose	Reject Reject Reject Reject Accept
127.02	503.02 504.02 521.02	Stephen and Karen Prouse James Prouse Matthew Prouse Emma Prouse	Support Support Support	Accept Accept Accept Accept
127.03	503.03 504.04 521.03	Stephen and Karen Prouse James Prouse Matthew Prouse Emma Prouse	Support Support Support	Accept Accept Accept Accept
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	Oppose	Reject Accept

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

6.2 Appendix 2: Proposed Plan Variation 1 as amended per Decisions of Hearing Panel

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) (i) – (iii) 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:

(l) Any earthworks not permitted by Rule 18.6.32(b)(i) (Refer Rule 18.8.15).

Insert a new restricted discretionary activity rule as follows:

18.8.15 Earthworks Within National Grid Corridor (Rule 18.5(l))

(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 Rural Zone boundary.

(Please note Appendix 2 contains the full version of Chapter 18 Greenbelt Residential Zone Rules incorporating the amendments set out about and the amendments resulting from the Environment Court Consent Order in relation to Relocated Buildings).

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 the storage or disposal of hazardous substances but does not include those hazardous substances, facilities and activities listed in Rule 23.1.1 Exemptions".

Consequential Amendment to Rule 18.4(i)(iv) for the Greenbelt Residential Zone as follows:

- (iv) Any activity involving storage or disposal of hazardous substances but does not include those hazardous substances, facilities and activities listed in Section 23.1.1 (Exemptions).

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
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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

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

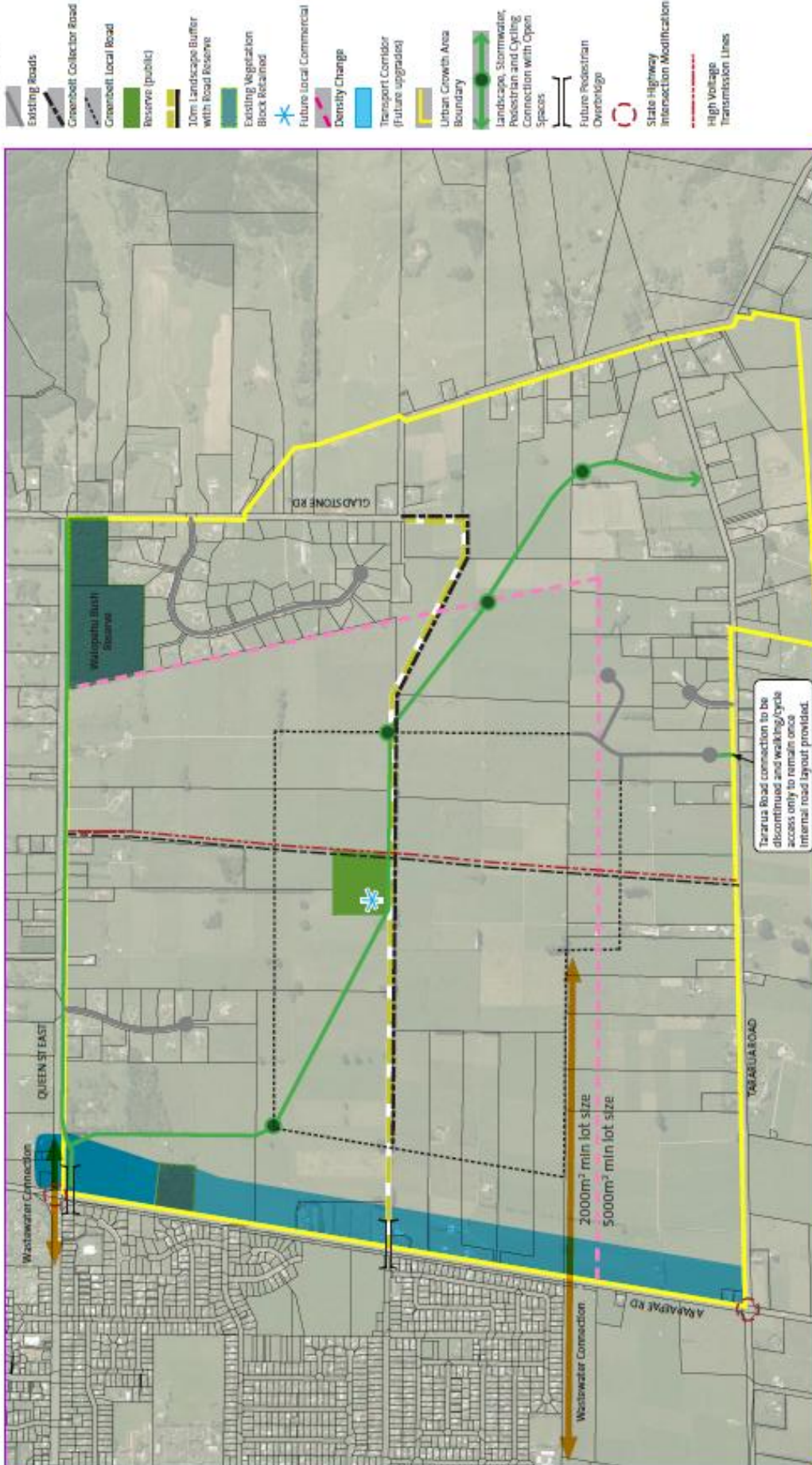
Amend the Gladstone Greenbelt Structure Plan as shown in Appendix 2, with the following amendments noted:

- 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
- Amend location/alignment of pedestrian accessway/cycleway diagonally across the Greenbelt Zone Structure Plan
- Amend to remove the transport corridor notation from Lot 2 DP 86925.

Structure Plan

Drawing:
Revision: 02

Scale: 1:10,000 @ A3



Reference: W080018

Prepared for: Horowhenua District Council by Burns & Mcdonald

Author: W080018 - IM - Graphics/Planning - 13/03/2014

Structure Plan - Gladstone Greenbelt

Queen Street / Tararua Road

The location of future roads and the pedestrian accessway/cycleway/stormwater path through the Gladstone Greenbelt Zone is indicative only, and the final alignment and the properties affected will be determined as part of the subdivision consent process. It is anticipated that the pedestrian accessway/cycleway/stormwater path will follow a combination of roads, reserves, or corridors vested in the Council upon subdivision.



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.

6.3 Appendix 3: Chapter 18 Greenbelt Residential Zone Rules as amended per Decisions of Hearing Panel

Incorporating amendments set out in Appendix 2 (Amendment 1) and amendments resulting from the Environment Court Consent Order in relation to Relocated Buildings.

(Amendments are **highlighted** – **underlined text** is text that has been added, **~~struckthrough text~~** is text that has been deleted.)