



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan General Part 2 - Definitions

May 2013



Hearing Date: 20 – 22 May 2013
Report Prepared by: Lynette Baish
Report Number: 14.01

NOTE TO SUBMITTERS

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is General Provisions: Definitions.

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

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

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

Submitters may also find the table contained in Section 6.2 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

EXECUTIVE SUMMARY

The Horowhenua District Plan has been operative for over 13 years (since 13th September 1999). During this time Council has undertaken a number of plan changes although the majority have been of a minor technical nature. In 2009 Council publicly notified three substantive plan changes that sought to address Rural Subdivision, Urban Growth and Outstanding Natural Features and Landscapes. A significant portion of the Operative District Plan has not be reviewed or modified since becoming operative in 1999. The Council in fulfilling its statutory duties has undertaken a review of those parts of the District Plan that have not been subject to a plan change since 2008.

This report focuses on the topic of Definitions. The relevant provisions within the Proposed Plan are contained within Chapter 26 General Provisions: Definitions, and are cited throughout all parts of the District Plan. Some of the provisions within the Operative District Plan relating to Definitions have been the subject of a number of plan changes since the District Plan became operative (September 1999). New or amended definitions were incorporated into the Operative District Plan through Plan Change 8 (Natural Features), Plan Change 10 (Home Occupations), and Plan Change 19 (Stevensons Engineering).

The Proposed District Plan was publicly notified for submissions on 14 September 2012. The period for further submissions closed 20 December 2012. Through the public notification process a number of submissions were received supporting and opposing the Proposed Plan provisions. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the District Plan Review Hearing Panel on the issues raised. All submission points have been evaluated in this report, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the District Plan Review Hearing Panel to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the reporting planner for Council before making a decision. The District Plan Review Hearing Panel has full delegated authority from the Council to make its decision. That decision is binding on Council subject to any appeals.

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

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1. Introduction

1.1 Qualifications

My name is Lynette Baish. I have been employed at Horowhenua District Council as a Resource Management Planner since January 2008. I hold a Bachelor of Arts Degree majoring in history and politics from Victoria University of Wellington. I am currently completing the final thesis component towards a Masters in Resource and Environmental Planning at Massey University. I am a member of the New Zealand Planning Institute.

1.2 Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions, and an analysis of the appropriateness and effectiveness of the proposed provisions in providing for definitions of terminologies in the Horowhenua District Plan. I provide my findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

1.3 Outline

This report considers submissions and further submissions which were received on General Matters: Definitions (Chapter 26) and associated provisions throughout the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

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

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

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

The amendments to the Proposed Plan arising from the reporting planner’s recommendations discussed throughout this report are listed in full in Section 6.1. The suggested amendments are set out in the same style as the Proposed Plan.

The Analysis of Submissions section has been structured by grouping submission points according to the definitions in the Proposed Plan and generally these definitions have been addressed in alphabetical order.

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

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

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

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

2. Proposed Horowhenua District Plan

2.1 Background

In November 2009, Council resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has notified 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.

2.2 Consultation & Process

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

2.2.1 Late Submissions

No late submissions were received which raised matters relating to Chapter 26 General Provisions: Definitions.

2.3 Resource Management Act 1991

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

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

Section 2 of the RMA provides definitions on a range of terms used in the Act. Generally, the Proposed Plan seeks to adopt the terms and definitions used in the RMA.

2.4 Proposed Amendments to Resource Management Act

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

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

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

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

Proposal 1: Greater national consistency and guidance

Proposal 2: Fewer resource management plans

Proposal 3: More efficient and effective consenting

Proposal 4: Better natural hazard management

Proposal 5: Effective and meaningful Iwi/Maori participation

Proposal 6: Working with councils to improve practice

One aspect of the 'greater national consistency and guidance' proposal are a national set of terms and definitions. At the time of writing this report, there have been no announcements or other research relating to the subjects of this report.

3. Statutory Requirements

3.1 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement (NZCPS) contains a "Glossary" section for terms used in this document. The NZCPS also states definitions contained in the RMA are not repeated in the Glossary. Where possible, terms and definitions used in the NZCPS are also used in the Proposed Plan for consistency and ease of interpretation.

3.2 National Environmental Standards

Each NES contains an "Interpretation" section for terms used in the NES. Where possible, terms and definitions used in the NES are also used in the Proposed Plan for consistency and ease of interpretation.

3.3 National Policy Statements (NPS)

Each NPS contains an "Interpretation" section for terms used in the NPS. Where possible, terms and definitions used in the NPS are also used in the Proposed Plan for consistency and ease of interpretation.

3.4 Operative Regional Policy Statement & Proposed One Plan

The Proposed One Plan contains a "Glossary" section for terms used in the One Plan. Where possible, terms and definitions used in the Proposed One Plan are also used in the Proposed District Plan for consistency and ease of interpretation.

3.5 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999) and a number of plan changes made. New or amended definitions have been incorporated into the Operative District Plan through Plan Change 8 (Natural Features), Plan Change 10 (Home Occupations), and Plan Change 19 (Stevensons Engineering). Therefore the provisions that have been reviewed as part of the overall District Plan review are those that formed part of the current District Plan when it first became operative. Several definitions are proposed to be amended or added as a result of Plan Changes 20, 21 and 22. In the review of the Operative District Plan, the record of terms and definitions where interpretation queries had previously arisen was reviewed to determine whether new or amended definitions were appropriate.

4. Analysis of Submissions

4.1 Abbreviations

4.1.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|------------------------|--------------------------|--|--|--------------------|
| 32.29 | NZ Pork Industry Board | In-Part | Ensure list of abbreviations used in the Plan is complete e.g. add CPTED | Add CPTED and other abbreviations used in the Plan to list of abbreviations. | |

NZ Pork Industry Board (32.29) submits that the list of abbreviations used in the Proposed Plan must be complete. The submission point suggests that other abbreviated terms be included that appear in the Proposed Plan, for instance, the abbreviation CPTED, for Crime Prevention Through Environmental Design.

4.1.2 Discussion & Evaluation

1. Presently there are 17 abbreviations listed in the table 'Abbreviations' at the beginning of Chapter 26, Definitions. There are however, a greater number of references throughout the Proposed Plan, for which abbreviations are identified and used.
2. It is not intended that the table be an exhaustive list of abbreviated terms, but rather to provide a list of primary terms and common abbreviations used, for instance, measurements, key agencies and key legislation that are central to the Proposed Plan.
3. Generally, abbreviations cited in the Proposed Plan have been referenced following an initial identifier - for instance, the long form of the term has been provided followed by the abbreviated term in brackets.
4. Based on the above reasons, I recommend that the submission point 32.29 be rejected, as the Proposed Plan provides sufficient clarity around other abbreviated terms in the Plan. However, the submitter is welcome to identify at the hearing, any specific abbreviations that they consider would be imperative to be included in Chapter 26 of the Proposed Plan.

4.1.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|------------------------|------------------|-----------|--------------------------|
| 32.29 | | NZ Pork Industry Board | | | Reject |

4.1.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Abbreviations section in Chapter 26.

4.2 Definition - 'Building'

4.2.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-------------------------|--------------------------|---|---|------------------------------------|
| 78.15 | Telecom New Zealand Ltd | Oppose | <p>Oppose Rule 22.1.8 and the definition of "Building" in Chapter 26.</p> <p>Small lightning rods are not excluded from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemption provided for in the definition of "Building".</p> <p>Due to the small size and negligible environmental effect of lightning rods, they should be expressly excluded from the maximum height limit for utility structure to which they are attached.</p> | Amend the definition of Building by exempting lightning rods. | |
| 79.15 | Chorus New Zealand Ltd | Oppose | <p>Oppose Rule 22.1.8 and the definition of "Building" in Chapter 26.</p> <p>Small lightning rods are not excluded from the from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemption provided for in the definition of "Building".</p> <p>Due to the small size and negligible environmental effect of lightning rods, they should be expressly excluded from the maximum height limit for utility structure to which they are attached.</p> | Amend the definition of Building by exempting lightning rods. | |
| 98.00 | Horticulture NZ | In-Part | <p>The definition of building does not include any pergola or similar structure of a substantially open nature. Horticulture NZ supports the exclusion but seeks that crop support structures and crop protection structures are specifically included in the exemption as they are of a substantially open nature</p> | <p>Amend Clause (g) of the definition of Building as follows:</p> <p>Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:</p> | 518.14 Transpower NZ Ltd – In-Part |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------|--------------------------|---|---|--------------------|
| | | | | (a) (g) Any pergola, <u>crop support structure</u> or <u>crop protection structure</u> or similar structure of a substantially open nature. ... | |
| 99.45 | Transpower New Zealand Ltd | Support | The definition of "building" means any temporary or permanent or movable or immovable structure but specifically excludes any electricity poles or pylons. This exclusion is supported by Transpower, subject to amendment of the terminology used. Transpower notes the terms pylons and towers are used interchangeably in the Proposed Plan; "towers" are the standard industry terminology. | Amend Clause (f) of the definition of Building as follows: (f) Any electricity poles and <u>towers, pylons</u> . | |
| 37.03 | Homestead Group Limited | In-Part | The definition of Building needs to be amended to ensure that hard stand and car parking areas are excluded. Applying the RMA definition of structure could see these hard stand areas captured by setback conditions | Amend the definition of Building to avoid hardstand and car park areas being captured. | |

Submission points raised by Telecom New Zealand Ltd (78.15) and Chorus New Zealand Ltd (79.15) oppose the definition of building and seek to amend the definition with an explicit exemption for 'small' lightning rods due to their slim appearance and negligible impact on amenity values. Horticulture NZ (98.00) seek an exemption for crop support and crop protection structures in line with the existing exemption of pergolas and similar structures of a substantially open nature. Horticulture NZ (98.00) is supported in part by further submitter Transpower New Zealand Ltd (518.14) who seek to ensure that the location of such structures do not compromise the integrity of the transmission line network. In submission point (99.45), Transpower New Zealand identify that the term 'pylon' is not a term used in current parlance in the electricity industry - substituting the word 'tower' for 'pylon' would be more appropriate. Finally, Homestead Group Limited (37.03) seek to exempt hard standing and car parking areas from the definition of building.

4.2.2 Discussion & Evaluation

1. Submission points Telecom New Zealand Ltd (78.15) and Chorus New Zealand Ltd (79.15) seek to ensure that 'small lightning rods' are excluded from the definition of building, as well as from the maximum height limit for the network utility structure to which they are attached. Lightning rods are used to divert the electrical force of a lightning strike to the ground through a wire to protect the building or structure on which they are mounted.

2. The submitter does not define the parameters of a 'small' lightning rod. For lightning rods attached to telecommunications masts, it is understood they are typically around 1.5 metres - 3 metres in height, which is comparatively small in this context. Lightning rods are typically significantly slimmer than the main body of the monopole or mast structure and are therefore less discernible to the eye. Consequently, I believe it is appropriate to provide the relief sought in respect of the exemption of small lightning rods. I recommend that the submission points Telecom New Zealand Ltd (78.15) and Chorus New Zealand Ltd (79.15) be accepted in-part, and that the definition of building be amended to exclude fitted (as opposed to free-standing) lightning rods and their mountings. To provide certainty on what is meant by "small" lightning rod, I recommend the exemption apply where lightning rods do not exceed a height of 2 metres above the building or structure to which it is attached.
3. The submission point by Horticulture NZ (98.00) asserts that crop support structures and crop protection structures should also be exempted from the definition of building - like pergolas, such structures are substantially open in nature, and on this basis, it is argued they do not comprise a building. The submission point Horticulture NZ (98.00) is opposed in-part by Transpower New Zealand Ltd (518.14) who are concerned that such structures located in proximity to a transmission corridor would have adverse effects on the National Grid. Related submission points to this request include height and building setbacks in the Rural Zone where Horticulture NZ seeks a similar exemption. I note that an amendment had been recommended for lightning rods as part of the Section 42A Report for the Utilities and Energy hearing. The recommended amendment is provided below.

Amend Rule 22.1.8 to read:

“(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:

- (i) 13.5 metres in the Residential Zone and Open Space Zone.
- (ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.
- (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.
- (iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

- 1 square metre in area on any one side or
- 2m above the building or structure to which it is attached or
- 600mm in diameter.”

4. Crop support structures and crop protection structures can comprise of a range of forms, materials, design, scale and size. For example, crop support structures can include open frames, fencing, staking, while crop protection structures could include greenhouses, shade houses, cloth wind breaks, bird netting enclosures and frost cloth enclosures. Given this range in forms, size and scale of these structures, I consider that a full exemption of crop

protection structures from the definition of 'building' would be ineffective in achieving the objectives of the Proposed Plan. The term 'building' is used for a number of rules and conditions, such as maximum building height and building setbacks, and applying an exemption to all types of crop protection structures is considered to undermine the intent of these rules and standards. However, crop support structures are typically small-scale and have a more open form, and are typically an anticipated part of the rural environment. I recommend to accept in part the submission points by Horticulture NZ (98.00) and Transpower New Zealand Ltd (518.14) and I recommend that the definition be amended to exclude any pergola, crop support structure or similar structure of a substantially open nature.

5. Transpower New Zealand (99.45) also submit that the term 'pylon' used in the proposed definition of building is obsolete - rather the industry uses the term 'tower' in respect of the support structures within the transmission corridor. It is considered appropriate to adopt terminologies that are current and relevant to the industry. I therefore recommend that submission point (99.45) is accepted and that the word 'pylon' be substituted with 'tower'.
6. Finally, Homestead Group Limited (37.03) seek to exempt hard standing and car parking areas from the definition of building. The submitter is concerned that hard standing and formed car parking areas could be interpreted as falling within the definition of building by virtue of the lack of an exemption, and that the setback conditions would therefore apply, necessitating resource consent. The Proposed Plan does not define structure, however the RMA provides a definition where structure "*means any building, equipment, device and other facility made by people which is fixed to the land.*"
7. Whilst the term 'structure', as defined in the RMA, could be widely applied, I consider that the definition of 'building' is restricted from applying to the surface of land including carparking or hard standing areas, since the definition only applies to any structure which has a height of 2 metres or more. Consequently, I recommend that the submission point by Homestead Concrete Homes (37.03) be rejected.

4.2.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|----------------|-------------------------|---|-------------------------|------------------|----------------------------------|
| 78.15 | | Telecom New Zealand Ltd | | | Accept In-Part |
| 79.15 | | Chorus New Zealand Ltd | | | Accept In-Part |
| 98.00 | 518.14 | Horticulture NZ Transpower New Zealand Ltd | In-Part | | Accept In-Part Accept In-Part |
| 99.45 | | Transpower New Zealand Ltd | | | Accept |
| 37.03 | | Homestead Group Limited | | | Reject |

4.2.4 Recommended Amendments to the Plan Provisions

Amend the definition of Building as follows:

Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:

- (a) Any fence or wall which has a height of 2 metres or less.
- (b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.
- (c) Any vehicle, trailer, tent, caravan, or boat.
- (d) Any swimming pool or tank which has a height of less than 1 metre above ground.
- (e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.
- (f) Any electricity poles and ~~pylons~~ towers.
- (g) Any pergola, crop support structure or similar structure of a substantially open nature.
- (h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.
- (i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached.

4.3 Definition - 'Bund'

4.3.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------|--------------------------------|---|--|--------------------|
| 98.01 | Horticulture NZ | In-Part | The definition describes a number of functions of a bund. A bund can also be used as a sediment control mechanism to stop sediment laden storm water getting into water bodies. This should be added to the definition of bund or the definition amended so that it is not limited to the specific uses listed. | Amend the definition of Bund by either: a) replace 'means' with 'includes' or b) add 'or sediment control mechanism' as follows: Bund means <u>includes</u> an embankment which may be used as a mitigation measure to limit noise effects, provide a visual screen or as a liquid containment system ... OR Bund means an embankment which may be used as a mitigation measure to limit noise | |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|-----------------------|---|--------------------|
| | | | | effects, provide a visual screen or as a liquid containment system designed to prevent the dispersal of hazardous substances from accidental on-site discharges <u>or sediment control mechanism.</u> | |

The submission point from Horticulture NZ (98.01) highlights that the proposed definition for 'Bund' limits the scope of the application of this term, such as the use of a bund as a sediment control mechanism to prevent sediment release into water bodies.

4.3.2 Discussion & Evaluation

1. The submitter Horticulture NZ (98.01) seeks an amendment to the definition of bund in order to capture a further, and common use for bunds - that being as a mechanism for sediment control. The term 'bund' is used in the Proposed Plan in relation to noise, visual, surface water runoff and hazardous substances. I consider that it would be appropriate to amend the definition to provide for this range of applications. I recommend that Horticulture NZ (98.01) be accepted and that the definition be amended accordingly.

4.3.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|-----------------|------------------|-----------|--------------------------|
| 98.01 | | Horticulture NZ | | | Accept |

4.3.4 Recommended Amendments to the Plan Provisions

Amend the definition of Bund to read:

Bund means an embankment which may be used as a mitigation measure for different effects, including but not limited to, limit noise effects, provide a visual effects (e.g. screening), or as a liquid containment system for hazardous substances, and for sediment and erosion control. ~~designed to prevent the dispersal of hazardous substances from accidental on-site discharges.~~

4.4 Definition - 'Development'

4.4.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------|--------------------------|------------------------------------|-------------------------|--------------------|
| 98.02 | Horticulture NZ | In-Part | The definition of 'development' is | Amend the definition of | 516.25 Federated |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|---|---|----------------------------------|
| | | | <p>very broad:</p> <p>Carrying out:</p> <ul style="list-style-type: none"> - any work - or ancillary activity on any land including - construction alteration or demolition of any building - any excavation of land - any deposit of material on land. <p>The use of the word 'including' means that 'development' is not limited to the specified matters.</p> <p>The term development is used in the RMA in the context of 'subdivision, use and development' so the term development is likely to be used throughout the requirements of the District Plan.</p> <p>The open ended nature of the definition therefore is of concern.</p> | <p>Development as follows:</p> <p>Development means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land.</p> <p><u>Development means carrying out construction, alteration or demolition of any building or any excavation of land not provided as a permitted activity and excludes day to day rural production activities such as fencing, cultivation and maintenance of farm tracks, orchard activities such as planting, shelterbelt and tree removal and root ripping.</u></p> | Farmers of New Zealand - Support |

Horticulture NZ (98.02) submit that the definition of 'Development' as proposed is too broad and express concerns as to the open-ended nature of the definition. The submitter proposes an alternative definition that is more exacting in its coverage and which explicitly excludes a number of everyday horticultural activities from the definition such as fencing, formation of farm tracks, planting and shelterbelts. Further submitter Federated Farmers (516.25) supports submission point (98.02).

4.4.2 Discussion & Evaluation

1. Horticulture NZ (98.02) infer that the open-ended nature of the definition of 'development' would potentially disadvantage landowners who carry out a variety of everyday activities on rural land that would captured by the definition of development but are really more of a primary production activity.
2. The proposed definition for 'development' reads " Development means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land."
3. The term 'development' is used throughout the Proposed Plan as an all encompassing reference to describe works and activities for land uses (e.g. new buildings, earthworks, storage). It is specifically referenced in the rules in Chapter 24 which apply the general standards for new development. This definition was added to the Proposed Plan to provide

clarity on the components of land use activities, specifically that building works formed part of a permitted activity.

4. The submitter has highlighted the broad nature of the definition. The alternative wording suggested by the submitter, whilst providing some clarity, is considered to have similar limitations in terms of what is and is not encompassed by this definition. In reviewing the intent and application of this definition in the Proposed Plan, it is considered this definition does not achieve its original purpose. Deleting the definition is considered the most effective approach as the related rules are considered self-explanatory and do not require a definition. If in the future there is uncertainty about the use of the term 'development' in the Proposed Plan, it is considered a dictionary definition would provide appropriate clarity. Accordingly, it is recommended the submissions from Horticulture NZ (98.02) and Federated Farmers (516.25) be accepted in part and the definition for development be deleted.

4.4.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------------------------|------------------|-----------|--------------------------|
| 98.02 | | Horticulture NZ | | | Accept In-Part |
| 516.25 | | Federated Farmers of New Zealand | Support | | Accept In-Part |

4.4.4 Recommended Amendments to the Plan Provisions

Delete the definition of 'Development' as follows:

~~**Development** means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land.~~

4.5 Definitions - 'Earthworks'/'Aggregate Extraction'

4.5.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------|--------------------------|--|--|--|
| 98.03 | Horticulture NZ | In-Part | The definition of earthworks could include a range of activities undertaken as part of rural production activities. Proposed Rule 19.6.12 in Plan Change 22 includes provisions for earthworks in the Rural Zone but specifically has a note stating: The term earthworks does not include activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores, digging of pits and installations of services where these | Amend the definition of Earthworks by adding an exclusion 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 of clean fill. | 506.48 Ernslaw One Ltd – In-Part 528.22 Horizons Regional Council – In-Part |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------|--------------------------|---|--|--|
| | | | <p>activities do not reshape or re-contour the land.</p> <p>However it is questioned what status a Note has in the Plan and so it is sought that the exclusion be added to the definition of earthworks in the Proposed Plan. Harvesting of crops, removal of trees and root ripping are specifically sought to be added as they are activities that may disturb the soil but with minimal effects.</p> | <p><u>The term earthworks does not include activities such as digging post holes, cultivation and harvesting of crops, planting trees removal of trees and root ripping, burials, drilling bores, digging of pits and installations of services where these activities do not reshape or re-contour the land.</u></p> | |
| 77.01 | Higgins Group Holdings Ltd | In-Part | <p>The definition for Earthworks needs to be amended so that it excludes "Aggregate Extraction". This is required so that Aggregate Extraction activities are not captured by existing or future rules in the District Plan that aim to control effects of earthworks.</p> | <p>Amend definition of Earthworks as follows:</p> <p>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 of clean fill.</p> <p><u>Earthworks does not include Aggregate Extraction.</u></p> | <p>506.36 Ernslaw One Ltd - Support</p> <p>513.09 Rayonier New Zealand Ltd - Support</p> |
| 99.46 | Transpower New Zealand Ltd | In-Part | <p>Transpower considers more certainty is required in respect of earthworks near support structures and maintaining clearance distances. The relief sought under Rule 19.6.14 c) would enable some earthworks to be undertaken as a permitted activity within the transmission corridor. With this rule based approach adopted, Transpower seek to retain the current definition of "earthworks".</p> | <p>Retain the definition of Earthworks, subject to relief sought under Rule 19.6.14.</p> | <p>517.39 Horticulture NZ - Oppose</p> |
| 66.09 | Bruce & Christine Mitchell | In-Part | <p>In the 'Decisions of Hearing Panel' for Plan Change 22 the commissioners suggest changing the definition of earthworks. The submitter supports Federated Farmers' stance that the definition excludes normal farming earthworks.</p> | <p>Amend the definition for Earthworks to align with Federated Farmers' request OR</p> <p>Amend the definition for earthworks to specify a threshold of 2.5 metres to allow normal farming activities such as tracking</p> | |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-------------------------------------|--------------------------|---|---|--|
| | | | | and fencelines. | |
| 96.41 | Federated Farmers of New Zealand | In-Part | <p>Federated Farmers submits that the definition of Earthworks excludes normal farming earthworks.</p> <p>Earthworks are part and parcel of farming activities, and comprise of such a range of activities from depositing clean fill around gates and troughs to reduce mud, laying water pipes to troughs, digging silage pits, bulldozing for new fence lines, and farm tracking. These are all activities that are expected to occur on farms and are minor scale compared to subdivision development earthworks or network utility earthworks.</p> <p>Councils such Western Bay of Plenty and Franklin exclude agricultural and horticultural earthworks from the definition of earthworks and thus a subsequent exclusion from regulation. This is a common-sense approach that acknowledges how important agriculture and horticulture is to these rural districts. Their approach means that farmers and orchardists are permitted to carry on their normal activities and that the Council need not waste time and resources processing consents that have little benefit.</p> <p>Federated Farmers urges Horowhenua District Council to follow their lead and include an enabling, forward-thinking and practical definition of earthworks.</p> | Amend definition of Earthworks by excluding agricultural and horticultural earthworks. | <p>506.24 Ernslaw One Ltd - Support</p> <p>506.25 Ernslaw One Ltd - In-Part</p> <p>518.15 Transpower New Zealand Ltd – In-Part</p> |
| 65.09 | Horowhenua Farmers' Ratepayer Group | In-Part | <p>In the 'Decisions of Hearing Panel' for Plan Change 22 the commissioners suggest changing the definition of earthworks. The submitter supports Federated Farmers' stance that the definition excludes normal farming earthworks.</p> | <p>Amend the definition for earthworks to align with Federated Farmers' request</p> <p>OR</p> <p>Amend the definition for earthworks to specify a threshold of 2.5 metres to allow normal farming activities such as tracking</p> | <p>518.16 Transpower New Zealand Ltd – In-Part</p> <p>528.14 Horizons Regional Council – In-Part</p> |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------|--------------------------|---|--|----------------------------------|
| | | | | and fencelines. | |
| 77.00 | Higgins Group Holdings Ltd | In-Part | Having "Aggregate Extraction" separately defined enables the District Plan to specifically provide for the activity. Given its acknowledged importance to the District, it is submitted that specific provision for "Aggregate Extraction" is essential to ensure an unhindered supply for future uses. | Include definition for Aggregate Extraction as follows: <u>"Aggregate Extraction means the use of land, buildings and plant for the primary purpose of extraction, winning, quarrying, excavation, taking and associated crushing and processing of mineral deposits such as, but not limited to, rock, gravel, and sand"</u> . | 506.35 Ernslaw One Ltd - In-Part |

Horticulture New Zealand (98.03) submit that the definition of earthworks be amended to exclude a number of rural activities including digging of post holes, cultivation of crops, planting of trees etc similar to the permitted activity condition for earthworks under Proposed Plan Change 22. The submission (98.03) is supported in-part by two further submissions being Ernslaw One Limited (506.48) and Horizons Regional Council (528.22).

Higgins Group Ltd (77.01) seek that aggregate extraction be excluded from the definition of earthworks and be treated as a different activity from earthworks. This submission (77.01) is further supported by Ernslaw One Ltd (506.36) and Rayonier New Zealand Ltd (513.09).

Transpower New Zealand Ltd (99.46) support the retention of the definition on the basis that the amendments sought by their submission point (99.27) to impose safe clearance distances for earthworks from Transpower structures would provide the certainty that no land use activities or development would compromise the integrity of the national grid network. The submission point (99.46) is opposed by Horticulture NZ (517.39).

Federated Farmers of New Zealand (96.41) supports in-part the proposed definition but seeks that the definition is amended to exclude agricultural and horticultural earthworks as these are normal everyday farming activities. The submission point (96.41) is supported by further submission points by Ernslaw One Ltd (506.24), (506.25) and opposed in part by Transpower New Zealand Ltd (518.15).

Mitchell (66.09) and Horowhenua Farmers' Ratepayer Group (65.09) both submit that the definition exclude normal farming earthworks and should thus align with the amendment to the definition proposed by Federated Farmers of New Zealand (96.41). Submitter Horowhenua Farmers' Ratepayer Group (65.09) is opposed in-part by further submitters Transpower New Zealand Ltd (518.16) and Horizons Regional Council (528.14).

4.5.2 Discussion & Evaluation

1. A number of submitters have referred to provisions in the Proposed Plan which form part of Plan Change 22 (e.g. Rule 19.6.12 for earthworks in specific Landscape Domains). It is

acknowledged there is a relationship between rules in Plan Change 22 on earthworks and the earthworks definition in the Proposed Plan. Changes can only be made to the definition of 'earthworks' and no consequential changes can be made to Rule 19.6.12 as part of the Proposed Plan process as the Plan Change 22 provisions were not operative at the time the Proposed Plan was notified so these provisions were not open to submission. To ensure there is alignment and consistency between Plan Change 22 and the Proposed Plan, a future Plan Change may be required.

2. In the review of the Operative District Plan and preparation of the Proposed Plan, to provide certainty and consistency in structure and content, exemptions or exclusions in definitions were to be minimised. Exemptions or exclusions were to be included in the rules and conditions so they could be appropriately applied to different circumstances and contexts.
3. The term 'earthworks' is used in rules and standards that apply to specific sites or areas, such as listed heritage sites, landscape domains, outstanding landscapes and natural features, and flood hazard areas. There are no earthworks rules or standards which apply across zones or district-wide.
4. Horticulture New Zealand (98.03) asserts that noted points of clarification attached to Rule 19.6.2 (conditions for permitted activities) which exclude specific activities from the earthworks provisions ought to be reflected in the definition of earthworks. Similarly, Federated Farmers (96.41), Mitchell (66.09) and Horowhenua Farmers' Ratepayer Groups (65.09), collectively support an amendment to the earthworks definition to exclude agricultural and horticultural earthworks.
5. I do not consider it is appropriate to apply a broad exemption for normal farming earthworks, as there are many farm-related earthworks activities which could cause adverse effects on the values or reasons for applying earthworks controls in the specific areas. I consider the most effective approach is for the rules and conditions to set appropriate thresholds for the nature and type of earthworks that are acceptable in terms of adverse effects, and that specific exemptions may apply to different areas (e.g. different thresholds and exemptions for the flood hazard areas and heritage sites).
6. Mitchell (66.09) requests consideration be made of an alternative amendment to the definition of earthworks in the specification of a permitted threshold of up to 2.5m. However, this permitted activity threshold is already embodied in the Plan Change 22 in respect of three particular landscape domains, and I consider applying this threshold through the rules is the appropriate approach. Therefore, I recommend the submissions from Horticulture New Zealand (98.03), Federated Farmers (96.41), Mitchell (66.09) and Horowhenua Farmers' Ratepayer Groups (65.09) be rejected.
7. Higgins Group Ltd (77.01) submit that the definition of earthworks should exclude aggregate extraction, and seek that aggregate extraction is an activity which is defined as a separate activity under the Proposed Plan. This submitter has sought a number of changes to the rules and standards which include specific new rules relating to aggregate extraction. In the Section 42A Report, it is recommended that either most of the rules sought be rejected or further information be provided by the submitter.
8. Notwithstanding the above, although there is some value in recognising aggregate extraction as an activity in itself, at this time, it is not considered appropriate to add an exclusion for aggregate extraction from the definition of earthworks due to the potential for adverse effects

for the locations in where earthworks rules apply (e.g. heritage settings, sites containing heritage features, coastal and other outstanding natural landscapes and features and specific landscape domains). I recommend that submission point (77.01) be rejected.

9. Transpower New Zealand Ltd (99.46) seek more certainty in respect of earthworks in proximity to electricity support structures given the critical risk of undermining and consequent destabilisation of those structures, and compromised efficiency of the network.
10. Transpower New Zealand Ltd (99.46) supports the retention of the definition on the basis of the amendments sought in related submission Transpower New Zealand Ltd (99.27) which would impose a restriction on any development within 12 metres either side of a transmission line, also known as the 'red zone', amongst other proposed provisions for earthworks in the Rural Zone.
11. In the related rule evaluated in the Section 42A Report for the Rural Zone for submission point (99.27) it was concluded the proposed earthworks provisions duplicate existing restrictions on landowners under the National Environmental Standards for Electricity Transmission Activities (NESETA) and is not considered appropriate there is a need to introduce additional earthworks provisions on this basis. However, the submitter was invited to explain at the hearing the need for these controls, which would include the relationship to the definition of earthworks, should their submission point (99.27) not be supported. These matters will form part of the Rural hearing scheduled to start 13 Mat 2013.
12. In conclusion, the submitter's support for the proposed provision is noted and no amendments have been proposed in the submission point (99.46) in respect of the definition of earthworks.

4.5.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------------------------|------------------|-----------|--------------------------|
| 98.03 | | Horticulture NZ | | | Reject |
| | 506.48 | Ernslaw One Ltd | In-Part | | Reject |
| | 528.22 | Horizons Regional Council | In-Part | | Reject |
| 77.01 | | Higgins Group Holdings Ltd | | | Reject |
| | 506.36 | Ernslaw One Ltd | Support | | Reject |
| | 513.09 | Rayonier New Zealand Ltd - | Support | | Reject |
| 99.46 | | Transpower New Zealand Ltd | | | Accept |
| | 517.39 | Horticulture NZ | Oppose | | Accept |
| 66.09 | | Bruce & Christine Mitchell | | | Reject |
| 96.41 | | Federated Farmers of New Zealand | | | Reject |
| | 506.24 | Ernslaw One Ltd | Support | | Reject |
| | 506.25 | Ernslaw One Ltd | In-Part | | Reject |
| | 518.15 | Transpower New Zealand Ltd | In-Part | | Accept In-Part |

| | | | | |
|-------|--------|-------------------------------------|---------|--------|
| 65.09 | | Horowhenua Farmers' Ratepayer Group | | Reject |
| | 518.16 | Transpower New Zealand Ltd | In-Part | Accept |
| | 528.14 | Horizons Regional Council | In-Part | Accept |
| 77.00 | | Higgins Group Holdings Ltd | | Reject |
| | 506.36 | Ernslaw One Ltd | In-Part | Reject |

4.5.4 Recommended Amendments to the Plan Provisions

No amendments are recommended in relation to the definition of Earthworks.

4.6 Definition - 'Family Flat'

4.6.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|---------------------------|--------------------------------|--|---|--------------------|
| 108.39 | HDC (Planning Department) | In-Part | The family flat definition does not include a size requirement for a family flat in the Proposed District Plan as it does in the Operative Plan. This size requirement is included in the zone chapter rules. The Greenbelt Residential Chapter sits outside of the Proposed Plan and cannot be updated to reflect this change at this time. To cover the interim period it is recommended that a note be added to the family flat definition to ensure that there will be a size requirement for a family flat in the Greenbelt Residential Zone before the appropriate amendment can be made through the plan variation process. | Amend Family Flat definition as follows: Family Flat means any detached building which shall be capable of being a self-contained residential unit with kitchen and bathroom facilities, and shall be secondary in scale to any principal residential dwelling on the site. <u>Note: A Family Flat in the Greenbelt Residential Zone shall be no more than 50m² in maximum gross floor area (plus a covered verandah up to 10m²).</u> | |

HDC (Planning Department) (108.39) submit that the definition of family flat be amended so that the size restrictions on this type of building can apply to the Greenbelt Residential Zone until such time as a plan change can be undertaken to bring about consistency between planning documents.

4.6.2 Discussion & Evaluation

1. The Operative District Plan definition of family flat contained a maximum size threshold. The Proposed Plan definition removes this maximum size threshold and applies the size threshold in the rules and standards for each zone. The Greenbelt Residential Zone rules and standards do not form part of the Proposed Plan for submission (i.e. they are part of

Plan Change 21), by removing the size threshold from the definition, no size threshold would apply to the Greenbelt Residential Zone. The HDC Planning Department (108.39) seek to ensure that the size threshold on family flats can be applied consistently across all zones, specifically the Greenbelt Residential Zone.

2. A plan variation/change is planned in the future to ensure that definitions and other relevant provisions are incorporated into the Greenbelt Residential Zone where relevant, but until such time as this can happen the relief sought by the submission point (108.39) would enable the size threshold on family flats to be applied in respect of the Greenbelt Residential Zone and hence consistently across all zones.
3. Consequently I recommend that the submission point (108.39) be accepted and that the definition be amended as below.

4.6.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|---------------------------|------------------|-----------|--------------------------|
| 108.39 | | HDC (Planning Department) | | | Accept |

4.6.4 Recommended Amendments to the Plan Provisions

Amend the definition of Family Flat as follows:

Family Flat means any detached building which shall be capable of being a self-contained residential unit with kitchen and bathroom facilities, and shall be secondary in scale to any principal residential dwelling on the site.

Within the Greenbelt Residential Zone, a Family Flat shall be no more than 50m² in maximum gross floor area (plus a covered verandah up to 10m²).

4.7 Definition - 'Hazardous Substances'

4.7.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------------|--------------------------|---|---------------------------------|--------------------|
| 95.47 | New Zealand Defence Force (NZDF) | Support | NZDF acknowledges Definition have been updated to reflect the requirements of the HSNO legislation. | Retain definitions as notified. | |

New Zealand Defence Force (NZDF) (95.47) acknowledge that the definition for 'Hazardous Substances' has been updated to reflect the current requirements under HSNO legislation and support the retention of this provision as proposed.

4.7.2 Discussion & Evaluation

1. The Hazardous Substances and New Organisms Act was amended to include Hazardous Substances (Classification) Regulations 2001. This amendment established a system for the classification of substances according to their intrinsic properties, the type of hazard, and the degree of hazard of the substance. This amendment also allowed for the assessment of each individual class of hazardous substance in terms of the level of risk of the substance in relation to quantity.
2. In response to this change in legislation, new approaches to classifying and defining appropriate parameters for the use, storage, disposal and transportation of hazardous substances have emerged.
3. As such it has been necessary to revise the classifications in the Proposed Plan to be consistent with the system of the Hazardous Substances (Classification) Regulations 2001. New Zealand Defence Force (95.47) supports this and proposes to retain the definition of 'hazardous substances' as notified. Consequently, I recommend that submission point (95.47) be accepted.

4.7.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------------------------|------------------|-----------|--------------------------|
| 95.47 | | New Zealand Defence Force (NZDF) | | | Accept |

4.7.4 Recommended Amendments to the Plan Provisions

No amendments are recommended in relation to the definition of Hazardous Substances.

4.8 Definition - 'Noise Sensitive Activity'

4.8.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|--|--|--------------------|
| 55.00 | KiwiRail | Support | Submitter supports the definition of Noise Sensitive Activity as providing a definition of 'noise sensitive activities' recognises that sensitive receiving environments exist and need to be treated to achieve a reasonable level of internal acoustic amenity. The definition is part of a strategy to ensure that new development internalises the adverse effects of locating close to existing and proposed high noise | Retain the definition of Noise Sensitive Activities as notified. | |

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

Kiwi Rail (55.00) support the definition of 'Noise Sensitive Activity' proposed in the Plan.

4.8.2 Discussion & Evaluation

1. Kiwi Rail (55.00) supports the definition of 'Noise Sensitive Activity' as proposed as the definition recognises that sensitive receiving environments exist, and that those environments can strategically manage noise effects through implementing methods to achieve a reasonable level of acoustic amenity when in proximity to high noise environments.
2. The support for the definition of Noise Sensitive Activity is noted. It is recommended this submission point (55.00) be accepted.

4.8.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------|------------------|-----------|--------------------------|
| 55.00 | | KiwiRail | | | Accept |

4.8.4 Recommended Amendments to the Plan Provisions

No amendments are recommended in relation to the definition of Noise Sensitive Activity.

4.9 Definition - 'Official Sign'

4.9.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------------|---|--|---------------------------------|
| 41.20 | Powerco | In-Part | The Plan should include provision for asset identification and health and safety sign to be erected without the need for consent. The definition of 'official signs' should be amended. | Amend the definition of Official signs to encompass asset identification and health and safety signs, Or, alternatively asset identification and health and safety signs could be included within the list of permitted signs by adding "identification and/or health and safety signs associated with infrastructure" to the following zones, Residential, Industrial, | 512.01 Vector Gas Ltd - Support |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|-----------------------|-----------------------------------|--------------------|
| | | | | Commercial, Rural and Open Space. | |

Powerco (41.20) seeks the definition of 'official signs' be amended to provide for asset identification signs and health and safety signs, or alternatively, these types of signs be listed as a permitted activity. The submission point (41.20) is supported by further submission Vector Gas Ltd (512.01).

4.9.2 Discussion & Evaluation

- Powerco (41.20) identifies two forms of relief in order for the Proposed Plan to better provide for health and safety signage associated with infrastructure - being firstly through the amendment of the definition of 'Official Signs' to include asset identification and health and safety signs; or secondly through the inclusion of asset identification and health and safety signs as permitted signage within the Residential, Industrial, Commercial, Rural and Open Space Zones. Further submitter Vector (512.01) agrees that safety signs associated with infrastructure identification and health and safety should be a permitted activity.
- In two related submissions on the Rural Zone, Horticulture NZ (98.37), (98.45) sought to amend Rules 19.1(l) and 19.6.26(b) to provide for safety and hazard identification signage as a permitted activity. In the evaluation of these submission points in the Section 42A Report for the Rural Zone, it was recommended that a new rule be added to 19.1(l) to permit health and safety signs in the Rural Zone, and a new definition be added to Chapter 26 as follows: **Health and Safety Sign means any warning of health and safety hazards, including but not limited to those required under any legislation such as Health and Safety in Employment Act 1992 and Hazardous Substances and New Organisms Act 1996.**
- Given the recommendation to add a new definition for 'health and safety signs' to Chapter 26, as well as the addition of such signs as a permitted activity in the Rural Zone, the matters raised in submission points (41.20) and (512.01) are considered to be partly-accommodated in those new provisions. I consider it appropriate in responding to the relief sought by the submitters that the recommended amendment to Rule 19.1(l) and 19.6.26(b) should be applied consistently across the other zones. I note that the equivalent amendment of the change recommended to 19.6.26(b) would only be necessary in the Residential and Open Space Zones (Chapter 15 and 20).
- In relation to asset identification signs, it is considered there are at least two types of signs. Firstly, larger signs identifying the name of a large asset or facility (e.g. substation), and secondly, small signs with asset management and other label information (e.g. transmission line pole tag). While some of these two types of signs are likely to be provided for by the recommended new health and safety sign provisions, particularly the small signs, the naming of asset facilities may not be. In these cases, the signs would be considered 'advertising signs' as they name and identify the facility. It is considered important utility facilities are able to provide signage to clearly identify the facility, such as in an emergency situation. The rules and standards for 'advertising signs' are considered to provide for this type of signage, therefore, I consider there is no need to amend the definition of 'Official Signs' to provide for this type of signage. Therefore, it is recommended that this submission point and further submission be accepted in-part.

4.9.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|---------------------------|------------------|-----------|----------------------------------|
| 41.20 | 512.01 | Powerco Vector Gas Ltd | Support | | Accept In-Part Accept In-Part |

4.9.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.1(h) as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Amend Rule 15.6.27 Table 15-1 as follows:

Table 15-1: Maximum Face Area for Signs

| Type of Sign | Maximum Face Area (m ²) per site |
|--------------------------------|--|
| <u>Health and safety signs</u> | <u>N/A</u> |

Amend Rule 16.1(l) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Amend Rule 17.1(n) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Amend Rule 20.1(e) as follows:

The following types of signs:

(i)...

(ix) Health and safety signs

Amend Rule 20.6.18 Table 20-1 as follows:

Table 20-2: Maximum Face Area for Signs

| Type of Sign | Maximum Face Area (m ²) per site |
|-------------------------|--|
| Health and safety signs | N/A |

4.10 Definition - 'Open Space'

4.10.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------------|--------------------------|--|--|---|
| 32.31 | NZ Pork Industry Board | Oppose | <p>The definition for open space is opposed due to the content in which it is used within the plan in relation to set backs from intensive farms.</p> <p>See submission point (32.21) for Rule 19.6.4</p> | <p>Amend as follows:</p> <p>Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.</p> | |
| 96.43 | Federated Farmers of New Zealand | In-Part | <p>Federated Farmers is concerned that this definition of Open Space may lead to confusion around public access over private land. The inclusion of private areas and the note that they do not specifically need to be zoned as Open Space should indicate to the public that farms are available as Open Space and publically accessible. Areas such as QEII covenants may be protected for their intrinsic scenic or natural qualities, but these remain on private land. Members of the public who enter private land without permission from the landowner are trespassing.</p> | <p>Amend definition of Open Space as follows:</p> <p>Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.</p> | <p>502.01 Warwick Meyer – In-Part</p> <p>506.27 Ernslaw One Ltd - Support</p> |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------|--------------------------|---|--|--------------------|
| 98.05 | Horticulture NZ | In-Part | Horticulture NZ is concerned that the combination of 'private area', 'substantially unoccupied space' and not zoned as Open Space could give an impression that rural production land could be termed 'open space'. An amendment is sought to the definition to ensure that primary production land is not considered to be 'open space'. | Amend the definition of 'Open Space' by: Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space. <u>Land used for Primary Production Activities is not included as open space.</u> OR Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space. | |

NZ Pork Industry Board (32.31) oppose the proposed definition as per their related submission point (32.21) which seeks to remove the requirement for minimum separation distances between intensive farming and industrial and open-space zoned land, and land that is open space though it is not necessarily zoned as such. Federated Farmers of New Zealand (96.43), and Horticulture New Zealand either oppose or support in-part the definition for 'Open Space' on the basis that it misleadingly infers that anyone would have legal access to private land because it could be classed as open space, and that it creates an impression that rural production land could be termed open space. Submission point (96.43) is supported by further submitter Ernslaw One Ltd (506.27), and opposed in-part by Meyer (502.01). The latter further submission (502.01) makes the point that some open spaces such as golf clubs and adventure reserves, are privately owned.

4.10.2 Discussion & Evaluation

1. The submission point by NZ Pork Board (32.31) relates to their submission point (32.21) which opposes the minimum separation distance of 600m between any intensive farming activity and any industrial or open space zoned land. The submitter (32.31) opposes the definition for 'open space' on the basis of their opposition to the setbacks required under Rule 19.6.4, in particular as they are concerned that the setbacks would apply in relation to land that is not specifically zoned as open space. In respect of (32.31), the relief sought is to delete the last sentence of the definition "*It need not specifically be zoned as Open Space.*" However, Rule 19.6.4 only applies in respect of land that is zoned as open space - therefore land that may fall under the definition of open space, but that is not zoned as open space, will not be subject to Rule 19.6.4. Consequently I recommend that submission point (32.31) be rejected and that the sentence remain.

2. Federated Farmers of New Zealand (96.43) and Horticulture NZ (98.05) respectively oppose or support in-part the definition. Federated Farmers (96.43) submit that the definition may lead to confusion around public access to private land. In particular, the inclusion of private areas and the note that they do not specifically need to be zoned as open space could indicate to the public that farms are available as Open Space and are publically accessible. Similarly, Horticulture NZ (98.05) argue that the combination of private areas, unoccupied areas, and areas of land that are not necessarily zoned as open space could give an impression that rural production land is open space. Two forms of relief are proposed by submitter Horticulture NZ (98.05) - either amend the definition through the addition of "*Land used for Primary Production Activities is not included as open space*"; or, limit the scope of the definition to land identified within the Open Space Zone. Submitter Federated Farmers of New Zealand (96.43) suggests a form of relief through the removal of the reference to 'private land.'

3. The term 'open space' is used throughout the Proposed Plan in the policy framework, rules and standards, and appendices. The definitions in Chapter 26 are primarily used to provide certainty for the rules and standards, with 'open space' listed as a permitted activity in all zones. In this context, the definition of 'open space' is considered effective and efficient in outlining the nature and type of land use encompassed as open space. It is not considered appropriate to delete reference to 'private' from the definition of 'open space' as there are privately owned and managed areas which would be unduly restricted (e.g. AP&I Showgrounds, golf courses, private gardens). Adding reference to state "land used for primary production activities is not included as open space" is not considered necessary to clarify the application of this definition. The examples contained within the definition are considered to clearly signal the nature and type of land use activities and area considered to be open space in the context of the Proposed Plan. I recommend that submission points (96.43) and (98.05), and further submission point (506.27) be rejected, and further submission (502.01) be accepted.

4.10.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|------------------------|------------------|-----------|--------------------------|
| 32.31 | | NZ Pork Industry Board | | | Reject |

| | | | | |
|-------|--------|----------------------------------|---------|----------------|
| 96.43 | | Federated Farmers of New Zealand | | Reject |
| | 506.27 | Ernslaw One Ltd | Support | Reject |
| | 502.01 | Meyer | In-Part | Accept |
| 98.05 | | Horticulture NZ | | Accept In-Part |

4.10.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the definition of Open Space.

4.11 Definition - 'Plantation Forestry'

4.11.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------|--------------------------|---|---|----------------------------------|
| 50.06 | Rayonier NZ Ltd | Oppose | Submitter seeks to amend the definition of Plantation Forestry as the proposed definition does not encompass the entire spectrum of plantation forestry activities. | Delete the proposed definition of Plantation Forestry and include a replacement definition as follows: <u>Plantation forestry means the commercial production of trees for wood products and ancillary activities. Activities ancillary to plantation forestry include: establishment and planting, earthworks, infrastructure maintenance, harvesting and the minor and temporary disturbance of indigenous vegetation.</u> | 506.76 Ernslaw One Ltd - Support |

Rayonier NZ Ltd (50.06) oppose the definition of 'Plantation Forestry' and propose that a new definition be adopted. The submission is supported by further submitter Ernslaw One Ltd (506.76).

4.11.2 Discussion & Evaluation

1. Rayonier NZ Ltd (50.06) seek to replace the proposed definition of 'Plantation Forestry' with an alternative definition which, it is asserted, would be more representative of the full spectrum of plantation forestry activities.
2. The Proposed Plan definition for Plantation Forestry reads as follows:

"Plantation Forestry means the commercial production of trees for wood products and includes woodlots, large scale plantations, a mix of pastoral and forest uses, and firewood lots, provided any area is contiguous planting over 1 hectare, but does not include shelterbelts and trees planted for horticultural purposes."

3. I do not consider that the Proposed Plan definition seeks to provide an exhaustive list of all activities associated with plantation forestry, but rather to define the physical scope and scale of a plantation forestry activity and to provide a clear differentiation therefore between plantation forestry and other types of horticultural and small scale forestry activities, including shelterbelts, indigenous tree regeneration and growth of smaller groups of trees, for instance arboretums. These distinctions are important, given different rules and conditions apply to different types of planting. Therefore, it is considered the existing definition is effective and efficient when applied in conjunction with the rules and conditions.
4. Consequently, I recommend submission point (50.05) and further submission point (506.76) be rejected.

4.11.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|-----------------|------------------|-----------|--------------------------|
| 50.06 | | Rayonier NZ Ltd | | | Reject |
| | 506.76 | Ernslaw One Ltd | Support | | Reject |

4.11.4 Recommended Amendments to the Plan Provisions

No amendments are recommended in relation to the definition of Plantation Forestry.

4.12 Definition - 'Relocated Building'

4.12.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|---|--------------------------|--|---|--------------------|
| 40.38 | House Movers Section of NZ Heavy Haulage Association Inc. | In-Part | Amend the definition of relocated building | Amend the definition of Relocated Building. Relocated Building means any previously used building which is transported in whole or In-Parts and re-located from its original site to a new its <u>destination</u> site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that | |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|---|--------------------------|--|---|--------------------|
| | | | | site. | |
| 40.02 | House Movers Section of NZ Heavy Haulage Association Inc. | In-Part | <p>The definitions in the Plan should be amended to accord with trade practice and usage.</p> <p>The definitions in the Proposed District Plan are inconsistent and contrary to Section 5 of the RMA (sustainable management). Any potential adverse effects on amenity values from building relocation is remedied after an initial establishment period.</p> | Amend the Definitions section of the plan to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting, and relocation of dwellings and buildings. | |

Submission points by House Movers Section of NZ Heavy Haulage Association Inc (40.38) and (40.02) assert that the definition for re-located buildings should be amended in particular to accord with trade practice and usage.

4.12.2 Discussion & Evaluation

1. NZ Heavy Haulage Association Inc (40.38) seeks that the wording of the definition for relocated building be amended, substituting "from its original site to a new site", for "from its original site to its destination." The submitter provides no explicit reasons for this requested amendment. However, it could relate to the situation whereby a relocated building may be temporarily stored on a site prior to being moved to its final site (i.e. destination). The submitter may wish to clarify and explain the basis for this request at the hearing. In the absence of any explanation, I recommend that the submission point (40.38) be rejected.
2. In submission point (40.02), the submitter asserts that the definition be amended to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting, and relocation of dwellings and buildings. However, no explicit wording or relief sought it stated, and it is unclear from the submission the intent or application of this relief. The submitter may wish to clarify and explain the relief sought at the hearing.
3. In the absence of any specific wording, I recommend that the submission point (40.02) be rejected and that the definition be retained as proposed.

4.12.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|---|------------------|-----------|--------------------------|
| 40.38 | | House Movers Section of NZ Heavy Haulage Association Inc. | | | Reject |
| 40.02 | | House Movers Section of NZ Heavy Haulage Association Inc. | | | Reject |

4.12.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the definition of Relocated Building.

4.13 Definition - 'Sensitive Activities'

4.13.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------|--------------------------|---|--|---|
| 99.47 | Transpower New Zealand Ltd | In-Part | The definition of “sensitive activities” in the context of activities within the transmission line corridor includes some activities which are not considered sensitive to the transmission line. Transpower does not wish to unnecessarily restrict these activities. Accordingly, an amendment to the definition is sought. | Amend the definition of Sensitive activities as follows: Sensitive Activities means any of the following activities: Residential activities Visitor accommodation Community activities Recreational facilities and activities Camping grounds Educational facilities Places of assembly Marae and papakainga housing Cafes and restaurants <u>For activities within the National Grid corridor, recreational facilities and activities are not considered “sensitive activities”.</u> | |
| 98.06 | Horticulture NZ | In-Part | The definition of sensitive activities includes a list of activities. However hospitals, rest homes or medical facilities are not included. It would be appropriate to specify these facilities as sensitive activities. | Amend the definition of Sensitive activities by inserting additional facilities as follows: <u>hospitals, rest homes or medical facilities.</u> | 500.24 NZ Pork Industry Board - Support |
| 110.01 | Fraser | In-Part | The submitter considers provision should be made to exclude “houses of prostitution” from residential precincts. Also the control on the | Amend definition for Sensitive Activities to include 'houses of prostitution' and 'liquor | |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|--|----------------------------------|--------------------|
| | | | location and number of liquor stores should be made more definitive. To achieve these exclusions the submitter considers the inclusion of these terms/activities in the "sensitive activities" definition is appropriate. | stores' as Sensitive Activities. | |

Transpower (99.47) support in-part the definition for sensitive activities but seek to amend the definition to outline that some of those activities are not considered as sensitive in relation to the transmission line. Horticulture NZ (98.06) and Fraser (110.01) also support in-part the definition but seek to add additional activities to those already provided.

4.13.2 Discussion & Evaluation

1. The term 'sensitive activities' is used in the Rural Zone in the Proposed Plan for setbacks from intensive farming activities and transmission lines, in the same way they apply to residential dwelling units.
2. Transpower (99.47) seeks to amend the definition to clarify recreational facilities and activities are not considered 'sensitive activity' in relation to the electricity transmission lines. Transpower comment such activities would be able to occur without adverse impacts on the transmission line and without potentially giving rise to reverse sensitivity effects. Transpower does not wish to unnecessarily restrict those activities and accordingly an amendment to the definition is sought. For the reasons stated by Transpower, it is considered appropriate to exclude recreational facilities from the setback distances. However, to follow the overall structure and approach to definitions in the Proposed Plan, it is recommended this exemption be included in the relevant rule (Rule 19.6.14(b)) and not in the definition. Therefore, I recommend that submission point (99.47) be accepted in part and Rule 19.6.14(b) be amended.
3. Horticulture NZ (98.06) submit that a further activity be included in the definition of hospitals, rest homes or medical facilities. It is considered these facilities are already captured under two of the listed activities - residential and community activities. The definition for residential activities includes refuges or health care for up to 5 people plus support staff. The definition for 'community activity' applies also to community facilities and includes activities and services for any health, welfare and care facility. As the relief sought is already catered for within the existing listed activities, I recommend that the submission points (98.06) and (500.24) be accepted in part with no further changes to the Proposed Plan being necessary.
4. Fraser (110.01) submits that the definition of 'sensitive activities' be amended to add two further land use activities - 'houses of prostitution' and 'liquor stores.' Sensitive activities are those that could be adversely impacted by other activities such as those generating noise, odour, pollution or other types of effects. Although I agree that houses of prostitution and liquor stores are indeed the types of activities that would impact on sensitive activities, I do not consider they are a sensitive activity in themselves (i.e. impacted by other activities). Furthermore, the management of activities, in terms of their location and operation is effectively controlled by other statutes, such as the Liquor Licensing Act. Consequently I

recommend submission point (110.01) be rejected, and that the definition not be amended in response to this submission point.

4.13.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------------------------|------------------|-----------|----------------------------------|
| 99.47 | | Transpower New Zealand Ltd | | | Accept In-Part |
| 98.06 | 500.24 | Horticulture NZ NZ Pork Board | Support | | Accept In-Part Accept In-Part |
| 110.01 | | Fraser | | | Reject |

4.13.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.6.14(b) as follows:

(b) No building or sensitive activity (excluding recreational facilities and activities) shall be located closer than:

4.14 Definitions - 'Site'/'Notional Boundary'

4.14.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-------------------|--------------------------|--|---|--------------------|
| 44.21 | Genesis Power Ltd | In-Part | Submitter seeks sub-sequential amendment to definition of Site. See submission point 44.19 | Amend definition of Notional Boundary as follows: ...with regard to the measurement of noise, the legal boundary of the <u>property site</u> on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling. | |
| 44.20 | Genesis Power Ltd | In-Part | Submitter seeks sub-sequential amendment to definition of "Site". See submission point 44.19 | Amend definition of Site as follows: an area of land comprised wholly of <u>one (1) computer freehold register certificate of title</u> ; or the area of land contained within an | |

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------|--------------------------|-----------------------|---|--------------------|
| | | | | allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer <u>freehold</u> register. | |

Genesis Power Ltd (44.20) and (44.21) seeks to amend the definitions of 'site' and 'notional boundary' respectively in order to recognise the circumstances relating to wind farm activities.

4.14.2 Discussion & Evaluation

1. In a related submission point (44.19) Genesis Power Ltd opposes Rule 22.1.8(b)(iii) relating to the setback for wind monitoring masts. Genesis seeks the setback be amended to apply from the notional boundary rather than the site boundary. In the Section 42A Report on Utilities and Energy evaluating this related submission point, it is recommended a revised distance applies, but that the setback be based on the site boundary and not the notional boundary.
2. The "notional boundary" concept has been included in the Proposed Plan to deal with noise in rural areas. Notional boundary rules aim to provide appropriate residential amenity around the residential unit, rather than the farm land as a whole. The term 'notional boundary' is only used in the Proposed Plan in relation to noise rules and conditions.
3. Genesis (44.21) request amendment to the definition by deleting the reference to noise, allowing the definition to be applied more broadly (e.g. to visual effects). Given the evaluation and recommendation to related submission point above on Rule 22.1.8(b)(iii), it is not considered appropriate to remove reference to 'noise' from the definition, as this is the only context that the definition applies. However, replacing the reference of 'property' to 'site' is supported as the term site is defined in the Proposed Plan and this amendment would provide certainty in the application of this definition. Therefore, it is recommended submission point 44.21 is accepted in part.
4. The proposed definition of 'Site' means "an area of land comprised wholly of one (1) certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer register." The submitter (44.20) infers that the term Certificate of Title is obsolete and should be substituted with the term "1 (one) computer freehold register" within the definition.
5. The current definition reflects four different interpretations of a site including land contained either within a title, or one computer register. In situations such as a body corporate or a cross lease, a site is the area of land intended for occupation by one residential unit. In the case of an approved subdivision for which title has not yet been issued, a site is the area of land contained within the approved plan of subdivision.

6. Computer Registers (Certificates of Title) prove the ownership of land and the rights and restrictions that apply to the land. According to the LINZ website, land titles have been recorded electronically since 2002. All earlier paper-based Certificates of Title were converted into 'computer registers' between 1999 and 2002. The LINZ website identifies that there are four different types of computer register, depending on the classification of the land: "computer freehold registers (CFRs) for freehold (fee simple) land; computer interest registers (CIRs) for leasehold land, or for any land of a lesser interest than freehold; computer unit title registers (CUTRs) for stratum freehold or leasehold interests in a unit-titled development; and composite computer registers (CCRs) which are combinations of the other three types, e.g. a cross lease title is a combination of freehold and leasehold computer registers." - (<http://www.linz.govt.nz/survey-titles/land-records/types-of-records/computer-register-current>).
7. In respect of Genesis Power Ltd (44.20), I agree that the definition of site ought to be adapted to be consistent with current terminology, and I recommend that the submission point (44.20) be accepted in-part, with an amendment reflective of the terminology used by LINZ which nominally refers to a 'Computer Register (Certificate of Title)'. Given that there are different types of computer registers, it is accurate to refer to a property record/title as a Computer Register. However, being a rather generic term, I recommend that this be followed with '(Certificate of Title)' for consistency with LINZ and avoidance of any confusion. I recommend this submission point be accepted in-part and that the definition for 'site' be amended.

4.14.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|-------------------|------------------|-----------|--------------------------|
| 44.21 | | Genesis Power Ltd | | | Accept In-Part |
| 44.20 | | Genesis Power Ltd | | | Accept In-Part |

4.14.4 Recommended Amendments to the Plan Provisions

Amend the definition of 'Notional Boundary' as follows:

Notional Boundary means, with regard to the measurement of noise, the legal boundary of the ~~property site~~ on which any dwelling is located or a line 20 metres from the dwelling whichever point is closer to the dwelling.

Amend the definition of 'Site' as follows:

Site means an area of land ~~comprised wholly of~~ held in one (1) computer register (certificate of title); or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; ~~or an area of land held in one (1) computer register.~~

4.15 Definitions - 'Temporary Military Training Activity' and 'Temporary Activity'

4.15.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|----------------------------------|--------------------------|---|---|--------------------|
| 95.00 | New Zealand Defence Force (NZDF) | Support | Support definition | Retain definition of Temporary Military Training Activity as notified. | |
| 95.01 | New Zealand Defence Force (NZDF) | In-Part | Permitted activity standards for "Temporary Activities" are more restrictive than for Temporary Military Training Facilities, so NZDF would prefer to clarify the definition of "Temporary Activities" further to indicate that it does not apply to Temporary Military Activities. | Amend definition of Temporary Activity by adding a sub-clause to the exemption list as follows: ... it does not include Temporary Military Training Activities. | |

New Zealand Defence Force (NZDF) make two submission points (95.00) and (95.01) which respectively support the definition for Temporary Military Training Activity, and support in-part the definition of Temporary Activity, seeking an amendment to the latter to exclude Temporary Military Training Activity.

4.15.2 Discussion & Evaluation

1. New Zealand Defence Force (NZDF) (95.00) supports the definition of Temporary Military Training Activity. This support is noted. The submission is recommended to be accepted and the definition to be retained as per the Proposed Plan.
2. New Zealand Defence Force (NZDF) (95.01) supports in-part the definition for Temporary Activities, but seeks to amend the definition to explicitly exclude Temporary Military Training Activities. The exclusion would clarify the scope of each definition and avoid potential confusion between the two definitions. On this basis, I recommend that the submission be accepted, and that the definition be amended as per submission point (95.01).

4.15.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|----------------------------------|------------------|-----------|--------------------------|
| 95.00 | | New Zealand Defence Force (NZDF) | | | Accept |
| 95.01 | | New Zealand Defence Force (NZDF) | | | Accept |

4.15.4 Recommended Amendments to the Plan Provisions

Amend the definition of 'Temporary Activity' as follows:

Temporary Activity means any short term activity and any buildings and structures associated with that activity and includes, but is not limited to:

- any event such as a gala, a sports event, a festival, a market or an outdoor music event; or
- any short term filming activities.

Temporary Activity does not include Temporary Military Training Activities.

4.16 Definition - 'Vehicle Service Station'

4.16.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-------------------|--------------------------|---|---|--------------------|
| 93.28 | The Oil Companies | Support | Support definition for Vehicle Service Station. | Support definition for Vehicle Service Station. | |

The Oil Companies (93.29) support for the proposed definition of 'Vehicle Service Station'.

4.16.2 Discussion & Evaluation

1. The Oil Companies (93.29) support the proposed definition for 'Vehicle Service Station'. This support is noted. Consequently, I recommend that the submission be accepted and the provision be retained as proposed.

4.16.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|-------------------|------------------|-----------|--------------------------|
| 93.28 | | The Oil Companies | | | Accept |

4.16.4 Recommended Amendments to the Plan Provisions

No amendments are recommended in relation to the definition of Vehicle Service Station.

4.17 New Definition - 'Reverse Sensitivity'

4.17.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|------------------------|--------------------------|--|---|---|
| 32.33 | NZ Pork Industry Board | In-Part | Several references are made to the term 'reverse sensitivity'. For certainty and clarity this term should be defined within the Plan. | Include new definition for "Reverse sensitivity" as follows: <u>Reverse sensitivity means the vulnerability of an existing lawfully established activity to complaints from new activities which are sensitive to the adverse environmental effects being generated by the existing activity, thereby creating the potential for the operation and/or expansion of the existing activity to be constrained.</u> | 506.68 Ernslaw One Ltd - Support 513.05 Rayonier New Zealand Ltd - Support 516.29 Federated Farmers of New Zealand - Support 524.09 Higgins Group Holdings Ltd - Support |
| 98.07 | Horticulture NZ | In-Part | The Proposed Plan discusses reverse sensitivity but there is no definition for the term. It would be useful that there is clarity as to what the term means and that it is the potential effects of a new activity on an existing lawfully established activity that is the issue. | Include a new definition for "Reverse sensitivity" as follows: <u>"Reverse sensitivity" is the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</u> | 505.17 Powerco - Support 506.50 Ernslaw One Ltd - Support 513.25 Rayonier New Zealand Ltd - Support 516.30 Federated Farmers of New Zealand - Support |

Submitter NZ Pork Industry Board (32.33) further supported by Ernslaw One Ltd (506.68), Rayonier New Zealand Ltd (513.05), Federated Farmers of New Zealand (516.29) and Higgins Group Holdings Ltd (524.09), and submitter Horticulture NZ (98.07), further supported by Powerco (505.17), Ernslaw One Ltd (506.50), Rayonier New Zealand Ltd (513.25), and Federated Farmers of New Zealand (516.30), assert that the Plan would benefit from the inclusion in Chapter 26 Definitions of a definition for "Reverse Sensitivity". In particular the definition would provide clarity and certainty around the definition and the types of effects it could encompass.

4.17.2 Discussion & Evaluation

1. The term 'reserve sensitivity' is used throughout the Proposed Plan, particularly in the Rural Zone policy, matters of control and discretion, and assessment criteria. No rules or standards use the term 'reverse sensitivity' for conditions or measurable standards.
2. Reverse sensitivity is an established concept and a recognised effect under the RMA. Reverse sensitivity can be seen as "the vulnerability of an established activity to objection from a sensitive land use." Given the contentious nature of reverse-sensitivity related effects, providing clarity and certainty through a definition could assist in the interpretation and assessment of such effects.
3. In respect of reverse sensitivity, interpretations have been provided for by case law including *Auckland Regional Council v Auckland City Council [1997]* in which "the term reverse sensitivity is used to refer to the effects of the existence of sensitivities on other activities in the vicinity"; or from *Affco New Zealand Ltd v Napier City Council [2004]* where "reverse sensitivity can be understood as the legal vulnerability of an established activity to complaint from a new land use." The Proposed Plan does not itemise a definition of reverse sensitivity, but rather provides an extrapolation of the concept in the key areas of the Proposed Plan where reverse sensitivity would arise as a significant effect, for instance in the Rural and Greenbelt Residential Zones.
4. Although it is not desirable to duplicate information unnecessarily, I consider it would be appropriate to include a definition of reverse sensitivity within Chapter 26 given the significance of this issue in the District and to provide greater clarity to assist with the implementation of the Proposed Plan. I therefore recommend that a definition of reverse sensitivity be added to Chapter 26 as per submission points (32.33) and (98.07) and all further submission points as referenced in the table below.

4.17.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|------------------------------------|------------------|-----------|--------------------------|
| 32.33 | | NZ Pork Industry Board | | | Accept In-Part |
| | 506.68 | Ernslaw One Ltd | Support | | Accept In-Part |
| | 513.05 | Rayonier New Zealand Ltd | Support | | Accept In-Part |
| | 516.29 | Federated Farmers of New Zealand - | Support | | Accept In-Part |
| | 524.09 | Higgins Group Holdings Ltd | Support | | Accept In-Part |
| 98.07 | | Horticulture NZ | | | Accept In-Part |
| | 505.17 | Powerco | Support | | Accept In-Part |
| | 506.50 | Ernslaw One Ltd | Support | | Accept In-Part |
| | 513.25 | Rayonier New Zealand Ltd | Support | | Accept In-Part |
| | 516.30 | Federated Farmers of New Zealand | Support | | Accept In-Part |

4.17.4 Recommended Amendments to the Plan Provisions

Add a new definition for Reverse Sensitivity as follows:

Reverse sensitivity is the vulnerability of an existing lawfully established activity to complaints from new activities in the vicinity which are sensitive to the adverse environmental effects being generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.

4.18 New Definition - 'Supermarket'

4.18.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|-----------------------------|--------------------------|--|---|--------------------|
| 71.11 | Progressive Enterprises Ltd | | A definition for supermarket should be provided. | Include definition for "Supermarket" as follows: <u>Supermarket means a retail shop where a comprehensive range of predominately domestic supplies and convenience goods and services are sold for consumption or use off-premise, and includes lotto shops and pharmacies located within such premises.</u> | |

Progressive Enterprises Ltd (71.11) asserts that a definition of 'supermarket' should be provided for in the Proposed Plan.

4.18.2 Discussion & Evaluation

- Progressive Enterprises Limited (71.11) submit that a definition for supermarket should be provided for in Chapter 26, Definitions. References to supermarket are concentrated in the Urban Zone provisions of the Proposed Plan where they are discussed in conjunction with large format retail activities. As there is little contention or confusion over the scope or meaning of the term, and given also that references to supermarket are confined to specific areas of the Proposed Plan, I recommend that the submission point (71.11) be rejected.

4.18.3 Reporting Officer's Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|------------------|-----------------------------|------------------|-----------|--------------------------|
| 71.11 | | Progressive Enterprises Ltd | | | Reject |

4.18.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Proposed Plan as a result of this submission point.

4.19 New Definition - 'Wastes'

4.19.1 Submissions Received

| Sub No. | Submitter Name | Support/ In-Part/ Oppose | Summary of Submission | Decision Requested | Further Submission |
|---------|---------------------------|--------------------------|---|---|--------------------|
| 27.01 | Horizons Regional Council | In-Part | Policy 2.5.6 is not clear about what "wastes" are intended to be encompassed by this policy and therefore what rules in links to. | Include a definition for "wastes" in relation to Policy 2.5.6 and only cover areas within Council's jurisdiction. | |

Horizons Regional Council (27.01) request clarity around the type of wastes referred to in Rural Zone Policy 2.5.6 and seek that a definition be included in Chapter 26 that defines wastes in relation to that policy. In related submission point (27.28) Horizons seeks to limit the scope of Rule 19.6.17 Wastes Disposal to apply to wastes that are strictly within the jurisdiction of Horowhenua District Council.

4.19.2 Discussion & Evaluation

1. The term 'waste' is used throughout the Proposed Plan, particularly in the Rural and Urban Zones.
2. Policy 2.5.6 in the Rural Zone ensures that all activities within the rural environment dispose of wastes in a manner that avoids, remedies or mitigates adverse effects. This policy is implemented through two methods being rules and standards in the Proposed Plan and the requirements in the Proposed One Plan. In this context, it is not considered appropriate to add a definition on 'waste' as sought by Horizons as it would limit the application and intent of this policy.
3. The term 'waste' is used in many rules and standards, such as Rule 19.6.17 Wastes Disposal in the Rural Zone and Rule 15.6.19 in the Residential Zone. These rules seek to ensure all waste (solid, refuse, effluent and sewage) are appropriately managed. In a related submission point (27.28) on Rule 19.6.17, Horizons Regional Council seek an amendment to this Rule to limit its scope to 'refuse' given that effluent and sewage are within the jurisdiction of regional and not district council. In the Section 42A Report for the Rural Environment (Refer to section 4.62) it is recommended this submission point be accepted and the rule amended to the effect that the rule would apply to "All wastes (including sewage, effluent, and refuse, compost and recyclable materials including scrap metal..."
4. The submitter (27.01) additionally, seeks that a definition of 'wastes' be included in Chapter 26 for clarity, which correlates with the rule. Although the recommended relief for Rule 19.6.17 clarifies what waste is covered by this provision, given the other references to waste throughout the Proposed Plan relate to all types of waste (e.g. solid, effluent, sewage), it is not considered effective or efficient to add a new definition to limit waste as sought by

Horizons. It is noted the majority of reference to ‘waste’ in the Proposed Plan rules include reference to the types of waste to be managed. I recommend that the submission point (27.01) be rejected and that no definition for waste be added to Chapter 26.

4.19.3 Reporting Officer’s Recommendation

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer’s Recommendation |
|---------|------------------|---------------------------|------------------|-----------|--------------------------|
| 27.01 | | Horizons Regional Council | | | Reject |

4.19.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Proposed Plan as a result of this submission point.

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

Like the Operative District Plan, the Proposed District Plan includes a chapter outlining definitions for a range of terms that commonly appear in the Proposed Plan, usually where the Plan does not already explicitly clarify the meaning of a term within the text, or provide a context for a clear interpretation of specific terms. Additionally, the Definitions Chapter also provides a guide to key abbreviations used throughout the text of the Plan, in the form of a quick-find index of key abbreviations to assist with the interpretation of abbreviated terms where there is a need to provide additional clarity around those terms.

A total of 36 submission points and 25 further submission points from 23 submitters have been received in relation to the Proposed Chapter 26 (Definitions). The submissions vary widely in the definition topic and relief sought, including:

- clarification of the term 'building' with the exemption of additional types of structures including crop support structures and lightening rods of up to 2m in height;
- the inclusion of permitted size thresholds within the definition of family flats to ensure that the stated thresholds, as defined in the rules for each of the zones, can also be applied to the Greenbelt Residential Zone enabling consistency between all zones in the interim period prior to a plan change which would update Plan Change 21 in line with the Proposed Plan Provisions;
- The inclusion of a new definition for 'reverse sensitivity' for clarity around the actual meaning of this term.

The submitters generally either support the proposed definitions, or support in-part those definitions and related provisions for which they have felt that amendments are appropriate. Some opposing submission points were tabled in respect of several definitions.

Overall, the relief suggested by submitters range from minor enhancements to wording in order to be more precise about the coverage of the definition, through to increased certainty in respect of rules and standards and clearer linkages and/or additions via consequential amendments to provisions throughout the Plan, and finally, amendments to bring some definitions in line with current technical terminologies.

In assessing the submission points, I have made recommendations for amendments to seven definitions, as well as the deletion of an existing definition and the addition of one further definition.

In conclusion, I recommend that Council proceed to adopt Chapter 26 (Definitions) and other consequential amendments within the Proposed Plan subject to the recommendations contained in this report.

6. Appendices

6.1 Proposed District Plan as amended per officer's recommendations

Chapter 26: Definitions

Amend the definition of Building as follows:

Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:

- (a) Any fence or wall which has a height of 2 metres or less.
- (b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.
- (c) Any vehicle, trailer, tent, caravan, or boat.
- (d) Any swimming pool or tank which has a height of less than 1 metre above ground.
- (e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.
- (f) Any electricity poles and ~~pylons~~ towers.
- (g) Any pergola, crop support structure or similar structure of a substantially open nature.
- (h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.
- (i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached.

Amend the definition of Bund as follows:

Bund means an embankment which may be used as a mitigation measure for different effects, including but not limited to, limit noise effects, provide a visual effects (e.g. screening), or as a liquid containment system for hazardous substances, and for sediment and erosion control. ~~designed to prevent the dispersal of hazardous substances from accidental on-site discharges.~~

Delete the definition of Development as follows:

~~**Development** means carrying out any work or ancillary activity on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land.~~

Amend the definition of Family Flat as follows:

Family Flat means any detached building which shall be capable of being a self-contained residential unit with kitchen and bathroom facilities, and shall be secondary in scale to any principal residential dwelling on the site.

Within the Greenbelt Residential Zone, a Family Flat shall be no more than 50m² in maximum gross floor area (plus a covered verandah up to 10m²).

Amend the definition of Notional Boundary as follows:

Notional Boundary means, with regard to the measurement of noise, the legal boundary of the ~~property~~ site on which any dwelling is located or a line 20 metres from the dwelling whichever point is closer to the dwelling.

Amend the definition of Site as follows:

Site means an area of land ~~comprised wholly of~~ held in one (1) computer register (certificate of title); or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; ~~or an area of land held in one (1) computer register.~~

Amend the definition of Temporary Activity as follows:

Temporary Activity means any short term activity and any buildings and structures associated with that activity and includes, but is not limited to:

- any event such as a gala, a sports event, a festival, a market or an outdoor music event; or
- any short term filming activities.

It does not include Temporary Military Training Activities.

Add a new definition Reverse Sensitivity as follows:

Reverse sensitivity is the vulnerability of an existing lawfully established activity to complaints from new activities in the vicinity which are sensitive to the adverse environmental effects being generated by the existing activity, thereby creating the potential for the operation of the existing activity to be constrained.

Make consequential amendments to include Health and Safety Signs as an Official Sign in the following rules:

Chapter 15: Residential Zone

Amend Rule 15.1(h) as follows:

The following types of signs:

(i)...

(v) Health and safety signs

Amend Rule 15.6.27 Table 15-1 as follows:

Table 15-1: Maximum Face Area for Signs

| Type of Sign | Maximum Face Area (m ²) per site |
|--------------------------------|--|
| <u>Health and safety signs</u> | <u>N/A</u> |

Chapter 16: Industrial Zone

Amend Rule 16.1(l) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Chapter 17: Commercial Zone

Amend Rule 17.1(n) as follows:

The following types of signs:

(i)...

(vi) Health and safety signs

Chapter 20: Open Space Zone

Amend Rule 20.1(e) as follows:

The following types of signs:

(i)...

(ix) Health and safety signs

Amend Rule 20.6.18 Table 20-1 as follows:

Table 20-2: Maximum Face Area for Signs

| Type of Sign | Maximum Face Area (m²) per site |
|--------------------------------|---|
| <u>Health and safety signs</u> | <u>N/A</u> |

6.2 Schedule of Officer's Recommendations on Submission Points

| Sub. No | Further Sub. No. | Submitter Name | Further Position | Submitter | Officer's Recommendation |
|---------|----------------------------|--|-------------------------------|-----------|--|
| 32.29 | | NZ Pork Industry Board | | | Reject |
| 78.15 | | Telecom New Zealand Ltd | | | Accept In-Part |
| 79.15 | | Chorus New Zealand Ltd | | | Accept In-Part |
| 98.00 | 518.14 | Horticulture NZ Transpower New Zealand Ltd | In-Part | | Accept In-Part Accept In-Part |
| 99.45 | | Transpower New Zealand Ltd | | | Accept |
| 37.03 | | Homestead Group Limited | | | Reject |
| 98.01 | | Horticulture NZ | | | Accept |
| 98.02 | 516.25 | Horticulture NZ Federated Farmers of New Zealand | Support | | Accept In-Part Accept In-Part |
| 98.03 | 506.48 528.22 | Horticulture NZ Ernslaw One Ltd Horizons Regional Council | In-Part In-Part | | Reject Reject Reject |
| 77.01 | 506.36 513.09 | Higgins Group Holdings Ltd Ernslaw One Ltd Rayonier New Zealand Ltd | Support Support | | Reject Reject Reject |
| 99.46 | 517.39 | Transpower New Zealand Ltd Horticulture NZ | Oppose | | Accept Accept |
| 66.09 | | Bruce & Christine Mitchell | | | Reject |
| 96.41 | 506.24 506.25 518.15 | Federated Farmers of New Zealand Ernslaw One Ltd Ernslaw One Ltd Transpower New Zealand Ltd | Support In-Part In-Part | | Reject Reject Reject Accept In-Part |
| 65.09 | 518.16 528.14 | Horowhenua Farmers' Ratepayer Group Transpower New Zealand Ltd Horizons Regional Council | In-Part In-Part | | Reject Accept Accept |
| 77.00 | 506.36 | Higgins Group Holdings Ltd Ernslaw One Ltd | In-Part | | Reject Reject |

| | | | | |
|--------|--------------------------------------|---|--|--|
| 108.39 | | HDC (Planning Department) | | Accept |
| 95.47 | | New Zealand Defence Force (NZDF) | | Accept |
| 55.00 | | KiwiRail | | Accept |
| 41.20 | 512.01 | Powerco Vector Gas Ltd | Support | Accept In-Part Accept In-Part |
| 32.31 | | NZ Pork Industry Board | | Reject |
| 96.43 | 506.27 502.01 | Federated Farmers of New Zealand Ernslaw One Ltd Meyer | Support In-Part | Reject Reject Accept |
| 98.05 | | Horticulture NZ | | Accept In-Part |
| 50.06 | 506.76 | Rayonier NZ Ltd Ernslaw One Ltd | Support | Reject Reject |
| 40.38 | | House Movers Section of NZ Heavy Haulage Association Inc. | | Reject |
| 40.02 | | House Movers Section of NZ Heavy Haulage Association Inc. | | Reject |
| 99.47 | | Transpower New Zealand Ltd | | Accept |
| 98.06 | 500.24 | Horticulture NZ NZ Pork Board | Support | Accept In-Part Accept In-Part |
| 110.01 | | Fraser | | Reject |
| 44.21 | | Genesis Power Ltd | | Accept In-Part |
| 44.20 | | Genesis Power Ltd | | Accept In-Part |
| 95.00 | | New Zealand Defence Force (NZDF) | | Accept |
| 95.01 | | New Zealand Defence Force (NZDF) | | Accept |
| 93.28 | | The Oil Companies | | Accept |
| 32.33 | 506.68 513.05 516.29 524.09 | NZ Pork Industry Board Ernslaw One Ltd Rayonier New Zealand Ltd Federated Farmers of New Zealand - Higgins Group Holdings Ltd | Support Support Support Support | Accept In-Part Accept In-Part Accept In-Part Accept In-Part |
| 98.07 | | Horticulture NZ | | Accept In-Part |

| | | | | |
|-------|--------|----------------------------------|---------|----------------|
| | 505.17 | Powerco | Support | Accept In-Part |
| | 506.50 | Ernslaw One Ltd | Support | Accept In-Part |
| | 513.25 | Rayonier New Zealand Ltd | Support | Accept In-Part |
| | 516.30 | Federated Farmers of New Zealand | Support | Accept In-Part |
| 71.11 | | Progressive Enterprises Ltd | | Reject |
| 27.01 | | Horizons Regional Council | | Reject |

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