



## **Proposed Horowhenua District Plan**

### **Proposed Plan Variation 3**

### **Decision of Hearings Panel**

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

**Hearing Date 25 November 2014**

**Rural Subdivision Design Guide**



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# 1. Introduction

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- 1.1. We were appointed by the Horowhenua District Council to consider submissions on the Proposed Variation 3 to the Proposed Horowhenua District Plan.

## Appearances

- 1.2 Murray Kidd appeared at the hearing on behalf of the New Zealand Fire Service Commission. He did not speak to the Commission's submission but was there to witness proceedings. Two statements were tabled by the following parties:

Mike Hurley, Senior Environmental Planner in on behalf of Transpower .

Claire Fell, a planner at Beca Consultants, on behalf of the New Zealand Fire Service Commission.

# 2. Proposed Plan Variation 3

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## 2.1 Background

The background to PPV3 was described in the Section 42A report as follows:

*"In January 2009 Council notified Plan Change 20 (Rural Subdivision), the purpose of which was to improve the management of rural subdivision in the district. As part of this change the Rural Subdivision Design Guide was included in the District Plan as a method to help manage the effects of rural subdivision and subsequent use and development.*

*This change was followed up in September 2009 by Plan Change 22 (Outstanding Natural Features and Landscapes) which identified Outstanding Natural Features and Landscapes throughout the district. As part of this plan change provisions were proposed to ensure that buildings within domains with high landscape amenity achieve low impact by having regard to the Rural Subdivision Design Guide.*

*During the progress of these plan changes a number of submissions were lodged that raised concerns regarding the Rural Subdivision Design Guide. Although most of the concerns were addressed through the associated hearings process, additional guidance relating to high voltage transmission lines and historic heritage, and a further qualification of the guideline relating to changes to existing natural landforms, was inadvertently omitted from the current version of the Design Guide. As the decision on Plan Change 20 directed that these matters be addressed in the guide, PPV3 proposes to amend the Design Guide to align with these directions.*

*In addition to these matters the decision on Plan Change 20 directed Council to review the design guide as soon as practical and indicated that this review should include consideration of subdivision design guides prepared by other Councils, the provision of greater detail, reducing areas of duplication and removing unnecessary wording. The amendments proposed in PPV3 represent a response to this directive, noting that a number of these improvements were previously addressed through the appeal (and subsequent mediation) on Plan Change 20 initiated by Horticulture New Zealand.*

Comparative analysis was undertaken of similar design guides to inform the review of the Horowhenua Rural Subdivision Design Guide. This analysis found common characteristics in all design guides reviewed including practical direction on a range of matters relevant to rural subdivision and development. Guidance on building appearance was found to be limited in all design guides reviewed. This background research helped to inform the review of the Horowhenua Rural Subdivision Design Guide to improve its effectiveness".

### 3. Analysis of Submissions

#### 3.1 Transpower New Zealand Ltd

##### Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested
301.01	Transpower New Zealand Ltd	Support	The submitter supports the proposed changes to the Rural Subdivision Design Guide in relation to the acknowledgement and protection of the National Grid. The submitter believes that the design guide is useful to alert developers to potential restrictions that developing near the National Grid may pose.	No specific relief requested.
301.02	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks a change of terminology to proposed point 14 of this provision.	Amend point 14 of "Roads, Transport and Fencing" to read "Where <del>high voltage</del> <u>National Grid</u> transmission lines traverse an area, ensure access around and to transmission line support structures is maintained."
301.03	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks a change of terminology to proposed point 11 of this provision.	Amend point 11 of "Allotment, Layout and Boundaries" to read "Where <del>high voltage</del> <u>National Grid</u> transmission lines traverse an area, ensure that safe buffer distances from the transmission corridor are incorporated into the landscape design for future buildings/structures and associated landscaping (contact Transpower New Zealand for further guidance on developing near high voltage transmission lines)."
301.04	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks a change of terminology to proposed point 12 of this provision and an additional sentence.	Amend point 12 of "Planting and Vegetation" to read "Where <del>high voltage</del> <u>National Grid</u> transmission lines are located in the vicinity, undertake planting near dwellings

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested
				to ensure that the transmission lines and support structures are screened and out of view, but avoid planting near the structures and conductors. the Electricity (Hazards from Trees) Regulations 2003 set out the requirements for maintaining vegetation near high voltage transmission lines. <u>Vegetation should also be located and selected so that it cannot fall onto existing National Grid transmission lines even at its mature height."</u>
301.05	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks a change of terminology to proposed point 17 of this provision.	Amend point 17 of "Building Location" to read "Ensure that safe buffer distance are applied to the siting of buildings and structures in the vicinity of <del>high voltage</del> <u>National Grid</u> transmission lines (contact Transpower New Zealand Ltd for further guidance on developing near high voltage transmission lines)."
301.06	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks a change of terminology to proposed point 8 of this provision and an additional word.	Amend point 8 of "Recreation, Conservation, Open Space and Public Access " to read "Where <del>high voltage</del> <u>National Grid</u> transmission lines traverse an area, consider the use of any land intended to serve as a separation buffer for <u>access</u> , open space or passive recreational purposes."
301.07	Transpower New Zealand Ltd	In-Part	The submitter supports the proposed amendments to the Rural Subdivision Design Guide and seeks any consequential amendments arising from the amendments proposed to be made.	Amend the Rural Subdivision Design Guide as required through consequential amendments as a result of the amendments proposed.

### **Evaluation**

1. The support from Transpower (301.01) in relation to the acknowledgement and protection of the National Grid in the proposed guidelines was noted.
2. Transpower (301.02), (301.03), (301.04), (301.05) and (301.06) sought a change in terminology from "high voltage" to "National Grid" which reflects that technically this is the

correct term for these transmission lines. The Hearings Panel agreed that it was appropriate that the term "high voltage" be changed to "National Grid" throughout the proposed guidelines.

3. Transpower (301.04) sought that an additional sentence to be added to point 12 of the "Planting and Vegetation" section of the guidelines. The new sentence sought is *"Vegetation should also be located and selected so that it cannot fall onto existing National Grid transmission lines even at its mature height."* This amendment would provide additional guidance for subdividers and developers and would be consistent with the objectives and associated policies of the National Policy Statement on Electricity Transmission 2008 which aim to manage the effects of other activities on the network. The Hearings Panel agrees with this additional wording.
4. Transpower (301.06) sought an additional word to be added to point 8 of the "Recreation, Conservation, Open Space and Public Access" section of the guidelines. The proposed amended guideline would read: *"Where ~~high voltage~~ National Grid transmission lines traverse an area, consider the use of any land intended to serve as a separation buffer for access, open space or passive recreational purposes."* This would provide additional guidance for subdividers and developers while providing an opportunity for such land to be set aside as a separation buffer from the National Grid. The Hearings Panel supports this amendment.
5. Transpower NZ (301.07) sought any consequential amendments to the PPV3 arising from other amendments made. Based on the above evaluations and recommendations, no consequential amendments are required. Therefore, the Hearings Panel accepts this submission point.
6. The Hearings Panel resolved that all of the above submission points from Transpower NZ be accepted, with the text changes set out in **Appendix 1**.

The letter tabled on behalf of Transpower expressed satisfaction with the amendments proposed in the officer's report, which was accepted by the Hearings Panel.

## 3.2 New Zealand Fire Service Commission

### ***Submissions Received***

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested
302.01	New Zealand Fire Service Commission	In-Part	The submitter is concerned with the provision of water supply and access to this supply to enable the NZFS to operate effectively and efficiently. The submitter appreciates the provision for firefighting water supply within point 3 of the "Water Supply" section of the Rural Subdivision Design Guide but suggests a comment specifically referencing the NZFS code would be of interest and benefit to the	Amend point 3 of "Water Supply" to read "Consider specifically collecting and detaining stormwater for non-potable uses such as irrigation and firefighting ( <u>Refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 for specific details regarding firefighting water supply</u> )."

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested
			NZFS Commission.	
302.02	New Zealand Fire Service Commission	In-Part	The submitter is concerned with the provision of water supply and access to this supply to enable the NZFS to operate effectively and efficiently. The submitter appreciates the provision for firefighting water supply within point 8 of the "Water, Drainage and Stormwater" section of the Rural Subdivision Design Guide but suggests a comment specifically referencing the NZFS code would be of interest and benefit to the NZFS Commission.	Amend point 8 of "Water, Drainage and Stormwater" to read "Consider the use of on-site stormwater detention in the management of stormwater to enhance ground water replenishment and/or to provide an alternative source of non-potable water for a range of uses including firefighting and irrigation. ( <u>Refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 for specific details regarding firefighting water supply</u> ).

The New Zealand Fire Service Commission (302.01) and (302.02) submitted expressing concern around the provision of water supply and access to enable the NZFS to operate effectively and efficiently. NZFS sought that an additional sentence be added to point 3 of the "Water Supply" guidelines, and point 8 of the "Water, Drainage and Stormwater" guidelines which would read *"Refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 for specific details regarding firefighting water supply"*.

This amendment would provide additional guidance for subdividers and developers referencing this code of practice. The Officers report did however recommend structural amendments to the content of the Subdivision Design Guide to clarify the application of the relevant notes and codes of practice, while accepting the substance of the NZFS submission. The proposed amendments as proposed to be implemented in the officer's report were supported in the brief statement tabled on behalf of the NZFS to the hearing.

On that basis, the Hearings Panel resolved that the submission points be accepted in part, and the consequent amendments are set out in **Appendix 1** to this decision.

## 4. Section 32AA Assessment

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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 Sections 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*”.

PPV3 does not involve any amendments to the objectives and policies of the PDP. 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 PPV3 as notified, this part of the decision must therefore focus on amendments that have been made to PPV3 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 PPV3.

The purpose of PPV3 is to address matters which had earlier been omitted from the Rural Subdivision Design Guide following hearings on Plan Changes 20 and 22.

Only two submitters lodged submissions on PPV3, these being Transpower New Zealand and the NZ Fire Service Commission. The former submission was accepted in full and the latter in part. The Rural Subdivision Design Guide does not have the status of rules, and does not determine the legal status of an activity. There is no challenge to the basis of the guidelines either through submissions or the decisions made on them.

In terms of the requirements under Section 32 (1) – (4):

Under section 32(1), the scope of the amendments resulting from these decisions is confined to clarifying the status of transmission lines forming part of the National Grid and the Code of Practice for Firefighting Water Supplies. Subject to the amendments the guidelines would be the most efficient and effective means of achieving the objectives of the proposal (PPV3). The amendments made as a result of this decision 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), the amendments made to the proposal will not have any effect on economic growth, but the minor refinements of the guidelines would result in a modest reduction in administration and compliance costs for the Council.

Finally, in terms of section 32(4), the amendments made in response to the two submitter’s requests will not result in a greater degree of regulation than was previously the case for PPV3 when it was notified.



## 5. Decision

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

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

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### 6.1 Proposed Plan Variation 3 as amended pursuant to the Councils decisions

Amend point 14 of "Roads, Transport and Fencing" as follows:

"Where ~~high voltage~~ National Grid transmission lines traverse an area, ensure access around and to transmission line support structures is maintained."

Amend point 11 of "Allotment, Layout and Boundaries" as follows:

"Where ~~high voltage~~ National Grid transmission lines traverse an area, ensure that safe buffer distances from the transmission corridor are incorporated into the landscape design for future buildings/structures and associated landscaping (contact Transpower New Zealand for further guidance on developing near high voltage transmission lines)."

Amend point 12 of "Planting and Vegetation" as follows:

"Where ~~high voltage~~ National Grid transmission lines are located in the vicinity, undertake planting near dwellings to ensure that the transmission lines and support structures are screened and out of view, but avoid planting near the structures and conductors. the Electricity (Hazards from Trees) Regulations 2003 set out the requirements for maintaining vegetation near high voltage transmission lines. Vegetation should also be located and selected so that it cannot fall onto existing National Grid transmission lines even at its mature height."

Amend point 17 of "Building Location" as follows:

"Ensure that safe buffer distance are applied to the siting of buildings and structures in the vicinity of ~~high voltage~~ National Grid transmission lines (contact Transpower New Zealand Ltd for further guidance on developing near high voltage transmission lines)."

Amend point 8 of "Recreation, Conservation, Open Space and Public Access " as follows:

"Where ~~high voltage~~ National Grid transmission lines traverse an area, consider the use of any land intended to serve as a separation buffer for access, open space or passive recreational purposes."

Amend point 3 of "Water Supply" as follows:

"Consider specifically collecting and detaining stormwater for non-potable uses such as irrigation and firefighting.

**Note:** (Refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 for specific details regarding firefighting water supply)."

Amend point 8 of "Water, Drainage and Stormwater" as follows:

"Consider the use of on-site stormwater detention in the management of stormwater to enhance ground water replenishment and/or to provide an alternative source of non-potable water for a range of uses including firefighting and irrigation.

**Note:** (Refer to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 for specific details regarding firefighting water supply)."

## 6.2 Appendix 2

### Schedule of Council Decisions on Submission Points

Sub. No	Submitter Name	Officer's Recommendation
301.01	Transpower New Zealand Ltd	Accept
301.02	Transpower New Zealand Ltd	Accept
301.03	Transpower New Zealand Ltd	Accept
301.04	Transpower New Zealand Ltd	Accept
301.05	Transpower New Zealand Ltd	Accept
301.06	Transpower New Zealand Ltd	Accept
301.07	Transpower New Zealand Ltd	Accept
302.01	New Zealand Fire Service Commission	Accept In-Part
302.02	New Zealand Fire Service Commission	Accept In-Part