

APPENDIX 1C - Regional and National Infrastructure

Submitter Name: New Zealand Defence Force

Submission No: 48

Summary:

- The submitter opposes section 3.2 Objectives and Section 3.3 Policies in part. A new objective should be added relating to infrastructure and physical resources of regional and national importance, to ensure Proposed Plan Change 36 gives effect to Objective 3-1 and Policies 3-1 and 3-2 of the Regional Policy Statement for the Manawatu-Wanganui Region (RPS) contained in the Proposed One Plan.
- The submitter requests that a policy be added relating to infrastructure and physical resources of regional and national importance, to ensure Proposed Plan Change 36 gives effect to Objective 3-1 and Policies 3-1 and 3-2 of the Regional Policy Statement for the Manawatu-Wanganui Region (RPS) contained in the Proposed One Plan.

Decision Sought:

1. That a new objective be added. Suggested wording is below.
 - *"The establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance is provided for within the Rural Zones."* or
 - *"Infrastructure and other physical resources of regional or national importance located within the Rural Zones are protected from reverse sensitivity effects."*
2. That a new policy be added. Suggested wording is below.
 - *"When assessing applications for the establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance, significant weight shall be given to the benefits of that facility."* or
 - *"Land use and subdivision activities that would establish, or allow the establishment of, activities sensitive to the effects of existing activities, particularly infrastructure and other physical resources of regional or national importance, shall be avoided, as far as is reasonably practicable."*

Further Submitter Name: Transpower NZ Ltd

Submission Number: FS5.3

Supports Decision points 1 and 2

Reason Agrees that it is important to recognise that infrastructure also needs to locate in rural environments and need to be protected from adverse effects (including reverse sensitivity).

Council Decision:

Submission 48 by New Zealand Defence Force and Further Submission 5.3 by Transpower NZ Ltd is **Accepted in part**.

Make the following changes as a result of this submission:

Insert a new objective to apply to all rural zones to read:

The establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance is provided for within all rural zones.

Insert the following new policies to apply to all rural zones to read:

1. *When assessing applications for the establishment, operation, maintenance and other physical resources of regional or national importance, significant weight shall be given to the benefits of the facility.*
2. *Land use and subdivision activities that would establish, or allow the establishment of, activities sensitive to the effects of existing activities, particularly infrastructure and other physical resources of regional or national importance, shall be avoided, as far as is reasonably practicable.*

Council Reasons for Decision:

1. It is essential that infrastructure and other physical resources of regional or national importance are provided for within the District Plan to give effect to the Manawatu-Wanganui Region Policy Statement, the One Plan.
2. The rural environment is often the most ideal location for some infrastructure and physical resources. It is important that they are able to operate without the effects of reverse sensitivity.

Submitter Name: Horizons Regional Council

Submission No: 26

Summary:

- Submitter supports Issue 3.1, Objectives 3.2.1, 3.2.2, 3.2.4, 3.2.5 and Policies 3.3.1, 3.3.4, 3.3.6, 3.3.7 and 3.3.8.
- Submitter supports Rule 3.4.1 but notes users need to be aware of Horizons Regional Council requirements relating to domestic waste water.
- Submitters supports Rule 3.4.2 but notes that creation of lots between 2500m² and 5000m² may result in domestic wastewater issues if a dwelling is proposed.
- Submitter supports Rule 3.4.3 and 3.4.4.
- Submitter supports 3.8.1 with inclusion of a guidance note.

Decision Sought:

1. For the intent of Issue 3.1, Objectives 3.2.1, 3.2.2, 3.2.4, 3.2.5 and Policies 3.3.1, 3.3.4, 3.3.6, 3.3.7 and 3.3.8 be retained, any amendments be restricted to those to improve clarity.
2. That the intent of 3.4.1 is retained, any amendments be restricted to those that improve clarity, and a guidance note be added advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
3. That 3.4.2(c) be amended to provide a 5000m² minimum lot size and a guidance note be added advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
4. That Rule 3.4.3 and 3.4.4 be retained, any amendments be restricted to those to improve clarity.
6. That a guidance note be added to 3.8.1 advising users of the domestic wastewater requirements under the Proposed One Plan Rule 13-11.
7. Any alternative or consequential amendments or relief that may be necessary or appropriate to give effect to the decision sought.

Council Decision:

That Submission 11 from Horizons Regional Council be **Accepted**.

Make the following changes to the Plan as a result of this submission:

Insert advice note at the end of Sections 3.5, 3.7, 3.9, 3.11 to read:

Note: The domestic wastewater requirements under Horizons Regional Council One Plan Rule 13-11 (new and upgraded discharge of domestic wastewater) may apply.

Amend Rule 3.4.2(c) to read:

- c. *Subdivision to create one allotment with a minimum site area of 5000m² and a maximum site area of one hectare site area.*
 - i. *Provided that:.....*

Council Reasons for Decision:

1. The support of Horizon's Regional Council for the proposed issues, objectives policies and rules is noted and appreciated.
 2. In relation to decision points 2, 3 and 6 inclusion of the advice is in the performance standards section for each rural zone is recommended, in accordance with Clause 16(2) First Schedule the Act. A single advice note in each zone is sufficient to alert Plan users to the One Plan wastewater requirements.
 3. In relation to decision point 3 it is accepted that to give effect to the One Plan, Rule 3.4.2(c) needs to be amended as sought by the Regional Council. The purpose of the rule is to provide for a one-off subdivision of minimal size to limit the loss of productive land, hence the changes proposed provide for the minimum required and any proposed larger subdivision will default to non-complying activity status as a signal that such subdivision is not anticipated to be consistent with the objectives and policies of the Plan.
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Submitter Name: New Zealand Fire Service Commission

Submission No: 68

Summary:

- The submitter is concerned about the provision of adequate firefighting water supplies in areas that cannot be connected to a reticulated water network. The submitter requests that the remaining Rural A, Rural C and Rural Settlement Zones be added to Rule 11.5.7 as this would provide a consistent approach throughout the Plan.
- The submitter is also concerned with development that may take place separately to the subdivision processes in areas with no connection to reticulated water supply including dwellings, commercial and structures with a high occupancy that might take place in the Rural Environment.

Decision Sought:

1. That Rural A, Rural C and Rural Settlement be included in Chapter 11 Site Serviceability Rule 11.5.6(a) and 11.5.6(b).
2. Include the following in structures Rules 3.5.5, 3.7.8, 3.9.5, 3.11.5:

All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supply Code of Practice 2008 SNZ PAS 4509:2008.

Council Decision:

Submission 68 by the NZ Fire Service Commission be **Accepted in Part**.

Make the following changes to the Plan as a result of this submission:

Amend Rule 11.5.7(d) to read:

- d. *For sites in any Rural B zone applications shall:*
 - i. *Provide secure suitable non-reticulated levels of service for potable water supply.*
 - ii. *Demonstrate the ability to comply with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

Insert the following rule at the end of Rules 3.5.5, 3.9.5, 3.11.5:

All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supply Code of Practice 2008 SNZ PAS 4509:2008.

Council Reasons for Decision:

1. It is acknowledged that the water supply and fire-fighting requirements should be applied to all rural zones.
2. A new rule is supported to specify the need for fire-fighting water supply and access to this supply in relation to the zones that are currently under review. Rural B Zone was reviewed separately and is not part of this Plan change. This

matter was not raised in submissions to PC23 – Rural B Zone. Council will look to incorporate this rule into the Rural B Zone at the earliest opportunity.

3. Assessment of Submission 68 (NZ Fire Service Commission) has highlighted the omission of some formatting links. This has been addressed as a minor amendment under Clause 16 of the First Schedule of the Act, to improve clarity of the Plan in relation to how the rural provisions relate to Sections 11.4 and 11.5 (Subdivision). Chapter 3 already identifies that rules in Section 11.4 and consequently 11.5 shall apply. The amendments made spell this out more clearly.

Submitter Name: New Zealand Transport Agency

Submission No: 51

Summary:

- The Transport Agency is an investor in the Wanganui District's local road network, funding maintenance and operations, renewals, capital works and public transport services and supports the overall intent and direction of Proposed District Plan.
- The Plan change to acknowledge reverse sensitivity along the State Highway corridors, ensuring sites which have road frontage to the State Highway Network have adequate setback distances to avoid any potential for reserve sensitivity issues.

Decision Sought:

1. Issue 3.1.4 Rural A Zone.

Support with inclusion (shown with underline below),

In particular: Acknowledging of reverse sensitivity along the State Highway corridors.

"To avoid noise sensitive activities where they will be located in existing high noise environments such as adjacent to a State Highway and the adverse effects of that noise cannot reasonably be mitigated."

2. Policy 3.3.17b Rural Settlement Zone.

Support with inclusion (shown with underline below),

In particular, ensuring sites which have road frontage to the State Highway Network have adequate setback distances to avoid any potential for reserve sensitivity issues.

... especially to avoid any potential for reverse sensitivity issue arising, including the noise and vibration from State Highway network; and...

Retain with inclusion.

3. Rule 3.4.3 Discretionary Activities, Rural A Zone.

Support with inclusion (shown with underline below),

In particular, b, Retail Activities up to 75m² gross floor area adjoining a state highway, written approval must be obtained from the NZ Transport Agency.

The Transport Agency supports the provisions allowing the establishment of small commercial activities Discretionary Activity, which generally have a small volume of vehicle movements.

Retain with inclusion.

4. Rule 3.8.3 Discretionary Activities, Rural C Zone.

Support with inclusion (shown with underline below),

In particular, b, vi, Retail Activities up to 75m² gross floor area adjoining a state highway, written approval must be obtained from the NZ Transport Agency.

The Transport Agency supports the provisions allowing the establishment of small commercial activities Discretionary Activity, which generally have a small volume of vehicle movements.

Retain with inclusion.

5. Rule 3.10.1 Permitted Activities, Rural Settlement Zone.

Support with inclusion,

In particular, *e, Retail activities except where adjoining a state highway.*

The Transport Agency supports the establishment of small commercial activities which generally have a small volume of vehicle movements, on local roads.

Retain as notified.

6. Rule 3.10.1 Discretionary Activities, Rural Settlement Zone.

Support with inclusion (shown with underline below),

In particular, a, Retail activities adjoining the state highway. The Transport Agency would like to see the inclusion,

Retail activities adjoining the state highway, written approval must obtained from the NZ Transport Agency.

Retain with inclusion.

7. 13 Definitions, Sensitive Activities.

Seek inclusion (shown with underline below),

In particular, include sensitive activity controls around the state highway network.

Sensitive activities, means those activities within an electricity transmission corridor or within 80 metres from a State Highway. Activities that are particularly sensitive to the risk associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or vulnerability of equipment or population that is exposed to the risk and the exposure from traffic noise and vibration may exceed the desirable limit for a noise sensitive activity if not adequately insulated from noise arising from use of the state highway network. Such activities include...

Include protection to the State Highway network with setback to assist any reserve sensitivity issues.

8. General across Rural A, Rural C and Rural Settlement Zones.

Include reverse sensitivity provisions, to encourage sensitive activities to establish further away from the State Highway, or install noise attenuation. Please see attached provisions,

Include provisions in Appendix 1 (below) across Rural A, Rural C and Rural Settlement Zones to protect the State Highway network with adequate setback to stop any reserve sensitivity issues arising.

9. Appendix 1 - Proposed rules:

- 1) New PPFs shall not be located within 20 metres of the edge of the nearest traffic lane of any state highway or within 20 metres of any state highway designation that does not contain an existing state highway.
- 2) Within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway, any new PPFs or any alteration to a PPF beyond 10% of the existing gross floor area, shall be designed and constructed to comply with the following design sound levels:
 - a) Road-traffic noise inside all habitable spaces: 40 dB $L_{Aeq(24h)}$
 - b) Road-traffic noise in all other PPFs: No greater than the recommended maximum design guidelines in AS/NZS 2107:2000
- 3) If windows to habitable spaces are required to be closed to achieve the design sound levels in rule 2, the building shall be designed and constructed with a ventilation system to achieve the following:
 - a) A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.
 - b) Either: air conditioning shall be provided; or a high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces.
 - c) At the same time as meeting the above requirement in b), the sound of the system shall not exceed 40dB $L_{Aeq(30s)}$ in the principal living space and 35dB $L_{Aeq(30s)}$ in all other habitable spaces, when measured 1m away from any grille or diffuser.
 - d) The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation.
 - e) Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal stages up to the high setting.
- 4) A design report prepared by an acoustics specialist shall be submitted to the, District Council, demonstrating compliance with Rules 2 and 3, prior to construction of any PPF or alteration to a PPF beyond 10% of the existing gross floor area, within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway. The design shall take into account future permitted use of the state highway; for existing roads by the addition of 3 dB to existing measured or predicted levels.

[PPF to be defined in Plan as per NZS 6806]

[Habitable space to be defined in the Plan as per Building Code]

Council Decision:

Submission 51 by New Zealand Transport Agency be **Accepted in part.**

Make the following changes to the Plan as a result of this Submission:

Amend Performance Standard 3.5.5 Structures by inserting the following:

c. Dwellings shall be located at least:

- i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
- ii. 10 metres from any other side or rear boundary;*
- iii. 10 metres from any other front boundary.*

Council Reasons for Decision:

1. It is acknowledged that the NZ Transport Agency supports the overall intention of the Plan Change.
2. In relation to requested Decision point 1; the intention of the proposed issue is acknowledged but has not been identified, through research and consultation to be as an issue specifically within the Rural A Zone and is not considered necessary. The Committee determined that as this issue applies beyond the rural zones, it is more appropriately addressed within the Plan change to review existing noise provisions currently underway.
3. In relation to requested Decision point 2; alteration of Policy 3.3.17.b; while the intent of the submission can be supported, it is considered that the change would unduly narrow the focus of the policy in relation to reverse sensitivity and this is not helpful. Council does not wish to expand the provisions to spell out all potential sources of reverse sensitivity as this is not necessary.
4. In relation to requested Decision points 3 - 6; the submitter requests the inclusion of written approval from NZ Transport Agency for retail activities where adjoining the state highway. Such activities will be assessed as either a discretionary or non-complying activity and on a case by case basis. NZ Transport Agency will always be considered an affected party. Therefore the inclusion requested is unnecessary.
5. In relation to requested Decision point 7, 8 and 9; The submitter has explained the purpose of a setback of some distance, but did not provide justification for it being a distance of 80 metres. Such a setback has not been shown to be necessary to address an existing or reasonably likely future issue in the Wanganui rural zones context. The Committee felt this issue required more detail which is more appropriately reviewed in the Phase 6 Plan change which addresses noise comprehensively.
6. The Committee appreciated the detailed evidence presented on behalf of NZTA. It accepted the need to manage noise sensitivity issues near state highways in the interest of national objectives for transport efficiency and effectiveness. It supported the rationale and necessity for a Buffer set-back for noise sensitive activities of 20 metres from the edge of the traffic lane for all state highways where posted speed is 70km/hr or greater.

Submitter Name: Powerco Limited

Submission No: 11

Summary:

- Submitter supports 3.4.1 Rural A Permitted Activities and 3.8.1 Rural C Permitted Activities with a minor amendment. These advice notes are important to alert users to requirements under the NZECP 34:2001. This advice note should also be included in the Rural Settlement Zone.
- Submitter supports 3.11.8.f, 3.5.6.f and 3.9.6.f. Identification and Health and safety are important to warn people of the risks associated with the corresponding infrastructure.

Decision Sought:

1. To amend the advice note in 3.4.1 and 3.8.1 to state New Zealand Code of Practice 34:2001.
2. To include the amended advice note in 3.10.1.
3. To retain 3.11.8.f, 3.5.6.f and 3.9.6.f without modification (Advertising).
4. Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to this submission as a result of the matters raised.

Further Submitter Name: Transpower NZ Limited

Submission No: FS5.1

Supports Decision points 1 and II

Reason: Supports except that it wishes to include the following sentence as sought in its original submission: "*Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.*"

Council Decision:

Submission 11 by Powerco Limited and Further Submission 5.1 by Transpower NZ Ltd be **Accepted in part**.

Make the following changes to the Plan as a result of these submissions:

Amend the advice note in 3.4.1 and 3.8.1 and insert a new advice note at the end of Rule 3.10.1 to read:

Advice Note: *Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines.....*

Council Reasons for Decision:

1. The advice notes are important to alert users to requirements under the NZECP 34:2001. It is accepted that an advice note should also apply in the Rural Settlement Zone at Rule 3.10.1. The Committee preferred wording proposed by Transpower NZ Ltd which achieves the same intent.

2. Transpower NZ Ltd's further submission is a repeat of its original submission. It is accepted that the additional wording is appropriate, but the changes are made as a result of the submission rather than this further submission.

Submitter Name: Transpower NZ Limited

Submission No: 56

Summary:

- Seeks consequential amendments to terminology, namely the terms given to the different corridors and yards of the buffer corridor approach.
- Seeks to incorporate the buffer approach provisions including for subdivision and earthworks within the chapter to which this Plan change relates only.
- The submitter support the use of exclusive definitions of sensitive activities in District Plans.

Remedy Sought

- SP1 That Plan Change 36 is approved, subject to appropriate amendments that ensure:
- Full effect is given to the National Policy Statement for Electricity Transmission 2008;
 - Effect is given to the policies of the One Plan;- Recognition of the National Environmental Standards for Electricity Transmission Activities and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the Act);
 - The protection of the existing network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate National Grid Yard and National Grid Subdivision provisions;
 - Provide an appropriate policy framework for the development of new electricity transmission lines; and
 - Provide for the on-going operation, maintenance, upgrading and development of existing transmission lines.
- SP2 Adopt any other such relief, including additions, deletions or consequential amendments necessary to address the relief sought in SP1 above and all other Submission points that follow.
- SP3. That Plan Change 36 is approved, subject to the amendments which follow that ensure that policies 10 and 11 of the NPSET are given effect to.
- SP5. Insert the following paragraphs into the introductory section of Chapter 3 as follows:

The National Grid infrastructure plays a key role locally, regionally and nationally. It forms an essential part of the efficient functioning of the District and its maintenance and development contributes to the health, safety and well-being of residents. The national, regional or local benefit of having a sustainable, secure and efficient utility network must be recognised and provided for.

The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to "Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*

- Managing the adverse effects of other activities on the network”.

OR words to the like effect.

SP6 Amend Issue 3.1.1 as follows:

3.1.1 Inappropriate subdivision, land use or development can lead to adverse effects on the visual amenity value of the open space characteristics of the rural environment and the operation, maintenance, upgrading and development of the National Grid.

AND

SP7 Insert a new issue under the ‘Rural A Zone’ heading as follows:

Some infrastructure facilities, especially the roading network, electricity transmission and telecommunications facilities have specific locational and operational requirements resulting in a need to establish in the rural environment.

SP8 Amend Objective 3.1.1 as follows:

3.2.1 Safeguard the versatility and life supporting capacity of soils within the District, particularly Class 1 and 2 soils, from inappropriate subdivision, use and development. Or words to the like effect.

SP9 Amend Objective 3.2.2 as follows:

3.2.2 ~~Rural land use and development~~ and other established land uses that have a functional necessity to be located within the rural environment, including National Grid assets, is not compromised by the establishment of non-rural activities. Or words to the like effect.

SP10 Amend Objective 3.2.4 as follows:

3.2.4 Protect rural character and amenity values to ensure that a predominance of rural productive activities and open, low density development continues to define the wider rural environment from inappropriate subdivision, use and development.

Or words to the like effect

SP11 Insert a new objective as follows:

3.2.6 Avoid land use activities and subdivision that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of the National Grid. Or words to the like effect.

SP12 To insert the following to Policy 3.3.5

c. regionally or nationally significant infrastructure including National Grid assets; Or words to the like effect.

SP14 Insert a new policy in Section 3.3 as follows:

Recognise and provide for the development, operation, maintenance and upgrading of essential network utilities, including the National Grid.

OR words to the like effect.

SP16 Insert a new policy in Section 3.3 as follows:

When managing the effects of essential network utilities consider the locational, technical and operational requirements of network utilities and the contribution

they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

OR words to the like effect.

SP17 Amend permitted activities 3.4.1(i) and 3.8.1(h) as follows:

Network utilities as provided permitted by District Wide Rule 40.4 Utilities (Rule R15)

SP18 Amend the Advice Note provided in 3.4.1 and 3.8.1 as follows:

Advice Note: works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Proactive 34:2001 is mandatory for all buildings, earthworks and mobile Plant within close proximity to all electric lines.

Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Tress) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator. Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.

SP19 Amend restricted discretionary activity rules 3.4.2(b) and 3.8.2(b) to include:

The identified Building Platform shall be located outside the National Grid Yard

AND

Amend restricted discretionary rule 3.4.2(c) to include:

The identified Building Platform shall be located outside the National Grid Yard.

Insert the following matters of discretion under rules 3.4.2(b), 3.4.2(c) and 3.8.2(b):

- *Impacts on the operation, maintenance, upgrade and development of the National Grid.*
- *The ability of future development to comply with NZECP34:2001.*
- *Technical advice provided by Transpower*
- *The ability of the applicant to provide a complying building platform.*
- *Location, design and use of the proposed building platform or structure as it relates to the National Grid.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
- *The nature and location of any vegetation to be Planted in the vicinity of National Grid Lines.*

OR insert a new restricted discretionary rule in sections 3.4.2, 3.8.2, and 3.10.2 of the District Plan as follows:

Subdivision of land located within the National Grid Subdivision Corridor where a building platform for the principal building and any dwelling is located outside of the National Grid Yard

Council restricts its discretion to the following matters:

- Impacts on the operation, maintenance, upgrade and development of the National Grid.
 - The ability of future development to comply with NZECP34:2001.
 - Technical advice provided by Transpower.
 - The ability of the applicant to provide a complying building platform.
 - Location, design and use of the proposed building platform or structure as it relates to the National Grid.
 - The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
 - The nature and location of any vegetation to be planted in the vicinity of National Grid Lines.
- OR words to the like effect.

SP20 Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Any building within 150m of the secured yard of a National Grid substation.

Council restricts its discretion to the following matters:

- i. The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
- ii. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
- iii. The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.
- iv. Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.
- v. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

OR words to the like effect.

SP21 Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Earthworks within 12m of a National Grid support structure that fails to comply with performance standard XX(c)(i)

Council restricts its discretion to the following matters:

- Impacts on the operation, maintenance, upgrade and development of the National Grid.
- Compliance with NZECP34:2001.

- Technical advice provided by Transpower.
- The risk to the structural integrity of the National Grid.
- Any impact of the ability of the National Grid owner (Transpower) to access the National Grid.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

SP22 Amend discretionary activity rules 3.4.3(f) and 3.8.3(f) as follows:

Network utilities as ~~not provided for as permitted activities~~ by General District Wide Rule – Utilities (rule RXX) of the Plan.10.1.

SP23 Amend non-complying activity rules 3.4.4(a), 3.4.4(b), 3.8.4(a) and 3.8.4(b) as follows:

~~a. The establishment or expansion of any sensitive activity within an electricity transmission yard.~~

~~b. Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area.~~

a. Any activity, building or structure within the National Grid Yard which does not comply with performance standard XX.b or XX.c

b. Any earthworks within the National Grid Yard which does not comply with performance standards XXXc(ii) and XXXc(iii)4

c. Any building or addition to a building for a sensitive activity within the National Grid Yard.

d. Any change of use to a sensitive activity or the establishment of a new sensitive activity within the National Grid Yard.

e. A hazardous facility within the National Grid Yard

f. Any subdivision of land in any zone within the National Grid Corridor which cannot provide a building platform for the principal building or any dwelling n any allotment being created outside of the National Grid Yard.

Or words to the like effect.

SP24 Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Activities within the National Grid Yard

a. On any sites within any part of the National Grid Yard any new buildings or structures shall be:

i. A fence less than 2.5m in height; or

ii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or

iii. An uninhabitable farm building or structure for farming activities (but not a milking/dairy shed excluding ancillary structures, PSA3 Structures, or intensive farming buildings; or

- iv. An uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.
- b. On any sites within any part of the National Grid yard any new buildings or structures complying with any of the conditions of a. shall:
 - i. Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or
 - ii. Demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained under all National Grid line operating conditions
- c. On any sites within any part of the National Grid Yard earthworks except earthworks for a Network Utility or earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track shall:
 - i. be no deeper than 300mm within 12m of any National Grid support structure foundation except that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt.
 - ii. not compromise the stability of a National Grid support structure;
 - iii. not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

OR any other such relief that achieves the same outcome i.e. to provide for the above standards as permitted activities in all relevant sections of the chapter.

SP25 Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Buildings and Structures around National Grid support structures

- a. Buildings and structures, except horticultural structures, within 12 metres from a National Grid support structure shall be:
 - i. A fence less than 2.5m in height; or
 - ii. A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001
 - iii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
 - iv. Commercial scale electricity generation infrastructure.
- b. Agricultural and horticultural structures within 12m from a National Grid support structure shall:
 - i. Meet the requirements of the NZECP34:2001 for separation distances from the conductor; and
 - ii. Be less than 2.5m in height; and

iii. Be removable or temporary, to allow a clear working space 12 metres from the pole for maintenance and emergency repair purposes; and

iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; and

v. Have obtained the written approval from Transpower in accordance with Clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure.

OR provide for the above standards as permitted activities in all relevant sections of the chapter.

SP26 Amend the definition of 'Sensitive Activities' as follows:

Sensitive activities, means those activities within an electricity transmission corridor that are particularly sensitive to the risks associated with electricity National Grid high voltage transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include childcare and educational facilities, residential buildings, hospitals and health care facilities.

OR words to the like effect.

SP27 Retain the definition of 'non-rural activities' as notified.

SP28 Insert a new definition of 'National Grid Yard' and diagram illustrating the yard as follows:

National Grid Yard means:

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line

AND any consequential amendments to replace reference to 'electricity transmission yard' throughout the District Plan with 'National Grid Yard'

SP29 Insert a new definition of 'National Grid Subdivision Corridor' as follows:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers
- 37m for the 220kV transmission line

AND any consequential amendments to replace reference to 'electricity transmission corridor' throughout the District Plan with 'National Grid Subdivision Corridor'.

SP30 Retain the inclusion of the transmission lines on the District Plan maps as proposed.

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.1

Supports in part:

Reason: Supports inclusion of new issue under Rural A zone as indicated in Transpower's SP7, however suggests it be amended to also include reference to electricity distributions lines.

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.2

Supports the submission

Reason: Supports Transpower's SP12

Further Submitter Name: Powerco Limited (Powerco)

Submission No: FS1.3

Supports in part:

Reason: Supports inclusion of new policy in Section 3.3 as detailed in Transpower's SP14 as it is consistent with the One Plan policies 3-1 and 3-2. However suggests that 'essential network utilities' be replaced with the term 'regionally significant infrastructure' to be consistent with the One Plan and to avoid confusion as it is noted that there is no definition of 'essential network utilities' in the District Plan.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.1

Opposes in part:

Reason: Opposes SP20, as a restriction of 150m buffer would unduly restrict agricultural buildings as well as residences.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.2

Opposes in part:

Reason: Opposes SP23 and suggests that a better alternative would be to reference the NZECP 34:2001 as recently agreed by the Environment Court in an appeal at Rangitikei District.

Further Submitter Name: Federated Farmers of NZ

Submission No: FS2.3

Opposes in part:

Reason: Opposes SP26 and seeks clarification about what is meant by Transpower when it says 'clarify that sensitive activities may be activities that fall outside the National Grid Corridor.' Federated Farmers is concerned that such amendments could unduly capture normal rural land and farming activities.

Council Decision:

Submission 56 by Transpower NZ Ltd, and Further Submissions 1.1 and 1.3 by Powerco Ltd, 2.1, 2.2 and 2.3 by Federated Farmers be **Accepted in Part** and Further Submission 1.2 by Powerco Ltd be **Approved**.

Make the following changes to the Plan as a result of these Submissions:

Make the following amendments to Issues:

Amend Issue 3.1.1 by inserting the following at the end:

“and on the operation, maintenance upgrading and development of regionally or nationally significant infrastructure”.

Insert new issue 3.1.4 to read:

Some infrastructure facilities, especially the roading network, electricity transmission and distribution networks and telecommunications facilities have specific locational and operational requirements resulting in a need to establish in the rural environment.

Make the following amendments to objectives:

- 3.2.1 *Safeguard the versatility and life supporting capacity of soils within the District, particularly Class 1 and 2 soils, from inappropriate subdivision, use and development.*
- 3.2.2 *Rural land use and development and other established land uses that have a functional necessity to be located within the rural environment, including regionally or nationally significant infrastructure ~~is~~ are not compromised by the establishment of non-rural activities.*
- 3.2.4 *Protect rural character and amenity values from inappropriate subdivision, use and development, to ensure that a predominance of rural productive activities and open, low density development continues to define the character of the wider rural environment.*

Make the following amendments to policies:

Amend Policy 3.3.6 by inserting the following:

- c. *regionally or nationally significant infrastructure;*

Make the following amendments to rules:

Amend permitted activities 3.4.1(i), 3.8.1(i) and 3.10.1(f) as follows:

Network utilities as ~~provided~~ permitted by District Wide Rule 10.1 Utilities.

Amend the Advice Note provided in 3.4.1, 3.8.1 and 3.10.1 as follows:

Advice Note: works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile Plant within close proximity to all electric lines.

Vegetation to be planted within near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Tress) Regulations 2003. To discuss works, including

tree planting, near any electrical line, contact the line operator. Compliance with the permitted activity standards of this Plan does not ensure compliance with NZECP34:2001.

Insert new activity rules in sections 3.4.1 and 3.8.1 (and renumber appropriately) as follows:

- k⁴. The following activities within the National Grid Yard provided they comply with Performance Standards 3.5.11 (3.9.11):*
 - i. Fences less than 2.5m in height and at least 5 metres from any National Grid support structure;*
 - ii. Network Utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid;*
 - iii. Un-inhabited farm structures associated with farming activities (excluding milking/dairy sheds, PSA3 Structures, or intensive farming buildings);*
 - iv. Uninhabited horticultural structures other than a commercial greenhouse or intensive farming building*
- l⁵. The following structures (excluding horticultural structures) within 12 metres of the National Grid support structures:*
 - i. Fences less than 2.5m in height;*
 - ii. A fence located within 5m of a support structure where Transpower NZ Ltd has given written approval in accordance with clause 2.3.3 of NZECP34:2001;*
 - iii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid;*
 - iv. Commercial scale electricity generation infrastructure*
- m⁶ Agricultural and horticultural structures within 12 metres of any National Grid support structure provided they comply with Performance Standard 3.5.12 (3.9.12).*

Insert new performance standards in section 3.5 and 3.9 (and renumber appropriately) as follows:

- 3.5.11(3.9.11) Structures within the National Grid Yard**
 - a. Any new structure shall:**
 - i. Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or.*
 - ii. Demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained under all National Grid line operating conditions.*
 - b. Earthworks (excluding where associated with a Network Utility or agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track) shall not:**
 - i. exceed a depth of 300mm within 12m of any National Grid support structure foundation, except that vertical holes not exceeding 500mm in*

⁴ Identified in SP24 as 3X.Xa

⁵ Identified in SP25 as 3X.Xa

⁶ Identified in SP25 as 3.X.Xb

- diameter which are more than 1.5m from the outer edge of any pole support structure or stay wire are exempt.*
- ii. compromise the stability of a National Grid support structure;*
 - iii. result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.*

3.5.12(3.9.12) Agricultural and horticultural structures within 12m of the National Grid support structures

- a. Any new structure shall:**
 - i. Meet the requirements of the NZECP34:2001 for separation distances from the conductor; and*
 - ii. Be less than 2.5m in height; and*
 - iii. Be removable or temporary, to allow a clear working space 12 metres from the pole for maintenance and emergency repair purposes; and*
 - iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; and*
 - v. Have obtained the written approval from Transpower in accordance with Clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure.*

Amend restricted discretionary activity rules 3.4.2(b), 3.4.2(c) and 3.8.2(b) to include:

...The identified Building Platform shall be located outside the National Grid Yard

Insert the following matters of discretion under rules 3.4.2(b), 3.4.2(c) and 3.8.2(b):

- *Impact on the operation, maintenance, upgrade and development of the National Grid, including compliance with NZECP34:2001.*
- *Risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Insert a new restricted discretionary activity rule and matters of discretion into section 3.4.2 as follows:

- d. Any building within 20m of the secured yard of a National Grid substation.**

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid including the location and orientation of dwellings and any associated planting, relative to the National Grid substation.*
- *Compliance with NZECP34:2001.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

- e. Earthworks within 12m of a National Grid support structure that fails to comply with performance standard 3.5.11(b)(i)**

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid, including access for these purposes and the risk to the structural integrity of the National Grid.*
- *Compliance with NZECP34:2001.*

- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Insert a new restricted discretionary activity rules and matters of discretion into section 3.8.2 as follows:

- c. *Any building within 20m of the secured yard of a National Grid substation.*

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid, including the location and orientation of dwellings and any associated planting, relative to the National Grid substation.*
- *Compliance with NZECP34:2001.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

- d. *Earthworks within 12m of a National Grid support structure that fails to comply with performance standard 3.9.11(b)(i)*

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid, including access for these purposes and the risk to the structural integrity of the National Grid.*
- *Compliance with NZECP34:2001.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*

Amend discretionary activity rules 3.4.3(f), 3.8.3(f) and 3.10.1(f) as follows

Network utilities as not provided for as permitted or restricted discretionary activities by District Wide Rule 10.1.

Amend non-complying activity rules 3.4.4(a), 3.4.4(b), 3.8.4(b) and 3.8.4(c) as follows and number as required:

The establishment or expansion of any sensitive activity within an electricity transmission yard. Any activity, structure or earthworks within the National Grid Yard which does not comply with performance standard 3.5.11 (3.9.11).

Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area. Establishment of any sensitive activity or any structure or addition to a structure associated with a sensitive activity and located within the National Grid Yard.

Insert new non-complying activity rules 3.4.4 and 3.8.4 and number as appropriate:

A hazardous facility within the National Grid Yard.

Subdivision with a building platform for a principal building or dwelling located within the National Grid Yard.

Make the following amendments to Chapter 10 District Wide Rules:

Insert a new objective and renumber as required:

Avoid land use activities and subdivision that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of the National Grid.

Insert new policies and renumber as required

Recognise and provide for the development, operation, maintenance and upgrading of regionally or nationally significant infrastructure.

When managing the effects of essential network utilities consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

Make consequential amendments throughout the Plan to replace reference to:

- 'electricity transmission yard' throughout the District Plan with 'National Grid Yard'.
- 'electricity transmission corridor' throughout the District Plan with 'National Grid Subdivision Corridor'.

Amend Chapter 13 Definitions as follows:

Amend the following definition to read:

Sensitive Activities means the following activities:

- a. *Residential activities*
- b. *Farm stays and other buildings used for visitor or tourist accommodation.*
- c. *The accommodation or care of people, including hospitals*
- d. *Educational facilities including childcare and kohanga reo facilities.*

Insert the following new definitions:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- *16m for the 110kV lines on pi poles*
- *32m for 110kV lines on towers*
- *37m for the 220kV transmission line*

National Grid Yard means:

- *the area located 12 metres in any direction from the outer edge of a National Grid support structure; and*
- *the area located 12 metres either side of the centreline of any overhead National Grid line.*

Insert diagram illustrating national grid yard definition as proposed by SP28 of the submission.

Council Reasons for Decision:

General

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission. This was accepted by those parties and Council.
2. A number of infrastructure providers wanted specific reference to their facilities in addition to reference to 'regionally or nationally significant infrastructure'. The Committee considered this unnecessary as it is implicit and may unduly clutter

the Plan. It may also create uncertainty where not all relevant infrastructure is listed. The Committee determined that the term 'regionally or nationally significant infrastructure' would suffice.

3. For responses by Submission point refer to the Table below:

Sub Point	Council Decision Reasons
SP1, SP2 and SP3	Noted and accepted with amendments to more appropriately achieve those outcomes.
SP4, SP13, SP15	No submission point attached to these numbers.
SP5, SP6, SP11, SP14, SP16	The introductory paragraph, issue amendment and new objective 3.2.6, and policies in 3.3 are generally accepted but more appropriately located in the proposed Network Utilities section as they would apply equally to all other zones. Amendments are generally included now or will be added as part of the review of Chapter 10 currently underway and expected to be notified in mid-2015.
SP7, SP8, SP9, SP10,	Inclusion of new issue 3.1.4 and addition to objectives 3.2.1, 3.2.2 and 3.2.4 are largely accepted, with amendments for clarity.
SP12	Addition to Policy 3.3.5 is accepted except that the Committee determined it unnecessary to specify each national or regionally significant infrastructure as by implication only mentioning some may cause uncertainty about the inclusion of other infrastructure.
SP17	Accept the minor word change except that no rule R15 exists at present – so it is unclear what is intended by the submitter. The Committee determined to apply the wording to Rule 8.10.1(f) (Rural Settlement zone) for consistency, and confirmed that the same wording will be applied to the Rural Lifestyle zone as part of the Phase 6 District Wide provisions review.
SP18	Addition to Advice Note is accepted.
SP19	<ol style="list-style-type: none"> 1. Inclusion of the additional proviso to being Restricted Discretionary activity is accepted. 2. The proposed list of matters of discretion is far too exhaustive and lengthy. 3. Building platform compliance is covered already by compliance with section 11.4 – which also requires compliance with 11.5 performance standard 11.5.6.

	<p>4. An abbreviated single matter is preferred, that retains discretion for Council to consider any matters that may impact on the operation, maintenance, upgrade and development of the National Grid, including compliance with NZECP34:2001. All other matters requested by the submitter are a subset of that general restriction and can be considered as relevant.</p>
<p>SP20, SP21</p>	<ol style="list-style-type: none"> 1. The Committee determined that it provided greater interim clarity to include all the rules and performance standards within the Rural Environment Chapter. It was accepted that restriction of fences within 5 metres of a support structure was consistent with the NZECP34 requirements. 2. As referred to in Council Reason 1, the appropriate separation distance from the National Grid Yard is 20m. The inclusion of the restricted discretionary activity is otherwise accepted. 3. The list of matters over which Council retains discretion for restricted discretionary activities was repetitive and contains items which are already covered by more generic items.
<p>SP22</p>	<ol style="list-style-type: none"> 1. The wording clarifies existing meaning, except that restricted discretionary activities also need to be specified in the same way, not just permitted activities, or they too will default to discretionary. 2. As referred to in Council Reason 3, it is intended that the Phase 6 review of Chapter 10 Utilities will streamline the Plan format. Where provisions have already been reviewed, it will simply be a reformatting exercise.
<p>SP23</p>	<p>Proposed activities have been combined to reduce repetition and volume.</p>
<p>SP24</p>	<ol style="list-style-type: none"> 1. The intention is accepted. Rule 3X.X(a) has been included in the permitted activity (renumbered 3.4.1(k) etc) as it is a list of activities permitted within the National Grid Yard provided they meet the performance standards specified in Rule 3X.X(b) and Rule 3X.X(c), (renumbered 3.5.11(a) and (b)etc). 2. The terminology and format has been altered slightly to better fit with the Plan format. Note that the definition of 'Structure' in the Plan already includes buildings, so this has not been repeated. 3. Sections 3.6 and 3.7 of the Plan relating to the Rural B zone are not part of Plan Change 36. For consistency the amendments will be inserted as part of Phase 6 of the Plan

	review.
SP25	Performance standard 3X.X has been renumbered 3.5.19, 3.9.12. Note the existing definition of 'structure' includes all buildings.
SP26	Changes presented in evidence at the Hearing are preferred.
SP27 SP30	Points are noted and accepted.
SP28, SP29	New definitions and diagram illustrating the yard, are accepted along with consequential changes to replace the terms 'electricity transmission yard' and 'electricity transmission corridor' with National Grid Yard and 'National Grid Subdivision Corridor' throughout the Plan.

Council Reasons for Decisions on Further Submissions:

4. The Committee accepted the request that, in evidence tabled by Powerco NZ Ltd, Issue 3.1.4 refer to distribution networks as this promotes the inclusion of reference to electricity distribution infrastructure. This is required to give effect to Policy 3-1 of the One Plan.
5. Powerco NZ Ltd promotes a change in relation to use of the term 'regionally significant infrastructure' in order to be more consistent with the One Plan and to provide added clarity for Plan users.
6. In relation to the further submissions from Federated Farmers, Transpower NZ Ltd has recently indicated that the 150m buffer is not justified, that it would accept reference to the NZECP 34:2001 and it has clarified that buildings and structures pose an additional risk beyond the National Grid Corridor in relation to lightning strike.

Submitter Name: Horticulture New Zealand

Submission No: 71

Summary:

- Horticulture NZ generally supports the approach in Plan Change 36 to ensure that land is available for high value production, such as horticulture. Clear identification of potential for reverse sensitivity and provisions to manage it are critical to enabling rural production activities. Throughout the Plan Change there is reference to Class 1 and 2 soils. The classifications are based on the NZ Land Resource Inventory which is based on more than the components of the soil – rather the nature of the land and climate. Therefore the reference should be to Class 1 and 2 land rather than soils.
- It is noted that Rural B provisions have been reviewed separately and are not subject to Submission as part of Plan Change 36. This means that the effect of the changes to the Rural Zones cannot be seen in their totality. Provisions should have been assessed as part of the same Plan change.
- The statement about buffer areas may not always apply so amended wording is sought. Productive land is not 'lost' as the productive nature of the land still exists, even if under houses. Rather it is not available for production land activities.
- 'Rural character' which is in essence a subset of visual amenity value, but is more clearly linked to the rural environment and context. In addition, while the rural environment is generally more open than urban environments there are buildings and structures which exist and are essential to rural production activities.
- Generally the issues are supported but changes sought to be consistent with changes sought above, particularly the focus on land rather than soils.
- However the objective should not be limited to rural activities as some other rural land uses are appropriate in rural areas. Objective 3.2.4 seeks to 'protect' rural character and amenity values. This is a higher threshold than provided for in Section 7 of the Act.
- Policies 3.3.1 and 3.3.4 seem to duplicate the same issue in respect of lifestyle development.
- The policy that describes the rural character is supported. However a few changes are sought so that it better describes the rural environment.
- Policy 3.3.7 uses the term 'large' holdings. It is a subjective term and would be better to be linked to the outcome that is sought.
- The policy that describes the rural character is supported. However a few changes are sought.
- Submitter supports the Rural Activities definition as it provides for ancillary uses which are incidental and secondary to the rural activity, although it does not list examples of such ancillary activities but does not include rural industries.
- "Horticulture NZ is concerned that a new dwelling could be built as a permitted activity on a site 5000m² with only a setback of 10 metres from the boundary. This gives potential for reverse sensitivity complaints.
- A larger setback is sought. There needs to be provision for activities that are able to be undertaken in proximity to the National Grid as permitted activities. This will include artificial crop protection and crop support structures.
- Horticulture NZ is concerned that there is a presumption that small sites are not economical or good use of productive land. A site of 4 hectares of kiwifruit can be an

- economical operation. Requiring a minimum site area of 10 hectares in the Rural A Zone could preclude such uses of the land.
- Changes need to be made to reflect the inclusion of a permitted activity rule for activities within the National Grid Yard.
 - Horticulture NZ does not support the use of the Hazardous Facility Screening Procedure and considers that meeting the requirements of HSNO in respect of hazardous substances should be the requirement in the District Plan. Appendix F has not been reviewed as part of this Plan Change but it has the potential to have a significant impact as to whether an activity is permitted or not. In particular there needs to be provision for the storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.
 - There is also a need to provide for signs on all properties to meet HSNO requirements in respect of hazardous substances.
 - Rather than an arbitrary setback the threshold should be linked to shading of a neighbouring property or the height of the tree. Shelterbelts are important for orchards and if Class 1 and 2 land in Rural Zone A is to be used for high value production then there needs to be provision for shelterbelts.
 - The Plan proposes to amend the definition of amenity values beyond the definition in the Act. This is not supported as the Act definition has been subject to case law and does not require the additional matters listed. The amended definition has wider application than just the Rural Zones so any changes need to be included in a wider Plan change.
 - Changes are sought to the provisions for the National Grid to provide for artificial crop protection structures and crop support structures. Inclusion of definitions would assist in implementing these provisions.
 - Seeks that it is clear that a number of associated rural activities are included within the definition of rural activities. In particular it should ensure that frost fans and bird scarers are specifically provided for and would like to discuss provisions with Council.

Decision Sought:

1. Amend all references to 'Class 1 and 2 soils' to 'Class 1 and 2 land'.
2. Amend 4th paragraph by deleting 'The quality of' so that the paragraph reads: "The rural environment is characterised by...."
3. Include the area of Class 1 and 2 land in Wanganui in the introduction to Rural A.
4. Amend para 3 2nd of the Rural A introduction sentences as follows: This may result in a loss of land available for rural production activities may be avoided or limited near boundaries to avoid reverse sensitivity and neighbour issues. However the onus is not on the lawfully established rural activity to mitigate effects in this way.
5. Amend Issue 3.1.1 as follows: Inappropriate subdivision, use or development can lead to adverse effects on the rural character, particularly the generally open nature, of the rural environment.
6. Amend the last sentence of 3.1.4 to: This may result in less productive land being available for rural production activities.
7. Amend 3.1.5 by changing 'soil resource' to 'the land resource'.
8. Amend Objective 3.2.2 to Rural activities, land use and development.....
9. Amend Objective 3.2.4 to 'Maintain rural character

10. Define lifestyle development as 'development where the predominant purpose for the site is rural residential living rather than rural production.'
11. Delete Policy 3.3.4
12. Amend Policies 3.3.5 and 3.3.14 e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used f) a varied noise environment may exist, including intermittent noise from rural machinery and equipment.
13. Amend Policy 3.3.7 as follows: Retain Class 1 and 2 land in holdings of sufficient size to enable opportunities for a range of rural activities to occur. Retain Policy 3.3.8.
14. Ensure that the definition of rural activities includes packing sheds on farm or orchard artificial crop protection structures, and also use of land for airstrips and agricultural aircraft. Rural activities should also include frost fans and bird scarers subject to meeting performance standards.
15. Include a permitted activity rule in the Rural A and Rural C Zones for the National Grid Yard.
16. No buildings, structures or Sensitive Activities shall be located within the National Grid Yard except that this shall not apply to the following provided they comply with the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and are located at least 12m from the outer visible edge of a National Grid transmission line support structure unless otherwise specified below:
 - i) Fences located at least 5m from a National Grid line support structure
 - ii) A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001.
 - iii) Alterations and additions to existing buildings that do not involve an increase in the building envelope or floor space.
 - iv) Network utilities (excluding buildings and structures for dams and irrigation schemes).
 - v) Uninhabitable farm buildings and structures for farming activities, but excluding milking sheds and buildings for Intensive Farming including commercial greenhouses.
 - vi) Artificial Crop Protection Structures, located at least 8m from the outer edge of a transmission line support pole (not tower) provided it is no more than 2.5m high, is removable or temporary to allow a clear working space of 12m from the pole when necessary for maintenance purposes, and is located a sufficient distance from a pole to provide unimpeded access for maintenance equipment, including a crane.
 - vii) Artificial Crop Protection Structures, located within 8m of the outer edge of a transmission line support pole or 12 of the outer edge of a tower where Transpower New Zealand gives its written approval in accordance with clause 2.4.1 of NZECP34:2001."
17. All earthworks, quarrying and mining within a National Grid Yard shall meet the following standards:
 - i. Around poles:

- Shall not be deeper than 300mm within 2.2 m of a transmission line pole support structure or stay wire; and
 - Shall not be deeper than 750mm between 2.2m to 5m from a transmission line pole support structure or stay wire.
 - Except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of the pole support structure or stay wire are exempt from these conditions.
- ii. Around Towers
- Shall not be deeper than 300mm within 6m of the outer visible edge of a transmission line tower support structure; and
 - Shall not be deeper than 3m between 6m to 12m from the outer visible edge of a transmission line tower support structure.
- iii. At any location in the National Grid Yard
- Do not create an unstable batter that will affect a transmission line support structure; and/or
 - Do not increase ground levels such that the minimum ground to conductor clearance distances in NZECP 34: 2001 are not met
- iv. Provided that the following earthworks are exempt from the above:
- Earthworks undertaken by a network utility operator (complying with NZECP 34: 2001); or
 - Earthworks undertaken as part of normal rural cultivation, or the repair, sealing or resealing of a road (including a farm track), footpath or driveway.
- v. Include a definition for National Grid Yard as 12 metres from a transmission support structure or the centreline of the conductor.
18. Add to 3.4.2 b) matters of discretion i) the ability of sites to: avoid potential reverse sensitivity
19. Amend 3rd matter: maintain or enhance rural lifestyle character.
20. Revise 3.4.2 b) to ensure that blocks suitable for rural productive purposes such a horticulture are able to be established.
21. Amend 3.4.2 c) matters of discretion 2) Impact on the rural character of the surrounding area and to avoid potential reverse sensitivity.
22. Amend 3.4.4 b) and 3.8.4 b): Any building or structure located within the National Grid Yard that does not meet the permitted activity rule 3.4.1 and 3.8.1 respectively.
23. Add a provision under 3.5.4 for storage and use of agrichemicals and fertilisers where these meet best practice standards such as NZS8409:2004 Management of Agrichemicals and the HSNO Fertiliser Group Standards.
24. Add a 3.5.5 e) Dwellings shall be located 20 metres from the side and rear boundary.
25. Delete 'shelterbelts' from 3.5.8 a) 3.7.5(a) and 3.9.8(a) and delete the 10 metres setback distance in 3.5.8, 3.7.5 and 3.9.8. Include a provision for where a tree is over 8 metres it does not shade neighbouring property at midday on the shortest day in 3.5.8, 3.7.5 and 3.9.8.
26. Add a definition for National Grid: The National Grid is the electricity transmission network owned and operated by Transpower NZ.
27. Amend all references to 'electricity transmission lines' to 'National Grid'.
28. Delete proposed changes to the definition of amenity values.
29. Add definition: Artificial Crop Protection Structures means structures built with material used to protect crops and/or enhance growth (excluding greenhouses).

30. Add definition: Crop support structures are open structures on which Plants are grown –
31. Add definition: Greenhouses are a totally enclosed structure where Plants are grown in a controlled environment.
32. Make changes which are consequential to the decisions sought in this Submission.

Council Decision:

Submission 71 by Horticulture NZ be **Accepted in Part.**

Make the following changes to the Plan as a result of this Submission:

Amend Chapter 3 – Rural Environment by deleting all references to:

- ‘Class 1 and 2 soils’ and replace with ‘Class 1 and 2 land’.
- ‘lifestyle living’ and replace with ‘lifestyle development’.
- ‘Electricity transmission’ and replace with ‘National Grid’ where this term is used in the context of yards, corridors or lines (including Rural B zone as a minor amendment for completeness).

Amend Chapter 3 Introduction as follows:

Amend 4th paragraph by deleting ‘quality of the’ so that the paragraph reads:

“The rural environment is characterised by....”

Amend 2nd paragraph Rural A zone to read:

“The extent of Class 1 and 2 land in the Wanganui District is limited, It comprises just seven percent (15,712 hectares) of the land in the District (237,415.81 ha), with much of it located close to the urban area....”

Amend 3rd paragraph Rural A zone, 2nd sentence to read:

“This may results in an even greater further loss of productive land, as where buffer areas are informally created at boundaries where which avoid or limit productive activities are limited or avoided, around each productive unit, in which no productive activities occur to avoid minimise reverse sensitivity and neighbour issues. However the onus is not on the lawfully established rural activity to mitigate effects in this way.”

Amend issues as follows:

Amend Issue 3.1.1 to read:

Inappropriate subdivision, use or development can lead to adverse effects on the visual amenity value of the open space rural characteries, particularly the generally open nature, of the rural environment.

Amend the last sentence of 3.1.5 to read:

This may results in less an even greater loss of productive soilsland being available for rural production activities.

Amend 3.1.6 by replacing ‘soil resource’ with ‘the land resource’ and replacing ‘capacity of soil’ with capacity of the land’

Amend objectives as follows:

Amend Objective 3.2.2 to read: *Rural activities....*

Amend objective 3.2.4 to read:

~~Protect~~ Maintain rural character and amenity values,.....

Amend policies as follows:

Delete policy 3.3.4.

Amend Policies 3.3.6 and 3.3.15 to read:

- e) rural activities and practices and odours from rural activities are acceptable provided best practicable options are used*
- f) a varied noise environment may exist, ~~with~~ including intermittent noise from rural machinery and equipment.*

Amend Policy 3.3.7 as follows:

Retain Class 1 and 2 land in large holdings of sufficient size to ~~protect~~ future versatility and enable opportunities for a range of rural activities to occur.

Amend rules as follows:

Amend Rule 3.4.2(b) 3rd matter of discretion to read:

....~~Maintain or enhance rural lifestyle~~ character and to avoid potential reverse sensitivity.

Amend Rule 3.4.2(c) 2nd matter of discretion to read:

Impact on the character of the surrounding area, ~~ability of the site to achieve quality urban design outcomes~~ and to avoid potential reverse sensitivity

Amend Performance Standard 3.5.5 Structures as follows to read (including deletion of the reference to obtaining written approvals):

- ...b. New structures (excluding fences less than two metres high, and loading races in relation to road frontage and dwellings):*
 - i. shall be a minimum of 5 metres from any site boundary; and*
 - ii. shall not be located within 20 metres of any existing dwelling located on another property; and*
- c. Dwellings shall be located at least:*
 - i. 20 metres from the nearest traffic lane for any boundary adjacent to a state highway where the posted speed is at least 70km/hour.*
 - ii. 10 metres from any other side or rear boundary;*
 - iii. 10 metres from any other front boundary.*

Amend Performance Standards 3.5.8, 3.7.5 and 3.9.8 Trees to read:

- a. No-shelter belt shall exceed 4 metres in height.*
- b. Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;
Except that this standard does not require any tree to be planted more than 10 metres from a boundary.*

Amend Performance Standards 3.5.12(iv), 3.9.12(iv) by deleting 'and ' and replacing with 'or'.

Amend Chapter 13 Definitions as follows:

Delete the proposed definition for Amenity Values.

Insert a new definition for **Lifestyle Development** to read:

Lifestyle Development means development in any rural zone where the predominant purpose for the site is rural residential living rather than rural production activities.

Amend the definition of **Rural activities** to read:

.....and ancillary uses which are incidental and secondary to the rural activity, including but not limited to artificial crop protection structures and agricultural airstrips.

Insert new definitions as follows:

National Grid Subdivision Corridor means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers
- 37m for the 220kV transmission line.

National Grid Yard means

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line.

Artificial Crop Protection Structures means structures built to protect crops and/or enhance growth (excluding greenhouses).

Council Reasons for Decision:

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission. Council accepted this as an appropriate buffer.
2. In addition the parties concurred that where Horticulture NZ or Federated Farmers had made submissions on a matter also submitted on by Transpower NZ Ltd, that the provisions of the Transpower NZ Ltd submission should be preferred by Council. Council has generally adopted this approach.
3. For responses to remedies sought by Horticulture NZ refer to the Table below:

Remedy Sought	Council Reasons
1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 18, 19, 21, 29, 32	Noted and largely accepted with some minor amendments. Support for retention of Policy 3.3.8 as notified is noted.

8	Reference to rural activities as proposed is accepted. However Transpower NZ Ltd proposed changes, including deletion of reference to development in Objective 3.2.2 and this is accepted.
10	Inclusion of a definition for 'lifestyle development' is accepted, but to ensure terminology is consistent the Committee determined to replace any references to lifestyle living such as in policy 3.3.4 with the term lifestyle development.
11	The Committee noted that Policy 3.3.4 essentially duplicates Policy 3.3.1 and so it is deleted.
14	<p>The inclusion of packhouses as part of the definition of rural activities and thus as a permitted activity is not accepted. Packhouses are included within the definition of 'rural industry' which is a discretionary activity in each of the rural zones, as the scale and effects of such activities can vary significantly.</p> <p>Artificial crop protection devices are included in the definition of rural activities and the effects are managed through performance standards.</p> <p>Airstrips and land for agricultural aircraft are included within the existing definition of 'rural activities' where it includes 'ancillary uses which are incidental and secondary to the rural activity'.</p> <p>The Committee accepted that it may be helpful to specify agricultural airstrips within the definition.</p>
15, 16, 17	Provisions to address Transpower NZ Ltd Submission points SP24 and SP25 are preferred and achieve a similar level of permitted activity within the National Grid Yard.
20	Not accepted, as loss of Class I land is the most significant resource management issue for our rural District. Many options exist beyond Class I land for rural activities that prefer a smaller land area e.g. Rural C Zone. Options also exist for use of Class I land for such purposes in conjunction with other rural productive activities.
22	Amendments to Rules 3.4.4(b) and 3.8.4(b) made to address Transpower NZ Ltd Submission points SP24 and SP25 are preferred and achieve a similar outcome.
23	Hazardous substance provisions are not reviewed as part of Plan change 36. They will be reviewed separately.
24	The Committee preferred a 10 metre set back from boundaries which balanced the need to ensure separation of sensitive

	<p>activities from productive rural activities and the desire to minimise the loss of productive use of such highly versatile land.</p> <p>.Changes were also made to performance standard 3.5.5 as a result of other submissions.</p>
25	<p>The Committee acknowledged the specific characteristics of shelterbelts, and has determined to provide for them up to 4metres as promoted by the Submitter at the Hearing. For other trees a recession plane will apply to minimise the loss of use of quality productive land.</p> <p>The Committee accepted the submission that 3rd party approval for a permitted activity reduces certainty.</p>
26	<p>Definitions for National Grid Yards and Corridors are to be included as proposed by Transpower NZ Ltd.</p>
27	<p>The term 'electricity transmission lines' does not appear in the proposed Plan text however the intention of the submission is supported where it is understood to seek a replacement of reference to electricity transmission' with 'National Grid'.</p>
28	<p>The Committee accepted that expansion of the Act's definition of amenity values is not helpful, given the extensive case law that exists to assist with interpretation. The proposed definition is deleted from the Plan change as the practice is not to repeat definitions covered by the Act.</p>
30, 31	<p>A definition of 'Artificial Crop Protection Structure' and expansion of the definition of rural activities to include such structures are accepted. A separate definition of crop support structure is not necessary. The term 'green houses' is only used once in the Plan and is sufficiently clear as written, so a specific definition is not required.</p>

Submitter Name: Federated Farmers

Submission No: 57

Summary

Supports the intention of the Plan change subject to some changes to manage effects of reverse sensitivity and subdivision more appropriately.

Remedy Sought:

1. That a note on LIMS and PIMS of properties in this zone could state that complaints of smell, noise, light spill etc. from existing rural activities will not be actioned by Council.
2. The following changes are proposed:

'3.3.4 Minimise the demand for lifestyle living on productive land by providing encouraging lifestyle development in areas in the Rural B zone, which do not compromise Class 1 and 2 soils. Existing rural activities will not be impeded by lifestyle or residential development, which may require buffer areas between dwellings and incompatible existing uses. The Council will use Land Information Memoranda and Project Information Memoranda to ensure that new developments are aware of the existing primary production uses and that nuisances such as (but not limited to) noise, smell, dust, traffic, light spill can occur. Complaints about these effects will not be actioned where the existing activity is using its best practicable option.'

3. Amend Policy 3.3.10 to read: *Subdivision and rural development in the Rural B zone shall maintain or enhance the rural lifestyle character, but will allow primary production activities to continue.*

4. In Rule 3.4.2 the following changes are suggested –

'Council restricts its discretion to the following matters:

- *The ability of the development to be serviced by on-site means with regard to effluent and storm water disposal.*
- *Impact of the character of the surrounding area, ability of the site to achieve quality urban design outcomes.'*

5. *'3.1.2 Trees and structures adjacent to boundaries can cause shading and/or soil fertility or moisture loss which may compromise activities on neighbouring properties.'*

6. *'3.5.8 Trees*

a. No tree for forestry, shelter belt or soil conservation purposes shall be Planted within 10 metres of any boundary; nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.'

b. No ornamental tree shall be Planted within 4 metres of any boundary nor have any branch that projects from the tree trunk between ground level and a height of 6 metres overhanging the adjoining boundary, unless written consent of the

adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.

c. No tree shall be Planted within 20 metres of any dwelling, unless written consent of the adjacent neighbour and any adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with Council.'

7. That the proposed amendments (above in 5 and 6) are also made to the Rural B and Rural C Zone.

8. '3.5.4 Hazardous substances

Any new or expanded hazardous facility, except for Primary Production activities, is subject to the provisions of Appendix F Hazardous Facility Screening Procedure.'

9. That the Hazardous substances amendments (above in 8) also be made to the Rural B and Rural C zones.

10. A sign not exceeding 2 3m² erected in connection with tourist publicity or special public information denoting places or points of special interest.

11. Need to provide for renewable energy structures in the Plan. Clauses need to be added to allow small wind turbines and other renewable energy options as permitted activities in rural zones. Refer to the Stratford DC discussion document.

12. That references to Class 1 and 2 land throughout the document should be more correctly referred to as LUC Class I and II (in Roman Numerals) by convention.

13. That Section 3.4.1 Rural A Zone Permitted Activities (h) read " ... on or before 1st May 2014."

14. Sensitive Activities definition be amended.

Sensitive activities, means those activities within an electricity transmission corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include childcare and educational facilities, residential buildings, hospitals and health care facilities and exclude normal farming activities (e.g. dairy parlours).

15. Amenity Values Definition be amended:

Means the natural or physical qualities or characteristics of an area that contributes to peoples appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes – including but not limited to; landscape and visual characters, land use, environmental health and safety characteristics, ~~essence~~, comfort and character.'

16. Shelterbelt definition be amended.

A row or rows of trees or hedges Planted to partially block wind flow, primarily on ~~cultivated~~ cultivable land.'

17. That a new definition for intensive farming be added.

Further Submitter Name: Horticulture NZ

Submission No: FS3.5

Support in part and Oppose in part:

Reasons:

1. Supports the strong direction in policy 3.3.4 promoted by submitter, to address potential for reverse sensitivity effects.
2. Supports enabling rural production in the Rural B zone in policy 3.3.10.
3. Urban design outcomes are not appropriate in the rural zones.
4. Wants to ensure adequate provision for orchard trees and opposes in part Fed Farmers proposed wording in decision point 6, as it will restrict optimum use of the land.
5. Supports exemption for primary production activities from HFSP.
6. Definition of sensitive activities should be consistent with NPS for Electricity Transmission.
7. Definition of Amenity should be the same as the Act.
8. Shelterbelt definition should not be limited to land uses linked to cultivation activities.
9. Any changes to Intensive farming definition should be open to submitters for comment.

Council Decision:

Submission 57 by Federated Farmers and Further Submissions FS3.5 by Horticulture NZ be **Accepted in Part**.

Make the following changes to the Plan as a result of these Submissions:

Amend Chapter 3 – Rural Environment by deleting all references to:

‘Class 1 and 2 land’ and ‘Class 1 and 2 soils’ and other derivatives of this term and replacing with ‘LUC Class I and II land’ or like effect.

Make the following amendments to Issues:

Amend 3.1.2 to read:

Trees and structures adjacent to boundaries can cause shading and/or soil fertility or moisture loss, which may compromise activities on neighbouring properties.

Make the following amendments to rules:

Amend Rule 3.4.1(h) to read:

One dwelling on a site of less than 10 hectares, but at least 5000m² site area, created by a subdivision consent granted on or before the Operative date of this rule 1st May 2014.

Delete reference to “ability of the site to achieve quality urban design outcomes” in Rule 3.4.2(c).

Amend 3.5.6 (c) and 3.9.6(c) to read:

A sign not exceeding 23m² erected in connection with tourist publicity or special public information denoting places or points of special interest.

Amend Performance Standards 3.5.8, 3.7.5 and 3.9.8 Trees to read:

- a. *No shelter belt shall exceed 4 metres in height.*
- b. *Trees shall be planted to ensure that at maturity, the base of the tree shall fit within a recession plane which commences at 2 metres above existing ground level at least 2 metres from any boundary and then projects from this line inwards at a 45 degree angle;*

Except that this standard does not require any tree to be planted more than 10 metres from a boundary.

Amend Chapter 13 Definitions as follows:

Delete definition for Amenity Values and rely on the Act definition.

Amend the definition of shelterbelt as follows:

Shelterbelt

Shelterbelt means a row or rows of trees or hedges planted to partially block wind flow. ~~primarily on cultivated land.~~

Council Reasons for Decision:

General

1. A prehearing meeting was attended by representatives of Transpower NZ Ltd, Horticulture NZ and Federated Farmers. Transpower NZ Ltd indicated that it had completed research which confirmed that the appropriate buffer distance around substation facilities was 20metres as opposed to the 150m buffer proposed in its Submission.
2. In addition the parties concurred that where Horticulture NZ or Federated Farmers had made submissions on a matter also submitted on by Transpower NZ Ltd, that the provisions of the Transpower NZ Ltd submission should be preferred by Council.
3. For submitter information, as part of the Phase 6 review of the District wide provisions, a single chapter is to be created which brings together provisions from Chapters 10 and 11, relating to infrastructure as defined in the Act.
4. In relation to further submissions from Horticulture NZ, these are largely supported and refinements to the proposed amendments proposed by Federated Farmers NZ reflect this.
5. For responses to remedies sought by Horticulture NZ refer to the Table below:

Remedy Sought	Officer Comment
1, 2	Not accepted as the proposed amendments go beyond policy where they refer to LIM and PIMs. The LIM and PIM processes are provided for under the Local Government Act 2002 and not this Act. It is accepted that reverse sensitivity issues need to be appropriately avoided or mitigated. However, the purpose of

	<p>LIMs and PIMs processes are to ensure information and knowledge is made available on request where it applies to or may impact on specific land or property. PIMS and LIMs are not tools for imposing conditions or restrictions in themselves.</p> <p>It was not considered necessary to restrict subdivision in the Rural B Zone as proposed, but regardless, Policy 3.3.10 is not part of this Plan change 36 so no changes can be made to it at this time.</p>
3	<p>These changes cannot be implemented as Policy 3.3.10 is included for information only. It is not part of Plan change 36.</p>
4, 5, 7, 12	<p>Noted and accepted with amendments to address each point, except where they relate to Rural B Zone which is beyond the scope of Plan Change 36.</p>
6	<p>The intent of the change is accepted with refinements to address other submissions in relation to rule 3.5.8 Trees. Horticulture NZ opposed these changes where they unduly restrict use of the land for rural purposes, which the Committee accepts was not the intent of the rule. The Committee determined that the rule be amended to minimise loss of productive land and to take better cognisance of the variety of trees reasons for planting them in the rural environment. The Committee further noted that it was unnecessary to regulate for overhanging branches as an effective setback criteria would address this issue. It was accepted that protection against adverse effects and future reverse sensitivity issues should be addressed.</p>
8, 9	<p>The issue of whether to include or exclude primary production activities or apply a minimum scale threshold will be addressed separately when the hazardous substances provisions are reviewed separately.</p> <p>For now the status quo should remain and Rule 3.5.4 should be retained unchanged.</p> <p>However it is accepted that the same rule should apply in the Rural B Zone, to correct an administrative error in a previous Plan change 23.</p>
10	<p>It is accepted that Rule 3.5.6(c) and 3.9.6(c) could be amended to accommodate signage of 3m² in the rural environment, given the practical considerations outlined by the submitter and the minimal effects on the environment of the additional scale of signage.</p>
11	<p>It is accepted that provisions are required to enable renewable energy generation and the structures related to that activity,</p>

	<p>particularly in the rural zones. This topic is currently under review as part of Phase 6 of the Plan review. Clauses could be added to allow small wind turbines and other renewable energy options as permitted activities in the rural zones. Council is cognisant of work undertaken on this topic by other councils including Rangitikei and Stratford.</p> <p>The intent of the submission is supported, and will be provided for in the next series of Plan changes to be notified mid 2015.</p>
13	<p>Rule 3.4.1(h) cannot apply until it is operative and so the date of limitation on subdivision should be the operative date of rule 3.4.1(h).</p>
14	<p>Provision for a limited range of activities associated with rural production are provided for as a result of the Transpower NZ Ltd submission and they are preferred and are understood to supersede this submission point.</p>
15	<p>It is accepted that expansion of the Act definition of amenity values is not helpful, given the extensive case law that exists to assist with interpretation. The proposed definition is deleted from the Plan change as the practice is not to repeat Act definitions in the District Plan.</p>
16	<p>The Further submission from Horticulture NZ is accepted on this point, and the definition of shelterbelts is recommended to be refined to reflect this.</p>
17	<p>Intensive farming has been provided for as a discretionary activity for some years to ensure effects are managed, including those relating to the varied scale of such operations, traffic effects and the potential impact on the amenity of neighbouring properties which are not managed by the One Plan. The Committee determined that the status quo be retained.</p>

