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Dear Wendy

PROPOSED PLAN CHANGES 52 (INDUSTRIAL ZONE) AND 55 (DISTRICT-WIDE RULES) – STATEMENT ON BEHALF OF HORIZONS

1. The Manawatu-Wanganui Regional Council (Horizons) has received notice of the Hearing on Proposed Plan Changes 52 (PC52), 55 (PC55) and 60 (PC60). We were scheduled to speak on Wednesday 7 December. However, I have read the Planning Officers' s42A reports and consider that the recommendations satisfy the relief sought by Horizons in its submission and further submission. I therefore wish to withdraw my wish to be heard at the hearing, but thank the Hearing Committee for the opportunity to provide this additional statement.
2. Although Horizons does not wish to appear at the Hearing, I or any other relevant Horizons specialist staff member will do so should the Hearing Committee consider such an appearance would assist its deliberations.

Horizons' response to Brenda O'Shaughnessy's Statement of Evidence on PC52

3. I have read Ms O'Shaughnessy's Statement of Evidence and her recommendations in regard to Horizons' submission points. All of the decisions sought by Horizons in our submission and further submission have been accepted, with the exception of further submission point FS4/001, and submission points S5/002 and S5/008, which have been accepted in part.

Policy 2.4

4. In our further submission, Horizons sought the retention of Policy 2.4 in Section 16.3 Objectives and Policies as we felt its retention was necessary to ensure a policy framework for the consideration of effects of industrial activities that may extend beyond zone boundaries (FS4/001). In Appendix 3 of her Statement of Evidence, Ms O'Shaughnessy notes her support for our reasons for retaining Policy 2.4 (refer to topic number 14, provision 16.3 Objectives and Policies (Policy 2.4)). However, minor wording changes have been recommended to Policy 2.4 as a result of the submission received from H W Richardson Group.

Kairanga

Marton

Palmerston North

Tairāpapa

Taumarunui

Wanganui

Woodville

5. I have reviewed Ms O'Shaughnessy's proposed amendments to Policy 2.4 and am comfortable that they will provide greater clarity for plan users, while still enabling consideration of environmental effects within and beyond the Industrial Zone boundaries. I therefore urge the Hearings Committee to accept Ms O'Shaughnessy's recommendations with respect to submission S6/007 and further submission FS4/001.
6. In our submission we sought an amendment to Policy 2.4 to specifically include stormwater run-off. This was to ensure support for stormwater neutrality in the policy framework (S5/002). Ms O'Shaughnessy has supported the reasoning provided in the further submission from the Oil Companies (FS12/009), that specific reference to 'stormwater run-off' is not necessary as this would already be covered by the term 'infrastructure.' I agree with these conclusions and am therefore comfortable with Policy 2.4 being retained without reference to 'stormwater run-off.'
7. In submission point S5/002, we also recommended consideration be given to including an advice note beneath Policy 2.4 that specifically provides for stormwater detention areas outside of the Industrial Zone. While Ms O'Shaughnessy has noted her support for the inclusion of such a guidance note, she has recommended that this note be inserted after performance standard 16.4.2(i) Stormwater Neutrality, rather than after Policy 2.4 as we requested.
8. I agree with Ms O'Shaughnessy's conclusion that locating the guidance note after performance standard 16.4.2(i) would be more effective, particularly as our request to include 'stormwater run-off' in Policy 2.4 was rejected. I therefore urge the Hearings Committee to accept Ms O'Shaughnessy's recommendation in response to submission S5/002 and further submission FS12/009.

Flood Hazard Mitigation and Guidance Note beneath Rule 16.4.2

9. In our submission we expressed concern that it is not clear how MDC will require new industrial development outside of the current Flood Channel 2 Zone, but affected by Horizons 0.5% AEP (1 in 200 year) modelled flood information, to avoid or mitigate flood hazard in accordance with One Plan Policy 9-2. This is because the District Plan flood hazard rules only apply to land within a 'Flood Channel Zone.' In our submission we requested that District Plan Map 35 be amended to include the modelled flood information, which is the most accurate flood information for this area. This would also make the flood information contained on the planning map consistent with what is shown on the draft structure plan for the Kawakawa Industrial Park Growth Area.

10. While Ms O'Shaughnessy has generally supported our submission point, I understand that MDC intends to update the flood information on the Planning Maps through a separate natural hazards plan change (PC53). This part of our submission has therefore not been accepted. Horizons will continue to work with MDC to ensure that the natural hazards provisions of the District Plan give effect to the natural hazard objectives and policies of the One Plan through PC53.
11. As an interim measure until the Flood Channel Zones have been updated through PC53, we recommended that the guidance note beneath Rule 16.4.2 be amended. The amended guidance note makes land within the 0.5% AEP (1 in 200 year) modelled floodable area on Appendix 16.2 – Kawakawa Industrial Park Growth Area subject to the Flood Channel 2 Zone Rules. This effectively gives precedence to the flood information contained in the structure plan, over the flood information currently contained on District Plan Map 35. Ms O'Shaughnessy has recommended that this submission point (S5/006) be accepted (refer to topic 41 – 16.4.2 Industrial Zone – Standards for permitted activities (Guidance Notes) of the table in Appendix 3 of Ms O'Shaughnessy's Statement of Evidence).
12. I am of the opinion that the amended guidance note clarifies for plan users which flood information takes precedence, when comparing the current Flood Channel zones on Planning Map 35 against the floodable areas on the draft structure plan for the Kawakawa Industrial Park Growth Area. I therefore urge the Hearings Committee to accept Ms O'Shaughnessy's recommendations on submission point S5/006 (topic number 41, Appendix 3) and S5/008 (topic number 51, Appendix 3).
13. As there are no other outstanding matters of contention, I urge the Hearing Committee to accept all other recommendations made by Ms O'Shaughnessy in relation to Horizons' submission outlined in the Table in Appendix 3 in her Statement of Evidence.

Horizons' Response to Andrea Harris' Statement of Evidence on PC55

14. I have reviewed the Statement of Evidence by Andrea Harris for PC55. Where Ms Harris has recommended that Horizons' submission or further submission points be accepted, I urge the Hearings Committee to accept Ms Harris's recommendations. This statement will focus on those submission points and further submission points that Ms Harris has either accepted in part, or rejected. I am also happy to answer any questions or clarify any points raised in Horizons' submission or further submission.

Definition of Earthworks

15. In our further submission, Horizons requested that guidance note 2 under Table 3D.1 be retained as drafted. We noted that many of the exclusions to the earthworks definition sought by Federated Farmers may require resource consent from Horizons. Further submission point FS4/011 from Horizons has been rejected (topic number 3, page 1 of the table in Appendix 1). Ms Harris has recommended that a number of additional items be added to the list of exclusions in the definition of earthworks. While guidance note 2 under Table 3D.1 is recommended to be retained, subject to a minor amendment as a result of Horizons submission point S5/045 (refer to topic number 249, pages 78-79 of the table in Appendix 1), the exclusion of these items from the definition means that they are no longer subject to the earthworks rules.

16. If the definition of 'earthworks' is amended as recommended by Ms Harris then we consider that consequential changes should be made to guidance note 2 in Section 3A.4 (permitted activities) to also reference new tracks, drilling of bores, and new offal pits and farm dumps. This is because plan users undertaking such activities may no longer refer to the advice notes under the earthworks rules as they are not subject to these provisions. I therefore request the following consequential amendments to guidance note 2 in Section 3A.4 (yellow highlighting):

Water takes, diversions, new tracks, drilling of bores, offal pits, farm dumps and Earthworks are also regulated by the Manawatu Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.

Definition of Network Utilities

17. I have reviewed the suggested amendments to the definition of network utilities (refer to topic number 17, page 15 of the table in Appendix 1) and support Ms Harris's recommended changes. I consider the addition of solid waste facilities and New Zealand Defence Force Facilities to the definition means that the District Plan now gives effect to the second aspect of Policy 3-1 of the One Plan. I therefore urge the Hearings Committee to accept Ms Harris's recommendation in relation to submission point S5/041 by Horizons.

Section 3A.3, Objective 1

18. First Gas Ltd sought to alter the wording of Objective 1 in Section 3A.3 (S20/008). In our further submission we noted that the suggested amendments to Objective 1 generally would generally give effect to Objective 3-1, but that the wording suggested by First Gas Ltd did not include reference to "nationally significant infrastructure." I note that the requested changes to Objective 1 by First Gas Ltd have been rejected and that Objective 1 is to be retained as originally drafted. I wish to reiterate my

support for the retention of Objective 1 as drafted (as per Horizons submission point S5/010). I therefore urge the Hearings Committee to accept Ms Harris's recommendations in relation to S5/010 and S20/008 (topic numbers 41 and 42, page 21 of the Table in Appendix 1).

Section 3A.3, Policy 1.4

19. In our submission, we sought the retention of Policy 1.4 in Section 3A.3 as drafted in PC55. This request has been accepted in part as changes to this policy are proposed in response to submissions S11/021, S16/013 and S20/010. I have reviewed the recommended changes and am of the opinion that amended Policy 1.4 will still give effect to One Plan Policies 3-2, 3-3 and 3-4, as sought in our submission. Specifically, the recommended recognition of the operational constraints of network utilities gives effect to One Plan Policy 3-3 (c)(ii).

Section 3A.3, Objective 2

20. In our original submission, we supported the retention of Objective 2 in Section 3A.3 as drafted in PC55. As noted in the officer comments on topics 60 and 63 of the table in Appendix 1 (pages 25-27), Transpower, Powerco and First Gas all sought amendments to Objective 2 to include the maintenance, replacement and upgrade of network utilities (S11/023, S16/015 and S20/011 respectively). We supported this request in part through our further submission (FS4/009, FS4/010 and FS4/008). Ms Harris has recommended that our further submission points FS4/009, FS4/010 and FS4/008 be accepted. I support the recommended changes to Objective 2, as set out in the officer's recommendations for topics 60 and 63 of the table in Appendix 1 (pages 25-27), as I consider the amended policy gives effect to Policy 3-2 of the One Plan.
21. Powerco also sought the inclusion of "planned development of new network utilities" in Objective 2 (refer to topic number 63, pages 26-27 of the table in Appendix 1). Horizons opposed this part of Powerco's submission, unless it was amended to refer to unimplemented resource consents or other RMA authorisations. We felt that it was not clear what was meant by "planned development." I note that Ms Harris has recommended that a definition of "planned development" be included in the plan. I support this proposed definition and consider that it helps to clarify the intent of the objective. I therefore urge the Hearings Committee to accept Ms Harris's recommended amendments to Objective 2 and her recommended definition of "planned development" as set out in the officer recommendation for topic number 63 (pages 26-27) of the table in Appendix 1.

Section A3.3, Policies 3.1 and 3.2

22. In our further submission, we opposed Transpower New Zealand's request to delete Policies 3.1 and 3.2 and their proposal to insert a new Policy 3.1 (FS4/017, FS4/018 and FS4/019). We felt that the new policy proposed by

Transpower New Zealand was too limited in scope and did not provide policy support for the consideration of effect of other network utilities on the sensitive areas identified in the listed appendices. As noted in the officers comments in relation to topic numbers 81, 83 and 85, we felt that such an approach would limit the ability of the District Plan to give effect to the objective and policies in Chapter 6 of the One Plan (*Indigenous biological diversity, landscape and historic heritage*). Ms Harris has recommended that our further submission points (FS4/019 and FS4/017) be accepted. I therefore urge the Hearings Committee to accept her recommendations in relation to submission point S11/031, S11/029 and S11/030 (topic numbers 81, 83 and 85 (pages 32-35) of the table in Appendix 1).

23. Horizons opposed the suggested amendments to Policy 3.2 sought by Chorus New Zealand and Spark (S17/012 and S18/013). Ms Harris has recommended the acceptance our further submission points (FS4/002 and FS4/003). However, Ms Harris recommends changes to Policy 3.2 as a result of submissions by Heritage NZ Pouhere Taonga (S3/001), NZ Transport Agency (S7/011), Powerco (S16/021) and First Gas (S20/016). I have reviewed the proposed changes to Policy 3.2 and in particular, the proposal to include reference to 'no practicable alternative location.' I am satisfied that the intent of this policy to restrict development within scheduled areas is still retained and overall it still gives effect to the objectives and policies of the One Plan (Policy 3-3 (c)(iii) in particular. I am therefore comfortable with the changes to Policy 3.2 recommended by Ms Harris in her Hearing Report.

3A.4.1 Permitted Activities (h)

24. As noted in the officer comments on topic 107 of the table in Appendix 1, the recommended amendments to the definition of network utilities to include those facilities and assets listed in One Plan Policy 3-1.b. means that they now have policy support through the objectives and policies in Section 3A. I urge the Hearings Committee to accept Ms Harris's recommendations in relation to S5/047 (topic number 107, page 43 of Appendix 1).

3A.4.1 Permitted Activities – Guidance Note 2

25. Ms Harris has recommended that submission point S5/042 by Horizons is accepted (topic number 113, page 44 of Appendix 1). As outlined in paragraph 16 of this statement, as a result of the recommended additions to the list of exclusions from the definition of earthworks, we now seek minor amendments to guidance note 2 under Rule 3A.4.1, as follows (refer to yellow highlighting):

Water takes, diversions, new tracks, drilling of bores, offal pits, farm dumps and eEarthworks are also regulated by the Manawatu Wanganui

Regional Council and a resource consent may be required under the rules of the One Plan.

3A.4.2 Standards for Permitted Activities (I)

26. As noted in the decision requested column for topic number 138 of the table in Appendix 1 (page 52), Horizons opposed in part Powerco's requested amendments to Rule 3A.4.2 (I). Our concern with Powerco's request was that it removed reference to adverse effects on the values or characteristics of significant historic built or natural heritage scheduled areas, instead controlling only new network utilities located within these scheduled areas. We noted the potential for adverse effects from new network utilities to extend beyond boundaries into these scheduled areas. We therefore supported the effects-based approach of clause (I) of Rule 3A.4.2. Ms Harris has recommended the acceptance of Powerco's submission (S16/036) and the rejection of Horizons further submission point (FS4/016).
27. I agree that the suggested amendments to Rule 3A.4.2 (I) provide greater certainty for plan users. However, One Plan Policy 6-6 requires the management of subdivision, use and development to avoid "*significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes.*" I therefore consider that clause (I) of Rule 3A.4.2 as originally drafted was better aligned with Policy 6-6 of the One Plan.
28. The recommended wording for standard (I) of Rule 3A.4.2 will not enable MDC to consider adverse amenity, noise and visual effects of network utility activities occurring immediately adjacent to scheduled areas. However, other adverse environmental effects from activities within and immediately adjacent to rare, threatened and at risk habitats (including outstanding natural features and landscapes), will be managed through the provisions of the One Plan. On balance, Ms Harris's recommended changes to clause (I) of Rule 3A.4.2 are not inconsistent with One Plan Policy 6-6. We are therefore comfortable with the recommended changes to clause (I) of Rule 3A.4.2 (refer to topic number 138, page 52 of Appendix 1).

3D.3 Objective 1

29. Horizons sought the retention of Objective 1 in Section 3D.3 as drafted in PC55. Minor changes are proposed to this objective as a result of the submission by Heritage NZ Pouhere Taonga (S3/016). I agree that these changes do not change the original intent of the objective and therefore support Ms Harris's recommendations in relation to S5/026 (topic number 213, page 72 of the table in Appendix 1).

3D.3 Policy 1.2

30. Horizons sought the retention of Policy 1.2 in Section 3D.3 as drafted in PC55. Minor changes are proposed to this Policy as a result of the submission by Heritage NZ Pouhere Taonga (S3/019). I agree that these changes do not change the original intent of the policy and therefore support Ms Harris's recommendations in relation to S5/028 (topic number 217, page 72 of the table in Appendix 1).

3D.3 Objective 2 and its associated Policies

31. Horizons sought the retention of Objective 2 and its associated policies in Section 3D.3, subject to a minor correction in Policy 2.5. I note that changes are recommended to Objective 2 and Policy 2.1 as a result of the submissions by Powerco and the Oil Companies (S16/049, S21/010, S16/050 and S21/011). I have reviewed the suggested changes, including the relocation of Policy 2.1 under Objective 1. I agree with the reasoning behind these changes and am satisfied that the intent of the objectives and policies is being retained.

3D.4 Rules - Earthworks in the Rural Zone

32. I note that the decisions requested column for topic 234 (page 75) incorrectly states that Horizons' further submission (FS4/013) supported the submission by Federated Farmers to deleted all references to the Rural Zone from 3D.4 (S1/013). As noted in our further submission and the officer comments on topic 234, while the One Plan does manage some of the effects of earthworks, the effects that the District Plan seeks to manage are different. I therefore support Ms Harris's recommendation that the submission S1/013 by Federated Farmers be rejected.

3G Relocated Buildings

33. In our submission, we sought the retention of controlled activity standard c. of Rule 3G.4.1 and Rule 3G.4.4 which made relocated buildings within a Flood Channel Zone a Discretionary Activity. The requirement for a resource consent gives MDC the ability to impose conditions to ensure that relocated buildings avoid or mitigate flood risk in accordance with One Plan Policy 2, to manage potential diversions of floodwater, and to decline an application if flood hazard risks cannot be appropriately managed.
34. In our further submission we opposed those submissions that sought to make all relocated buildings a permitted activity (except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct) (S9/001 and S22/001).
35. I have reviewed Ms Harris's recommended changes to the relocated building provisions. As the discretionary activity status for relocated buildings within a Flood Channel Zone has been retained (proposed Rule 3G.4.6), I am satisfied that Horizons' concerns have been addressed. I

therefore urge the Hearings Committee to accept Ms Harris's recommendation in relation to Rule 3G.4.6.

Thank you again for the opportunity to table this statement in support of Horizons submission and further submission.

Please feel free to contact me if you have any further questions.

Yours sincerely



Lisa Thomas
COORDINATOR DISTRICT ADVICE