

**OFFICER'S REPORT FOR:**

**Hearing Panel:**

**SUBJECT:**

**Proposed Waimakariri District Plan: Whatitua  
Taiwhenua - Rural Zones Report**

**PREPARED BY:**

**Mark Buckley**

**REPORT DATED:**

**8 September 2023**

**DATE OF HEARING:**

**9 October 2023**

## Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Plan as they apply to Rural zones. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the Rural zones chapter. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
  - Reverse sensitivity issues associated with increasing residential development;
  - Protection of highly productive land;
  - Setbacks from intensive activities; and
  - Rural subdivision.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. The rural provisions are also subject to a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
5. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
  - Consideration of the interface between primary production activities and sensitive activities;
  - The functional need for some non-primary production activities to be enabled within the rural zones;
  - Implementation of the NPS-HPL; and
  - Amendments to a number of definitions.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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## Interpretation

8. This S42A report utilises a number of abbreviations for brevity as set out in Table 1 and 2 below:

**Table 1: Abbreviations**

Abbreviation	Means
RMA	Resource Management Act 1991
RURZ	General Objectives and Policies for Rural Zones
GRUZ	General Rural Zone
RLZ	Rural Lifestyle Zone
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
GCP	Greater Christchurch Partnership area
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Planning Standards
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
RPS	Operative Canterbury Regional Policy Statement

**Table 2: Abbreviations of Submitters' Names**

Abbreviation	Means
CCC	Christchurch City Council
CIAL	Christchurch International Airport Ltd
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
EPFNZ and PIANZ	Egg Producers Federation of New Zealand and the Poultry Industry Association of New Zealand
Federated Farmers	Federated Farmers of New Zealand Inc.
FENZ	Fire and Emergency New Zealand



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<b>Abbreviation</b>	<b>Means</b>
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Hort NZ	Horticulture NZ
NZHHA	House Movers Section of New Zealand Heavy Haulage Association
KiwiRail	KiwiRail Holdings Limited
MainPower	MainPower New Zealand Ltd
MoE	Minister / Ministry of Education
RIDL	Rolleston Industrial Developments Ltd
Transpower	Transpower New Zealand Ltd
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

# 1 Introduction

## 1.1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Rural Zones and the related Strategic Directions objectives and to recommend possible amendments to the Proposed Plan in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant strategic directions objectives, and objectives, policies, rules, definitions, appendices and planning map as they apply to the Rural Zones in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues or topics arising, the original and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions (including map) based on the assessment in the report.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with Officers' Report: Part A – Overview from Hearing Stream 1, which contains factual background information, statutory context and administrative matters pertaining to the district plan review and Proposed Plan.
14. As this report deals specifically with rural zoning it does not include matters subject to Variation 1 in relation to giving effect the RMA Housing and Other Matters Amendment Act.
15. In line with the minute from the district plan s42A officers lodged with the DPR Hearings Panel on 18 August 2023, I have not considered submissions that are seeking rezoning outcomes as part of their submission based on the recommendation from Council to hear all rezoning requests within Hearing Stream 12.
16. All submissions from CIAL associated with the airport noise contour and bird strike will be addressed in a Section 42A CIAL officers report in Hearing Stream 11.

## 1.2 Author

17. My name is Mark Thomas Buckley. My qualifications and experience are set out in **Appendix J** of this report.
18. My role in preparing this report is that of an expert planner.
19. I was involved in the preparation of the Proposed Plan and authored the Section 32 Evaluation Report for Natural Character of Freshwater Bodies and the Section 42A Report for Strategic Directions and Urban Form and Development.

20. I was responsible for the Proposed Plan integration programme attempting to ensure consistency across planning provisions.
21. I have also taken over all rural related policy matters from the previous consultant and are involved with a regional discussion group on the application of the NPS-HPL.
22. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
23. The scope of my evidence relates to the Rural Zone chapter and related Strategic Directions Objective SD-O4 and Urban Form and Development policies UFD-P3 UFD-P10. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
24. The amendments to the Strategic Directions objective and Urban Form and Development policies are responding to the release of the NPS-HPL.
25. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
26. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 1.3 Supporting Evidence

27. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
  - Environment Court Decision No. [2021] NZEnvC 142 Immediate Legal Effect decision (Appendix D);
  - Affirmed Affidavit of Yvonne Pflueger (Landscape and Rural Character) (Appendix E);
  - Affirmed Affidavit of Heike Downie (Council Evidence) (Appendix E);
  - Affirmed Affidavit of James Gordon (Production Potential) (Appendix E);
  - Affirmed Affidavit of Margaret Jane Whyte (Planning)( Appendix E);
  - N Sheerin (Planning) memo on shading (Appendix H); and
  - Boffa Miskell memo on rural boundary near Ashley Forest (Appendix I).

### 1.4 Key Issues in Contention

28. A number of submissions and further submissions were received on the provisions of the Rural zones. The submissions received were diverse and sought a range of outcomes; including for

example the application of the NPS-HPL, the provision for heavy industry and quarries within the rural environment, and managing reverse sensitivity effects.

29. I consider the following to be the key issues in contention in the chapter:

- NPS-HPL and protection of highly productive land/versatile soils<sup>1</sup>;
- Buffer for odour;
- Subdivision within the rural zones;
- The Rural Lifestyle/General Rural zone boundary (Figure 1);
- Integration with the Earthworks Chapter; and
- Reverse sensitivity issues associated with existing primary production.

30. I address each of these key issues in this report, as well as any other issues raised by submissions.

## 1.5 Procedural Matters

31. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Rural Zones chapter.

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<sup>1</sup> Minutes 4, 5 and 7 from the Hearings Panel have requested that Council states how it intends to address the application of the NPS-HPL within the Proposed Plan.

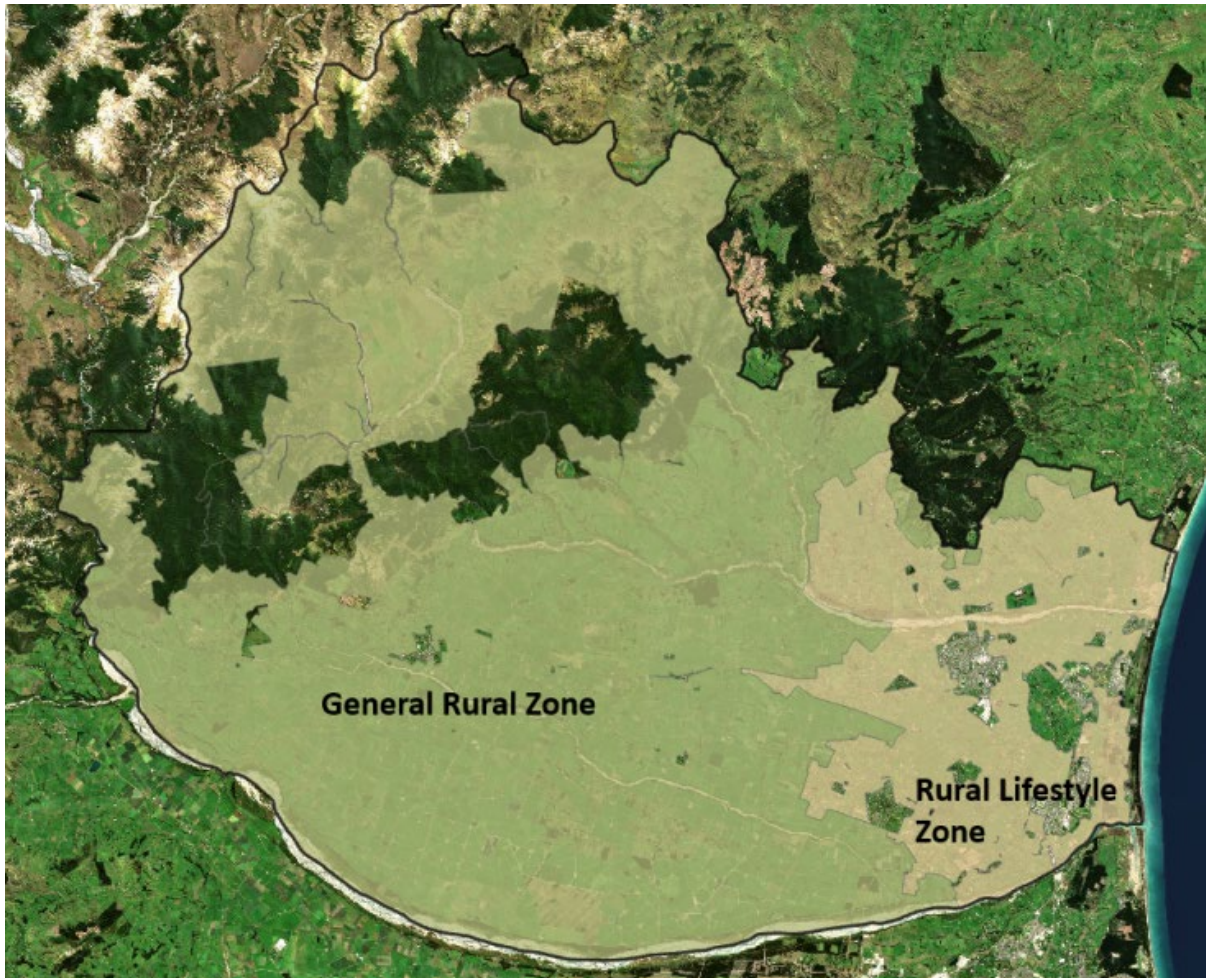


Figure 1: Rural Lifestyle and General Rural zones divide.

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

32. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

33. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Rural Zones.

34. It should be noted that the NPS-HPL and NPSIB have become operative after the completion of the rural provisions in the Proposed Plan.

### 2.2 Section 32AA

35. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

36. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to Rural Zones is contained within the assessment of the relief sought in submissions in section 3 of this report for rules, standards and matters of discretion. For objectives and policies the section 32AA evaluation on changes is appended to this report as Appendix C, as required by s32AA(1)(d)(ii).

## **2.3 Trade Competition**

37. No consideration of trade competition has been given with respect to the Rural Zones provisions of the Proposed Plan.
38. There are no known trade competition issues raised within the submissions.

## 3 Consideration of Submissions and Further Submissions

### 3.1 Overview

39. The Rural zones received over 130 submissions across the four parts of the chapter (i.e. General Objectives and Policies; General Rural Zone; Rural Lifestyle Zone; and Matters of Discretion for all Rural Zones) with a total of over 500 original submission points. There are 135 further submissions, some of which are against specific points and others are in opposition to the whole submission by various submitters. There are also a number of other submissions that have been reassigned from other chapters to the Rural chapter Section 42A report as well as a number of submissions that will be addressed in this and other reports.

#### 3.1.1 Report Structure

40. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both a provisions and an issues-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the Proposed Plan as notified for the majority of submissions.
41. There are also a number of submissions on Rural zone provisions that relate to matters outside of those considered within this Section 42A report. These include such issues as rezoning, noise contours and bird strike. These issues have been reassigned to other hearing streams for consideration.
42. Some submissions contain issues that request more than one outcome. These submissions maybe addressed across various sections of this report, and in some cases may also be addressed in part in other Section 42 officer reports.
43. All submissions from CIAL have been reassigned to the Section 42A CIAL officer report in Hearing Stream 11.
44. All submissions on rezoning have been reassigned to the Section 42A Rezoning officer report in Hearing Stream 12.
45. After considering submissions on the provisions, there are five specialist topics which reflect common themes within the submissions. These specialist topics are highly productive land and versatile soils, odour buffers, rural subdivision sizes, carbon forests, and earthworks integration. Some of the submissions will have points that will be addressed within both within the provisions section of the report and within the specialist topics.
46. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
47. Within the report there are a number of submitters who have in their submission sought the same outcome and used the same justification, yet have identified it against a specific provision. In some cases, the submission point fails to demonstrate any relevance to the provision. These submission (Table 3) have been grouped together and will be assessed as a whole within the Section 42A report.



Submitter Name	Submitter Number	Section of s42A Rural Chapter Report Submission Allocated to in "Summary of Submissions by Chapter"	Section of s42A Rural Chapter Report Submission Addressed
RA and FM Buhler	209.2	RLZ-O1	3.21
RA and FM Buhler	209.3	RLZ-P1	3.21
RA and FM Buhler	209.4	RLZ-P2	3.21
RA and FM Buhler	209.5	RLZ-BFS5	3.21
RA and FM Buhler	209.6	RLZ-R1	3.21
RA and FM Buhler	209.7	RLZ-R2	3.21
RA and FM Buhler	209.8	RLZ-R3	3.21
RA and FM Buhler	209.9	RLZ-R4	3.21
RA and FM Buhler	209.10	RLZ-R5	3.21
RA and FM Buhler	209.11	RLZ-R6	3.21
RA and FM Buhler	209.12	RLZ-R7	3.21
RA and FM Buhler	209.13	RLZ-R8	3.21
RA and FM Buhler	209.14	RLZ-R9	3.21
RA and FM Buhler	209.15	RLZ-R10	3.21
RA and FM Buhler	209.16	RLZ-R17	3.21
RA and FM Buhler	209.17	GRUZ-O1	3.21
RA and FM Buhler	209.18	GRUZ-P1	3.21
RA and FM Buhler	209.19	GRUZ-P2	3.21
RA and FM Buhler	209.20	GRUZ-R3	3.21
RA and FM Buhler	209.21	GRUZ-R4	3.21
RA and FM Buhler	209.22	GRUZ-R5	3.21
RA and FM Buhler	209.23	GRUZ-R6	3.21
RA and FM Buhler	209.24	GRUZ-R7	3.21
RA and FM Buhler	209.25	GRUZ-R8	3.21
RA and FM Buhler	209.26	GRUZ-R9	3.21
RA and FM Buhler	209.27	GRUZ-R10	3.21
RA and FM Buhler	209.28	GRUZ-R17	3.21
RA and FM Buhler	209.29	GRUZ-BFS5	3.21
RA and FM Buhler	209.30	RLZ General	3.21
RA and FM Buhler	209.31	GRUZ General	3.21
Federated Farmers	414.193	GRUZ-R10	3.2.2
Federated Farmers	414.194	GRUZ-R11	3.2.2
Federated Farmers	414.196	GRUZ-R15	3.2.2
Federated Farmers	414.203	RLZ-R10	3.2.2
Federated Farmers	414.204	RLZ-R11	3.2.2
Federated Farmers	414.205	RLZ-R15	3.2.2
Federated Farmers	414.46	RURZ-MD5	3.2.2
MainPower	249.120	GRUZ Objective	3.6.15
MainPower	249.121	GRUZ Policy	3.6.15
MainPower	249.122	GRUZ Rule	3.6.15
MainPower	249.123	RLZ Objective	3.6.15
MainPower	249.124	RLZ Policy	3.6.15
MainPower	249.125	RLZ Rules	3.6.15

Hort NZ – Seasonal workers accommodation	295.131	RURZ Policy	3.6.6
Hort NZ	295.135	GRUZ Policy	3.6.6
Hort NZ	295.136	GRUZ Rule-P	3.6.6
Hort NZ	295.137	GRUZ Rule-RDIS	3.6.6
Hort NZ	295.170	RLZ Policy	3.6.6
Hort NZ	295.171	RLZ Rule P	3.6.6
Hort NZ	295.172	RLZ Rule-RDIS	3.6.6
Hort NZ	295.191	RURZ-MD General	3.6.6
Hort NZ – Artificial crop protection structures	295.138	GRUZ Rule-P	3.6.9
Hort NZ	295.139	GRUZ Rule-RDIS	3.6.9
Hort NZ	295.173	RLZ Rule P	3.6.9
Hort NZ	295.174	RLZ Rule-RDIS	3.6.9
Hort NZ	295.59	Definition	3.6.9

Table 3: Common submission allocation across the plan

48. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Rural Chapter with recommended amendments in response to submissions as **Appendix A**.
49. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

### **3.1.2 Format for Consideration of Submissions**

50. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
- Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA evaluation where required (rules and standards are in the body of the report).
51. The recommended amendments to the relevant chapters are set out in in **Appendix A** of this report where all text changes are shown in a consolidated manner.
52. The following provisions were supported as notified by submitters or have submissions against the provision that relate to other matters not relevant to the provision, such as rezoning requests. Those provisions are therefore recommended to be retained as notified:
- RLZ-R20 Boarding kennels;
  - RLZ-R21 Cattery;
  - RLZ-R25 Veterinary facility;

- RLZ-R39 Retail activity;
- RLZ-BFS1 Building coverage;
- RLZ-BFS2 Impermeable surfaces;
- RLZ-BFS3 Height;
- RURZ-MD6 Coverage; and
- RURZ-MD7 Height.

53. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.

54. In addition to further submissions on specific submission points, there are also general submissions by further submitters in opposition or support of the whole original submissions. These further submissions have not been assessed against specific submission points because of the generic nature of the further submission. The further submissions are listed in Table 4.

Further submitter	FS number	Provision	Submission number	Original submitter	Support/oppose	Outcome sought
Richard & Geoff Spark	37	Whole submission	360	Christchurch City Council		
Miranda Hales	46	Whole submission	360	Christchurch City Council	Oppose	Reject
CIAL	80	Whole submission	360	Christchurch City Council	Support	Accept
Kainga Ora	88	Whole submission	254.01 - 254.155	Christchurch International Airport Ltd	Oppose	Disallow
Forest & Bird	78	Whole submission	419.1 - 419.155	Department of Conservation	Support	
Richard & Geoff Spark	37	Whole submission	295	Horticulture NZ	Oppose	Disallow
CIAL	80	Whole submission	295	Horticulture NZ	Support	Accept
CIAL	80	Whole submission	316	Canterbury Regional Council	Support	Accept
Rachel Hobson & Bernard Whimp	90	Whole submission	316	Canterbury Regional Council		Disallow in part

Table 4: General Further Submissions

55. The submission from Mr G Edge have also been withdrawn at his request to Council on 21 August 2023.

## 3.2 Rural Zones General Submissions

### 3.2.1 Matters raised by submitters

56. There are eight submissions that have been allocated as "general" as they were considered to be on the RURZ section as a whole. Those submissions that have requested new policies are assessed in section 3.6 of this report
57. Bruce Shield [65.1] supports the removal of the effluent spreading buffer zone and intensive farming separation requirements. This submission will be dealt with in section 3.21 of this report.
58. Paul Curgenvan [74.1] supports the removal of the effluent spreading buffer zone and intensive farming separation requirements and that any effects should be contained within the property. This submission will be dealt with in section 3.21 of this report.
59. There is also one submission (CCC [360.20]) that relates to the protection of versatile soils, which is addressed in section 3.20 of this report.
60. Oxford-Ohoka Community Board [172.10] supports an activity-based plan it but considers there is a need for clear rules for swift and effective enforcement for issues arising from activities. They also support rural development, however, note it needs to protect rural landscape character and integrity within the Oxford-Ohoka Ward.
61. Clampett Investments Ltd [284.1] states that the Proposed Plan makes inadequate use of the non-notification clauses, and seeks that all controlled and restricted discretionary rules provide for exclusion of notification.
62. RIDL [326.1] want to amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.
63. RIDL [326.2] wants all controlled and restricted discretionary activity rules to not be limited or publicly notified.
64. RIDL [326.3] want all controlled and restricted discretionary activity rules to provide direction regarding non-notification.

### 3.2.2 Assessment

65. The Oxford Ohoka Community Board submission [172.10] support for an activity-based plan. The issue of effective enforcement of planning provisions is undertaken by both the Planning Implementation Unit and the Environmental Services Unit of Council. The issue of effective enforcement of district plan rules is outside the scope of the district plan review.

#### Non-notification

66. The use of non-notification clauses on all controlled and restricted discretionary rules as requested by Clampett Investments Ltd [284.1] and RIDL [326.2] and [326.3] has been considered in light of the Rural zone rules. Within the Rural zones those activities that have setback constraints have been identified as being excluded from public notification but may include limited notification, normally to a neighbour as an affected party. Those other restricted discretionary activities within the rural zones, such as intensive outdoor primary production could have significant adverse effects if they were able to develop adjacent to residential areas. Under Section 95A RMA Council must follow a process to determine whether or not a consent application is required to be publicly notified. Increasing the number of activities that cannot be publicly notified would fetter Councils

decision making ability. I do not support the inclusion of more non-notification provisions for restricted discretionary activities. There are no controlled activities within the Rural zones.

#### **Use of avoid, maximise and minimise**

67. The submission by RIDL [326.1] requested that absolute terms, such as *“avoid, maximise and minimise”*, be removed from the Proposed Plan. The purpose of a district plan is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA<sup>2</sup>. In addition the Proposed Plan must give effect to higher order documents<sup>3</sup>. These documents use similar language, such as, NZCPS Policy 10(1) *“avoid reclamation”*, RPS Policies 5.3.9(1) and 5.3.10(1) *“...avoid development which constrains...”* Where necessary to give objectives and policies the clear direction required, Council has used absolute terms such as avoid, minimise and maximise (noting that minimise and maximise are not absolute terms). The term *“avoid”* is only used once within the Rural zones in RURZ-MD2 associated with reverse sensitivity effects, and *“minimise”* is only used in policy RURZ-P8, again with respect to reverse sensitivity effects. I do not support the deletion in the use of absolute terms within the Rural zones.

#### **Use of “New”**

68. With respect to the Federated Farmers submissions in Table 3 above. Section 10(1)(a)(i) and (ii) of the RMA provides for existing use rights for an activity where *“was lawfully established before the rule became operative or the proposed plan was notified; and the effects of the use are the same or similar in character, intensity, and scale to those which existed before...”* As written the rule only applies to new activities that occur after the notification date of the proposed plan.

69. The inclusion of the word *“new”* into the title does not add anything to the understanding of the rule and could potentially create confusion where the addition of the word has not been included into a rule title. I do not agree with the proposed amendment.

### **3.2.3 Summary of recommendations**

70. I recommend that the submissions from Clampett [284.1], RIDL [326.1, 326.2 and 326.3], be **rejected**.

71. I recommend that the submission from the Oxford-Ohoka Community Board [172.10], be **accepted**.

72. I therefore do not recommend any amendments to the RURZ chapter in general

## **3.3 RURZ Introduction Submissions**

### **3.3.1 Matters raised by submitters**

73. Three relevant submissions were raised on the Introduction for the General Objectives and Policies for all Rural Zones.

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<sup>2</sup> Section 72 RMA

<sup>3</sup> Section 75(3) RMA

74. NZPork [169.34] seeks that the Introduction is amended to describe the main use of primary production that includes the reference to intensive primary production, and to include a statement that the General Rural Zone is used primarily for primary production. This submission is supported by a further submission from Federated Farmers [FS83].
75. George Jason Smith [270.3] seeks that the word chapter be deleted in first line and replaced with the word zone. He also wanted the appropriate amendments to all related objectives, policies, rules, standards and matters of discretion accordingly.
76. Hort NZ [295.121] seeks that additional explanation around primary production land use is included within the description of the Rural Lifestyle Zone, recognising that while the sites are smaller, they are still productive. They also want acknowledgement that this zone contains a lot of the highly productive land in the district and that LUC class 1, 2 and 3 soils are important for primary production.

### **3.3.2 Assessment**

77. The NZPork submission [169.34] regarding the inclusion of the reference to intensive primary production and the General Rural Zone Introduction as a subset of the definition for primary production is a matter of fact and the inclusion of the wording is considered reasonable. I agree with the proposed wording.
78. George Jason Smith [270.3] submission wanting the replacement of 'chapter' with 'zone', the introduction is intended to introduce the purpose of the chapter of the Proposed Plan, rather than list the activities that occur within the zone. The key reference in the sentence is the word "enable", which highlights that the objectives, policies, rules and standards enable activities to occur within the zone and not the zone that enables the activities. I therefore do not agree with the proposed change.
79. With regards to Hort NZ [295.121] submission wording wanting an explanation that while RLZ land is smaller in size that the general area is important because it contains LUC class 1 to 3 soils. Some of the requested wording could be considered suitable to be included in the introduction as it would assist in defining the purpose of introducing the Rural zone and relevant resource management issues. However, the requested wording around the gradual loss of productive land due to urban expansion and fragmentation due to rural lifestyle blocks (given that this is the main reason why Council zoned the land) does not contribute towards the understanding of the rural zone, but is not representative of the dominant land use of the RLZ. I consider it appropriate to accept part of the submission.
80. The assessment around the wording for the introduction with respect to highly productive land is discussed in section 3.20 of this report.

### **3.3.3 Summary of recommendations**

81. I recommend that the submissions from NZ Pork [169.34], be **accepted**.
82. I recommend that the submissions from Hort NZ [295.121], be **accepted in part**.
83. I recommend that the submissions from George Jason Smith [270.3], be **rejected**.
84. I therefore recommend the following wording be included in the Introduction of the rural zones chapter:

The purpose of the chapter is to enable a range of primary production activities, including pastoral farming, livestock, intensive primary production, horticulture and forestry as well as other activities that rely on or support the natural resources within rural areas.

The General Rural Zone, which encompasses the largest proportion of the rural area of the District is used primarily for primary production.

The Rural Lifestyle Zone, recognises that this area comprises the densest rural settlement pattern in the District. This rural area is defined by its fine grained pattern of settlement and human induced characteristics. The zone provisions retain the focus of the zone by providing for primary production activities and other rural activities, while recognising that the predominant character is derived from smaller sites. While the sites are smaller than the GRUZ, they are still productive and the majority of the District's horticultural operations are within the RLZ. [295.121]

### **3.3.4 Section 32AA evaluation**

85. In my opinion, the amendments to the introduction are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## **3.4 RURZ Objectives Submissions**

### **RURZ-O1 Rural environment**

#### **3.4.1 Matters raised by submitters**

86. There are nine submissions on Objective RURZ-O1 Rural environment for all Rural Zones. Of these, seven supported the objective as written and wanted the objective retained as notified. The two submissions below request amendments.
87. The Eyrewell Dairy Ltd submission opposing the objective does not relate specifically to the wording of the objective, but relates to the general approach taken for rural subdivision sizes within the GRUZ and RLZ zones. The submissions have been made on RURZ-O1 [300.3], RURZ-O2 [300.4], RURZ-P1 [300.5], RURZ-P2 [300.6], GRUZ-O1 [300.7], GRUZ-P1 [300.8], GRUZ-P2 [300.9], GRUZ-R3 [300.10], and GRUZ-R41 [330.11]. All of the parts of the submissions that relate to enabling rural subdivision below 20ha is addressed in section 3.22 of this report. The rezoning component of this submission will be assessed in one of the Section 42A Rezoning officers reports within Hearings Stream 12.
88. Federated Farmers [414.179] supports the objective in part but also seeks that Objective RURZ-O1 is amended for the reason that it does not state that underpinnings of the Rural zone is the life-supporting capacity of the soil. They want an additional clause regarding the high class soils. These matters are relevant to the overall consideration of HPL and I have therefore assessed this submission and other similar submissions in section 3.20 of this report.

### 3.4.2 Summary of recommendations

89. I recommend that the submissions from Fulton Hogan [41.41], Woodstock Quarries Ltd [46.27], NZPork [169.35], George Jason Smith [270.5], and Hort NZ [295.122], and EPFNZ and PIANZ [351.5], be **accepted**.
90. I therefore do not recommend any changes to the objective RURZ-O1.

## RURZ-O2 Activities in Rural Zones

### 3.4.3 Matters raised by submitters

91. Nine submissions were raised on Objective RURZ-O2 Activities in Rural Zones. Of these three wanted amendments to the objective, one opposed the objective, and all others supported the retention of the objective as notified. Those submissions in support are from Fulton Hogan [41.42], Woodstock Quarries Ltd [46.28], NZPork [169.36], FENZ [303.56] NZ Agricultural Aviation Association [310.4], NZ Helicopter Association [FS66], and EPFNZ and PIANZ [351.17].
92. Hort NZ [295.123] seeks that the word “*support*” be replaced by “*enable*” in the sentence. The submission does not elaborate the reason why they want the change in wording. Federated Farmers [414.180] seeks the same outcome as the Hort NZ submission [295.123]. Federated Farmers state that they feel that “*supporting rural activity could imply gradual phase out of rural activities as urban activities come to predominate*”
93. ECan [316.168] seeks that recreation and other activities are acknowledged within the objective. Hort NZ [FS47] opposed the ECan submission.
94. Federated Farmers [414.180] wants to replace “*support*” with “*enable*” as they state that “*support*” of rural activities may imply that it could gradual be phased out and replaced with urban activities.

### 3.4.4 Assessment

95. Hort NZ [295.123] and Federated Farmers [414.180] in their submissions wanted “*enable*” to replace support as the Rural zones are the only zones where primary production can occur. The meaning of “*support*” is ‘*enabling something to fulfil its function or to remain operational*’ where “*enable*” is to ‘*give power to; strengthen; make adequate or competent*’<sup>4</sup>. Support has been used in this context as it actively encourages primary production within the rural zones, whereas enable can be perceived as allowing something to occur. Given that the meaning of support includes the verb ‘enabling’, it could be perceived that it includes the meaning of enable within the wider meaning of support. I do not recommend any amendment to the objective as the word support better meets the intent of the objective.
96. I do not agree with Federated Farmers [414.180] statement that by supporting rural activities that Council is going to enable urban activities to occur within the rural environment. This argument runs counter to the common English meaning of “*support*” and its context within the objective and policy framework. I do not agree with the proposed amendment.

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<sup>4</sup> Shorter Oxford Dictionary, Sixth edition, 2007.



97. ECan [316.168] wanted the inclusion of recreational activities and other land use activities that occur within the rural environment. The S32 sets out the intent of the objective was not to provide an exhaustive list of land uses that can occur within the rural environment, but rather to recognise those activities that can only occur within the rural environment. I do not agree with the addition of other activities that can and do occur across other zones within the district. The provision of other activities that may be complementary in the rural zones is provided by policies (such as RURZ-P3). A further submission from Hort NZ [FS47] opposed the ECan submission.

### **3.4.5 Summary of recommendations**

98. I recommend that the submissions from Hort NZ [295.123], Federated Farmers [414.180] and ECan [316.168], be **rejected**.

99. I recommend that the submissions from Fulton Hogan [41.42], Woodstock Quarries Ltd [46.28], NZPork [169.36], FENZ [303.56] NZ Agricultural Aviation Association [310.4], NZ Helicopter Association [FS66], EPFNZ and PIANZ [351.17], and Hort NZ [FS47], be **accepted**.

100. I do not recommend any changes to the objective RURZ-O2.

## **3.5 RURZ Policies Submissions**

### **RURZ-P1 Amenity values and Character**

#### **3.5.1 Matters raised by submitters**

101. There are nine submissions on RURZ-P1. Four submissions wanted amendments to the policy, with one submission in opposition.

102. Fulton Hogan [41.43] opposed the policy and wanted the whole policy replaced with some suggested wording that they consider better reflects the character of the rural environment. The submission states that primary production activities influence the character of the rural environment, and should be the "*lens*" by which to consider the levels of amenity of an area, rather than the other way around.

103. North Canterbury Clay Target Association [61.5] wanted the policy to be amended to reference recreational activities. The submitter thought that the policy was too focused on 'rural production' when other activities also occur within the rural environment.

104. Hort NZ [295.124] seeks amendments to the policy to recognise potential effects and not their scale or temporary duration. There is one further submission in support from NZ Agriculture Aviation Association [FS45].

105. Federated Farmers [414.181] seeks the deletion of most of point 2 of the policy that refer to common effects associated with primary production and rural industry activities. They state that "*many rural activities are outside the scope of exceptions to rural amenity thus could not constitute natural character or amenity*"

#### **3.5.2 Assessment**

106. The proposed changes to RURZ-P1 by Fulton Hogan [41.43] and the explanation that it better achieves RURZ-O1 and RURZ-O2, and alignment with GRUZ-P1, has been assessed against the proposed policy. The key issue with the proposed change is whether the rural activities and how

land is managed creates the character, or whether the rural activities should be controlled to be consistent with the character. The submission is written more as a descriptor of rural character than a policy, with the constant use of recognising the rural character, as against the current policy direction to require, retain and restrict.

107. While I can understand the intent of the submission, the proposed wording of the submission does not meet the criteria of being a policy, as it does not give a course of action to achieve or implement the objective<sup>5</sup>. On this basis I do not agree with the proposed wording in the submission.
108. North Canterbury Clay Target Association [61.5] submission stated that the policy is too rural focused and that other activities can occur within the rural zone. While it is recognised that these activities do occur in the rural environment, albeit on a temporary basis, they would not normally be considered as part of the general character or amenity of the rural environment as a whole. I do not agree with the inclusion of recreation as a character or amenity feature of the rural environment. Provision for recreation activities has been made within the Open Space and Recreation Zones policy (OSRZ-P1), while the North Canterbury Clay Target facility on Boundary Road is within the rural zone, other facilities such as the smallbore rifle and miniature rifle clubs are located within the Sports and Recreation Zone. For a summary of the noise issues associated with the North Canterbury Clay Target Association see Section 3.4 of the Section 42A Noise officers report.
109. The proposed amendments from the Hort NZ [295.124] submission wants the rural environment recognised as a working environment including large building and structures associated with primary production and rural industry that form part of the features of the zone. The submission wanted the removal of "*retaining generally low levels of...*" from the policy while keeping the reference to signs, noise, dust, traffic etc. This is in my view inconsistent with what is proposed in the policy, which in my view seeks low levels of those effects and large buildings. Whereas the submission wants recognition of large amount of effects and buildings, which might be more akin to an industrial zone. The rural character assessment noted a residential feel with a more built and human modified form with a mosaic of small to medium sized rural blocks within the RLZ and noted larger sized farms, with a pastoral landform, travelling irrigators, and small pockets of vegetation<sup>6</sup>.
110. The changes proposed to RURZ-P1 by Hort NZ are not reflective of the general rural character assessed by Boffa Miskell. The S32 Rural report recognised that certain activities will not maintain the character of the rural areas, and that the establishment of these activities can adversely affect the rural character of the zones and the ability for land to be used for rural production. The proposed amendments could result in incompatible activities such as industrial activities to establish within the rural zones. On the basis of the analysis above, I do not agree with the proposed amendments.
111. Federated Farmers [414.181] submission also wanted the removal of the retention of low levels of noise etc, and states that these do not implement the two objectives. Both objectives recognise the functional need for primary production activities to occur in the rural zones and the

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<sup>5</sup> Quality Planning website – writing good policies.

<sup>6</sup> Boffa Miskell, 2018. Waimakariri District – Rural Character Assessment. Prepared for Waimakariri District Council.

pattern of development within those zones. Those parts of the policy that identify character and amenity values are synonymous with the wider character of the rural environment. Removing the reference to those values could result in unintended land use activities being perceived as being suitable within the rural environment. I do not agree with the proposed amendments put forward by Federated Farmers.

### **3.5.3 Summary of recommendations**

112. I recommend that the submissions from Fulton Hogan [41.43], North Canterbury Clay Target Association [61.5], Hort NZ [295.124], Federated Farmers [414.181], be **rejected**.
113. I recommend that the submissions from Woodstock Quarries Limited [46.29], NZ Pork [169.37], NZ Agricultural Aviation Association [310.5] and ECan [316.169], be **accepted**.
114. I therefore do not recommend any changes to RURZ-P1.

## **RURZ-P2 Rural land**

### **3.5.4 Matters raised by submitters**

115. There are five submissions on RURZ-P2. Of these only one wanted an amendment to the policy. The submissions in support were from Fulton Hogan [41.44], Woodstock Quarries Ltd [46.3], NZPork [169.38] and ECan [316.17].
116. Hort NZ [295.125] seeks that the word "*providing*" be replaced with the word "*enabling*" for points 1 and 2 of the policy. They state that primary production should be enabled and not just provided for.

### **3.5.5 Assessment**

117. Similar to the previous submission on RUR-O2, Hort NZ submission [295.125] wanted the replacement of '*providing*' with "*enabling*". The term '*provide*' means '*to make something available for someone to use, make enough preparation for a possible event*' as against '*enable*' which means '*provide with the ability to do something, make something possible*'<sup>7</sup>. In this case enable has a stronger meaning and is considered more appropriate given that Council wants to permit primary production activities to occur within the rural zones. On the basis that the wording is more directive, I support the proposed amendments.
118. In comparing the suitability of the term "*enable*" between objectives and policies, in my opinion the term is more directive and supports the intent of the policy, as against the outcome approach associated with the writing of objectives.
119. The four submissions (Fulton Hogan [41.44], Woodstock Quarries Limited [46.3], NZ Pork [169.38], and ECan [316.17]) in supporting the retention of the existing wording. The basis of retaining the existing wording is that it supports primary production that includes quarrying activities, and seeks to maintain the life supporting capacity of the land for primary production. None of the submissions directly supported the use of the term "*providing for*" and the proposed

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<sup>7</sup> Taken from Oxford Paperback Dictionary and Thesaurus, Third Edition, 2009.

amendments in response to the Hort NZ submission do not undermine the intent of the submissions in support.

### **3.5.6 Summary of recommendations**

120. I recommend that the submissions from Hort NZ [295.125], be **accepted**.
121. I recommend that the submissions from Fulton Hogan [41.44], Woodstock Quarries Limited [46.3], NZ Pork [169.38], and ECan [316.17], be **accepted in part**.
122. I therefore recommend the following amendments be made to the policy:

#### **RURZ-P2 Rural land**

Maintain the availability and life supporting capacity of land in recognition of its importance for undertaking primary production, and to maintain or enhance natural environment values in Rural Zones, including by:

1. ~~providing~~ Enabling for primary production activities;
  2. ~~providing for~~ Enabling those activities that directly support primary production, or those activities with a functional need to be located within Rural Zones, where:
    - a. adverse effects on soil and highly productive land are minimised;
    - b. the amenity values and character of Rural Zones are maintained; and
    - c. to the extent practicable, adverse effects are internalised within the site where an activity is being undertaken.
  3. ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.
123. The s32AA assessment has been undertaken in **Appendix C** of this report.

#### **RURZ-P3 Local support activities**

### **3.5.7 Matters raised by submitters**

124. There are four submissions on RURZ-P3, one in support (North Canterbury Clay Target Association [61.6]) of retaining the policy as worded, one in opposition and two seeking amendments to the policy.
125. Hort NZ [295.126] want amendments to the policy that the local support activities are only provided for in limited circumstances and where they have a demonstrated need to be there.
126. FENZ [303.57] want the inclusion of emergency service facilities within the introductory part of the policy.
127. Federated Farmers [414.182] submission is in opposition to the policy as it is inconsistent with SD-O4, RURZ-O1 and RURZ-O2. They consider that those support activities for the rural

community should not be located in the rural zones, as it is not a requirement of the RMA to provide for people's health and safety.

### 3.5.8 Assessment

128. With regard to the Hort NZ submission [295.126] wanting to limit the provision of support services within the rural zones, the activities that directly support the health, safety and well-being of people within the rural communities include services provided through home businesses and rural industries as permitted activities. Other support services such as emergency service, veterinary, educational and community facilities are all discretionary activities. The policy uses 'provided for' with qualifications around reverse sensitivity, impacts on character, and potential adverse effects. The rules associated with support services are generally restrictive where there is a potential for adverse effects.
129. The criteria listed in RURZ-P3 are in my view reasonably descriptive and provides a clear signal that any assessment against the policy would have to consider the effects of the activity being in the rural environment. The inclusion of the suggested wording "*limited*" and "*demonstrated need to locate in the rural environment and a demonstrated benefit to the rural community*" is generally reflective of the activity status of the rules. The term "*directly supports*" in my view provides the constraint that Hort NZ is seeking within their submission, and I therefore consider that the additional wording is an unnecessary repeat of the first part of the opening statement of the policy.
130. However, upon consideration of the FENZ submission [303.57], I do not consider that the word limited is required, as there may be a need to locate support services within the rural environment as a response to changes in demographics and population distribution.
131. FENZ in their submission [303.57] seek the inclusion of emergency service facilities within the rural environment. FENZ also lodged submissions on GRUZ-R23 [303.58] and RLZ-R24 [303.59] wanting emergency service facilities to be permitted rather than the proposed discretionary activity status. Within the district most of the fire stations are located within residential zone areas, the exceptions are the DoC rural fire service located on the outskirts of Rangiora and the Swannanoa Volunteer Fire Brigade in the RLZ zone and the Waikuku Beach and Pines Beach rural fire service located on Open Space and Natural Open Space zoned land (Figure 2).
132. All of the fire stations in the district are supported by volunteers and are located in areas associated with residential communities. There are advantages in placing fire stations on the outskirts of residential areas, with respect to larger land area, reduced noise impacts from fire sirens and reduced traffic around the stations. The location of fire stations would still have to meet the FENZ national goal of fire and non-fire emergencies are responded to within 11 minutes from volunteer fire stations 85% of the time<sup>8</sup>. This would encourage a more centralised approach for locating fire stations within an urban environment. However, as towns grow, this will mean response times may increase and that better locations could be identified.

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<sup>8</sup> FENZ submission [303] page 3

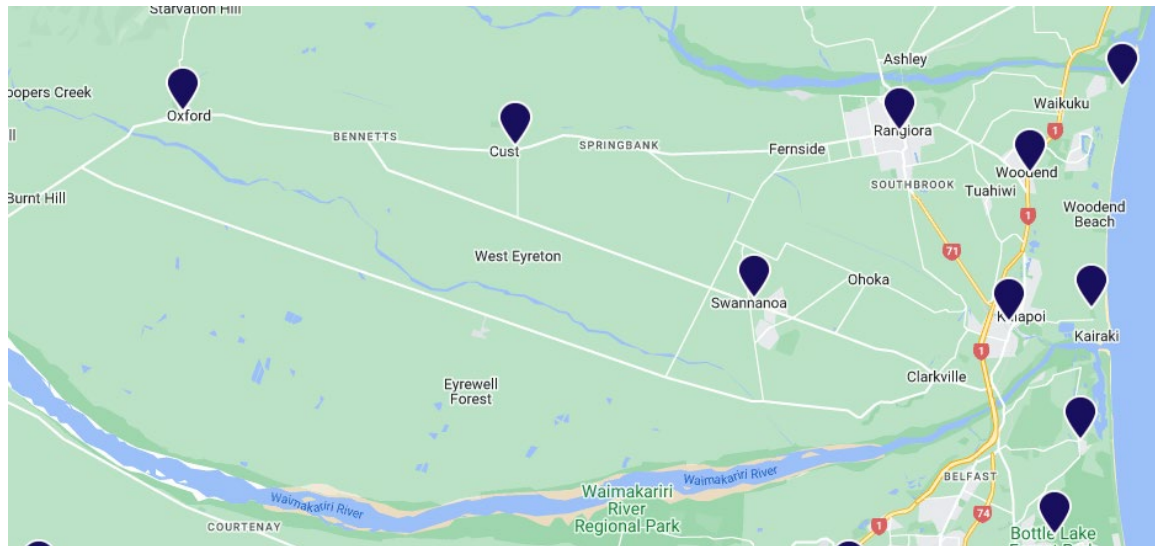


Figure 2: Location of fire stations within the Waimakariri District.<sup>9</sup>

133. The FENZ Ten-year Plan 2020-2030<sup>10</sup> identified a number of changes in their operating environment that is likely to occur in the future. From a property perspective these included that property decisions for location of emergency services are matched to risk profile, responding to changing needs of the community, being relocatable and able to integrate with other emergency sector partners. Recognising that new residential and industrial development changes the shape of towns and the flow of traffic which can have a significant impact upon response times to emergency events, this may mean that the location of fire stations, storage facilities and training facilities also have to relocate in order to meet principal objective of FENZ. Separating out emergency services facilities in the proposed amendment to the policy is not required as the present wording infers that fire and emergency services form part of the “...health, safety and wellbeing...” of the rural community. Given the considerations above and the potential that FENZ and St Johns may need to relocate within the district in order to respond to future needs, the submissions on GRUZ-R23 [303.58] and RLZ-R24 [303.59] (‘Emergency service facility’) should be considered in light of this information. I do not support the proposed amendment, but support the intent of their submission to enable fire station and fire training facilities to be located elsewhere within the district. This has been addressed in section 3.11.44 for GRUZ-R23 and 3.17.51 for RLZ-R24 of this report.

134. Federated Farmers [414.182] requested that this policy is deleted because the provision of health, safety and well-being of people is not part of the RMA. The purpose of the RMA laid out in section 5 does not support the position proposed by Federated Farmers. While most common support services are likely to be located within residential environments, removing the ability for those rural based support services to locate in the rural area can be considered as unreasonable given the urban vs rural health statistics<sup>11</sup> where mortality rates are higher in the rural environment than in the urban environment. This would affect the establishment of Rural Support Trust,

<sup>9</sup> Taken from Fire and Emergency Website search for fire stations.

<sup>10</sup> FENZ 10-Year Plan 2020-2030 Te Ratonga Ahi me nga Ohotata I Aotearoa: Mahere Mahi 2020-2030.

<sup>11</sup> <https://www.otago.ac.nz/news/news/otago0246271.html#:~:text=The%20largest%20disparities%20were%20most,with%201%2C085%20in%20rural%20areas.>

FarmStrong and MPI within the rural environment. I do not agree with the proposed deletion of the policy put forward by Federated Farmers.

### **3.5.9 Summary of recommendations**

135. I recommend that the submissions from Hort NZ [295.126], FENZ [303.57], and Federated Farmers [414.182], be **rejected**.
136. I recommend that the submissions from North Canterbury Clay Target Association [61.6], be **accepted**.
137. I therefore do not recommend any amendments to policy RURZ-P3.

### **RURZ-P4 Conservation activities**

#### **3.5.10 Matters raised by submitters**

138. There were four submissions on RURZ-P4, with three submissions wanting the policy retained as notified (Woodstock Quarries Limited [46.31], Federated Farmers [414.183], and DoC [419.13]) and one wanting an amendment .
139. Hort NZ [295.127] requests that RURZ-P4 is amended from enabling conservation activities to “Provide for” conservation activities, while supporting habitat restoration they feel that the retail component of the definition should not be enabled. This submission is supported by a further submission from NZ Agriculture Aviation Association [FS45].

#### **3.5.11 Assessment**

140. Hort NZ [295.127] have stated that while some conservation activities should be enabled, other activities such as the retail sale of plants should not, and that “provide for” better reflects the intent as against “enable”. From the list of conservation activities in the definition, Hort NZ were only supportive of riparian planting and wetland enhancement. They wanted controls on other activities such as, pest control, fencing, stormwater treatment, research and education and the construction of accessways to undertake these activities.
141. The approach of excluding a range of activities such as fencing and pest control, is inconsistent with the definition, as they are often considered key components of rural conservation. Activities such as fencing riparian planting, and soil conservation are important for improving water quality and habitat of all low land streams within the district. Given the potential impacts on the wider environment, placing restrictions on conservation activities is inconsistent with policies 8 and 13 of the NPS-IB which use “promote and provide for” and policies 9.3.3, 9.3.4, and 9.3.5 of the RPS which use “supporting, promote, encourage and protect”. Given the analysis above, I do not agree with the proposed amendment by Hort NZ in their submission.
142. The definition of conservation activities presently does not list the Rural zones as where the activities would occur. This definition is proposed to be expanded to include Rural zones within the section 3.2 of the Section 42A report on Open Space and Recreation Zones.

#### **3.5.12 Summary of recommendations**

143. I recommend that the submissions from Woodstock Quarries Limited [46.31], Federated Farmers [414.183], and DoC [419.13], be **accepted**.

144. I recommend that the submissions from Hort NZ [295.127] and NZ Agriculture Aviation Association [FS45], be **rejected**.

145. I therefore do not recommend any amendments to RURZ-P4.

#### **RURZ-P5 Minor Residential Unit**

##### ***3.5.13 Matters raised by submitters***

146. There are two submissions, one submission in support and one submission wanting an amendment.

147. The submission in support NZ Pork [169.39] supports the recognition of minor residential units as being critical to providing farm worker accommodation.

148. The submission wanting an amendment is from CIAL [254.95] and requests that information about the airport noise contour be added to the policy to protect the airport from reverse sensitivity effects. Submission by CIAL on the noise contour will be addressed in the Section 42A Officers report in Hearing Stream 11.

##### ***3.5.14 Summary of recommendations***

149. I recommend that the submissions from NZ Pork [169.39] be **accepted**.

150. I therefore do not recommend any amendments to RURZ-P5

#### **RURZ-P6 Industrial activity**

##### ***3.5.15 Matters raised by submitters***

151. Four submissions were received , with two in support and two wanting amendments. The two in support were from Woodstock Quarries Limited [46.32] and Daiken NZ Ltd [145.28].

152. Hort NZ [295.128] wanted an amendment only recognising rural (my emphasis) industrial activities, stating that industrial activities should be in the industrial zones. The amendments as requested by the submitter include the deletion of all provisions that relate to industrial activities. They do recognise that the existing industrial activities within the rural environment can rely on existing use rights. There was a further submission in support of Hort NZ by Southern Capital Limited [FS53].

153. Federated Farmers submission [414.184] wants an amendment in RURZ-P6(3) from sensitive activity to existing rural activity.

##### ***3.5.16 Assessment***

154. With respect to the Hort NZ [295.128] submission, some industrial activities may be better suited to a rural environment as they may struggle to contain all effects of the activity on site within an urban environment. An example of this is the present Daiken Customwood plant, where noise generated outside of the buildings would be difficult to mitigate. Other industrial activities may be better established within a rural environment such as concrete manufacturing (requires large settlement ponds), plywood mills (noise and odour) and cement works (dust and settlement ponds), all of which may struggle to acquire enough land within the existing industrial zoned land.



While it is recognised that industrial activities should primarily be located within industrial zones, some of the activities due to their size, land area requirements or effects could potentially be located within the rural zones without resulting in adverse effects on sensitive activities. Also, for those industries processing rural produce or resources (such as aggregate), it may be more efficient and effective to undertake the processing in the rural area, rather than transporting into and out of an urban area. I therefore do not agree with the submission from Hort NZ.

155. For Federated Farmers [414.184] the reference to existing activities is a common theme in some of the Federated Farmers submission across the Rural zones. Given existing use rights established under section 10 of the RMA, the inclusion of existing activities is not required, particularly given that some industrial activities established within the Rural zones may not have any adverse effects on primary production activities. In my view the policy is written to deal with the interface between industrial activities and residential activities. I therefore do not agree with the proposed amendments by Federated Farmers.

### **3.5.17 Summary of recommendations**

156. I recommend that the submissions from Woodstock Quarries Limited [46.32] and Daiken NZ Ltd [145.28], be **accepted**.

157. I recommend that the submissions from Hort NZ [295.128], and Federated Farmers [414.184] be **rejected**.

158. I therefore do not recommend any changes to policy RURZ-P6.

## **RURZ-P7 Retail activities**

### **3.5.18 Matters raised by submitters**

159. There are three submissions on RURZ-P7, with one submission in support and two submissions wanting amendments. The submission in support is from Hort NZ [295.129].

160. Waka Kotahi [275.76] seek that part (1) of the policy be split into two sub-parts and want an additional clause being 1(c) to recognise the adverse effects on the safe and efficient functioning of the transport system are avoided or mitigated. They also seek additional wording to part (2) of the policy to recognise the safe and efficient functioning of the transport system. This submission is supported in a further submission from KiwiRail [FS99].

161. Federated Farmers [414.185] want an amendment to RURZ-P7 from sensitive activity to existing rural activity.

### **3.5.19 Assessment**

162. Waka Kotahi [275.76] request to add a clause around retail activities avoiding adverse effects on the transport system is a repeat of policy TRAN-P4(2) and TRAN-P15 which states:

#### **TRAN-P2 New Activities**

2. *provide safe entry and exit for vehicles to and from a site to a road without compromising the safety or efficiency of the road corridor or rail corridor;*

#### **TRAN-P15 Effects of Activities on the Transport System**

*Ensure, to the extent considered reasonably practicable, that other activities do not compromise the safe and efficient operation, maintenance, repair, upgrading or development of the transport system, including through:*

*1. managing access to the road corridor, and activities and development adjacent to road/rail level crossings, particularly where it is necessary to achieve protection of the safe and efficient functioning of the transport system, including those parts of the transport system that form part of critical infrastructure, strategic infrastructure and regionally significant infrastructure;*

163. Policy RURZ-P7 is written to provide for small scale retail within the rural environment, where the effects are minor given that there are constraints associated with traffic, number of staff and net floor area. Where they don't comply with the built form standards, traffic considerations are a matter of discretion (RURZ-MD5 Rural sales) that includes assessment of 'Access and vehicle movements on the site and the safety and efficiency of the roading network'.

164. Traffic impacts from retail activities in the rural areas on the safety and efficiency of the transport system, retail activities are non-complying under rules GRUZ-R38 and RLZ-R39. Given the effects on the safe and efficient operation of the transport system are covered elsewhere in the plan, I do not consider it necessary to replicate provisions throughout the plan. I therefore do not agree with the proposed amendments by Waka Kotahi.

165. Assuming that the Federated Farmers [414.185] part (2) of the policy says that expansion of existing retail activities shall:

*b. not limit or constrain the operation of any primary production activity in the zone and shall not have adverse effects on any sensitive activity; and*

166. Replacement of sensitive activity with "existing rural activity" would become redundant, as any adverse effects on primary production is already considered in the policy, inferred through constraining the expansion of existing operation. As discussed in the assessment of submission [414.184] above, the intent is that retail activities are likely to have a greater level of effect through visual, traffic, dust, noise, odour and lighting on the occupants of a dwelling within the rural environment. I do not agree with the proposed amendment by Federated Farmers.

### **3.5.20 Summary of recommendations**

167. I recommend that the submissions from Hort NZ [295.129], be **accepted**.

168. I recommend that the submissions from Waka Kotahi [275.76], and Federated Farmers [414.185], be **rejected**.

169. I therefore do not recommend any changes to the RURZ-P7.

### **RURZ-P8 Reverse sensitivity**

#### **3.5.21 Matters raised by submitters**

170. Ten submissions were received on RURZ-P8, with three submissions in support and seven submissions seeking amendments.

171. There are three submissions in support of the policy, they are from Woodstock Quarries Limited [46.33], Hort NZ [295.130] and ECan [316.171].

172. Fulton Hogan submission [41.45] sought that clauses (3) and (4) of the policy struck out, as they do not support these parts concerning direct effects of rural activities on other activities. There was a further submission in opposition from NZPork [FS49] as they are supportive of separation distances.
173. North Canterbury Clay Target Association [61.7] seek that clauses (1) and (3) amended to include "*recreation and sporting facilities*". They generally support the policy, but are concerned about new sensitive activities establishing near their facility on Boundary Road.
174. Daiken NZ Ltd submission [145.29] sought inclusion of "*heavy industrial zones*" inserted into clauses (1) and (3), and the inclusion of "*existing or*" into clause (2). The submitter noted that their site contributed significantly towards the district and that it was important to protect it from reverse sensitivity effects. They consider that as the policy is presently worded that it does not provide any protection and should be amended to include heavy industrial zones.
175. NZPork submission [169.40] want indoor and intensive outdoor primary production activities removed from clauses (1) and (2). They want to avoid the establishment of new sensitive activities near existing intensive primary production activities where it compromises existing operations.
176. EPFNZ and PIANZ submission [351.6] wants greater restrictions around the establishment of new sensitive activities near primary production, and requiring adequate separation distance between existing sensitive activities and new intensive indoor primary production. They state that the proposed amendment to the wording gives better effect to the objectives RURZ-O1 and RURZ-O2. There is a further submission from NZPork [FS49] in support.
177. Federated Farmers submission[414.186] wants the removal of intensive outdoor primary production activities from clause (1), inclusion of limiting the rights of complaint in clause (2) and deleting clause (3). The first amendment is requested as it is considered by them as problematic. The last amendment to clause (3) is because they feel that it favours existing sensitive activities instead of rural activities.

### **3.5.22 Assessment**

178. Fulton Hogan [41.45] wanted in their submission the deletion of clause (3) which deals with the separation of new primary production activities (includes intensive farming, quarrying, mining and rural industry) from existing sensitive activities, and clause (4) involves avoiding the establishment of quarrying, landfills, clean fills and mining in areas where the amenity values of the urban environment would be diminished. The amendment requesting the deletion of clause (3) and (4) would have the effect of removing one of the main policy mechanisms to mitigate against reverse sensitivity effects with primary production activities. Deletion of clause (4) could result in adverse effects from the new extractive primary production activities on existing urban environment (sensitive activities). Accordingly, I therefore do not agree with any of the proposed amendments.
179. North Canterbury Clay Target Association submission [61.7] wanted the inclusion of recreation and sporting facilities within the clauses on reverse sensitivity. In my opinion the stem of the issue is around noise complaints received about the clay target range on Boundary Road, which has been operating for 31 years, from more recent sensitive activities<sup>12</sup>. Under the Proposed Plan the

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<sup>12</sup> When it was established the nearest house was 1.2km away, now there are 28 houses within a kilometre.

clay target range is within the GRUZ zone, and the adjoining dwellings are in the RLZ zone. Under both zones a sport shooting facility is a discretionary activity (RLZ-R37 and GRUZ-R36). Given the establishment of a new sports shooting facility and recreation facilities are discretionary activities, and that all four rules have submissions in support, the amendment to the policy would be inconsistent with the intent of the rules. I do not agree with the proposed amendments by North Canterbury Clay Target Association.

180. Policy NOISE-P1(3) supports the intent of the North Canterbury Clay Target Association submission, in that it requires new sensitive activities to have sound insulation, or limiting the location of these activities where they may be exposed to noise from existing activities. An assessment of the North Canterbury Clay Target Association submission on NOISE-P1 is in section 3.10.2 of the Section 42A Noise officers report. I agree with the analysis within the Section 42A Noise officers report.

181. Daiken NZ Ltd [145.29] want the inclusion of “*heavy industrial zones*” included in the list of reverse sensitivity provisions in clauses (1) and (3). The list of activities in clause (1) are those that form part of the definition of ‘primary production’. The district has two heavy industrial zones (Daiken NZ Ltd in Upper Sefton Road<sup>13</sup> and Ashley Industrial Services in Mill Road<sup>14</sup>) which both have issues around noise generation<sup>15</sup> and the proximity of sensitive activities.

182. Both sites are located within rural zones, and both may generate adverse effects, primarily noise, that may be potentially similar to mining and quarrying operations, an assessment of reverse sensitivity effects was undertaken in the Section 42A Urban Form and Development report, whereby the reference to industrial activities where included in Policy UFD-P10(2) in recognition that new development could result in reverse sensitivity effects. This is also reflected in the proposed amendment to Objective NOISE-O2<sup>16</sup>.

#### **NOISE-O2 Reverse sensitivity**

*The operation of regionally significant infrastructure and strategic infrastructure, activities within Commercial and Mixed Use Zones and Industrial Zones and ~~identified~~ existing noise generating activities identified through the Noise Chapter rules<sup>17</sup> are not adversely affected by reverse sensitivity effects from noise sensitive activities.*

183. Given the recommended amendments to UFD-P10, and Objective NOISE-O2, the requested amendment by including the reference to the “*heavy industrial zone*” is considered reasonable and the proposed amendment is accepted.

184. The inclusion of “*existing or*” in clause (3) is inconsistent with the intent of the clause which is intended to ensure adequate separation between existing sensitive activities and the establishment of new primary production activities where there are likely to be adverse effects that are not easily controlled beyond the boundary. The inclusion of “*existing or*” would not

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<sup>13</sup> The plant was established around 1973.

<sup>14</sup> The plant was established in 1978.

<sup>15</sup> Marshall Day, 2018. Waimakariri District Plan Review – Noise Deliverable 2 – Noise Monitoring. Rp 002 R01 20181370.

<sup>16</sup> As proposed in the Section 42A Noise Officers report.

<sup>17</sup> Referencing North Canterbury Clay Target Association and Daiken.

resolve any conflict between two sets of existing activities. I do not agree with the proposed amendment from Daiken NZ Ltd relating to the inclusion of "*existing or*".

185. NZPork [169.40] wanted the removal of indoor and intensive outdoor primary production activities. The reasoning is that they wanted to avoid the establishment of new sensitive activities near existing intensive primary production activities. This is contrary to the reasoning that they have given for the removal of the reference to the intensive activities. The wording as proposed in its submission does meet the intent of their submission. However, I note that the Proposed Plan contains definitions for '*intense indoor primary activity*' and '*intensive outdoor primary activity*', but no definition for '*intensive primary production*' as sought in the submission. Given the definitions that already exist for intense indoor primary activity and intensive outdoor primary activity and that they cover different components of the same activity, which have slightly different effects, I do not agree with the proposed amendment by NZPork.
186. EPFNZ and PIANZ submission [351.6] wants amendments to strengthen the reverse sensitivity provisions through the use of directive language of "avoid" and "restrict". I consider SD-O4 uses not limited by and UFD-P10 uses minimise with respect to reverse sensitivity effects on primary production. The use of "*avoid*" in the front portion of policy RURZ-P8 is too restrictive given that the establishment of residential dwellings in the Rural zones is a permitted activity and reverse sensitivity effects cannot be eliminated, only reduced to an acceptable level. The use of the term "*restricting*" in clause (2) would be unworkable as the clause does not state specific primary production activities, meaning that any sensitive activity would potentially be surrounded by primary production within the rural environment. Recognising the fact that there is a potential for reverse sensitivity effects to occur the amendment to clause (3) of "requiring" instead of "ensuring" is more directive and in line with the intent of SD-O4 with "establishment and operation of rural production activities are not limited by new incompatible sensitive activities". I do not agree with the first two amendments requested but do accept the last amendment to wording.
187. Federated Farmers [414.186] requested numerous amendments to RURZ-P8, including the removal of intensive outdoor primary production from clause (1) as they consider the definition to be problematic. The definition covers the activities of free-range pig and poultry farming, intensive goat farming, goat farming and aquaculture. The proposed amendment would mean that new sensitive activities could establish near existing intensive outdoor primary production, which may result in complaints. The suggested amendment to clause (2) by inclusion of "*by limiting their rights of complaint*" is unenforceable, as Council cannot limit a person's ability to complain, unless there was a no-complaint clause as part of any covenant under the Land Transfer Act (2017), which is outside the RMA. or as a consent notice. Accordingly, all sensitive activities would need to be established by resource consent, which would place responsibility on the Council instead of the land owner with the primary production activity. The amendment requesting the deletion of clause (3) removes one of the main mechanisms to mitigate against reverse sensitivity effects with primary production. I do not agree with any of the proposed amendments.

### **3.5.23 Summary of recommendations**

188. I recommend that the submissions from NZPork [FS49], be **accepted**.
189. I recommend that the submissions from Daiken NZ Ltd [145.29], EPFNZ and PIANZ [351.6], be **accepted in part**.

190. I recommend that the submissions from Fulton Hogan [41.45], Woodstock Quarries Limited [46.33], North Canterbury Clay Target Association [61.7], Hort NZ [295.130] NZPork [169.40], ECan [316.171], and Federated Farmers [414.186], be **rejected**.

191. I therefore recommend the following amendment to the wording of RURZ-P8:

**RURZ-P8 Reverse sensitivity**

Minimise the potential for reverse sensitivity effects by:

1. avoiding the establishment of any new sensitive activity near existing intensive indoor primary production activities, intensive outdoor primary production activities, waste management facilities, quarrying activities, mining activities, heavy industrial zones and rural industry in circumstances where the new sensitive activity may compromise the operation of the existing activities;
2. managing the establishment of new sensitive activities near other primary production activities;
3. ~~ensuring~~ requiring adequate separation distances between existing sensitive activities and new intensive indoor primary production activities, intensive outdoor primary production activities, quarrying activities, mining, heavy industrial zones and rural industry; and
4. avoiding quarry, landfill, cleanfill area, mining activities adjacent to urban environments where the amenity values of urban environments would be diminished.

192. The s32AA assessment has been undertaken in **Appendix C** of this report.

### 3.6 Additional Objectives, Policies and Rules

#### RURZ-P9 Spread of wilding trees

##### 3.6.1 Matters raised by submitters

193. ECan [316.167] requests that a new policy is inserted that advocates the minimisation of wilding pines spread.

##### 3.6.2 Assessment

194. Wilding trees are controlled by Ministry for Primary Industries, Regional Councils, District Councils, Department of Conservation, NZ Forest Owners Association, land owners and community groups. ECan [316.167] has requested that a new policy is inserted that advocates the minimisation of wilding pines spread. The RPS has a policy (5.3.13) which seeks to avoid or minimise as far as practicable the spread of wilding trees in the region. The stated methods within the policy states that territorial authorities will:

*“Set out objectives and policies, and may include methods in district plans which minimise the risk of wilding tree spread.”*

195. Given that district councils have a role to play through land use controls in controlling the spread of wilding pines in line with the New Zealand Wilding Conifer Management Strategy<sup>18</sup>, the inclusion of the policy is considered reasonable. It should be noted that ECan had 10 wilding pines survey points between 2008-2013 within the district (Figure 3)<sup>19</sup>.
196. The addition of a policy on Wilding Trees will require amendments to the GRUZ-R2 and RURZ-MD4 to implement the policy. The amendment will reflect the wilding tree risk assessment process from the NESPF for woodlots and carbon forests<sup>20</sup>.

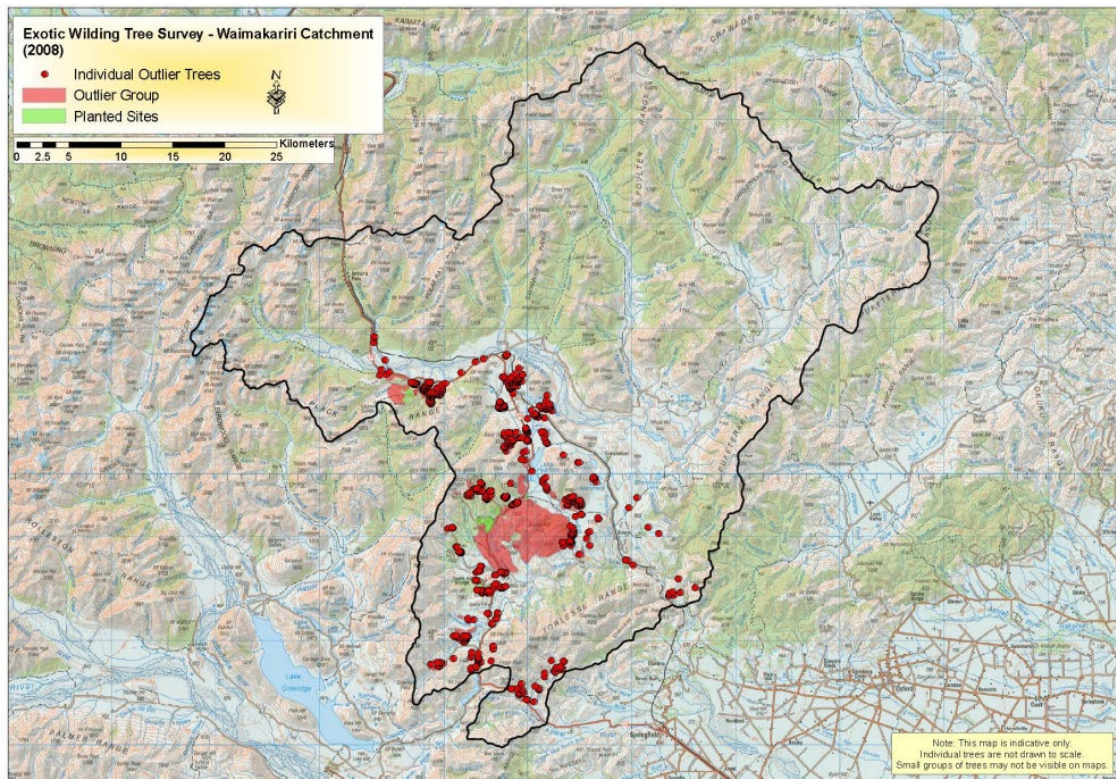


Figure 3: Wilding trees survey in Waimakariri Catchment.

### 3.6.3 Summary of recommendations

197. I recommend that the submissions from ECan [316.167] be **accepted**.
198. I recommend that new policy RURZ-P9 as set out below be included within RURZ - General Objectives and Policies for all Rural Zones.

#### **RURZ-P9 Spread of wilding trees**

*The spread of wilding trees is minimised and where established they are removed.*

<sup>18</sup> Ministry for Primary Industries, 2014. The Right Tree in the Right Place: New Zealand Wilding Conifer Management Strategy 2015-2030.

<sup>19</sup> ECan, 2013. Exotic wilding conifer spread within defined areas of Canterbury high country. Report No. R13/45.

<sup>20</sup> RNZ news article noted that 90,000ha of tussock land is lost to wilding trees each year.

<https://www.rnz.co.nz/news/country/456779/fight-to-eradicate-wilding-pines-far-from-over-expert>

199. A Section 32AA evaluation for the proposed policy is completed in Appendix C

200. I recommend the following proposed amendment to GRUZ-R2 in response to the proposed new policy is:

<p><b>GRUZ-R2 Primary production</b>                  This rule does not apply to mining provided for under GRUZ-R29; quarrying activities provided for under GRUZ-R30; farm quarry provided for under GRUZ-R12; free range poultry provided for under GRUZ-R17; or intensive indoor and outdoor primary production provided for under GRUZ-R18</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of:                         <ol style="list-style-type: none"> <li>a. <u>the greater of either:</u> <ol style="list-style-type: none"> <li>i. 40m; or</li> <li>ii. <u>A distance where the forest species when fully grown would shade a residential unit or minor residential unit between 10am and 2pm on the shortest day of the year;</u></li> </ol> </li> <li>b. from any residential unit or minor residential unit on a site under different ownership, <u>except where topography already causes shading;</u> or</li> <li>c. 10m from any site boundary of a site under different ownership; and</li> <li>d. 10m from any road boundary of a paved public road.</li> </ol> </li> </ol>	<p><b>Activity status when compliance with GRUZ-R2 (1) not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b>                  RURZ-MD1 - Natural environment values                  RURZ-MD3 - Character and amenity values of the activity                  RURZ-MD4 - Forestry, Carbon Forest, Woodlots</p> <p><b>Notification</b>                  An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

**RURZ-MD4 Forestry, Carbon Forest, Woodlots**

1. The extent of adverse effects from the additional shading resulting from the non-compliance, taking into account the use of the affected sites, the amount of shadow cast and the period of time adjacent sites are affected.
2. The ability of existing topography or vegetation to mitigate any adverse shading effects on the adjoining site.
3. The nature of the use of adjoining sites and the extent to which the activity may result in conflict and/or reverse sensitivity effects with activities on adjacent sites.
4. Any shading effects on the transport network.
5. The potential for the spread of wilding trees into conservation land, SNAs and QE II National Trust land and the risk to these areas from wilding trees establishment.

**3.6.4 Section 32AA evaluation**

201. In my opinion, for RURZ-MD4 the amendments to the introduction are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.



- The recommended amendments will help implement Policy 5.3.13 of the RPS and enable Council to meet its obligations under the New Zealand Wilding Conifer Management Strategy.

### Seasonal / Farm Worker Accommodation

#### 3.6.5 Matters raised by submitters

202. Hort NZ [295.131] and [295.135] requests that a new policy is inserted into RURZ, GRUZ and RLZ to provide for seasonal workers accommodation. This submission was supported in part by CIAL in a further submission stating that seasonal works accommodation is subjected to the same rules as other residential and noise sensitive activities.
203. Hort NZ submissions [295.136] and [295.137] is on GRUZ, and [295.171] and [295.172] is on RLZ suggested new rules relating to the inclusion of seasonal workers accommodation.
204. Hort NZ submission [295.191] wants a new matter of discretion on seasonal workers accommodation.

#### 3.6.6 Assessment

205. Hort NZ [295.131] and [295.135] and [295.170] requests that a new policy is inserted into RURZ, GRUZ and RLZ respectively to provide for farm workers accommodation. There has been an increase in land fragmentation across the district<sup>21</sup> and a reduction in the percentage of people employed in the agricultural and forestry sectors<sup>22</sup>. Anecdotally there has been a constant stream of planning enquiries regarding farm owners wanting to subdivide off existing farm workers cottages and sell them (numbers have not been recorded).
206. Hort NZ [295.136], [295.171] wanted a new rule enabling seasonal workers accommodation as a permitted activity, and [295.137] and [295.172] as a restricted discretionary activity. The district contains 507ha of horticulture and viticulture land (Macfarlane, 2018) and 26 horticulture operations (Hort NZ submission). While there is a potential for horticultural and viticulture production to increase in some parts of the district<sup>23</sup>, the existing pattern of 4ha lifestyle blocks on the highly productive land in the eastern part of the district means that large scale conversion to horticulture is unlikely to occur given the minimum land size requirements as identified in the Macfarlane report (10-15ha for horticulture and 15-20ha for vegetable crops)<sup>24</sup>. An investigation by Ms Sparrow<sup>25</sup> found that the agricultural workforce has declined within the district. On the basis that there are less land parcels being created of a suitable size for horticulture and viticulture

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<sup>21</sup> Section 32 report - Rural

<sup>22</sup> Canterbury Water Management Strategy: Waimakariri Zone Socio Economic Profile. Ecan, 2016.

<sup>23</sup> KPMG, 2018. Waimakariri District Council Rural Future Analysis: Future agri-food scenario planning for a prosperous district.

<sup>24</sup> Macfarland Rural Business, 2018. Waimakariri District Plan Review: Rural Production Advice – Rural Land Zoning.

<sup>25</sup> M Sparrow – Canterbury Water Management Strategy: Waimakariri Zone Socio- Economic Profile. An unpublished report for Environment Canterbury and Waimakariri District Council.

production, and that there are less people working in the industry<sup>26</sup>, I do not agree that a new rule for seasonal worker accommodation is required.

207. Policy RURZ-P5 provides for minor residential units on rural land and rules GRUZ-R4 and RLZ-R4 have increased the size of minor residential units between the operative and proposed plans from 75 to 90m<sup>2</sup>. On the basis that there is increased land fragmentation within the district, given the relatively short commuting distances and the increase in minimum size for minor residential units, I do not consider that there is a need for an additional policy for farm workers and seasonal accommodation.

208. Matter of discretion submission [295.191] wanted considerations of screening and landscaping to mitigate effects on existing activities, and compliance with a code of practice. The provision of seasonal worker accommodation is not proposed for the Proposed Plan, as the District does not contain much in the way of horticulture to justify provisions for seasonal workers accommodation.

### **3.6.7 Summary of recommendations**

209. I recommend that the submission from Hort NZ [295.131], [295.135], [295.135], [295.137], [295.171], [295.172], and [295.191], be **rejected**.

## **Artificial Crop Protection Structures**

### **3.6.8 Matters raised by submitters**

210. Hort NZ have suggested new rules relating to the inclusion of artificial crop protection structures in their submissions [295.138] is on GRUZ as a permitted activity and [295.139] is on GRUZ as a restricted discretionary activity, and [295.173] is on RLZ as a permitted activity and [295.174] is on RLZ as a restricted discretionary activity.

### **3.6.9 Assessment**

211. Hort NZ [295.138], [295.139], [295.173] and [295.174] want two new rules associated with artificial crop protection structures, one a permitted rule and one a restricted discretionary rule. Within the Proposed Plan, crop protection structures are permitted as part of a primary production activity. They would have to meet the rural built form standards to be permitted. The maximum height limit of 12m above ground level, would provide for most artificial crop support structures/ wind break, as they are commonly 6m in height<sup>27</sup>, any higher and wind loading will require a more detailed engineering design. The only rural built form standards that would be triggered is the setback criteria, which requires a 10m setback from road boundaries and 3m from internal boundaries. The internal boundary setback should not be an issue as the support structures often require supporting wires to prevent wind damage being located within the internal boundary setback.

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<sup>26</sup> Stats NZ business demographic series reported that there were 185 people employed horticulture, nursery vegetables and other crops within the district in 2015. The statistic does not identify who is an employee separate to being the property owner.

<sup>27</sup> NZ Kiwifruit Growers Incorporated. The Kiwifruit Book 2022, Chapter 2

212. The new rule proposed by the submission does not necessarily provide any greater degree of efficiency, as it is proposed that a setback of 5m is used on any internal boundary with an existing residential unit. On the basis that there is minimal difference between what is proposed in the submission and what is allowed under the Proposed Plan, I do not agree with the amendment.

### ***3.6.10 Summary of recommendations***

213. I recommend that the submission from Hort NZ [295.138], [295.139], [295.173] and [295.174] be **rejected**.

## **Avoid Reverse Sensitivity**

### ***3.6.11 Matters raised by submitters***

214. EPFZN and PIANZ [351.8] submission supports GRUZ-P1, but they want a new Policy GRUZ-P3 associated with reverse sensitivity effects on established primary production. Submission [351.13] also wants the corresponding policy in RLZ. The submission from EPFZN and PIANZ [351.19] wants the same wording as [351.18]. Submission [351.8] is supported by a further submission from Hort NZ [FS47].

### ***3.6.12 Assessment***

215. The EPFZN and PIANZ [351.18] submission sought a new clause regarding reverse sensitivity effects added to the policy. The theme of the existing policy is to limit land fragmentation. One of the outcomes of land fragmentation has been reverse sensitivity effects. I do not agree with the proposed amendments as the policy deals with limiting land fragmentation and reverse sensitivity is already addressed in RURZ-P8..

216. The EPFZN and PIANZ submissions [351.8], [351.13], and [351.19] is the same as [351.18] on GRUZ-P2, which is better suited to that provision as GRUZ-P1 deals with character of the General Rural Zone, rather than land use. I do not agree with the proposed amendments as the policy deals with character and reverse sensitivity is already addressed in RURZ-P8.

### ***3.6.13 Summary of recommendations***

217. I recommend that the submission from EPFZN and PIANZ [351.8], [351.13], [351.18], and [351.19], be **rejected**.

## **Critical Infrastructure Provisions**

### ***3.6.14 Matters raised by submitters***

218. Main Power [249.120] and [249.123] wants to insert a new objective about the operation and security of critical, strategic and regionally significant infrastructure being protected from other activities within the GRUZ and RLZ chapters respectively.

219. MainPower [249.121] and [249.124] wants to insert a new policy about the operation and security of critical, strategic and regionally significant infrastructure being protected from other activities within the GRUZ and RLZ chapters respectively.

220. MainPower [249.122] and [249.125] wants a new rule around earthworks adjacent to major electricity distribution lines within the GRUZ and RLZ chapters respectively.

### **3.6.15 Assessment**

221. MainPower's submissions [249.120] and [249.123] wants a new objectives on the operation of critical infrastructure not being compromised by other activities. MainPower also submitted that they wanted all provisions relating to infrastructure within the Energy and Infrastructure chapter. The proposed objective is already covered under EI-O3, that provides for *'the safe, efficient and effective operation, maintenance, repair, renewal, upgrading and development of energy and infrastructure is not constrained or compromised by activities and development, including by reverse sensitivity effects'*. On the basis of their submissions on the Proposed Plan all relevant provisions are in the Energy and Infrastructure chapter and are assessed within the Section 42A Energy and Infrastructure officers report. I do not agree with the proposed amendment.

222. MainPower's submissions [249.121] and [249.124] wants a new policy on the separation of incompatible activities from critical, strategic or regionally significant infrastructure. As with above, all of the energy and infrastructure provisions are located within the relevant chapter of the Proposed Plan. The proposed wording regarding the separation of incompatible activities is covered in EI-P6 and does not need to be repeated throughout the Proposed Plan. I do not agree with the proposed amendment.

223. MainPower's submissions [249.122] and [249.125] wants a new rule on earthworks around major electricity distribution line. The GRUZ zone does not contain earthworks rules, which are located within the earthworks chapter. MainPower have placed the same submission [249.26] on the earthworks chapter, and the application of that provision will be assessed in the Section 42A Earthworks officers report. The proposed wording in the submission is a repeat of EI-R52, the same rule does not need be repeated in other chapters of the Proposed Plan. I do not agree with the proposed amendment.

224. The issue of where 'corridor protection' rules relating to 'Major Electricity Distribution Lines' are located in the proposed Plan is addressed in relating to MainPower's submission point [249.49] in the Energy and Infrastructure s42A report. That submission point sought the relocation of 'corridor protection rules' from the EI chapter to nine different zone chapters, including the three Open Space and Recreation Zones including the Natural Open Space Zone. The recommendation on submission point [249.49] is for these provisions to remain in the EI chapter and instead insert cross references in the zone provisions to the provisions in the EI chapter relating to 'Major Electricity Distribution Lines'. The recommendation on submission point [249.49] is of direct relevance to, and is consistent with, this recommendation.

### **3.6.16 Summary of recommendations**

225. I recommend that the submission from MainPower [249.120], [249.121], [249.122], [249.123], [249.124] and [249.125], be **rejected**.

### 3.7 General Rural Zone General Submissions

#### 3.7.1 Matters raised by submitters

226. There were 31 submissions on general matters in the General Rural Zone. There are five in support, 16 in opposition and ten wanting amendments to the General Rural Zone as a whole. Two submissions (RA and FM Buhler [209.31] and The Broken River Trust [56.1]) contains points that relates to effluent buffer areas and is addressed in section 3.21 of this the report. Six of the submissions were related to rezoning or noise contour matters.
227. There are also five partial rezoning submissions (Chris and Jenny Rose [67.1], Nathan Schaffer [76.1], MJ Borcoskie Family Trust [102.1], Margaret and John Cotter [103.1] and David Cosgrove [292.1]), and those components of the submissions that principally deal with rezoning will be addressed in the Section 42A Rezoning officers report in Hearing Stream 12. The remaining parts of the submissions that are not specifically rezoning will be addressed below.
228. Fulton Hogan [41.51] generally supports the GRUZ zone but wants a new rule that enables the deposition of inert fill as part of quarry rehabilitation as a discretionary activity.
229. Woodstock Quarries Limited [46.7] generally supports the GRUZ zone and wants retention of a number of activities and overlays.
230. Brian and Susan Andersen [58.1] opposes limiting land area in General Rural Zone (GRUZ) to 20ha with no acknowledgement of current land size or the opportunity to create boundary adjustments (with smaller sites) to increase size of larger farm sites for primary production. This is addressed in section 3.22 of this report
231. Chris and Jenny Rose [67.1] opposes the GRUZ zone subdivision limits of 20ha of the GRUZ zone and wants their property to be rezoned as RLZ. The rezoning request of the property will be assessed in the Section 42A Rezoning officers report in Hearing Stream 12.
232. John Waller [89.1] wanted the 4ha subdivision sizing for existing owners and to rezone the land as RLZ not GRUZ. This submission will be assessed in section 3.22 of this report. The rezoning request of the property will be assessed in the Section 42A Rezoning officers report in Hearing Stream 12. A further submission from Survus Consultants [FS103] was received in support of this submission.
233. Borcoskie M J & R M [101.1] opposes the proposed GRUZ zone rules and wants the existing district plan rules to apply to their property.
234. M J Borcoskie Family Trust [102.1] oppose the GRUZ provision, want their property to be rezone RLZ and the reinstatement of the boundary adjustment provisions. The issues around the reinstatement of the boundary adjustment provisions is discussed in section 3.22 of this report.
235. Kaiapoi-Tuahiwi Community Board submission [147.9] supports the minimum 20ha minimum subdivision size. This issue will be addressed in section 3.22 of this report. A further submission was received from Survus Consultants [FS103] in opposition to this submission.
236. Rangiora – Ashley Community Board [148.11] opposes the 20ha minimum lot size in the GRUZ zone as they think that it is too small. This issue will be addressed in section 3.22 of this report.
237. Rayonier Matariki Forests [171.19] wants a statement added on plantation forestry activities and the prevailing provisions of the NESPF.

238. Forest and Bird [192.66] supports the GRUZ provisions but wants an amendment to include setbacks for activities within the margins of wetlands, rivers, lakes for farm quarries and primary production.
239. Survus Consultants [205.1] wants the GRUZ and RLZ maps and provisions for rural subdivision and residential development deleted. There were 14 further submissions received in support of this submission (Gerard Bassett FS27; Alan and Sharron Davie-Martin FS34, John and Annette Waller FS40/107; Scott and Marcia Larsen FS54; Terry and Louise Davis FS55; Mark and Yvonne Webb FS68; John A Bassett FS96; Darryl Brown FS97; Herman Wezenberg FS106; Susan Mary Sullivan FS111; Sis Johnston FS114; Mallory Olorenshaw FS122; Roel Wobben FS124; Robert and Linda Falconer FS127).
240. Maurice Newell [281.2] wants to allow applications that were lodged before notification, to map and protect good soils, allow subdivision of poorer soils, and provide large residential areas near similar zones. The analysis of section sizes is in section 3.22 of this report. The assessment against good soils is in section 3.20 of this report.
241. Daniel Cosgrove [291.1] wanted to allow subdivisions and boundary adjustments to at least 4ha. This submission will be assessed in section 3.22 of this report.
242. The Broken River Trust [415.1] wanted the corridor between Eyre River bridge and Waimakariri Gorge Bridge to be rezoned RLZ. The rezoning request will be assessed in the Section 42A Rezoning officers report in Hearing Stream 12.

### **3.7.2 Assessment**

243. Fulton Hogan submission [41.51] wanting a new rule for deposition of inert fill. The NPS definition for Quarrying Activities includes the 'deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry', which covers the rehabilitation of quarry sites as requested. I do not agree with the proposed amendment as there is no need to have two rules covering the same activity and the rehabilitation of a quarry site should be part of the normal quarrying operation, which may require a resource consent to begin with (refer to discretionary activity GRUZ-R30).
244. Woodstock Quarries Limited [46.7] are generally supportive of the provisions of the GRUZ zone, with the retention of the quarrying and landfill as discretionary activities. The status of these activities is not proposed to be changed. The reference to quarrying in other chapters outside the scope of the rural zone provisions and will be assessed in the applicable Section 42A officers' reports.
245. Borcoskie M J & R M [101.1] opposes the new GRUZ rules and wants the existing operative rules to apply (one four-hectare Rural Zone). The loss of productive rural land was identified during community consultation as a critical issue within the section 32 report. The executive summary of the Section 32 Rural report identified four key issues that meant the existing provisions were not achieving the desired outcomes within the rural zone. The district plan was also overdue a review in accordance with section 79 of the RMA. I do not agree with the points raised in the submission.
246. Rayonier Matariki Forests [171.19] wants a statement added on plantation forestry activities and the prevailing provisions of the NESPF. As a permitted primary production activity under GRUZ-R2, there are no constraints placed on production forestry within the zone outside of what is contained in other chapters of the plan and within the NESPF. A reference to the NESPF is

included as an advice note under GA-AN4 (Part 1 How the plan works: General approach) which includes the following statement '*The provisions of the Rural Zones do not apply to plantation forestry greater than 1ha in area, refer to the NESPF*'. The amendment to include an additional advice note regarding the NESPF is not required as the Proposed Plan should be read as a whole, and including replication of advice notes throughout the plan would undermine this approach. I do not agree with the proposed amendment.

247. Forest and Bird [192.66] supports the GRUZ provisions but wants an amendment to include setbacks for activities within the margins of wetlands, rivers, lakes for farm quarries and primary production. The setback of activities from the margins of water bodies where they may have an adverse effect is addressed in the chapter on Natural Character of Freshwater, and is controlled by ECan through the implementation of the NPSFM. I do not agree with the proposed amendment.
248. Survus Consultants [205.1] want the GRUZ and RLZ maps and provisions for rural subdivision and residential development deleted. The Section 32 Rural officers' report sets out the reasons for having a GRUZ and RLZ within the district plan. I do not agree with the proposed amendment. Section 3.22 provides more detail as to the reasoning why Council has proposed the subdivision constraint on the GRUZ zone.
249. Resource consent applications to subdivide farm land within the proposed GRUZ zoning received immediately prior to notification have been placed on hold until Council has assessed the applications against the Operative Plan and the Proposed Plan. Council sought immediate legal effect (Appendix D) for GRUZ rules on residential dwellings to stop the increasing proliferation of subdivision of rural land below 20ha. The request to allow resource consent subdivision applications received immediately prior to the notification of the Proposed Plan to be processed is outside the scope of the District Plan Review. I do not agree with the submission.

### **3.7.3 Summary of recommendations**

250. I recommend that the submissions from Woodstock Quarries Limited [46.7], be **accepted**.
251. I recommend that the submissions from Fulton Hogan [41.51], Borcoskie MJ and RM [101.1], Rayonier Matariki Forests [171.19], Forest and Bird [192.96], Survus Consultants [205.1], be **rejected**.
252. I therefore do not recommend any amendments to the GRUZ chapter in general.

## **3.8 General Rural Zone Introduction Submissions**

### **3.8.1 Matters raised by submitters**

253. Two submissions were received on the introduction, both seeking amendments.
254. NZPork submission [169.41] wants the introduction amended to be consistent with GRUZ-O1.
255. Hort NZ submission [295.132] wants an amendment to the introduction to the chapter to include statements on vegetable growing, highly productive land and protection from inappropriate development.

### 3.8.2 Assessment

256. GRUZ-O1 states that the purpose of the general rural zone is:

*Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate while fragmentation of land into small rural parcels is restricted.*

257. The Introduction states:

*The purpose of the General Rural Zone is to provide for primary production activities, those activities that support rural activities and those activities that rely on the natural resources that exist within the zone.*

258. The change to the introduction sought by the NZPork submission [169.41] emphasizes natural and physical resources and the restriction of land fragmentation. The introduction generally describes the general rural zone, rather than direct decision making as an outcome. I do not agree with the proposed amendment.

259. The proposed amendment sought by the Hort NZ submission [295.132] is covered in part by the amendment in the introduction for the RURZ chapter. The reference to highly productive land and versatile soils will be addressed in section 3.20 of this report. The submission wants particular reference to vegetable growing within the district in the introduction. The M Sparrow report<sup>28</sup> only identified 27 mushroom and vegetable growing businesses within the district, representing just 2% of the agricultural/horticultural business units within the district (based on 2015 assessment).

260. While vegetable production and potentially horticulture are likely to increase within the district, this will only occur once external drivers start influencing land use decisions<sup>29</sup>. Until the external drivers are stronger, vegetable production in the district is unlikely to dominate agricultural land use. I do not agree with the proposed amendment.

### 3.8.3 Summary of recommendations

261. I recommend that the submissions from NZPork [169.41] and Hort NZ [295.132], be **rejected**.

262. I therefore do not recommend any changes to the Introduction section of the General Rural Zone Chapter of the Proposed Plan.

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<sup>28</sup> M Sparrow – Canterbury Water Management Strategy: Waimakariri Zone Socio- Economic Profile. An unpublished report for Environment Canterbury and Waimakariri District Council.

<sup>29</sup> AGFIRST, 2017. Analysis of Drivers and Barriers to Land Use Change. A report prepared for the Ministry of Primary Industries.



### 3.9 General Rural Zones Objectives – Submissions

#### GRUZ-O1 Amenity and Character

##### 3.9.1 Matters raised by submitters

263. There are 12 submissions, with five submissions in support, four submissions in opposition, and three wanting amendments. Those submissions in support were from Fulton Hogan [41.46], Woodstock Quarries Limited [46.1], RIDL [326.547], EPFNZ & PIANZ [351.7] and Dairy Holding Limited [420.28]. The submissions in opposition from Margaret Spencer-Bower [42.1] and Eyrewell Dairy Limited [300.7] is a rezoning request and will be addressed in the Section 42A Rezoning officers report in Hearing Stream 11.
264. NZPork [169.42] wants an amendment to the objective to reorder the wording. This involves moving 'natural and physical resources' to after the word economy.
265. George Jason Smith [270.4] in the submission states that he wants an amendment to use the same wording in RURZ-P2(3) "*ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations*", despite using the same wording as the objective in his relief sought.
266. Hort NZ [295.133] oppose the objective and want it replaced with a list of criteria that is written like a policy.
267. Federated Farmers [414.187] wants a minor word amendment to include "*and are enabled*" for rural productive economy.

##### 3.9.2 Assessment

268. The NZPork [169.42] amendment of reordering the wording of the objective reads better and is accepted.
269. In George Jason Smith submission [270.4] GRUZ-O1 has a different purpose than Policy RURZ-P2. The policy wording relates to the management of subdivision and subsequent development, which is not an appropriate outcome for the GRUZ environment where primary production contributes towards the District's rural productive economy. I therefore do not agree with the proposed amendment.
270. The proposed objective by Hort NZ [295.133] is essentially a re-write of some of the general objectives and policies in RURZ. The suggested wording does not fit the purpose of the General Rural Zone and is written to limit subdivision. I do not agree with the proposed amendment.
271. The Federated Farmers [414.187] amendment is more suited to a policy, as inclusion of enabled does not meet the purpose of the General Rural Zone. I do not agree with the proposed amendment.

##### 3.9.3 Summary of recommendations

272. I recommend that the submissions from NZPork [169.42], be **accepted**.
273. I recommend that the submissions from George Jason Smith [270.4], Hort NZ [295.133], Federated Farmers [414.187], Fulton Hogan [41.46], Woodstock Quarries Limited [46.1], RIDL [326.547], EPFNZ & PIANZ [351.7] and Dairy Holding Limited [420.28], be **rejected**.

274. I therefore recommend the following amendments to GRUZ-O1:

**GRUZ-O1 Purpose of the General Rural Zone**

~~Natural and physical resources and p~~Primary production activities which contribute to the District's rural productive economy and that rely on the natural and physical resources of the rural environment dominate while fragmentation of land into small rural parcels is restricted.

275. The s32AA assessment has been undertaken in **Appendix C** of this report.

### 3.10 General Rural Zone Policies Submissions

**GRUZ-P1 Character of the General Rural Zone**

**3.10.1 Matters raised by submitters**

276. Ten submissions were received on GRUZ-P1, with seven submissions in support, two submissions in opposition and one submission wanting an amendment. Both of the submissions in opposition relates to a rezoning request (Eyrewell Dairy Ltd [300.8] and RA and FM Buhler [209.18]) and these are addressed in the s42A report for rezoning requests as part of Hearing Stream 12. The submission from RA and FM Buhler [209.18] wanting an amendment is concerned with issues associated with effluent buffers.

277. The seven submissions in support are from Fulton Hogan [41.47], Woodstock Quarries Limited [46.34], NZPork [169.43], Hort NZ [295.134], RIDL [326.548], Federated Farmers [414.188] and Dairy Holdings Limited [420.29].

**3.10.2 Assessment**

While supporting the provision, Federated Farmers [414.188] wanted the reference to “*natural environment values*” in GRUZ-P1 to be rephrased to reflect natural values as shaped by primary production. The policy includes references to aspects of primary production that form part of the character of the rural environment. The submission explanation implies that primary production should be the only contributor to rural character. This submission does not acknowledge the large environmental and ecological inputs that contribute towards a functioning farm, orchard or forestry. I do not agree with the proposed amendment.

**3.10.3 Summary of recommendations**

278. I recommend that the submissions from Fulton Hogan [41.47], Woodstock Quarries Limited [46.34], NZPork [169.43], Hort NZ [295.134], RIDL [326.548], and Dairy Holdings Limited [420.29], be **accepted**.

279. I recommend that the submission from Federated Farmers [414.188], be **rejected**.

280. I therefore do not recommend any amendment to GRUZ-P1.

**GRUZ-P2 Limiting fragmentation of land****3.10.4 Matters raised by submitters**

281. 13 submissions were received on GRUZ-P2, with five submissions wanting amendments, four submissions in support and four submissions in opposition. The submissions in support are Fulton Hogan [41.48], NZPork [169.93], RIDL [326.549] and Dairy Holdings Limited [420.3]. All of the opposition submissions relate to rezoning (Eyrewell Dairy Limited [300.9], The Broken River Trust [415.5] and [417.1], including comments on effluent buffers (RA and FM Buhler [209.19]). The George Jason Smith [270.6] submission will be addressed in section 3.22 of this report.
282. Federated Farmers [414.189] submission wanted the rural zone boundaries amended to protect LUC class 1 to 3 land from subdivision into smaller lots and this submission will be addressed in section 3.22 of this report.

**3.10.5 Assessment**

283. Federated Farmers [414.189] wanted the rural zone boundary between GRUZ and RLZ amended along the line of LUC classification. The Rural zone boundary was established using a range of criteria including character and dominant land use<sup>30</sup>. Given the wide expanse of LUC Class 1 to 3 soils, the approach put forward in the submission is impactable given the present life style development, the location of infrastructure and the existing land use. I do not agree with the proposed amendment.

**3.10.6 Summary of recommendations**

284. I recommend that the submissions from Fulton Hogan [41.48], NZPork [169.93], RIDL [326.549] and Dairy Holdings Limited [420.3], be **accepted**.
285. I recommend that the submissions from Federated Farmers [414.189], be **rejected**.
286. I therefore do not recommend any amendment to GRUZ-P2.

**3.11 General Rural Zone Activity Rules Submissions****GRUZ-R1 Construction or alteration of or addition to any building or other structure****3.11.1 Matters raised by submitters**

287. Three submissions on the rule, two in support (Hort NZ [295.140] and RIDL [326.550]) and one wanting an amendment.
288. NZHHA [221.9] wants additional clauses around the relocation of building onto and off a property.

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<sup>30</sup> Boffa Miskell, 2018. Waimakariri District – Rural Character Assessment. An unpublished report for Waimakariri District Council.  
Boffa Miskell, 2020. Memorandum on Rural Boundary Outline for District Plan Review.

### 3.11.2 Assessment

289. Rule GRUZ-R1 is intended to link the built form standards back into the rule framework. The basis of the requested amendments by NZHHA [221.9] relate to the use of "construction or alteration of or addition" and the perception that it does not include the relocation of buildings onto a property. The intent of the rule was not to exclude the relocation of buildings onto a property, as pointed out by the wider submission the effects are not dissimilar to that by the construction of a new house. As a result, I consider the proposed amendments are not necessary.

### 3.11.3 Summary of recommendations

290. I recommend that the submissions from Hort NZ [295.140] and RIDL [326.550], be **accepted**.

291. I recommend that the submissions from NZHHA [221.9], be **rejected**.

292. I therefore do not recommend any amendments to GRUZ-R1.

## GRUZ-R2 Primary production

### 3.11.4 Matters raised by submitters

293. Seven submissions were received on GRUZ-P2, with one submission in opposition, two submissions in support NZPork [169.44] and RIDL [326.551] and four submission wanting amendments. The submission from Hort NZ [295.141] will be addressed in section 3.22 of this report.

294. George Jason Smith [270.8] wants the word "paved" replaced with "formed and maintained".

295. NZ Agricultural Aviation Association [310.6] support the rule but request that the title include ancillary activities, such as agricultural aviation.

296. Federated Farmers [414.190] submitted in opposition to the rule and wants the whole rule deleted, due to their view that it contains rules that are more restrictive than the NPSPF.

297. Dairy Holdings Limited (DHL) [420.31] generally support the rule but wants clarification whether forestry greater than 1ha is permitted.

### 3.11.5 Assessment

298. The intent of the proposed amendment by George Jason Smith [270.8] is to replace "paved" with "formed and maintained". His concern is that the term 'paved' means to be sealed with tar seal, concrete or block, and accordingly the rule would not apply to unsealed gravel roads.

299. The permitted activity standard is to ensure that forestry less than 1ha, carbon forests and woodlots are adequately setback from all roads. While the original intent of the notified rule was to avoid black ice conditions on sealed roadways, there are also other safety issues such as fire risk and tree fall that could pose a risk to users of the road. For comparison the NESPF has a permitted activity condition (clause 14(2) of the NESPF) in relation to **plantation forestry** that:

*Afforestation must not occur where a plantation forest tree, when fully grown, could shade a **paved** public road between 10 am and 2 pm on the shortest day of the year, except where the topography already causes shading. [My emphasis added].*

300. This NESPF condition is the same as GRUZ-R2 and the use of the term 'paved' brings the provisions for forestry less than 1ha, carbon forests and woodlots in line with the NESPF condition. The amendment from 'paved' to 'formed and maintained' road would not align with the wording in clause 14(2). The intent of the rule was not to apply to 'paper roads'. To avoid any interpretation issues as to what 'maintained' means, I recommend that the word 'paved' be replaced with 'formed' as that will cover all states of the road surface condition.
301. NZ Agricultural Aviation Association [310.6] wanted ancillary activities included in the definition to include such activities as agricultural aviation as a permitted activity. Agricultural aircraft operations are not covered in the Proposed Plan, only Noise-R13 that permit certain aircraft operations at Rangiora Airfield. As the definition for primary production means any agricultural activity, the application of fertiliser would be considered as part of an agricultural activity in the same manner as application of fertilizer by truck. I do not agree with the proposed amendment.
302. The Federated Farmers [414.190] submission has misinterpreted the rule. The rule does not place any restrictions on plantation forestry and only applies to forestry that is less than 1ha in area, is a woodlot or carbon forest, none of which is covered by the NESPF. The restrictions within the rule associated with setbacks distances from dwellings and boundaries are exactly the same as the condition in clause 14 of the NESPF and the setback from roads is more permissive. I do not agree with the deletion of Rule GRUZ-R2 as sought in the submission.
303. In response to the Dairy Holdings Limited (DHL) [420.31] submission plantation forestry forms part of the 'primary production' definition and is therefore a permitted activity. Any plantation forestry below 1ha, woodlot or carbon forest is not covered by the NESPF regulations, which is why provisions around setbacks have been included. I do not agree with the proposed amendment.

### **3.11.6 Summary of recommendations**

304. I recommend that the submissions from NZPork [169.44] and RIDL [326.551], be **accepted**.
305. I recommend that the submissions from George Jason Smith [270.8], NZ Agricultural Aviation Association [310.6], Federated Farmers [414.190], and Dairy Holdings Limited (DHL) [420.31] be **rejected**.
306. I therefore do not recommend any amendment to GRUZ-R2.

### **GRUZ-R3 Residential unit**

#### **3.11.7 Matters raised by submitters**

307. There are 13 submissions on Rule GRUZ-R3, with five in opposition, and four in support (Judith Roper-Lindsay [120.16], Hort NZ [295.142], RIDL [326.552], and Federated Farmers [414.191]) and four wanting amendments.
308. Survus Consultants [205.3] want an amendment to the rule by inserting a new clause that enables their subdivision applications lodged prior to 18 September 2021 to be processed as controlled activities in the GRUZ zone. The following further submissions are in support of the Survus Consultants submission: Gerard Bassett FS27; Alan and Sharron Davie-Martin FS34, John and Annette Waller FS40/107; Scott and Marcia Larsen FS54; Terry and Louise Davis FS55; Mark

and Yvonne Webb FS68; John A Bassett FS96; Darryl Brown FS97; Herman Wezenberg FS106; Susan Mary Sullivan FS111; Sis Johnston FS114; Mallory Olorenshaw FS122; Roel Wobben FS124; Robert and Linda Falconer FS127 .

309. Roger Reeves and Karen DeLautour [231.2] want an amendment to the dates in the rule by removing the reference to 1 October 1991. This submission was supported by a further submission from Survus [FS103].
310. George Jason Smith [270.7] wants the rule amended to reflect to a 20ha footprint rather than a 20ha minimum lot size.
311. Maurice Newell [281.3] opposes the rule and wants to allow applications lodged before notification. Map and protect good soils and allow subdivision of poorer soils. Provide large residential areas near similar zones. Price of land may mean people will buy larger blocks who know nothing about farming.
312. Eyrewell Dairy Ltd [300.10] seeks that the RLZ or LLRZ rules apply instead of the GRUZ rules.
313. WDC [367.5] wants to retain GRUZ-R3 together with the minimum 20ha allotment area.
314. WDC [367.58] wants some minor wording amendments to and the insertion of a new clause that enable a residential dwelling to be established on 4ha lots created prior to 18 September 2021.

### 3.11.8 Assessment

315. With respect to the Survus Consultants submission [205.3], section 3.22 of this report detail the issues associated with the proliferation of lifestyle blocks within the district. I do not agree with the amendment.
316. Roger Reeves and Karen DeLautour [231.2] proposed amendment would in my view result in a proliferation of residential dwellings being able to be placed on undersized land parcels that are a non-complying activity under Rule 3.5.1 (Figure 4). There is a discussion regarding the number of blocks less than 4ha that do not have dwellings on them in section 3.22 of this report. I do not agree with the amendment.



Figure 4: Relict subdivision titles created prior to the RMA.

- 317. The Section 32 Rural report details why the Proposed Plan has two different rural zones and the difference between them. Eyrewell Dairy Ltd [300.10] submission also wanted the LLRZ provisions to apply, this is inconsistent with the rural residential policy approach in the RPS (Policies 5.3.1, 5.3.2, 5.3.12, and 6.3.9) and the outcomes of the Waimakariri Rural Residential Development Strategy. I do not agree with the proposed amendment.
- 318. WDC [367.5] the proposed amendment involves the deletion of GRUZ-R41 which is dependent upon the retention of GRUZ-R3 and the subdivision 20ha limit (refer to section 3.10.59] of this S42A report). The submission is generally in support of the provision in the Proposed Plan and does not require an amendment.
- 319. The submission from WDC [367.58] has requested a number of amendments. Those amendments requesting the deletion of net site area, would enable those properties that were subdivided with long accessways and were of minimum permitted size to build a dwelling on the property. The inclusion of clause 6 will enable those properties where a 4ha subdivision consent was granted prior to notification of the proposed plan to place a dwelling on the property. Given that the applicant would have understood that they could erect a dwelling on the property once subdivision consent was granted, I accept the proposed amendment.
- 320. George Jason Smith [270.7] wants the rule amended to reflect to a 20ha footprint rather than a 20ha minimum lot size. The proposed amendment by removing the reference to ‘net site’ meets the intended outcome of the submission, but not the whole submission enabling development below 20ha.
- 321. Maurice Newell [281.3] subdivision assessment was undertaken in sections 3.7.2, 3.20 and 3.22 of this report.

**3.11.9 Summary of recommendations**

- 322. Those submissions that support the retention of the proposed GRUZ-R3 rule will not be disadvantaged by the proposed amendments and the original intent of the rule is retained.
- 323. I recommend that the submissions from WDC [367.5] and [367.58], Judith Roper-Lindsay [120.16], be **accepted**.
- 324. I recommend that the submissions from George Jason Smith [270.7], be **accepted in part**.
- 325. I recommend that the submissions from Roger and Karen DeLautour [231.2], Maurice Newell [281.3], Hort NZ [295.142], Eyrewell Dairy Limited [300.10], RODL [326.552], and Federated Farmers [414.191], Survrus Consultants [205.3], be **rejected**.
- 326. I therefore recommend the following amendments:

<p><b>GRUZ-R3 Residential unit</b>                  This rule does not apply to any minor residential unit provided for under GRUZ-R4 or any bonus residential unit provided for under GRUZ-R16.</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <p>1. <del>each</del> a residential unit shall be located on a site with a minimum <del>net-site</del> area of 20ha <del>per residential unit</del>,</p>	<p><b>Activity status when compliance with GRUZ-R3 (2)(b) or GRUZ-R3 (2)(c) not achieved: DIS</b></p> <p><b>Activity status when compliance with GRUZ-R3 (1), GRUZ-R3 (2)(a), GRUZ-R3 (3), GRUZ-R3 (4), GRUZ-</b></p>

<p>except where provided for in (3), (4), (5), (6), <del>and (7)</del> and (8) below;</p> <ol style="list-style-type: none"> <li>2. there is more than one residential unit on a site, each residential unit shall be contained within its own delineated area and each delineated area shall be treated as though it is a site, which shall:             <ol style="list-style-type: none"> <li>a. have a minimum <del>net site</del> area of 20ha per delineated area, and</li> <li>b. have no overlap between delineated areas, and</li> <li>c. have legal and physical access from any residential unit to a legal road; and</li> <li>d. comply with built form standards as though each delineated area was a site;</li> </ol> </li> <li>3. a site with a minimum <del>net site</del> area of 4ha or more, but less than 20 ha, which does not have a residential unit erected on it, existed prior to 18 September 2021, one residential unit may be erected;</li> <li>4. a site with a minimum <del>net site</del> area of 4ha or more but less than 20ha, which does not have a residential unit erected on it, is subject to a subdivision consent that was granted prior to 18 September 2021, but has not been issued with certification under section 224 of the RMA, one residential unit may be erected;</li> <li>5. a site with a minimum <del>net site</del> area less than 4ha exists and it is a site or an allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) one residential unit may be erected;</li> <li>6. <u>a site contains its own delineated area that existed prior to 18 September 2021 that has a minimum area of 4ha or more but less than 20ha, one residential unit may be erected;</u></li> <li>7. a site with a minimum <del>net site</del> area of less than 20ha exists and is a site or an allotment that was associated with the development of infrastructure, which prior to the development of the infrastructure was 20ha or more, one residential unit may be erected; and</li> <li>8. one residential unit may be established on a bonus allotment.</li> </ol>	<p>R3 (5), GRUZ-R3 (6), or GRUZ-R3 (7) not achieved: NC</p>
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**3.11.10 Section 32AA evaluation**

327. In my opinion, the amendments to GRUZ-R3 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments will enable those existing subdivided allotments prior to notification of the Proposed Plan to have dwellings established on them in line with the intent at the time of processing and approval of the subdivision resource consent application. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.



- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

### GRUZ-R4 Minor residential unit

#### **3.11.11 Matters raised by submitters**

328. Ten submissions were received on GRUZ-R4 with four submissions wanting amendments, and three submissions in opposition and three submissions in support Frank Endacott [43.1], Shane Endacott [44.1], Oxford- Ohoka Community Board [172.5], and RIDL [326.553].
329. NZPork [169.45] are requesting an amendment to increase the size of minor residential units up to 120m<sup>2</sup> for farm workers.
330. George Jason Smith [270.9] wants “to allow minor residential units to be a permitted activity in the General Rural Zone, and other Zones, on all sites or allotments of less than 4ha created before 24 February 2021” also the removal of the reference to 1 October 1991.
331. Maurice Newell [281.5] opposes the rule and wants to allow applications lodged before notification. Map and protect good soils and allow subdivision of poorer soils. Provide large residential areas near similar zones. Price of land may mean people will buy larger blocks who know nothing about farming.
332. Hort NZ [295.143] wants the minimum floor area for seasonal workers accommodation increased to 120m<sup>2</sup>.
333. WDC [367.6] support the rule and the deletion of GRUZ-R42 on the basis that GRUZ-R4 remains unchanged.

#### **3.11.12 Assessment**

334. NZPork [169.45] and Hort NZ [295.143] both wanted the minimum size of farm workers/seasonal workers dwellings increased to 120m<sup>2</sup>. The assessment of the need for new seasonal worker accommodation was undertaken in 3.6.2 for submission [295.136] and [295.137]. The submissions consider that it is an impracticable limitation of farming units, but do not provide any explanation around why 120m<sup>2</sup> is an appropriate size. While the number of farm and seasonal workers is low, there is a risk that enabling larger minor residential dwellings will become attractive for on selling as part of a subdivision. The proposed size is the same as Selwyn District Council (90m<sup>2</sup>) and more than Hurunui District Council (75m<sup>2</sup>). I do not agree with the proposed amendment. There is a further submission on Hort NZ submission in support from NZPork [FS49].
335. George Jason Smith [270.9] submission allowing for minor residential dwellings on all sites less than 4ha created prior to 24 February 2021 will result in a proliferation of dwellings that are not consistent with the GRUZ character and amenity values as well as increase potential for reverse sensitivity effects. I prefer the character and amenity assessment within the S32 Rural officers report and do not agree with the proposed amendment.
336. Maurice Newell [281.5] subdivision assessment was undertaken in sections 3.7.2, 3.20 and 3.22 of this report.

337. WDC [367.6] submission seeks that GRUZ-R4 be retained on the basis that GRUZ-R42 becomes redundant once GRUZ-R4 is operative. It is recommended that GRUZ-R4 is retained.

### 3.11.13 Summary of recommendations

338. I recommend that the submissions from Frank Endacott [43.1], Shane Endacott [44.1], Oxford-Ohoka Community Board [172.5], RIDL [326.553] and WDC [367.6], be **accepted**.

339. I recommend that the submissions from NZPork [169.45] and [FS49], George Smith [270.9], Maurice Newell [281.5], Hort NZ [295.143], be **rejected**.

340. I therefore do not recommend any changes to GRUZ-R4.

## GRUZ-R5 Residential activity

### 3.11.14 Matters raised by submitters

341. There are three submissions on Rule GRUZ-R5, two submissions in opposition and one submission in support (RIDL [326.554]).

342. Federated Farmers [414.192] state that they oppose GRUZ-R5 as it *“appears to trivial. It is inappropriate for the rural zone as it is based on an urban perception of rubbish and mess”*.

### 3.11.15 Assessment

343. GRUZ-R5 enables residential activities to occur on a property. The rule includes a restriction around ensuring that any vehicles repaired, dismantled, and stored on site are owned by the occupant of the site. This is intended to reduce the occurrence of rural properties becoming dominated by vehicles (as shown in Figure 5). The Federated Farmers submission [414.192] against the rule does not recognise the issue of rural properties becoming the final ‘storage’ place for vehicles. The rule aligns with Objective CL-O1 and Policy CL-P2 contaminated land<sup>31</sup>, I do not agree with the proposed deletion of the rule.



Figure 5: Examples of vehicle “storage” in GRUZ.

<sup>31</sup> [https://environment.govt.nz/assets/Publications/Files/risk-radar-managing-waste-5\\_0.pdf](https://environment.govt.nz/assets/Publications/Files/risk-radar-managing-waste-5_0.pdf)

**3.11.16 Summary of recommendations**

344. I recommend that the submissions from RIDL [326.554], be **accepted**.
345. I recommend that the submissions from Federated Farmers [414.192], be **rejected**.
346. I therefore do not recommend any changes to GRUZ-R5.

**GRUZ-R7 Visitor accommodation****3.11.17 Matters raised by submitters**

347. Four submissions were received on the rule with two submissions in opposition, one of which will be addressed in the rezoning and effluent buffer sections of this report (RA and FM Buhler [209.23]), one wanting and amendment and one in support (RIDL [326.555]).
348. NZPork [169.46] submission wants to either delete the rule or change the activity status from permitted due to likely conflicts with primary production and the lack of policy support for the rule.
349. Waka Kotahi [275.77] and [275.78] want an amendment to include a provision around access off a state highway having to comply with TRAN-S5.

**3.11.18 Assessment**

350. The NZPork [169.46] submission identified reverse sensitivity effects with visitor accommodation. Within the GRUZ zone visitor accommodation is likely to be situated on working farms more so than 4ha lifestyle properties. Given the limit of a maximum number of 8 people, and people are choosing to stay in a rural environment, it is unlikely that reverse sensitivity will occur. NZPork stated that there was not objective or policy support for the rules. I do not agree with the proposed amendment as RURZ-P3 provides for local support activities where they have a design, scale, intensity and built form consistent with the character and amenity values of the zone, and RURZ-P7 providing for retail activities and the selling of services.
351. The repletion of provisions throughout the Proposed Plan as directed in the Waka Kotahi submission [275.77] and [275.78] will result in confusion where provisions are not repeated but may still apply. This is not the approach that was taken in the drafting of the Proposed Plan and I do not agree with the proposed amendment.

**3.11.19 Summary of recommendations**

352. I recommend that the submissions from RIDL [326.554], be **accepted**.
353. I recommend that the submissions from NZPork [169.46], and Waka Kotahi [275.77] and [295.78], be **rejected**.
354. I therefore do not recommend any changes to GRUZ-R7.

**GRUZ-R9 Domestic animal keeping and breeding**

355. Three submissions were received, one submission in support (RIDL [326.558]) and two submissions in opposition. The submissions in opposition relate to activities addressed elsewhere in the report.
356. I recommend that the submissions from RIDL [326.558], be **accepted**.

**GRUZ-R10 Rural produce retail****3.11.20 Matters raised by submitters**

357. Five submissions with two in opposition and two in support and one wanting an amendment.
358. Federated Farmers [414.193] opposes the rule as it states that clarity is needed for existing rural produce retail sites. This has been addressed in section 3.2.2.

**3.11.21 Summary of recommendations**

359. I recommend that the submissions from Hort NZ [295.145] and RIDL [326.559], be **accepted**.
360. I therefore do not recommend any changes to GRUZ-R10.

**GRUZ-R11 Rural industry****3.11.22 Matters raised by submitters**

361. Six submissions were received with one submission in opposition, three submissions seeking an amendment and two submissions in support Fulton Hogan [41.49] and RIDL [326.56].
362. Scottville Farm [129.1] want the rural industry staff limit increased up to a maximum of 15, increase the floor area to 550m<sup>2</sup> and increase the maximum land area to 5,000m<sup>2</sup>.
363. Waka Kotahi [275.79] want a clause that the activity shall not access off a state highway.
364. Hort NZ [295.146] want the reference to initial processing removed from clause 2.
365. Federated Farmers [414.194] seeks clarity as GRUZ-R11 does not address existing industry. and suggests existing activities should be exempt.

**3.11.23 Assessment**

366. Scottville Farm [129.1] proposed amendments from 5 staff to 15 staff, the floor area from 250m<sup>2</sup> to 500m<sup>2</sup> and the maximum land area from 500m<sup>2</sup> to 5,000m<sup>2</sup>, would in my opinion change the extent of the rural industry from being one of support to potentially being the dominant land use in the immediate environment given the scale of the potential activity and its impact upon the character and amenity values of the rural environment.
367. The definition<sup>32</sup> for rural industry is '*means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production*' While some

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<sup>32</sup> NPS definition

businesses that can be considered as being rural industry, it may be more appropriate at smaller size (farm machinery servicing), others such activities as nurseries require a larger land areas for operation.

368. The intent of the rule is not to restrict rural industry operations to the point that they cannot operate within the district without a consent, but rather control the type of rural industry activities<sup>33</sup> that occur in that rural environment. I agree in part with the submission and would limit staff numbers to 10 people, remove the maximum building limit as it is already covered in GRUZ-BFS6 and but do not accept the land area increase. An assessment against some existing rural industry businesses in Table 6 section 3.17.25 of this report.

369. On the basis that there are no state highways within the GRUZ zone, the Waka Kotahi [275.79] submission is redundant, and the proposed amendment is not accepted.

370. Hort NZ [295.146] amendment refers to initial processing being part of the definition for primary production. The rule is written to provide for both initial and **further** processing of produce. As initial processing is within the definition of primary production, it does not need to be in the rule. I agree with the proposed amendment.

371. The essence of the Federated Farmers submission [414.194] has been addressed in section 3.10.22 above. The inclusion of the word “new” into the title does not add anything to the understanding of the rule and could potentially create confusion where the addition of the word has not been included into a rule title. I do not agree with the proposed amendment.

**3.11.24 Summary of recommendations**

372. I recommend that the submissions from Scottville Farm [129.1], be **accepted in part**.

373. I recommend that the submissions from Fulton Hogan [41.49], Hort NZ [295.146], and RIDL [326.56], Waka Kotahi [275.78], and Federated Farmers [414.193], be **rejected**.

374. I therefore recommend the following changes to GRUZ-R11:

<b>GRUZ-R11 Rural industry</b>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a maximum of <del>five</del> <u>ten</u> staff shall work on the site at any other time;</li> <li>the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production;</li> <li><del>the maximum GFA occupied for the rural industry shall be 250m<sup>2</sup></del></li> <li>the maximum GFA occupied for the rural industry within a SASM shall be 150m<sup>2</sup></li> </ol>	<p><b>Activity status when compliance with GRUZ-R11 (<del>56</del>) or (<del>89</del>) not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>RURZ-MD1 - Natural environment values  RURZ-MD3 - Character and amenity values of the activity  RURZ-MD5 - Rural sales</p>

<sup>33</sup> Advantage Plastics established within the rural environment as a permitted activity despite local opposition. Given the proposed amendment the business would still be caught by the 550m<sup>2</sup> building rule.

<ol style="list-style-type: none"> <li>4. the maximum land area occupied for the rural industry shall be 500 m<sup>2</sup>;</li> <li>5. any retail sale of goods shall be set back a minimum of 10m from the site boundary;</li> <li>6. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site;</li> <li>7. the maximum NFA or land area occupied for retail sales shall be 50m<sup>2</sup>; and</li> <li>8. any buildings, yard, storage, or parking areas associated with the activity shall not be located within 60m of any residential unit, or other sensitive activity, located on a site other than where the rural industry is occurring.</li> </ol>	<p><b>Activity status when compliance with GRUZ-R11 (34) not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>  SASM-MD1 – Wāhi tapu and wāhi taonga  SASM-MD2 – Nga Tūranga tūpuna</p> <p><b>Notification</b>  An application for a restricted discretionary activity under GRUZ-R11 (34) is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga</p> <p><b>Activity status when compliance with GRUZ-R11 (1), <del>(23)</del>, (45), (67) or (78) not achieved: DIS</b></p>
<p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity.</li> </ul>	

### 3.11.25 Section 32AA evaluation

375. In my opinion, the amendments to GRUZ-R11 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments will better align with the built form standard and enable those small to medium size rural industries to establish given the potential for minor environmental effects. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

376. Note that a corresponding consequential amendment will also need to be made to RLZ-R11 to avoid inconsistency between the zones and avoid there being a gap in the application of the rule.

### GRUZ-R12 Farm quarry

#### 3.11.26 Matters raised by submitters

377. Four submissions were received, with two submissions in support (Woodstock Quarries Limited [46.35] and RIDL [326.561] one submission seeks an amendment and one submission in opposition.

378. Federated Farmers [414.195] want to delete buffer requirements with respect to Significant Natural Areas (SNA) because quarry located on the side of a hill may also be an SNA and efficient farm quarrying is site limited.

379. Fulton Hogan in their introduction statement noted that quarrying activities within the earthworks chapter are also regulated in the zone chapters [41.33]. Those provisions that relate to farm quarries have been reallocated to rule GRUZ-R12 on the basis of the removal of EW-R10. Because the same rule also applies to the RLZ, this submission has been considered a submission on this rule as well.

*Fulton Hogan is opposed to having quarrying activities addressed through both zone level provisions and earthworks provisions. This has the potential to create a duplicate and inconsistent planning framework/approach and is unnecessary.*

**3.11.27 Assessment**

380. Federated Farmers [414.195] submission is inconsistent with Policy 7 of the NPS-IB, Policy 9.3.1 of the RPS, Objective ECO-O1 and Policy ECO-P2. I do not agree with the proposed amendment.

381. The Fulton Hogan submission [41.33] with the explanation above, identifies an inconsistency between the earthworks’ rules for farm quarries and the zone rule. The section 42A Earthworks officers report has recommended that EW-R10 is deleted. Deleting the rule will mean that some of the earthworks’ standards will need to be copied over in order to avoid a gap being created in the Proposed Plan which enables an unanticipated environment effect.

382. An explanation of the relationship between the earthworks quarrying activities and the zone provisions are discussed in more detail in sections 4.1.2 and 4.2.2 of the Section 42A Earthworks officers report.

**3.11.28 Summary of recommendations**

383. I recommend that the submissions from Fulton Hogan [41.33], be **accepted**.

384. I recommend that the submissions from Woodstock Quarries Limited [46.35] and RIDL [326.561], be **accepted in part**.

385. Neither submission is support is affected by the change as the overall impact is from the combining of two rules that would have applied to the same activity.

386. I recommend that the submission from Federated Farmers [414.195], be **rejected**.

387. I therefore recommend the following amendments to GRUZ-R12:

GRUZ-R12 Farm quarry	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any farm quarry shall be set back a minimum of:             <ol style="list-style-type: none"> <li>a. 300m from the building footprint of any residential unit or minor residential unit on a site under different ownership;</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>

<p>b. 100m from any site boundary of a site under different ownership;</p> <p>c. 100m from any road boundary of a public road; and</p> <p>d. 100m from any SNA; and</p> <p>e. <u>EW-S1 to EW-S7 are met; and</u></p> <p>f. <u>The maximum area of any farm quarry shall be 1500m<sup>2</sup> per site.</u></p>	
<p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• <del>Additional activity standards applying to this activity are located within the Earthworks Chapter (See EW R11).</del></li> </ul>	

### 3.11.29 Section 32AA evaluation

388. In my opinion, the amendments to GRUZ-R12 are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments will combine the deleted EW-R10 earthworks rule with GRUZ-R12. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

389. I note that a corresponding consequential amendment will also need to be made to RLZ-R12 to avoid inconsistency between the zones and avoid there being a gap in the application of the rule. This amendment is included within Appendix A to this report.

### GRUZ-R13 Conservation activities

#### 3.11.30 Matters raised by submitters

390. Four submissions on GRUZ-R13 were received, with two submissions in support (RIDL [326.562] and DoC [419.138]) and two submissions in opposition.

391. NZPork [169.47] and Hort NZ [295.147] oppose the provision on the same grounds as the activity definition includes activities involving people and visitors to the rural environment that may be sensitive to primary production effects.

#### 3.11.31 Assessment

392. NZPork [169.47] and Hort NZ [295.147] submissions want conservation activities excluded from the rural environment as it may bring people into that environment is not sufficient justification to prevent an activity, which will restore ecosystems<sup>34</sup>, through the provision of

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<sup>34</sup>0.5% of indigenous lowland vegetation is remaining on the Canterbury Plains. DoC, 2004. Native plant Communities of the Canterbury Plains.



ecological services will increase agricultural production<sup>35</sup> and community wellbeing<sup>36</sup>. The proposed amendment is also inconsistent with Policies 8 and 13 of the NPS-IB, Policy 9.3.4 of the RPS and Policies RURZ-P4 and ECO-P4 of the Proposed Plan. I do not agree with the proposed amendment.

### **3.11.32 Summary of recommendations**

393. I recommend that the submissions from RIDL [326.562], and DoC [419.138] be **accepted**.

394. I recommend that the submission from NZPork [169.47], and Hort NZ [295.147], be **rejected**.

395. I therefore do not recommend any changes to GRUZ-R13.

### **GRUZ-R14 Recreation activities**

#### **3.11.33 Matters raised by submitters**

396. Three submissions were received on GRUZ-R14, with one submission in support (RIDL [326.563]) and two submissions in opposition.

397. NZPork [169.48] and Hort NZ [295.148] oppose the provision on the same grounds as sensitive activities conflict with primary production. They consider that the notified objectives and policies do not lead to a permitted activity being appropriate resource management issue within the GRUZ zone.

#### **3.11.34 Assessment**

398. NZPork [169.48] and Hort NZ [295.148] opposition to recreational activities is not supported by any information that suggests that the activity is inappropriate for the rural environment. A number of recreational activities should only occur within the rural environment, such as clay target shooting, 4-wheel drive, motor-cross, and long-distance horse trekking, as they either result in adverse effects that make them unsuitable for a residential environment or that they require large tracks of land that does not exist within an urban environment.

399. Objective RURZ-O2 recognises that some activities, such as certain recreational activities, have a functional need to be in that environment, and RURZ-P3 supporting health, safety and well-being of people within the rural community, through the provision of recreational activities.

400. I do not agree with the proposed deletion of the rule and I consider that the submissions do not provide further reasons that convince me that recreational activities should not occur within the rural environment.

#### **3.11.35 Summary of recommendations**

401. I recommend that the submissions from RIDL [326.563], be **accepted**.

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<sup>35</sup> McAlpine, K.G. and Wotton, D.M., 2009. Conservation and the delivery of ecosystem services. Science for conservation 295.

<sup>36</sup> Roberts, L.; et al. 2015: The nature of wellbeing: how nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders. Department of Conservation, Wellington. 145 p

402. I recommend that the submission from NZPork [169.48], and Hort NZ [295.148], be **rejected**.
403. I therefore do not recommend any changes to GRUZ-R14.

### **GRUZ-R15 Rural tourism**

#### **3.11.36 Matters raised by submitters**

404. Four submissions were received on GRUZ-R15, two submissions in opposition, one submission seeking an amendment and one submission in support (RIDL [326.564]).
405. NZPork [169.49] and Hort NZ [295.149] oppose the provision on the same grounds as sensitive activities likely to conflict with primary production and permitted activity status is not supported by objectives and policies as an appropriate resource management response in the zone. Permitted activity standards include setback from a residential unit, or sensitive activity but do not consider situation relative to intensive primary production except for 10m setback.

#### **3.11.37 Assessment**

406. NZPork [169.49] and Hort NZ [295.149] submissions stating that the minimum setback for a residential unit or sensitive activity of 10m from intensive primary production does not take into account the 300m separation distance from those activities on a neighbouring site under GRUZ-BFS5. The assumed conflict between sensitive activities and the intensive indoor and outdoor primary production is unlikely to occur given the separation distance. I do not agree with the proposed deletion of the rule.

#### **3.11.38 Summary of recommendations**

407. I recommend that the submissions from RIDL [326.564], be **accepted**.
408. I recommend that the submission from NZPork [169.49], Hort NZ [295.149], be **rejected**.
409. I therefore do not recommend any changes to GRUZ-R14.

### **GRUZ-R17 Intensive indoor primary production and GRUZ-R18 Intensive outdoor primary production**

#### **3.11.39 Matters raised by submitters**

410. For GRUZ-R17 six submissions were received, two submissions in opposition, three submissions seeking amendments and one submission in support RIDL [326.566].
411. For GRUZ-R18 there are five submissions one in support and four wanting amendments
412. Brendan and Angelique Glubb [57.4] and [57.5] are generally supportive of GRUZ-R17 and GRUZ-R18, but notes that requiring restricted discretionary consent for intensive primary production activities that breach the setback is not sufficient. They want to amend the rule to make it non-complying where the activity is established inside the setback. There are two further submissions from NZPork [FS49] in opposition.
413. NZPork [169.50] and [169.51] supports the rule, but wants GRUZ-R17 and GRUZ-R18 combined into a general rule for all intensive primary production activities.

414. Oxford-Ohoka Community Board [172.6] want strict criteria for resource consents for intensive farming.
415. EPFNZ and PIANZ [351.9] want to change the status to permitted, but requires that separation distances as per GRUZ-BFS5 be achieved.
416. Federated Farmers [414.197] opposes the rule as intensive indoor primary production is not clearly defined. The rule is unnecessary as most intensive land uses conversions are already regulated by the NES-Freshwater and duplicating additional layer is not needed.

### **3.11.40 Assessment**

417. Brendan and Angelique Glubb [57.4] and [57.5] submission has pointed out an inconsistency with the proposed rule and subsequent compliance for residential and minor residential units and visitor accommodation with GRUZ-BFS5. The rules state that the activity is restricted discretionary, yet does not link back to separation distances in GRUZ-BFS5. Where these distances are not achieved the activity is restricted discretionary. I agree with the submission and recommend that changes be made to the rule that better aligns with the approach in GRUZ-BFS5 and the separation distances, although I do not think that the existing objectives and policies need to be amended.
418. While NZPork [169.50] and [169.51] support the RDIS status of the rule, it wants GRUZ-R17 and GRUZ-R18 combined. Given that there is no difference between the two rules in a policy, rule and matter of discretion perspective, the combination of rules would not detract from the effectiveness of the plan. I agree with the proposed amendment.
419. Oxford-Ohoka Community Board [172.6] want strict criteria for resource consents for intensive farming given that no consideration was given to reverse sensitivity effects associated with the establishment of intensive farming near already established residential areas.
420. EPFNZ and PIANZ [351.9] and [351.10] proposed amendment could be effectively achieved given a number of constraints. However, given the amount of investment needed for the establishment of a new business, a resource consent would provide more security for the applicant and the neighbouring properties given the appropriate consideration.
421. The main area of inconsistency is in regard to the assessment of free range poultry activities. This activity is permitted by Environment Canterbury, but requires consent from the District Council. The RMA requires district plans to not be inconsistent with regional plans, so therefore if this activity type is deemed by the regional authority to be permitted, subject to meeting the definition, then it would not be appropriate for the territorial authority to have a stricter activity classification. I agree with the proposed amendment.
422. Federated Farmers submission [414.197] that the rule is unnecessary given that land conversion will be regulated by the NES-FM does not acknowledge the impacts on surrounding properties and potential adverse effects from odour or noise. I do not agree with the proposed amendment.

### **3.11.41 Summary of recommendations**

423. I recommend that the submissions from NZPork [169.50] and [169.51], and Oxford-Ohoka Community Board [172.6], be **accepted**.

424. I recommend that the submissions from Brendan and Angelique Glubb [57.4] and [57.5], EPFNZ and PIANZ [351.9] and [351.10] be **accepted in part**.

425. I recommend that the submission from RIDL [326.566], and Federated Farmers [414.197] be **rejected**.

426. I therefore recommend the following changes to GRUZ-R17 and GRUZ-R18.

<b>GRUZ-R17 <del>Intensive indoor primary production</del> Free range poultry farming</b>	
<b>Activity status: <del>RDIS</del> PER</b>  <b>Matters of discretion are restricted to:</b> RURZ-MD1 – Natural environment values RURZ-MD2 – Housing of Animals RURZ-MD3 – Character and amenity values of the activity	<b>Activity status when compliance not achieved: N/A</b>

<b>GRUZ-R18 <del>Intensive indoor primary production and</del> Intensive outdoor primary production</b>	
<b><u>Excluding Free Range Poultry Operations covered under GRUZ-R17</u></b>	
<b>Activity status: RDIS</b>  <u>Where:</u> 1. <u>20m from any sensitive activity where it is located on the same site; and</u> 2. <u>300m from any sensitive activity where it is located on a site in different ownership.</u>  <u>Setback distances shall be measured from the building footprint of any permanent building, enclosure or yard in which animals or poultry are held, or any area of the site where compost is produced, stored or used.</u>  <b>Matters of discretion are restricted to:</b> RURZ-MD1 - Natural environment values RURZ-MD2 - Housing of Animals RURZ-MD3 - Character and amenity values of the activity	<b>Activity status when compliance not achieved: <del>N/A</del> NC</b>

427. The inclusion of a new definition:

*Free Range Poultry Farming: The primary production of poultry for commercial purposes, where:*

- a. *All of the birds farmed have access to open air runs; and*
- b. *Permanent vegetation ground cover exists on the land where birds are permitted to range; and*
- c. *The stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.*

**3.11.42 Section 32AA evaluation**

428. In my opinion, the amendments to GRUZ-R17 and GRUZ-R18 are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments of combining the activities will reduce confusion as to which rule applies (despite them being the same). The amendment of including setback distances will ensure consistency across the plan, ensuring that reverse sensitivity effects do not occur upon the establishment of a new intensive primary production activity. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This will need to be reflected in the provisions for RLZ. There will be slightly different amendments in line with the establishment of free-range poultry farming.
- The setback between free range poultry operations and sensitive activities are recognised as being no different to that from an odour or noise perspective of a dairy herd within a rural environment.

**GRUZ-R23 Emergency service facility****3.11.43 Matters raised by submitters**

429. Two submissions were received on the rule with one submission in opposition and one submission in support RIDL [326.572].

430. FENZ [303.58] oppose the activity status of the provision, wanting it changed from discretionary to permitted.

**3.11.44 Assessment**

431. An analysis of the approach to fire and emergency management in the district associated with the submission from FENZ on RURZ-P3 [303.57] is in section 3.5.8 of this report. On the basis of that submission and the subsequent submission [303.58], it is proposed to accept in part the proposed amendment. A restricted discretionary status would be considered more appropriate given the potential for some effects on existing primary production activities associated with noise.

**3.11.45 Summary of recommendations**

432. I recommend that the submission from FENZ [303.58] be **accepted in part**.

433. I recommend that the submission from RIDL [326.572], be **rejected**.

434. I therefore recommend the following changes to GRUZ-R23.

<b>GRUZ-R23 Emergency service facility</b>	
<b>Activity status:</b> <del>DIS</del> -RDIS	<b>Activity status when compliance not achieved:</b> N/A
<b>Matter of discretion are restricted to:</b> RURZ-MD3 – Character and amenity values of the activity.	

### 3.11.46 Section 32AA evaluation

435. In my opinion, the amendment to GRUZ-R23 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment will enable FENZ to develop facilities outside of the main town centres and industrial areas. The amendment to restrict discretionary will provide an easier pathway for establishing a new facility, while ensuring that reverse sensitivity effects do not occur upon local amenity and character. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This will need to be reflected in the provisions for RLZ.

### GRUZ-R25 Education facility

#### 3.11.47 Matters raised by submitters

436. Four submissions were received on the rule, with three submissions in support NZPork [169.54], Hort NZ [295.152] and RIDL [326.574] and one submission in opposition.

437. MoE [277.49] oppose the discretionary status of new schools and want the status changed to restricted discretionary, with discretion restricted to hours of operation, effects on rural character, and effects on matters of reverse sensitivity.

#### 3.11.48 Assessment

438. MoE submission [277.49] enabling schools and early childhood centres to establish within the general rural environment, while supporting active transport models and reduction in travel times and distances, would contribute towards reverse sensitivity effects on any surrounding primary production and the environment. Schools and early childhood facilities are likely to generate increased traffic, despite the contrary opinion of the MoE in their submission, resulting in greater traffic loads on roads and intersections that may not be suitable for projected loads. Water supply and wastewater disposal would require extensive investment in infrastructure from the council in order to meet public health requirements. I do not agree with the amendment and support the approach within the Section 32 Rural officers report.

**3.11.49 Summary of recommendations**

439. I recommend that the submissions from NZPork [169.54], Hort NZ [295.152] and RIDL [326.574], be **accepted**.
440. I recommend that the submission from MoE [277.49], be **rejected**.
441. I therefore do not recommend any changes to GRUZ-R25.

**GRUZ-R30 Quarrying activities****3.11.50 Matters raised by submitters**

442. There are six submissions were received on the rule, with four submissions in support Woodstock Quarries Limited [46.36], ECan [316.172], RIDL [326.579], and DoC [419.139] and two wanting amendments.
443. Fulton Hogan [41.50] want the setback from the boundary of the residential zone reduced from 1,000m to 500m. They state that the setback distance would be consistent with the approach taken for intensive indoor and outdoor primary production.

**3.11.51 Assessment**

444. Fulton Hogan [41.50] want the setback reduced from 1km to 500m in line with other activities that may generate significant adverse effects. There is gravel extraction presently occurring out of the Eyre River that is approximately 600m from the residential 4a zone (LLRZ) in Oxford and a gravel pit 800m of a residential 2 zone (MDR) in Kaiapoi.
445. Both Selwyn District and Hurunui District councils have setbacks of 500m from the boundary of any residential zones, in line with the request by the submitter. Christchurch City Council has a setback of 250m from a residential zone as a discretionary activity. While Christchurch does enable quarries to develop considerable closer to residential areas they do have a specific noise provision that constrains the proximity to residential areas. Despite this there is considerable community opposition to the establishment of new quarries anywhere where there are houses.
446. However, large quarrying operations within 1km of residential areas have still resulted in considerable community opposition<sup>37</sup>. The Proposed Plan does not have any noise or vibration constraint associated with quarrying operations. While the extraction of gravel from rivers, controlled by ECan, and are generally not an issue, there is potential for blasting to be used within hard rock quarries behind Oxford which could result in adverse effects associated with noise.
447. Despite the above there is an inconsistency with the plan that enables new residential and minor residential units to establish within 500m of a quarrying operation (GRUZ-BFS5). Given that the neighbouring Councils (Selwyn and Hurunui) have 500m setbacks without any significant opposition. I agree with the proposed amendment to GRUZ-R30.

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<sup>37</sup> Stuff 8 April 2021. Christchurch City Council says its hands are tied on quarry setback issue.  
Stuff 18 March 2021 West Christchurch residents face 250 hectares of new quarries on their doorsteps

**3.11.52 Summary of recommendations**

448. I recommend that the submissions from Woodstock Quarries Limited [46.36], ECan [316.172], RIDL [326.579], and DoC [419.139], be **rejected**.
449. I recommend that the submission from Fulton Hogan [41.50], be **accepted**.
450. I therefore recommend the following changes to GRUZ-R30:

<b>GRUZ-R30 Quarrying activities</b>	
This rule does not apply to any farm quarry provided for under GRUZ-R12.	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: NC</b>
Where:	
1. the quarry shall be set back a minimum of <del>1000</del> <u>500</u> m from a Residential Zone.	

**3.11.53 Section 32AA evaluation**

451. In my opinion, the amendment to GRUZ-R30 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
- The amendment will align with the setback distances within GRUZ-BFS5, the approach taken by neighbouring councils and better reflect the intent of Objectives RURZ-O2 and GRUZ-O1, and Policy RURZ-P2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
  - The proposed amendments will result in a consistent approach across the plan. This will need to be considered in the related provisions for RLZ.

**GRUZ-R35 Industrial activity****3.11.54 Matters raised by submitters**

452. Three submissions two submissions in support Woodstock Quarries Limited [46.37] and RIDL [326.584] and one wanting an amendment.
453. Hort NZ [295.160] want the activity status of Industrial activities amended to non-complying due to potential conflict with primary production.

**3.11.55 Assessment**

454. Hort NZ submission [295.160] does not acknowledge that some industrial activities (Daiken and Oxford Sawmill) need to be located within the general rural environment as they would create more adverse effects if located with a residential zone or in some cases within an industrial area. The submission stated that industrial activities were not supported within the objectives and policies of the rural zones. Policy RURZ-P6 provides for industrial activities within the rural environment. I therefore do not agree with the proposed amendment.



**3.11.56 Summary of recommendations**

455. I recommend that the submissions from Woodstock Quarries Limited [46.37] and RIDL [326.584], be **accepted**.
456. I recommend that the submission from Hort NZ [295.160], be **rejected**.
457. I therefore do not recommend any changes to GRUZ-R35.

**GRUZ-R41 Residential unit (<20ha)****3.11.57 Matters raised by submitters**

458. Six submissions were received on the rule, with three in opposition and one wanting an amendment. The submissions in support are CIAL [254.106] and RIDL [326.590].
459. Maurice Newell [281.6] opposes the rule wanting to allow applications lodged before notification, to map and protect good soils and allow subdivision of poorer soils. Provide large residential areas near similar zones. Mr Newell also notes that the price of land may mean people will buy larger blocks who know nothing about farming.
460. Maurice Newell [281.7] also opposed the rule GRUZ-R42 wanting to allow applications lodged before notification. Map and protect good soils and allow subdivision of poorer soils. Provide large residential areas near similar zones. Price of land may mean people will buy larger blocks who know nothing about farming.
461. Eyrewell Dairy Ltd [300.11] seeks RLZ or LLRZ on their property. This submission will be addressed in the Section 42A Rezoning officers report in hearing stream 11.
462. Malcolm Hanrahan [307.3] wants GRUZ-R41 amended to align with the exemptions in GRUZ-R3.
463. Waimakariri District Council [367.2] wants to delete GRUZ-R41 provided that GRUZ-R3 remains unchanged.

**3.11.58 Assessment**

464. Maurice Newell's [281.6] and [281.7] submissions on enabling the approval of subdivision applications prior to the notification of Proposed Plan has been assessed in section 3.7.2 of this report. The assessment against "*good soils*" is in section 3.20 of this report. The analysis of section sizes is in section 3.22 of this report.
465. In relation to the submission from Malcolm Hanrahan submission [307.3] the intent GRUZ-R3 is that it does not permit residential unit on sites less than 20ha, with an exception for units with 20ha delineated areas. Where the conditions are not met, then a residential unit on a 20ha site is non-complying.
466. Waimakariri District Council [367.2] submission on the deletion of GRUZ-R41 is dependent upon the retention of GRUZ-R3. GRUZ-R3 and GRUZ-R4 are the permitted activity versions of GRUZ-R41 and GRUZ-R42 which were drafted for the purpose of seeking an immediate legal effect order and are only required during the transitional District Plan period. Once GRUZ-R3 is made operative, GRUZ-R41 is redundant as they result in the same outcome including legacy provisions

for density of development in the Proposed General Rural Zone. Deleting GRUZ-R41 at this time would avoid confusion for users.

**3.11.59 Summary of recommendations**

- 467. I recommend that the submission from CIAL [254.106], RIDL [326.590] and Waimakariri District Council [367.2], be **accepted**.
- 468. I recommend that the submission from Malcolm Hanrahan [307.3], be **rejected**.
- 469. I therefore recommend the following changes to GRUZ-R41:

<b><del>GRUZ R41 Residential Unit</del></b>	
<p><b><del>Activity status: NC</del></b></p> <p><del>Where:</del></p> <ol style="list-style-type: none"> <li><del>1. a residential unit is located on a site with a minimum site area of less than 20ha unless:</del> <ol style="list-style-type: none"> <li><del>a. the site of the residential unit is an allotment that existed prior to 18 September 2021 with a minimum site area of 4ha or more but less than 20ha and does not have a residential unit; or</del></li> <li><del>b. the site is subject to a subdivision consent that was granted prior to 18 September 2021, with a minimum site area of 4ha or more but less than 20ha and has not been issued with certification under section 224 of the Resource Management Act, and does not have a residential unit; or</del></li> <li><del>c. the site has a minimum site area less than 4ha and it is a site or an allotment that was created by subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) and does not have a residential unit; or</del></li> <li><del>d. where no residential unit is located on a site that is contained within its own delineated area and the delineated area has a minimum site area less than 20ha.<sup>38</sup></del></li> </ol> </li> </ol>	<p><b><del>Activity status when compliance not achieved: N/A</del></b></p>

**3.11.60 Section 32AA evaluation**

- 470. In my opinion, the amendment to GRUZ-R41 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
  - The removal of the rule will avoid any confusion. It was originally intended to be removed as part of the hearing process. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.

<sup>38</sup> [367.2]

- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This will need to be considered in the related provisions for RLZ.

**GRUZ-R42 Minor residential unit in General Rural Zone (<20ha)**

**3.11.61 Matters raised by submitters**

471. Three submissions on the rule were received; two submissions in support CIAL [254.107], RIDL [326.591] and two submissions in opposition.
472. Waimakariri District Council [367.3] oppose the rule and want it deleted on the basis that GRUZ-R42, provided rules GRUZ-R3 and GRUZ-R4 remain unaltered, apart from minor amendments, from the Proposed District Plan.

**3.11.62 Assessment**

473. Waimakariri District Council [367.3] submission GRUZ-R3 and GRUZ-R4 are the permitted activity versions of GRUZ-R41 and GRUZ-R42 which were drafted for the purpose of seeking an immediate legal effect order and are only required during the transitional District Plan period. Once GRUZ-R4 is made operative, GRUZ-R42 is redundant as they result in the same outcome including legacy provisions for density of development in the Proposed General Rural Zone. Deleting GRUZ-R42 avoids confusion for users.

**3.11.63 Summary of recommendations**

474. I recommend that the submission from CIAL [254.107], RIDL [326.591] and Waimakariri District Council [367.2], be **accepted**.
475. I therefore recommend that GRUZ-R41 be deleted should there be no changes to GRUZ-R3.
476. Should GRUZ-R3 be amended then a reassessment of the retention of GRUZ-R41 be reconsidered.
477. I therefore recommend the following changes to GRUZ-R42:

<del>GRUZ-R42 Minor Residential Unit in General Rural Zone</del>	
<p><del>Activity status: NC</del></p> <p><del>Where:</del></p> <p><del>1. a minor residential unit is located on a site with a minimum site area of less than 20ha unless:</del></p> <p><del>    a. the site of the minor residential unit is an allotment that existed prior to 18 September 2021 with a minimum site area of 4ha or more but less than 20ha and does not have a minor residential unit; or</del></p>	<p><del>Activity status when compliance not achieved: N/A</del></p>

<p><del>b. the site is subject to a subdivision consent that was granted prior to 18 September 2021, with a minimum site area of 4ha or more but less than 20ha and has not been issued with certification under section 224 of the Resource Management Act, and does not have a minor residential unit; or</del></p> <p><del>c. the site has a minimum site area less than 4ha and it is a site or an allotment that was created by subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) and does not have a minor residential unit; or</del></p> <p><del>d. where no minor residential unit is located on a site that is contained within its own delineated area and the delineated area has a minimum site area less than 20ha.<sup>39</sup></del></p>	
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### 3.11.64 Section 32AA evaluation

478. In my opinion, the amendment to GRUZ-R42 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The removal of the rule will avoid any confusion. It was originally intended to be removed as part of the hearing process. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This will need to be considered in the related provisions for RLZ.

## 3.12 General Rural Zone Built Form Standards Submissions

### GRUZ-BFS3 Height

#### 3.12.1 Matters raised by submitters

479. Two submissions on this rule were received, with one submission seeking an amendment and one submission in support RDL [326.594].

480. Hort NZ [295.165] want an amendment to GRUZ-BFS3 as the 12m height limit does not include frost fan blades and wind turbines.

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<sup>39</sup> [367.2]

**3.12.2 Assessment**

481. Hort NZ submission [295.165] states that the height of frost fan masts and blades exceed the height limit in the built form standard. The typical mast height for frost fans range from 8.5m (tow and blow) to 10.7m (Orchard rite). The blades are typically 2.7m in length<sup>40</sup>. The Agribusiness report noted that those councils with extensive horticulture (Bay of Plenty, Hawkes Bay and Central Otago) had heights of 15m inclusive of blades. The proposed amendment from Hort NZ to exclude blades is practical. I agree with the proposed amendment.

**3.12.3 Summary of recommendations**

482. I recommend that the submission from Hort NZ [367.2], be **accepted**.

483. I recommend that the submission from RDL [326.594], be **rejected**.

484. I therefore recommend that GRUZ-BFS3 be amended as follows:

<b>GRUZ-BFS3 Height</b>	
1. The maximum height for any residential unit, minor residential unit, bonus residential unit or accessory building to a residential unit, shall be 10m above ground level.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion are restricted to:</b> RURZ-MD7 - Height
2. The maximum height for any other building or structure shall be 12m above ground level.	
3. <u>The maximum height of frost control fans and wind turbines shall be 12m above ground level (not including blades).</u>	

**3.12.4 Section 32AA evaluation**

485. In my opinion, the amendment to GRUZ-BFS3 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment is more practicable, reflecting the size of frost fans presently available on the market, and better reflect the intent of Objectives RURZ-O2 and GRUZ-O1, and Policy RURZ-P2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This will need to be considered in the related provisions for RLZ.

<sup>40</sup> Agribusiness Group, 2022. Review of provisions in district plans for frost fans. Report for Horticulture NZ.

**GRUZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry****3.12.5 Matters raised by submitters**

486. Ten submissions were received on the built form standard, with three submissions seeking an amendment and three submissions in opposition, and four submissions in support Brendan and Angelique Glubb [57.2], ECan [316.173], RIDL [326.596], and EPFNZ and PIANZ [351.11].
487. Fulton Hogan [41.52] want some minor wording amendments and include a series of setback distances that are for specific parts of a quarrying operation. The proposed amendments are wanting a reduced setback from the establishment of new residential units.
488. Brendan and Angelique Glubb [57.3] seek an amendment to include a 300m buffer from the establishment of new intensive indoor and outdoor primary production from existing residential development. There is a further submission from NZPork [FS49] in opposition.
489. NZPork [169.63] wants amendments that change residential unit to sensitive activity and combine the wording for indoor and outdoor to just intensive production activity. They also want the activity status where compliance is not achieved from restricted discretionary to non-complying.
490. Federated Farmers [414.198] want the standard deleted as compliance would be "*problematic for existing housing and farms*".
491. DoC [419.132] want an amendment that sets composting facilities and intensive primary production from SNAs, reserves, QEII covenants, and seek a new rule to ensure that composting facilities and intensive indoor primary production or in intensive primary production activity are set back from SNA boundaries by at least 20m. There is a further submission from NZPork [FS49] in opposition.

**3.12.6 Assessment**

492. The first part of the Fulton Hogan submission [41.52] that amends quarry to quarrying activities makes sense as the processing of material may be located on a different site than the excavation, effects being dust, noise and traffic. The proposed Fulton Hogan setback distances for processing are larger for processing and blasting than excavation.
493. As previously noted, Brendan and Angelique Glubb submission's [57.3] highlights an inconsistency between how new residential units establishing near intensive primary production are treated with setbacks compared to the establishment of new intensive primary production activity near an existing residential unit. This inconsistency has been addressed by the associated submissions [57.4] and [57.5] on GRU-R17 and GRUZ-R18.
494. NZPork submission [169.63] with the proposed rewording better aligns with the outcome of their submission on GRUZ-R17 and GRUZ-R18 [169.50] and [169.51]. I agree with the proposed amendments.
495. I consider that the DoC submission [419.132] wanting a setback from water bodies is outside the scope of the built form standard as it addresses setbacks from sensitive activities. Water body setbacks was addressed in the Section 42A Natural Character of Water Bodies officer report.

**3.12.7 Summary of recommendations**

- 496. I recommend that the submission from NZPork [169.63], be **accepted**.
- 497. I recommend that the submission from Fulton Hogan [41.52], Brendan and Angelique Glubb [57.3], be **accepted in part**.
- 498. I recommend that the submission from Brendan and Angelique Glubb [57.2], ECan [316.173], RIDL [326.596], EPFNZ and PIANZ [351.11], Federated Farmers [414.198], and NZPork [FS49] be **rejected**.
- 499. I therefore recommend that GRUZ-BFS be amended as follows:

<b>GRUZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or <del>quarry</del> quarrying activities</b>	
<p>1. Any new <del>residential unit or minor residential unit or accessory building used for overnight accommodation</del> <u>sensitive activity</u> shall be set back a minimum of:</p> <ul style="list-style-type: none"> <li>a. 20m from any existing intensive <del>indoor</del> primary production, <del>intensive outdoor primary production</del> activity where it is located on the same site;</li> <li>b. 300m from any existing intensive <del>indoor</del> primary production <del>or intensive outdoor primary production</del> activity where it is located on a site in different ownership;</li> <li>c. 300m from any existing farm quarry where it is located on a site in different ownership;</li> <li>d. 500m from any existing quarry where it is located on a site in different ownership.</li> </ul> <p>2. Setback distances shall be measured from the building footprint of any permanent building, enclosure or yard in which animals or poultry are held, or any area of the site where compost is produced, stored or used, or any area of the site where quarrying activity occurs.</p>	<p><b>Activity status when compliance not achieved: <u>RDIS-NC</u></b></p> <p><del>Matters of discretion are restricted to:</del></p> <p><del>RURZ-MD2 – Housing of animals</del></p> <p><del>RURZ-MD8 – Setbacks</del></p>

**3.12.8 Section 32AA evaluation**

- 500. In my opinion, the amendment to GRUZ-BFS5 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
  - The amendment is consistent with the approach taken in GRUZ-R18 with respect to intensive primary production, and better reflect the intent of Objectives RURZ-O2 and GRUZ-O1, and Policy RURZ-P2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
  - The proposed amendments will result in a consistent approach across the plan. This will need to be considered in the related provisions for RLZ.

**GRUZ-BFS6 Gross floor area****3.12.9 Matters raised by submitters**

501. Three submissions were received on the built form standard, with two submissions in support Hort NZ [295.166] and RIDL [326.597] and one submission in opposition.
502. NZPork [169.64] oppose the rule as they want to provide relief from the rules for buildings and structures as applied to mobile pig shelters.

**3.12.10 Assessment**

503. NZPork submission [169.64] wanted mobile pig shelters exempt from GRUZ-BFS6, which has a permitted GFA of 550m<sup>2</sup> for any single structure. The Code of Welfare for pigs (2018) requires that they be sufficiently large enough for pigs to stand up, turn around and lie down in a natural position<sup>41</sup>. Given that most mobile shelters are less than 10m<sup>2</sup> in size, the potential for a mobile shelter to breach the 550m<sup>2</sup> size limit is extremely unlikely. A point to note is that mobile pig shelters are required to get a building consent as a structure under the Building Act<sup>42</sup>. I therefore do not agree with the proposed amendment.

**3.12.11 Summary of recommendations**

504. I recommend that the submissions from Hort NZ [295.166] and RIDL [326.597], be **accepted**.
505. I recommend that the submission from NZPork [169.64], be **rejected**.
506. I therefore do not recommend any changes to GRUZ-BFS6.

**3.13 Rural Lifestyle Zone General Submissions****3.13.1 Matters raised by submitters**

507. 33 submissions were received, with five submissions in support P G Ducray [20.1], MJ and D O'Neill-Kerr [105.1], Forest and Bird [192.97], A and W Thomson [260.1], and Jeff Alford [304.1], ten submissions in opposed and 18 submissions seeking an amendment.
508. The submissions from P G Ducray [20.1], Kaiapoi-Tuahiwi Community Board [147.1] and Rangiora-Ashley Community Board [148.7] will be addressed in section 3.22 of this report.
509. A Carr [158.8] wants to insert a new policy in the Rural Lifestyle Zone enabling the development of an Outline Development Plan within land in the Large Lot Residential Zone Overlay.
510. A Carr [158.9] wats to include a new rule in the Rural Lifestyle Zone (and any other related chapter as necessary, including the subdivision section) that provides for the provision of an Outline Development Plan to be provided by way of resource consent as a Restricted Discretionary

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<sup>41</sup> Section 4.1 Code of Welfare: Pigs. Ministry for Primary Industries, 2018 (amended May 2021).

<sup>42</sup> Discussion with Team Leader Building Consents.



Activity, with associated matters of discretion that direct a non-notified consenting process without the need to obtain the approval of affected persons.

511. Rayonier Matariki Forests [171.2] wants to amend Rural Lifestyle Zone by adding statement in regard to National Environmental Standards for Plantation Forestry prevailing for plantation forestry activities.
512. Forest and Bird [192.97] while supporting the Rural Lifestyle Zone they want Council to consider an appropriate setback for activities within the margins of wetlands, river and lakes for farm quarries, primary production.
513. McAlpines Ltd [226.4] want to amend Rural Lifestyle Zone development standards to recognise and protect the sawmill from reverse sensitivity effects from establishment of any residential unit or other sensitive activity on rural land. This submission is covered in the Section 42A Noise right of reply report.
514. A and W Thomson [260.2] wants to amend zone description and subsequent objectives and policies to recognise the predominant use for rural lifestyle living activities and the role, function, predominant character and amenity of the zone is not compromised by incompatible activities, and reduce the minimum Rural Lifestyle Zone lot size to 1ha.
515. Robert Kimber [306.1] wants to amend the Rural Lifestyle Zone description and subsequent objectives and policies to recognise the predominant use for rural lifestyle living activities and to ensure that the role, function and predominant character and amenity of the zone is not compromised by incompatible activities.
516. CCC [360.21] submission wanting an amendment to all General Objectives and Policies for all Rural Zones, Rural Lifestyle Zone, and Large Lot Residential Zone objectives, policies and rules to protect the highly productive land/versatile soils from fragmentation and unsuitable 'primary production' activities such as forestry or quarrying will be addressed in section 3.20 of this report.

### **3.13.2 Assessment**

517. A Carr submission [158.8] and [158.9] is seeking a new policy and rule on enabling development with an ODP within the LLRZ overlay. This is covered under Policy LLRZ-P5, where an ODP is required to ensure any development integrates with the neighbouring LLRZ. The LLRZ overlay identifies an area within the Rural Lifestyle Zone that where certain conditions are met, could be rezoned to Large Lot Residential Zone as part of a plan change to the corresponding overlay zone. Until those conditions are met the area of land retains the underlying Rural Lifestyle zonation.
518. Policy 6.3.3. of the RPS requires an ODP as part of rezoning of land. Once ODP conditions have been met then the land will be able to be rezoned via a plan change to enable the subdivision. If the underlying zonation is not changed then any subdivision would be non-complying under SUB-S1. Enabling the subdivision of land as a RDIS activity on the basis of just having an ODP could potentially result in unintended consequences, given that the suitability of the land for subdivision has not been fully assessed. I do not agree with the proposed amendment.
519. Rayonier Matariki Forests [171.2] seeks a statement added on plantation forestry activities and the prevailing provisions of the NESPF. I consider that as a permitted primary production activity under RLZ-R2, there are no constraints placed on production forestry within the zone outside of what is contained in other chapters of the plan and within the NESPF. A reference to

the NESPF is included as an advice note under GA-AN4 which includes the following statement *'The provisions of the Rural Zones do not apply to plantation forestry greater than 1ha in area, refer to the NESPF'*. The amendment to include an additional advice note regarding the NESPF is not required as the Proposed Plan should be read as a whole, and including replication of advice notes throughout the plan would undermine this approach. I do not agree with the proposed amendment.

520. While some industrial activities can only be located within rural environments, most industrial activities are a discretionary activity within the RLZ area. Policy provisions are worded around supporting land use activities associated with primary production and those activities that have a functional need to be within the rural zones (RURZ-O2) and activities that are reliant on the natural and physical resources (RLZ-P1(3)). As well as being a discretionary activity any industrial building would need to meet a GFA of 550m<sup>243</sup>, otherwise they would be a restricted discretionary activity and would be assessed against RURZ-MD3 Character and amenity values. I do not recommend any changes to the Proposed Plan.

521. Forest and Bird's [192.97] submission on setbacks for primary production activities from water bodies was addressed in section 3.7.2 of this report.

522. A and W Thomson [260.2] and Robert Kimber [306.1] submissions that seeks objectives and policies to recognise that RLZ is predominantly rural lifestyle living activities is inconsistent with Objective 5.2.1(2)(e) and Policies 5.3.2(1)(c) and 5.3.12(1)(a) of the RPS. I therefore do not agree with the proposed amendments requested by the submitter.

### **3.13.3 Summary of recommendations**

523. I recommend that the submissions from, A Carr [158.8] and [158.9], Rayonier Matariki Forests [171.2], Forest and Bird [192.97], A & W Thomson [260.1], A and W Thomson [260.2], and Robert Kimber [306.1], be **rejected**.

524. I therefore do not recommend any amendments to the RLZ chapter in general.

## **3.14 Rural Lifestyle Zone Introduction Submissions**

### **3.14.1 Matters raised by submitters**

525. There were two submissions on the Introduction, both submissions are seeking an amendment.

526. NZPork [169.65] wants the introduction amended to be consistent with RLZ-O1.

527. Hort NZ [295.167] wants the following added to the introduction: *"The majority of horticultural operations within the district occur within this zone, including greenhouse growing which can be highly productive on smaller sites"*

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<sup>43</sup> The plastics factory has a GFA of over 1,500m<sup>2</sup>.

### **3.14.2 Assessment**

528. The wording in the introduction is in a similar order to that in RLZ-O1. Accordingly the amendment wanted by the NZPork [169.65] submission is not required. I do not agree with the proposed amendment.

529. There is limited horticultural production in Waimakariri, with Hort NZ identifying 26 growing operations (orchards and vegetables) in the district. In their submission Hort NZ noted that most vegetable growing operations are on larger land parcels (20-50ha), and while some may be present in the RLZ, overall they make up less than 20% of the District land area by size. Given the existing overallocation of groundwater resources within the district, reverse sensitivity effects and land values, it is unlikely that horticulture and vegetable production will become a significant land use within the RLZ. I do not agree with the Hort NZ submission [295.167] and do not recommend any changes.

### **3.14.3 Summary of recommendations**

530. I recommend that the submissions from, NZ Pork [169.65], and Hort NZ [295.167], be **rejected**.

531. I therefore do not recommend any amendments to the introduction of the RLZ chapter.

## **3.15 Rural Lifestyle Zone Objective Submissions**

### **RLZ-O1 Purpose of the Rural Lifestyle Zone**

#### **3.15.1 Matters raised by submitters**

532. There are six submissions on RLZ-O1, with one submission in support Ohoka Meadows [202.6], one submission in opposition and four submissions seeking amendments.

533. NZPork [169.66] request to amend some wording within RURZ-O1 to better align with the introduction.

534. Hort NZ [295.168] want an amendment to add "enable" to the beginning of the objective.

535. EPFNZ and PIANZ [351.12] want an amendment through the addition of wording relating to the functional need for activities to be located within the RLZ.

536. Federated Farmers [414.199] want the inclusion of high-class soils in the objective. This submission will be addressed in section 3.20 of this report.

#### **3.15.2 Assessment**

537. The proposed amendments by NZPork [169.66] and Hort NZ [295.168] would change RLZ-O1 from an objective to a policy. The Quality Planning website notes that: "*An objective is a statement of what is to be achieved through the resolution of a particular issue. Objectives clearly state what is aimed for in overcoming the issue or promoting a positive outcome, or what the community has expressed as being desirable in resolving an issue. Objectives tend to be positively worded and need to be clear enough to provide targets that policies seek to achieve.*" I therefore do not agree with the proposed amendments.

538. The proposed amendment by EPFNZ and PIANZ [351.12] would mean that only those activities that are reliant on natural and physical resources would have to have a functional need to be

located within the RLZ. Objective RURZ-O2 determines that primary production and **support activities** have a functional need to be located in the Rural zones (my emphasis). The Proposed Plan does enable some activities to be located in the RLZ. This matter is already contained within RURZ-O2 and does not need to be repeated again in Objective RLZ-O1.

### **3.15.3 Summary of recommendations**

539. I recommend that the submission from Ohoka Meadows [202.6], be **accepted**.
540. I recommend that the submission from EPFNZ and PIANZ [351.12], NZPork [169.64], and Hort NZ [295.168] be **rejected**.
541. I therefore do not recommend any changes to RLZ-O1.

## **3.16 Rural Lifestyle Zone Policy Submissions**

### **RLZ-P1 Character of the Rural Lifestyle Zone**

#### **3.16.1 Matters raised by submitters**

542. There were seven submissions on RLZ-P1, with one submission in support, one submission in opposition and five submissions wanting amendments.
543. A Carr [158.2] wants the objectives and policies amended to enable "efficient residential development" and providing for rezoning of land using an ODP through a restricted discretionary resource consent.
544. NZPork [169.67] and Hort NZ [295.169] want "*smaller scale*" removed from RLZ-P1(1).

#### **3.16.2 Assessment**

545. The discussion on the rezoning of land using a resource consent as per A Carr [158.2] submission was discussed in section 3.13.2 of this report. I do not agree with the proposed amendment.
546. The removal of "*smaller scale*" as requested by NZPork [169.67] and Hort NZ [295.169] does not account for the fact that 80% of the properties within the RLZ are less than 8ha<sup>44</sup>. While some greenhouses, pig and poultry operations exist on larger lots, they make up less than 1% of the approximately 4,360 rural lifestyle properties. Given that most of the RLZ properties contain small scale primary production operations on properties that are 4ha in size, the wording as notified reflects the dominant land use. I do not agree with the proposed amendment.

#### **3.16.3 Summary of recommendations**

547. I recommend that the submission from Ohoka Meadows [202.7], be **accepted**.
548. I recommend that the submission from A Carr [158.2], NZPork [169.67], Hort NZ [295.169], be **rejected**.
549. I therefore do not recommend any changes to RLZ-P1.

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<sup>44</sup> GIS assessment

### RLZ-P2 Activities in the Rural Lifestyle Zone

#### **3.16.4 Matters raised by submitters**

550. There were five submissions on RLZ-P2, with one submission in opposition and four submissions wanting an amendment.
551. NZPork [169.68] want the term “*Activity setback and separation distance requirements are met*” be added to the policy.

#### **3.16.5 Assessment**

552. NZPork [169.68] submission relates to reverse sensitivity issues associated with primary production. Reverse sensitivity is covered in Policy RURZ-P8 which applies to both GRUZ and RLZ zones and does not need to be repeated in each zone chapter. Any new residential unit will be required to meet the separation distances in RLZ-BFS5. The built form standard has been amended to be consistent with the approach taken in GRUZ-BFS5, making any residential unit inside the setback distance discretionary. I do not agree with the proposed amendment as the outcome will be achieved in RLZ-BFS5.

#### **3.16.6 Summary of recommendations**

553. I recommend that the submission from NZPork [169.68], be **rejected**.
554. I therefore do not recommend any changes to RLZ-P2.

## **3.17 Rural Lifestyle Rule Submissions**

### RLZ-R1 Construction or alteration of or addition to any building or other structure

#### **3.17.1 Matters raised by submitters**

555. There were two submissions received on the rule, with one submission opposed and one submission wanting an amendment.
556. NZHHA [221.10] seeks an inclusion of a permitted rule relating to moveable buildings, and amend the relevant rule in all zones.

#### **3.17.2 Assessment**

557. The approach within the NZHHA [221.10] submission was covered in section 3.11.2 of this report and was rejected on the basis that the activity was covered under temporary activities and the security of the building was a building consent issue. I recommend that the same approach is adopted for this submission.

#### **3.17.3 Summary of recommendations**

558. I recommend that the submissions from NZHHA [221.9], be **rejected**.
559. I therefore do not recommend any changes to RLZ-R1.

**RLZ-R2 Primary production****3.17.4 Matters raised by submitters**

560. There are seven submissions on RLZ-R2, with one submission in support NZPork [169.69], two submissions in opposition and four submissions seeking an amendment.
561. Ngai Tahu Forestry [219.1] wants to amend RLZ-R2 to align activity status for forestry with the National Environmental Standards for Plantation Forestry, or limit Council's discretion for forestry applications, including limits on notification.
562. K A Houghton Cawte [259.1] states that the 40m setback from forest or woodlot to neighbouring residential unit is insufficient if planted north of the neighbouring dwelling, as when grown, the trees could cause significant shading, particularly in winter.
563. Hort NZ [295.175] submission supports enabling horticulture as a permitted activity but opposes carbon forests as they remain in perpetuity. They also want the rule amended to safeguard the life supporting capacity of soils, including LUC 1, 2 and 3 soils. This submission point will be addressed in section 3.20 of this report.
564. NZ Agricultural Aviation Association [310.7] supports provision for primary production, however they consider that there should also be inclusion of activities that are ancillary to primary production, including agricultural aviation operations, as a permitted activity. The submission was supported by a further submission from New Zealand Helicopter Association [FS66].
565. Federated Farmers [414.201] opposes the rule due to the reference of carbon forests, the lack of definition of the term forestry and felt that the permitted provision was more restrictive than the NESPF without reason.

**3.17.5 Assessment**

566. The NESPF rules apply to Plantation Forestry that is 1ha or greater. Rule RLZ-R2 refers to forestry less than 1ha, carbon forest or woodlot. All plantation forestry is permitted through the definition of primary production activity<sup>45</sup>. The Ngai Tahu Forestry [219.1] submission seeks to align the rule with the NESPF, which only controls forestry that is not covered by the definition of plantation forestry. The rule does align with the NESPF and does not require any amendment.
567. The second part of their relief reflects the rule as it was proposed. Any forestry less than 1ha, carbon forest or woodlot that doesn't meet the side boundaries becomes a restricted discretionary activity and is precluded from being publicly notified.
568. While no outcome was sought the submission from K A Houghton Cawte [259.1] wanted a larger setback for forest or woodlots when planted on the northern boundary where shading is an issue. Given that during the shortest day the sun angle does not climb above 24°, for a 30m high forest or woodlot, there would need to be 95m setback to obtain an hour of sun each side of midday. This setback would be in line with the permitted activity setback requirements for plantation forestry set out in the NESPF (clause 14(1)(b)(ii)) being that afforestation must not occur within:

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<sup>45</sup> Despite the NPS definition referring to forestry activities and not plantation forestry.

*a distance where the forest species when fully grown would shade a dwelling between 10 am and 2 pm on the shortest day of the year, except where topography already causes shading;*

569. Despite this the setback within RLZ-R2 is based on the 40m setback to residential units in clause 14(2)(1)(b)(i) NESPF. Given that the NESPF provision on setbacks requires the greater of both conditions to be met, the request to consider shading effects from activities that can have similar environmental effects is considered reasonable. I agree with the proposed amendment to include a provision that considers shading effects on residential units.

570. NZ Agricultural Aviation Association [310.7] submission was the same as [310.6] and discussed in section 3.10.6 of this report. The conclusion of the discussion still applies to this submission.

571. Federated Farmers [414.201] submission fails to recognise that the NESPF does not cover forestry less than 1ha, carbon forests or woodlots. They make reference to the use of the word “forestry” which they state has a non-existent definition. The NPS definition for primary production includes a number of activities including “forestry” and I note that ‘quarrying’ is the only activity that has a separated definition. While there may not be a definition for the word forestry, the reference to it within the rule relates to the use of the term in the primary production definition.

572. In their submission Federated Farmers sought the deletion of RLZ-R2. In reading the submission it appears that Federated Farmers seem to think that the rule only applies to forestry activities, which is not the case. In deleting the rule this would make all primary production activities discretionary within the Rural Lifestyle Zone. I do not agree with the proposed amendment.

**3.17.6 Summary of recommendations**

573. I recommend that the submission from K A Houghton Cawte [259.1], be **accepted**.

574. I recommend that the submissions from NZPork [169.69], Ngai Tahu Forestry [219.1], NZ Agricultural Aviation Association [310.7], New Zealand Helicopter Association [FS66], Federated Farmers [414.201], be **rejected**.

575. I therefore recommend the following amendments to RLZ-R2:

<p><b>RLZ-R2 Primary production</b>                  This rule does not apply to any farm quarry provided for under RLZ-R12; intensive indoor primary production provided for under RLZ-R18; intensive outdoor primary production provided for under RLZ-R19; mining provided for under RLZ-R30; or quarrying activity provided for under RLZ-R31.</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of:                         <ol style="list-style-type: none"> <li>a. <u>the greater of either:</u> <ol style="list-style-type: none"> <li>i. <u>40m; or</u></li> <li>ii. <u>A distance where the forest species when fully grown would shade a residential unit or minor residential unit between 10am and 2pm on the shortest day of the year;</u></li> </ol> </li> </ol> </li> </ol>	<p><b>Activity status when compliance with RLZ-R2 (1) not achieved: RDIS Matters of discretion are restricted to:</b></p> <p>RURZ-MD1 - Natural environment values                  RURZ-MD3 - Character and amenity values of the activity                  RURZ-MD4 - Forestry, Carbon Forest, Woodlots</p> <p><b>Notification</b></p>

<p>b. from any residential unit or minor residential unit on a site under different ownership, <u>except where topography already causes shading</u>; or</p> <p>c. 10m from any site boundary of a site under different ownership; and</p> <p>d. 10m from any road boundary of a paved public road.</p>	<p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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### 3.17.7 Section 32AA evaluation

576. In my opinion, the amendments to RLZ-R2 are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- They will address the gap associated with the difference between the shading effects from trees covered by the NESPF and those trees that are not covered by the NESPF. Consequently, they fill the gap and are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

### RLZ-R3 Residential unit

#### 3.17.8 Matters raised by submitters

577. There are five relevant submissions on RLZ-R3<sup>46</sup>, with one submissions in support, four submissions requesting amendments.

578. Daiken NZ Ltd submitted twice on the rule, once in support of the 4ha site minimum for residential units [145.30] and in seeking an amendment by requiring greater setbacks between residential units from heavy industrial sites [145.31] and [145.32] on RLZ-R4.

579. Roger Reeves and Karen DeLautour [231.1] opposed the rule and sought an amendment to enable residential units to be built on any site less than 4ha where the site was subject to a subdivision prior to 24 February 2001. They also sought that the map and/or rules be amendment to exempt 786 Mill Road Ohoka from the rules.

580. Waimakariri District Council [367.59] opposed the rule and wanted an amendment so the net site area for residential unit rules is consistent with subdivision rules. There is inconsistency between the residential unit provisions of the rural zones and the minimum subdivision size. Council could have a situation where the 4ha could not be built on as part of the site is used as an accessway and is excluded under the Rural Zone rules.

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<sup>46</sup> Daiken NZ Ltd submission on RLZ-R4 wants the same outcome as RLZ-R3, so have been combined for analysis purposes.



**3.17.9 Assessment**

581. The Daiken NZ Ltd submissions [145.30] [145.31] and [145.32] seek a setback of 200m between residential units and heavy industrial sites would place a large development constraint on neighbouring properties in order to mitigate an effect that was beyond their control. A setback of 200m does not encourage the company to undertake mitigation measures to reduce noise, but transfers the responsibility onto adjoining land owners who may or may not be affected by the noise. While the amended Policy RURZ-P8 avoids the establishment of new sensitive activities near heavy industrial areas where they compromise the operation of existing activities, the policy does not enable constraints to be placed on adjoining land where no justification has been provided. The submitter has not provided any technical information to show why a 200m setback is appropriate and what residual noise level is likely to be achieved with such a setback.
582. Roger Reeves and Karen DeLautour [231.1] property at 786 Mill Road is 2.4ha in size and previously had a resource consent (December 1999) to enable the construction of a dwelling on an undersized section. There are 3,573 properties less than 4ha within the RLZ area, with 2,116 properties already built on (59%). The proposed amendment would potentially increase the number and density of residential units within the RLZ, changing the character and potentially increasing potential reverse sensitivity issues within the zone.
583. It should be noted that in this particular case there is an existing dwelling on the site and previously has a consent that lapsed for a secondary dwelling once the LURP exemption had expired.
584. Waimakariri District Council [367.59] submission was to correct a mistake regarding the application of the net site area provision. This is required because most 4ha subdivisions created prior to notification of the plan are exactly 4ha± 100m<sup>2</sup> sites and given the length of accessways, would create a number of RLZ blocks that would be unable to be built on. I agree with the proposed amendments.

**3.17.10 Summary of recommendations**

585. I recommend that the submission from Waimakariri District Council [367.59], be **accepted**.
586. I recommend that the submission from Daiken NZ Ltd [145.30] [145.31] and [145.32], Roger Reeves and Karen DeLautour [231.1], be **rejected**.
587. I therefore recommend the following amendments to RLZ-R3:

<p><b>RLZ-R3 Residential unit</b> This rule does not apply to any minor residential unit provided for under RLZ-R4 or any bonus residential unit provided for under RLZ-R17.</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <del>a</del><b>each</b> residential unit shall be located on a site with a minimum <del>net site area of 4ha per residential unit</del>, except where provided for in (3), (4), (5), (6) and (7) below;</li> <li>2. there is more than one residential unit on a site, each residential unit shall be contained within its own delineated area and each delineated area shall be treated as though it is a site, which shall:</li> </ol>	<p><b>Activity status when compliance with RLZ-R3 (2)(b) or RLZ-R3 (2)(c) not achieved: DIS</b></p> <p><b>Activity status when compliance with RLZ-R3 (1), RLZ-R3 (2)(a), RLZ-R3 (3), RLZ-R3 (4), RLZ-R3 (5), not achieved: NC</b></p>

<ol style="list-style-type: none"> <li>a. have a minimum <del>net-site</del> area of 4ha per delineated area, and</li> <li>b. have no overlap between delineated areas, and</li> <li>c. have legal and physical access from any residential unit to a legal road; and</li> <li>d. comply with built form standards as though each delineated area was a site;</li> </ol> <ol style="list-style-type: none"> <li>3. a site with a minimum <del>net-site</del> area of less than 4ha exists and it is a site or an allotment that was created by subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) one residential unit may be erected;</li> <li>4. where a site with a minimum <del>net-site</del> area of less than 4ha exists and is a site or an allotment that was associated with the development of infrastructure, which prior to the development of the infrastructure was 4ha or more, one residential unit may be erected; and</li> <li>5. one residential unit may be established on a bonus allotment.</li> </ol>	
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### 3.17.11 Section 32AA evaluation

588. In my opinion, the amendments to RLZ-R3 are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- They will address the inconsistency between the provision and the subdivision rules. The same correction was also made to GRUZ-R3. Consequently, they fill the gap and are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

### RLZ-R4 Minor residential unit

#### 3.17.12 Matters raised by submitters

589. There are five submissions on RLZ-R4, with three submissions in support Frank Endacott [43.1], Shane Endacott [44.2] and Damon Hurley [92.1], and two submissions wanting amendments.

590. NZPork [169.70] wanted the size limit for farm worker accommodation increased from 90m<sup>2</sup> to 120m<sup>2</sup> and include a provision that the minor residential unit should share the vehicle access with the principal residential unit.

591. Hort NZ [295.176] submission is similar to that of NZPork, wanting the minimum size of the minor residential unit for farm workers increased from 90m<sup>2</sup> to 120m<sup>2</sup>.

**3.17.13 Assessment**

592. NZPork [169.70] and Hort NZ [295.176] submissions wanting seasonal workers accommodation to increase to 120m<sup>2</sup> is not supported by any evidence in their submission. An assessment of whether additional policy and rules were required to provide seasonal workers was previously assessed under 3.6.6 of this report. The size of the building was also addressed within the GRUZ in section 3.11.12 of this report. I do not agree with the proposed amendment.

**3.17.14 Summary of recommendations**

593. I recommend that the submissions from Frank Endacott [43.1], Shane Endacott [44.2] and Damon Hurley [92.1], be **accepted**.

594. I recommend that the submission from NZPork [169.70] and Hort NZ [295.176], be **rejected**.

595. I therefore do not recommend any amendments to RLZ-R4.

**RLZ-R7 Visitor accommodation****3.17.15 Matters raised by submitters**

596. There are three submissions on visitor accommodation, one submission seeking an amendment and two submissions in opposition.

597. NZPork [169.71] opposes the permitted activity status of visitor accommodation and wants the rule deleted or the activity status changed (change of status was not specified).

598. Waka Kotahi [275.8] wants an amendment to the rule to include a provision where any vehicle crossing has to comply with TRAN-S5.

**3.17.16 Assessment**

599. NZPork [169.71] state that the activity is a sensitive activity and is likely to conflict with the objectives and policies for the zone. The same activity was assessed in the NZPork submission on GRUZ-R7 in section 3.11.18 of this report and as such I do not agree with the submission.

600. Waka Kotahi [275.8] also submitted on GRUZ-R7 wanting the accessway upgraded to TRAN-S5. This was also assessed in section 3.11.18 of this report and concluded that it was unnecessary to repeat this rule in both the zone and the TRAN chapter.

**3.17.17 Summary of recommendations**

601. I recommend that the submission from NZPork [169.71] and Waka Kotahi [275.8], be **rejected**.

602. I therefore do not recommend any amendments to RLZ-R7.

**RLZ-R8 Home business****3.17.18 Matters raised by submitters**

603. The one submission from Kathryn Alice Houghton Cawte [259.3] supports the rule but is concerned that due to the permitted activity status with a number of activity standards (and Discretionary activity status where compliance not achieved) that the permitted activity standards

are not being enforced or even taken into account by the regulatory team, especially hours, traffic movements and storage for home business. There was no specific outcome sought.

### **3.17.19 Assessment**

604. With respect to the submission from Kathryn Alice Houghton Cawte [259.3] about whether the rule would be enforced with regards to non-compliance with the permitted conditions. Council generally relies on complaints from neighbouring properties with respect to compliance with permitted rules, unless made aware of any issues through another avenue (such as advertising on social media).

### **3.17.20 Summary of recommendations**

605. I recommend that the submission from Kathryn Alice Houghton Cawte [259.3], be **accepted**.

606. I therefore do not recommend any amendments to RLZ-R8.

## **RLZ-R10 Rural produce retail**

### **3.17.21 Matters raised by submitters**

607. There are four submissions, one submission in opposition and three submissions seeking amendments. The submission in opposition (RA and FM Buhler [209.15]) relates to a rezoning request and effluent buffer distance.

608. Kathryn Alice Houghton Cawte [259.4] notes that 10m setback is fine for a road boundary, but is too close for a side boundary.

609. Waka Kotahi [275.81] seek an amendment whereby any new vehicle accessway off a state highway is upgraded to comply with TRAN-S5.

610. Federated Farmers [414.203] seeks clarity that the rule does not apply to existing rural produce retail. This is addressed in section 3.2.2 of this report.

### **3.17.22 Assessment**

611. In my opinion Kathryn Alice Houghton Cawte submission's [259.4] seeking greater than 10m setback from neighbouring properties would be overly restrictive as to where the rural produce retail can occur. Some of the RLZ properties are only 70m in width, and increasing the setback greatly constrain where it can occur, without there being any appreciable change in effects on neighbours. Under RLZ-BFS5 residential units and minor residential units are required to be set back of 20m from the road and side boundaries. This will give a combined 30m separation between any residential unit and a rural produce retail stand (a permitted size of 5m<sup>2</sup>), which is considered sufficient to manage any adverse effects.

612. Waka Kotahi [275.81] also submitted on GRUZ-R10 wanting the accessway upgraded to TRAN-S5. This was also assessed in section 3.10.19 of this report and concluded that it was unnecessary to repeat this rule in both the zone and the TRAN chapters.

### **3.17.23 Summary of recommendations**

613. I recommend that the submission from Kathryn Alice Houghton Cawte [259.4], Waka Kotahi [275.81], Federated Farmers [414.203], be **rejected**.

614. I therefore do not recommend any amendments to RLZ-R10.

### **RLZ-R11 Rural industry**

#### **3.17.24 Matters raised by submitters**

615. There are eight submissions, with three submission in opposition and five submissions seeking amendments.

616. Jeremy Elvidge [104.1] stated that points (i.e. permitted activity standards) 1 to 9 are overly restrictive and that point 8 is nonsensical. He feels that for the intensification of land holdings in the rural sector it is essential that conditions are established to foster successful and innovative enterprise that offers employment and economic growth.

617. Madison Tait [152.1] opposes the staff limit of 5 people as being too low, the 60m setback being too high, and that the 500m<sup>2</sup> size limit is too small. They seek that there is consultation with the affected parties<sup>47</sup>.

618. Sarah Clenshaw [164.1] opposes the rule on the basis that 5 people limit is too low, that 500m<sup>2</sup> is too restrictive, being equivalent to 12% of the site, where 20% (800m<sup>2</sup>) would be better as the percentage is consistent with home businesses.

619. Kathryn Alice Houghton Cawte [259.5] questions whether there will be any enforcement of the rules requirements. She also says that 10m is too close to a neighbouring boundary and wants a 100m minimum from a neighbouring residential unit as a minimum.

620. Waka Kotahi [275.82] wants the addition of a clause that says that the permitted activity should not be off a state highway.

621. Kat Winter [318.1] opposes all of the restrictions associated with the rule as it is environmentally damaging by discouraging people from making use of their land.

622. Federated Farmers [414.204] seeks clarity that the rule only applies to new rural industries and requests that "new" be included in the title. This is addressed in section 3.2.2 of this report.

#### **3.17.25 Assessment**

623. The Rural Industries sets a permitted activity status in the RLZ, with certain constraints. The submissions from Jeremy Elvidge [104.1] and Madison Tait [152.1] do not agree with all of the 9 permitted activity standards and thinks that standard 8, restricting the land area for retail sales to 50m<sup>2</sup> was nonsensical.

624. The assessment of the content of Sarah Clenshaw [164.1] submission is below. I agree in part with the submission<sup>48</sup>.

625. The assessment of the content of the Kat Winter [318.1] submission is below. I agree in part with the submission.

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<sup>47</sup> Section 2.6 and Appendix 1 of the Section 32 Rural officers report details the consultation undertaken.

<sup>48</sup> A home business has a restriction of 100m<sup>2</sup> which is 2.5% of the land area.

626. Three typical rural industries that occur within the district were assessed against the provisions within the rule (Fernside Trees (nursery), Mt Thomas Rd Ltd (trucking), and Springbank Honey) is set out in Table 5 below.

Provision	Fernside Trees	Mt Thomas Rd Ltd	Springbank Honey
5 staff (based off cars)	Yes	No	No
Max building area 250m <sup>2</sup>	380m <sup>2</sup>	1,100m <sup>2</sup>	950m <sup>2</sup>
Max land area 500m <sup>2</sup>	8,400m <sup>2</sup>	13,600m <sup>2</sup>	6,400m <sup>2</sup>
Retail sales 10m setback	Yes	Yes	Yes
Max GFA or land area for retail sales	150m <sup>2</sup>	150m <sup>2</sup>	50m <sup>2</sup>
Parking/yard 60m from any residential	Yes	Yes	Yes

Table 5: Assessment of RLZ-R11 provisions.

627. Based on the assessment presented in Table 5, the clauses within RLZ-R11 appear too restrictive. They are also inconsistent with and a duplication of the built form standards that enable a maximum building coverage of 20% of the land area (RLZ-BFS1), and a maximum GFA of a single building of 550m<sup>2</sup> (RLZ-BFS6) for permitted activities. While I agree with the staff and building coverage, I do not agree with the retail sales and maximum land area amendments. Changing these limits could potentially result in large ancillary activities such as yards and storage areas that are not consistent with the character and amenity values of the area. On that basis is it appropriate that a discretionary resource consent is required.

628. The submission from Scottville Farm [129.1] on GRUZ-R11 resulted in some amendments to the rule. It is proposed that those amendments are incorporated into this rule as well to ensure consistency across the zones.

629. Kathryn Alice Houghton Cawte [259.5] submission wants an additional setback for retail sales and a further setback of 60m for car parking/yard. Given that residential units and minor residential units are required to be 20m set back from neighbouring boundaries this would give an additional 30m and 80m separation between those activities and any dwellings. I consider this is sufficient setback given the effects of noise from traffic and parking between 80m and 100m setback are not likely to be significant. The rural industry would have to meet the noise levels in Table Noise-2, irrespective of whether they are 80m or 100m away. I do not agree with the proposed amendment.

630. The proposed change from Waka Kotahi [275.82] is in my view not practicable as there are a number of rural properties that do not have access of other roads other than the State Highway. Any accessway would still need to meet the design provisions of the Transport chapter of the plan (TRAN-R7 and TRAN-S3) and a vehicle entrance approval from Waka Kotahi. I do not agree with the proposed amendment.

### **3.17.26 Summary of recommendations**

631. I recommend that the submission from Jeremy Elvidge [104.1], Madison Tait [152.1], Sarah Clenshaw [164.1], Kat Winter [318.1], McAlpines [FS102], be **accepted in part**.

632. I recommend that the submission from Kathryn Alice Houghton Cawte [259.5], Waka Kotahi [275.82], Federated Farmers [414.204] be **rejected**.

633. I therefore recommend the following amendments to RLZ-R11:

<b>RLZ-R11 Rural industry</b>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. a maximum of <del>five</del> <u>ten</u> staff shall work on the site at any other time;</li> <li>2. the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production;</li> <li><del>3. the maximum GFA occupied for the rural industry shall be 250m<sup>2</sup>;</del></li> <li>4. the maximum GFA occupied for the rural industry within a SASM shall be 150m<sup>2</sup>;</li> <li>5. the maximum land area occupied for the rural industry shall be 500 m<sup>2</sup>;</li> <li>6. any retail sale of goods shall be set back a minimum of 10m from the site boundary;</li> <li>7. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site;</li> <li>8. the maximum GFA or land area occupied for retail sales shall be 50m<sup>2</sup>; and</li> <li>9. any buildings, yard, storage, or parking areas associated with the activity shall not be located within 60m of any residential unit, or other sensitive activity, located on a site other than where the rural industry is occurring.</li> </ol>	<p><b>Activity status when compliance with RLZ-R11 (<del>56</del>) or (<del>89</del>) not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>                      RURZ-MD1 - Natural environment values                      RURZ-MD3 - Character and amenity values of the activity                      RURZ-MD5 - Rural sales</p> <p><b>Activity status when compliance with RLZ-R11 (<del>34</del>) not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b>                      SASM-MD1 – Wāhi tapu and wāhi taonga                      SASM-MD2 – Nga Tūrangā tūpuna</p> <p><b>Notification</b>                      An application for a restricted discretionary activity under <del>GRUZ-</del>RLZ-R11 (<del>34</del>) is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga</p> <p><b>Activity status when compliance with RLZ-R11 (1) to (<del>23</del>), (<del>45</del>), (<del>67</del>) or (<del>78</del>) not achieved: DIS</b></p>
<p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity.</li> </ul>	

**3.17.27 Section 32AA evaluation**

634. In my opinion, the amendments to RLZ-R11 are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- They will address the inconsistency between the provision and the built form standards. It will enable rural industries to establish without a resource consent where the effects are less than minor, and is consistent across the rural zones. The same correction was also

made to GRUZ-R11. Consequently, the changes are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.

- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

**RLZ-R12 Farm quarries**

**3.17.28 Matters raised by submitters**

635. There are two submissions on RLZ-R12, with one submission in support DoC [419.134] and one submission seeking an amendment (CIAL [254.112]).

636. Fulton Hogan in their introduction statement noted that quarrying activities within the earthworks chapter are also regulated in the zone chapters [41.33]. Those provisions that relate to farm quarries have been reallocated to rule GRUZ-R12 on the basis of the removal of EW-R10. Because the same rule also applies to the RLZ, this submission has been considered a submission on this rule as well.

*Fulton Hogan is opposed to having quarrying activities addressed through both zone level provisions and earthworks provisions. This has the potential to create a duplicate and inconsistent planning framework/approach and is unnecessary.*

**3.17.29 Assessment**

637. The amendment to GRUZ-R12 and deletion of EW-R10 in response to the explanation in Fulton Hogan [41.33] (above) means that a corresponding amendment will also need to be made to RLZ-R12 to ensure consistency across the plan with respect to farm quarries. A more detailed assessment is in section 3.10.28 of this report.

**3.17.30 Summary of recommendations**

638. I recommend that the submissions from Fulton Hogan [41.33], be **accepted**.

639. I recommend that the submissions from DoC [419.134], be **accepted in part**.

640. The submission in support is not affected by the change as the overall impact is from the combining of two rules, which would have naturally applied to the same activity.

641. I therefore recommend the following amendments to RLZ-R12:

<b>RLZ-R12 Farm quarry</b>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any farm quarry shall be set back a minimum of:                             <ol style="list-style-type: none"> <li>a. 300m from the building footprint of any residential unit or minor residential unit on a site under different ownership;</li> <li>b. 100m from any site boundary of a site under different ownership;</li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>



<p>c. 100m from any road boundary of a public road; and  d. 100m from any SNA; and  e. <u>EW-S1 to EW-S7 are met; and</u>  f. <u>The maximum area of any farm quarry shall be 1500m<sup>2</sup> per site.</u></p>	
<p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• <del>Additional activity standards applying to this activity are located within the Earthworks Chapter (See EW-R11).</del></li> </ul>	

### 3.17.31 Section 32AA evaluation

642. In my opinion, the amendments to RLZ-R12 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments will combine the deleted EW-R10 earthworks rule with RLZ-R12. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

### RLZ-R13 Conservation activities

#### 3.17.32 Matters raised by submitters

643. Four submissions with two in opposition, one submission in support DoC [419.135] and one submission seeking an amendment.

644. NZPork [169.72] and Hort NZ [295.177] want the rule deleted or the activity status changed without specifying what it wants to change to. They opposed it because the activity definition includes activities that bring people and visitors potentially sensitive to the effects of primary production into the rural environment e.g., retail, nurseries, environmental research and education activities. They consider that the permitted activity status for the activity is not supported by objectives and policies.

645. Kathryn Alice Houghton Cawte [259.6] states that 10m from a side boundary is too close to neighbours.

#### 3.17.33 Assessment

646. NZPork [169.72] and Hort NZ [295.177] submissions wanting conservation activities excluded from the rural environment as it may bring people into that environment is not sufficient justification to delete an activity, which will restore ecosystems<sup>49</sup>, through the provision of

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<sup>49</sup>0.5% of indigenous lowland vegetation is remaining on the Canterbury Plains. DoC, 2004. Native plant Communities of the Canterbury Plains.

ecological services will increase agricultural production<sup>50</sup> and community wellbeing<sup>51</sup>. The proposed amendment is also inconsistent with Policies 8 and 13 of the NPS-IB, Policy 9.3.4 of the RPS and Policies RURZ-P4 and ECO-P4 of the Proposed Plan. I do not agree with the proposed amendment.

647. Kathryn Alice Houghton Cawte [259.6] wanting additional setback from conservation activities compared to primary production, where effects such as odour and noise are likely to be greater is counterintuitive. Given that there will be 30m separation from any conservation activity and any residential or minor residential unit, the additional separation is not warranted. I do not agree with the proposed amendment.

### **3.17.34 Summary of recommendations**

648. I recommend that the submissions from NZPork [169.72], Hort NZ [295.177], and Kathryn Alice Houghton Cawte [259.6], be **rejected**.

649. I therefore do not recommend any amendments to RLZ-R13.

### **RLZ-R14 Recreation activities**

#### **3.17.35 Matters raised by submitters**

650. Three submissions all in opposition, one submission seek an amendment, and two submissions want the rule deleted.

651. Scott James [22.1] states that the rule (i.e. permitted activity standard (1)) is too broad and would exclude many activities undertaken on rural properties, such as remote control aircraft/drones, use of private airstrips, and trail bike riding.

652. NZPork [169.73] and Hort NZ [295.178] want the rule deleted because the permitted activity status for recreation activities which are sensitive activities likely to conflict with primary production and permitted activity status is not supported by objectives and policies as appropriate in the zone.

#### **3.17.36 Assessment**

653. Scott James [22.1] in his submission rightly points out there are a broader range of recreational activities that may commonly occur on rural land. Noting that the district also contains three private airfields (Eyrewell, Mandeville and Fernside) which are used by surrounding residents (Figure 6). The original intent of the rule was to control the effects from organised motorised events or where there are ongoing motorised activities that result in noise emissions in excess of the permitted level and not casual activities that are occurring on private farmland.

654. The main effect of causal motorised recreational activities is noise. NOISE-R19 regulates the effects and requires any activity within the rural environment to be at or less than 50 dB(LAeq) and below 65dB (LAF<sub>max</sub>). The Noise chapter contains a rule around aircraft noise from the

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<sup>50</sup> McAlpine, K.G. and Wotton, D.M., 2009. Conservation and the delivery of ecosystem services. Science for conservation 295.

<sup>51</sup> Roberts, L.; et al. 2015: The nature of wellbeing: how nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders. Department of Conservation, Wellington. 145 p

Rangiora airfield (NOISE-R13) but is regulated by this rule that makes recreational aircraft flights a discretionary activity when occurring within a controlled environment. In all three cases, most of the properties immediately surrounding the airfield are part of the field (they have hangars on their properties).



Figure 6: Location of two of the private airfields (Eyrewell and Fernside) in Waimakariri.

655. In addition to private airfields there are also a number of public and private motocross parks in the district, such as Kaiapoi Island (Figure 7).

656. The effects from these activities will be controlled by the noise rules should there be any complaints. Objective RURZ-O2 for activities that have a functional need to be in the rural environment, Policy RURZ-P3(3) and (4) enable for temporary adverse effects and where practicable internalise these effects, supports enabling recreational activities to occur in the rural environment, particularly where the adverse effects are internalised. Given that it is unreasonable for casual rider/driver or flier to get a resource consent for an activity that has been provided for with facilities, included in a reserve management plan and having been operating for a number of years as a permitted activity. I agree with the intent of the submission.



Figure 7: Location of Kaiapoi Island Motorcross Park in Waimakariri (the land is zoned RLZ).

657. NZPork [169.73] and Hort NZ [295.178] opposition to recreational activities is not supported by any information that suggests that the activity is inappropriate for the rural environment. A number of recreational activities should only occur within the rural environment, such as clay target shooting, 4-wheel drive, motor-cross, and long-distance horse trekking, as they either result

in adverse effects that make them unsuitable for a residential environment or that they require large tracks of land that does not exist within an urban environment.

658. Objective RURZ-O2 recognises that some activities, such as certain recreational activities, have a functional need to be in that environment, and RURZ-P3 supporting health, safety and well-being of people within the rural community, through the provision of recreational activities.

659. I do not agree with the proposed deletion of the rule and I consider that it does not adequately demonstrate that recreational activities should not occur within the rural environment.

**3.17.37 Summary of recommendations**

660. I recommend that the submission from Scott James [22.1], be **accepted**.

661. I recommend that the submissions from NZPork [169.73], Hort NZ [295.178], , be **rejected**.

662. I therefore recommend the following amendments to RLZ-R13:

RLZ-R14 Recreation activities	
<p><b>Activity status: PER</b></p> <p>Where:</p> <p>1. <del>the activity is not a motorised recreation activity.</del></p>	<p><b>Activity status when compliance not achieved: <del>DIS-NA</del></b></p>

**3.17.38 Section 32AA evaluation**

663. In my opinion, the amendments to RLZ-R14 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments will ensure that those existing activities which effects are controlled by other rules, and which are temporary in nature are allowed to continue. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

**RLZ-R15 Rural tourism**

**3.17.39 Matters raised by submitters**

664. Four submissions with two in opposition and two seeking amendments.

665. NZPork [169.74] and Hort NZ [295.179] think that the permitted activity status for rural tourism which are sensitive activities likely to conflict with primary production activities. Permitted activity status is not supported by objectives and policies as appropriate in the zone. Setbacks are necessary from a residential unit, or sensitive activity but not from intensive primary production with the exception of a 10m yard setback.

666. Kathryn Alice Houghton Cawte [259.7] wants a 60m setback from neighbouring residential units.

667. Federated Farmers [414.205] wanted in amended so that it only applies to new rural tourism.

### **3.17.40 Assessment**

668. NZPork [169.74] and Hort NZ [295.179] submissions stating that the minimum setback for a residential unit or sensitive activity of 10m from intensive primary production does not take into account the 300m separation distance from those activities on a neighbouring site under GRUZ-BF55. The assumed conflict between sensitive activities and the intensive indoor and outdoor primary production is unlikely to occur given the separation distance. I do not agree with the proposed deletion of the rule.

669. Residential and minor residential units are required to be set back 20m from an internal boundary. Other rural tourism activities, such as buildings, storage and parking are required to be 60m from an internal boundary. The 80m permitted separation distance between any activity and a residential dwelling should be sufficient to ensure that any effects are internalised within the site and meet the concern of Kathryn Alice Houghton Cawte's submission [259.7]. I do not agree with the proposed amendment.

### **3.17.41 Summary of recommendations**

670. I recommend that the submissions from NZPork [169.74], Hort NZ [295.179], Kathryn Alice Houghton Cawte [259.7], be **rejected**.

671. I therefore do not recommend any amendments to RLZ-R15.

## **RLZ-R16 Rangiora A&P Showground activities**

### **3.17.42 Matters raised by submitters**

672. There are six submissions with one in support (Kathryn Alice Houghton Cawte [259.8]), two submission opposed and three submission seeking amendments.

673. Ian and Margaret Stephenson [72.1] opposes RLZ-R16, specifically (1)(f). - Motor Vehicle Display and Events, as it would mean unlimited uncontrolled car events and who runs them and what happens at them could be open to abuse without any say from neighbours. The showgrounds are too close to neighbouring residences to avoid noise and car pollution and would frequently interfere with peaceful enjoyment of properties on Coldstream Rd, Ashley Street and the environs.

674. Donna Karen Lamont [79.1] oppose RLZ-R16(1)(f) because the Rangiora Showgrounds is bordered on two sides by residential areas, and the annual motor event causes distress to neighbouring residents from disruption, noise, smoke and fumes, and inconsiderate conduct of some participants. The provision is vague and does not control these effects, nor limit the number of events per year, who can run these events, the size or duration and removes rights of residents.

675. Northern A & P Association [106.1] wants an amendment to delete exclusion (f) "*major sports facility*" from the definition of Equestrian and ancillary activities and facilities, as the grounds are wanting to host more sport events. The definition for Equestrian and ancillary activities and facilities is covered in the Section 42A Open Spaces officers report.

676. Christopher Norman Knowles [323.1] oppose inclusion of 'motor vehicle display events' in RLZ-R16 (f) as it is ill defined. The annual Muscle Car Madness event causes adverse effects such as

noise, dust, fumes, traffic and parking disturbance. Mr Knowles feels that the permitted activity status removes the current right of appeal to the Environment Court, thus it must be subject to District Plan rules otherwise the size and duration of the event may change over the years.

677. Ian Nevis Bird [349.1] are concerned regarding possibility of other motor vehicle events on the A&P showgrounds similar to the Muscle Car festival that is held for four days annually.

### **3.17.43 Assessment**

678. Ian and Margaret Stephenson [72.1], Donna Karen Lamont [79.1], Christopher Norman Knowles [323.1] and Ian Nevis Bird [349.1] submissions are all critical of the motor vehicle display event provision in the rule. In January/February each year the A&P show grounds hosts the Muscle Car Madness event that runs for 5 days, with up to 1,800 cars and 18,000 visitors, but generates a considerable amount of complaints from neighbours and other residents in the district. The main issues appears to be noise, smoke and fumes from the event and from some unsocial behaviour from visitors to the events outside of event hours. In reviewing Council records, it does not appear that any other event generates the same number of complaints from the show grounds. To date events at the A&P show grounds have been enabled as they have not been covered by a specific rule or through a resource consent.

679. On the basis of the rules above, a restricted discretionary resource consent for Noise-R19 when the noise is less than 10 dB LAeq above the limit and non-complying when it is more than 10 dB LAeq above the limit.

680. Should the event organisers be able to keep the noise at the boundary to less than 10 dB LAeq above the permitted level, the matters of discretion within the RDIS consent include:

1. Noise duration, timing, noise level and characteristics, and potential adverse effects in the receiving environment.
2. Any effects on the health or well-being of persons living or working in the receiving environment, including effects on sleep, and the use and enjoyment of outdoor living areas.
3. The location of the noise generating activity and the degree to which the amenity values of any residential activity may be adversely affected.
4. etc

681. Given that up until recently there has been no control of effects within the show grounds associated with events, the proposed rules within the temporary and noise chapters in the Proposed Plan will result in a greater level of control and engagement with surrounding neighbours. I am not accepting the submissions from Ian and Margaret Stephenson [72.1], Donna Karen Lamont [79.1], Christopher Norman Knowles [323.1] and Ian Nevis Bird [349.1] as I feel that the outcomes that they want to achieve will be achieved through the application of the other rules within the Proposed Plan. It is noted that the Northern A & P Association did not submit on any other rules within the Proposed Plan.

682. Northern A & P Association [106.1] wanted the exclusion (f) '*major sports facility*' from the definition of '*Equestrian and ancillary activities and facilities*' from RLZ-R16(1)(c) to be deleted (ie relocated to the 'inclusions' within the definition. Rule R16(1)(f) enables motor vehicle display events, while Rule R16(1)(c) relates to equestrian and ancillary activities and facilities. The

submission seems to confuse the two events. The rule as it is proposed enables the A & P Association to run the events listed as detailed. Their submission appears to want the inclusion of Polo events at the facility and notes that the facility is also used for sports training during the week, which is enabled as a recreational activity. Because sports training is a regular event (weekly) it is not covered by the temporary activity rule that the other events are covered by and is therefore permitted.

683. Bearing in mind the potential impacts from a polo event, which is likely to be sporadic and not a regular fixture, meaning that it will be covered by the temporary activity rules (TEMP-R9) and the noise rules (NOISE-R19), the potential effects are unlikely to be more and more likely to be less than other events permitted by the rule. I agree with the intent of the submission and the inclusion of Polo activities to the rule. By accepting this submission to add Polo activities to the rule, I do not feel that the inclusion of the activity will generate any complaints to the same extent that the Muscle Car Madness event does.

**3.17.44 Summary of recommendations**

684. I recommend that the submissions from Ian and Margaret Stephenson [72.1], Donna Karen Lamont [79.1], Christopher Norman Knowles [323.1] and Ian Nevis Bird [349.1], be **rejected**.

685. I recommend that the submissions from Northern A & P Association [106.1], be **accepted in part**.

686. I therefore recommend the following amendments to RLZ-R16:

RLZ-R16 Rangiora A&P Showground activities	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. the activities on the site are:                             <ol style="list-style-type: none"> <li>a. an annual A&amp;P Show event;</li> <li>b. recreation activities;</li> <li>c. equestrian and ancillary activities and facilities;</li> <li>d. community facility;</li> <li>e. community market;</li> <li>f. motor vehicle display event; <del>and</del></li> <li>g. dog agility and training; <del>and-</del></li> <li>h. <u>Polo activities.</u></li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: DIS</b></p>
<p><b>Advisory Note</b></p> <ul style="list-style-type: none"> <li>• Rules for temporary activities are contained in the Temporary Activities Chapter.</li> </ul>	

**3.17.45 Section 32AA evaluation**

687. In my opinion, the amendments to RLZ-R16 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment will enable an activity where the effects are controlled by other rules, and which is temporary in nature. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.

- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

**RLZ-R18 Intensive indoor primary production and RLZ-R19 Intensive outdoor primary production**

**3.17.46 Matters raised by submitters**

688. For RLZ-R18 and R19 there are six submissions with two submissions in support (DoC [419.136] and [419.137]) and four submissions seeking amendments.
689. NZPork [169.75] and [169.76] want rules RLZ-R18 and RLZ-R19 combined into one rule while retaining the restricted discretionary status.
690. EPFNZ and PIANZ [351.14] and [351.15] request that the rule status be changed to permitted.

**3.17.47 Assessment**

691. For NZPork [169.75] and [169.76] and for EPFNZ and PIANZ [351.14] and [351.15] see the analysis in section 3.11.40 regarding the reasoning behind the proposed outcome.

**3.17.48 Summary of recommendations**

692. I recommend that the submissions from NZPork [169.75] and [169.76], be **accepted**.
693. I recommend that the submissions from EPFNZ and PIANZ [351.14] and [351.15], and DoC [419.136] and [419.137], be **accepted in part**.
694. I therefore recommend the following changes to RLZ-R18 and RLZ-R19.

<b>RLZ-R18 Intensive indoor primary production <del>Free range poultry farming</del></b>	
<b>Activity status: <del>RDIS-PER</del></b>  <b>Matters of discretion are restricted to:</b> RURZ-MD1 – Natural environment values RURZ-MD2 – Housing of Animals RURZ-MD3 – Character and amenity values of the activity	<b>Activity status when compliance not achieved: N/A</b>

<b>RLZ-R19 Intensive indoor primary production and Intensive outdoor primary production</b>	
<b>Excluding Free Range Poultry Operations covered under RLZ-R18</b>	
<b>Activity status: RDIS</b>  <b>Where:</b> 1. <u>20m from any sensitive activity where it is located on the same site; and</u> 2. <u>300m from any sensitive activity where it is located on a site in different ownership.</u>  <u>Setback distances shall be measured from the building footprint of any permanent building, enclosure or yard in</u>	<b>Activity status when compliance not achieved: <del>N/A-NC</del></b>



<u>which animals or poultry are held, or any area of the site where compost is produced, stored or used.</u>	
<p><b>Matters of discretion are restricted to:</b>  RURZ-MD1 - Natural environment values  RURZ-MD2 - Housing of Animals  RURZ-MD3 - Character and amenity values of the activity</p>	

695. The inclusion of a new definition:

Free Range Poultry Farming: The primary production of poultry for commercial purposes, where:

- All of the birds farmed have access to open air runs; and
- Permanent vegetation ground cover exists on the land where birds are permitted to range; and
- The stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.

### **3.17.49 Section 32AA evaluation**

696. In my opinion, the amendments to RLZ-R18 and RLZ-R19 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendments of combining the activities will reduce confusion as to which rule applies (despite them being the same). The amendment of including setback distances will ensure consistency across the plan, ensuring that reverse sensitivity effects do not occur upon the establishment of a new intensive primary production activity. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This is also reflected in the provisions for GRUZ. There will be slightly different amendments in line with the establishment of free-range poultry farming.
- The setback between free range poultry operations and sensitive activities are recognised as being no different to that from an odour or noise perspective of a dairy herd within a rural environment.

### **RLZ-R24 Emergency service facility**

#### **3.17.50 Matters raised by submitters**

697. One submissions seeking an amendment.

698. FENZ [303.59] acknowledged that the primary purpose of the Rural Lifestyle Zone is for primary production and compatible activities, the fire service seek that fire stations should be a

permitted activity within the zone and that any controls could be managed within the boundary through the built form standards.

### **3.17.51 Assessment**

699. For FENZ [303.59] see the analysis of the submission in section 3.11.44.

### **3.17.52 Summary of recommendations**

700. I recommend that the submission from FENZ [303.59] be **accepted in part**.

701. I therefore recommend the following changes to RLZ-R24.

<b>RLZ-R24 Emergency service facility</b>	
<b>Activity status: <del>DIS</del>-RDIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b><u>Matter of discretion are restricted to:</u></b>	
<b><u>RURZ-MD3 – Character and amenity values of the activity.</u></b>	

### **3.17.53 Section 32AA evaluation**

702. In my opinion, the amendment to RLZ-R23 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment will enable FENZ to develop facilities outside of the main town centres and industrial areas. The amendment to restrict discretionary will provide an easier pathway for establishing a new facility, while ensuring that reverse sensitivity effects do not occur upon local amenity and character. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This approach is also reflected in the provisions for GRUZ.

### **RLZ-R26 Educational facility**

#### **3.17.54 Matters raised by submitters**

703. There are three submissions on the rule, one submission in opposition and two submissions in support (NZPork [169.79] and Hort NZ [295.182]).

704. MoE [277.50] wants to provide for educational facilities as a permitted activity within the RLZ, in particular early childhood centres and school, where there is potential population to support them. This submission has a further submission in opposition from Hort NZ [FS47].

#### **3.17.55 Assessment**

705. The MoE [277.5] submission wanting to enable schools and early childhood centres to establish within the rural lifestyle environment, would support active transport models and reduction in travel times and distances, but has the potential to contribute towards reverse sensitivity effects on any surrounding primary production and the environment. Schools and early

childhood facilities are likely to change and potentially generate increased local traffic, despite the contrary opinion of the MoE, resulting in greater traffic loads on roads and intersections that may not be suitable for projected loads. Water supply and wastewater disposal would require extensive investment in infrastructure from the council in order to meet public health requirements. I do not agree with the amendment and support the approach within the Section 32 Rural officers report that a resource consent process is needed to enable potential adverse effects to be addressed. The submission is not supported by any projected change in the population below 14 years of age within the district (Figure 8).

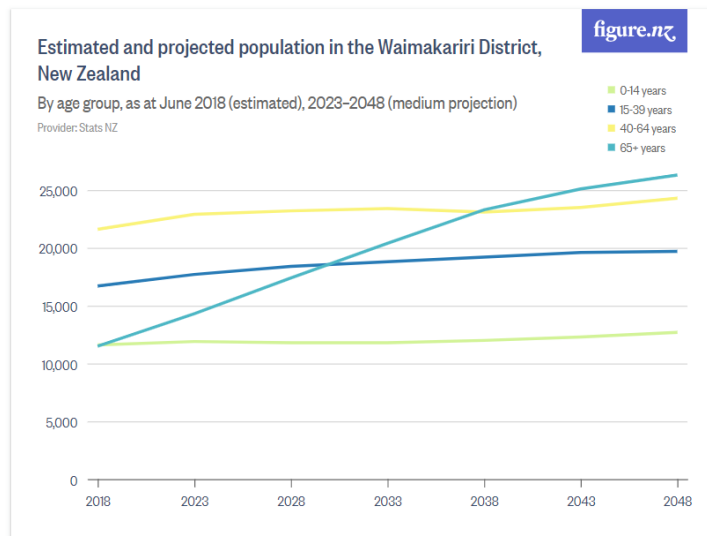


Figure 8: Population projects for Waimakariri district to 2048.

### 3.17.56 Summary of recommendations

706. I recommend that the submission from NZPork [169.79], Hort NZ [295.182], and [FS47], be **accepted**.
707. I recommend that the submission from MoE [277.50] be **rejected**.
708. I therefore do not recommend any changes to RLZ-R26.

### RLZ-R29 Cemetery and funeral related services and facility

#### 3.17.57 Matters raised by submitters

709. There is one submission that had previously been identified as being against RLZ-R30 Mining, yet the submission refers to funeral services. The submitters agent was contacted and it was clarified that the submission relates to rule RLZ-R29 *cemetery and funeral related services and facility*.
710. Lamb and Hayward [163.6] supports the discretionary status of funeral services as long as medium density and development areas on neighbouring properties do not proceed.

#### 3.17.58 Assessment

711. The assessment of whether or not the neighbouring property is zoned medium density is outside the scope of this report and will be addressed in the Section 42A Variation 1 officers report.

**3.17.59 Summary of recommendations**

712. I recommend that the submission from Lamb and Hayward [163.6], be **accepted in part** as relates to the retention of the discretionary activity status.
713. I therefore do not recommend any changes to RLZ-R29.

**RLZ-R31 Quarrying activities****3.17.60 Matters raised by submitters**

714. There are two submissions on quarrying. One in support (ECan [316.174]), and another that does not specify an outcome.
715. Drucilla Kingi – Patterson [16.1] was concerned about the limited scope for the Rangiora Racecourse quarry hearing, including consideration of animal welfare. Rangiora racecourse was classed rural. She was also concerned about the number of elderly and sick residents in the area, the population of Rangiora, and location of rest homes near proposed quarry<sup>52</sup>.

**3.17.61 Assessment**

716. The submission [16.1] points with respect to the previously proposed quarry at the Rangiora racecourse are not relevant to the Proposed Plan. The proposed quarry formed part of an initial resource consent application which was subsequently declined.
717. The submission does not specify a specific outcome, but is more of a statement around the resource consent application. Despite this any quarry application would be a discretionary activity within the RLZ and as proposed has a setback of 1km from residential properties. The middle of the racecourse is within 300m of the Mission Downs housing facility and 350m of the nearest standalone residential unit.
718. Fulton Hogan submitted on [41.5] GRUZ-R30 *Quarrying activities* wanting the setback from quarry operations reduced from 1km to 500m. This is in line with neighbouring councils and other activities, such as intensive primary production and this matter has been addressed in section 3.11.51 of this report. Fulton Hogan has not specifically submitted on this rule (RLZ-31), but has in submission [41.1] sought any consequential relief associated with their submissions.
719. Having a 1km setback radius would basically exclude any quarrying activity within the RLZ. The Ready -Mix Concrete Limited quarry has been operating since 1993 and has a number of houses within 100m of its operation. Discussion with the compliance team revealed that the operation has had three noise complaints in the past 5 years, two of which related to plant maintenance and one that was from an unknown source. For other operations such as the Taggarts plant on River Road (<100m from nearest residential unit), Council has not received any complaints for a number of years.
720. On the basis that Council receives very few complaints about quarrying operations, that any operation would have to comply with the noise rules, that there is a limited number of suitable locations for gravel with the appropriate rheological properties, and for consistency across the

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<sup>52</sup> The submission relates to a resource consent for a quarry operation at the Rangiora Racecourse (RC205104).

rural zones and with neighbouring councils, the setback distance should be reduced to 500m from any residential zone.

### **3.17.62 Summary of recommendations**

721. I recommend that the submission from Drucilla Kingi – Patterson [16.1], be **rejected**.

722. I recommend that the submission from Fulton Hogan [41.1] and [41.5], be **accepted**.

723. I therefore recommend the following changes to RLZ-R31.

<b>RLZ-R31 Quarrying activities</b>	
This rule does not apply to any farm quarry provided for under RLZ-R12.	
<b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: NC</b>
Where:	
1. the quarry shall be set back a minimum of <del>1000</del> <u>500m</u> from a Residential Zone.	

### **3.17.63 Section 32AA evaluation**

724. In my opinion, the amendment to RLZ-R30 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment will align with the setback distances within RLZ-BFS5, the approach taken by neighbouring councils and better reflect the intent of Objectives RURZ-O2 and RLZ-O1, and Policy RURZ-P2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This was considered in the related provisions for GRUZ.

### **RLZ-R36 Industrial activity**

#### **3.17.64 Matters raised by submitters**

725. One submission was received seeking an amendment but did not specify an outcome.

726. Kathryn Alice Houghton Cawte [259.9] wanted an amendment to the discretionary activity status as it can result in petrol stations in residential zones and scattered industrial activities in rural areas. Should be limited to industrial zones.

#### **3.17.65 Assessment**

727. It is assumed that the submission is seeking to change the activity status from discretionary to non-complying or prohibited for industrial activities within the RLZ. The objectives and policies for the rural zones support primary production over other activities, although it does enable those

activities which have a functional need to occur in the rural environment, particularly the heavy industries such as Daiken, and Oxford Sawmill.

728. While it is agreed that some industries should not be established within the RLZ, particularly those that do not have a functional need to be in the zone, some such as the aforementioned industries do need to be located well away from residential areas. Objective RURZ-O2 and policy RURZ-P6 is specifically aimed at large industries, the small ones which do not have a functional need or where there is no reasonable and available site for the activity within the industrial zone. The discretionary activity status enables consideration of these objectives and policies as part of the resource consent assessment process.

### **3.17.66 Summary of recommendations**

729. I recommend that the submission from Kathryn Alice Houghton Cawte [259.9], be **rejected**.

730. I therefore do not recommend any changes to RLZ-R36.

## **3.18 Rural Lifestyle Zone Built Form Standard Submissions**

### **RLZ-BFS4 Building and structure setbacks**

#### **3.18.1 Matters raised by submitters**

731. There are four submissions on the built form standard, with two submissions seeking amendments, one submission in opposition and one submission in support (Kathryn Alice Houghton Cawte [259.10]).

732. WDC [367.49] wanted fences to be exempt from boundary setbacks but it is not specified how tall the fence can be. They state that there is potentially an issue where there are smaller historical Rural Lifestyle Zone lots which could see very high fences on boundaries which are not controlled.

733. KiwiRail [373.91] wanted a new Built Form Standard to the Rural Lifestyle Zone that adds an additional 5m building setback from the rail corridor to provide a safety buffer and allow for maintenance of buildings without the need to access the rail corridor. This is consistent with other zones and should be required in all zones which adjoin the rail corridor.

#### **3.18.2 Assessment**

734. WDC's [367.49] submission regarding fences within the RLZ which I understand in response to property owners placing 2m 'non-rural' high fences on the boundary between properties, similar to the residential zones. Given that the character and amenity values for the zone are for a modified open space (RLZ-P1), that houses are set back 20m from internal boundaries, reducing the height of fences to 1.8m to be consistent with the residential zones would in my view assist in achieving the rural character.

735. KiwiRail [373.91] wanted an additional 5m separation for buildings from rail corridors. It should be noted that the rail corridor traverses in part RLZ land, but does not go through any GRUZ zoned land so there was no corresponding submission. Rule RLZ-BFS4(1) requires a 20 metre setback from any internal boundary and where this internal boundary is with the rail corridor, the 5m separation sought by KiwiRail will be met. It is reasonable to expect that the setback for any other buildings to the rail corridor should be the same across all zones (Table 6). I agree with the submission and will amend it to include the rail corridor.

Zone	Proposed setbacks from rail corridor
RLZ	3m (non specific)
GRUZ	3m (non specific)
GRZ	4m (rail specific)
MDR	4m (rail specific)
SETZ	4m (rail specific)

Table 6: Assessment of rail corridor separation distances.

### 3.18.3 Summary of recommendations

736. I recommend that the submission from Kathryn Alice Houghton Cawte [259.10], be **rejected**.
737. I recommend that the submission from WDC [367.49], be **accepted**
738. I recommend that the submission from KiwiRail [373.91], be **accepted in part**.
739. I therefore recommend the following changes to RLZ-BFS4.

RLZ-BFS4 Building and structure setbacks	
<ol style="list-style-type: none"> <li>1. Any residential unit or minor residential unit shall be set back a minimum of:               <ol style="list-style-type: none"> <li>a. 20m from any road boundary (except for any fence); and</li> <li>b. 20m from any internal boundary (except for a fence).</li> </ol> </li> <li>2. Any water tank shall not be required to be set back from any boundaries.</li> <li>3. Any stockyard shall not be required to be set back from any boundaries.</li> <li>4. Any other buildings and structures shall be set back a minimum of:               <ol style="list-style-type: none"> <li>a. 10m from road boundaries (except for any fence); and</li> <li>b. 3m from internal boundaries (except for any fence); and</li> <li>c. 4m from any site boundary with the rail corridor.</li> </ol> </li> <li>5. <u>All boundary fencing or freestanding wall shall be up to a maximum height of 1.8m, excluding wire mesh fences.</u></li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> RURZ-MD8 – Setbacks</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

### 3.18.4 Section 32AA evaluation

740. In my opinion, the amendment to RLZ-BFS4 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
- The amendment will align with the setback distances and fence heights with other zones and better reflect the intent of Objective RURZ-O1, and Policies RURZ-P1 and RLZ-P1. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.

- Note that the rail corridor does not go through the GRUZ zone, so no corresponding amendment to GRUZ-BFS4 was required.
- The proposed amendments will result in a consistent approach across the plan.

**RLZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry**

**3.18.5 Matters raised by submitters**

741. There are four submissions on RLZ-BFS5, with three submissions in support (Brendan and Angelique Glubb [57.1], ECan [316.175]. and EPFNZ and PIANZ [351.16]) and one seeking an amendment.
742. NZPork [169.88] submission supports the separation distances to and from intensive primary production but seek that it should extend to all sensitive activities. The submission contends that the restricted discretionary activity status is not commensurate with effects from non-compliance with the standards and has the potential to undermine plan integrity. The submission seeks that non-compliance with the built form standards should revert to a non-complying activity.

**3.18.6 Assessment**

743. NZPork submission [169.88] with the proposed rewording better aligns with the outcome of their submission on GRUZ-R17 and GRUZ-R18 [169.50] and [169.51]. I agree with the proposed amendments for the reasons set out in section 3.11.40 of this report.

**3.18.7 Summary of recommendations**

744. I recommend that the submission from NZPork [169.88], be **accepted**.
745. I recommend that the submission from Brendan and Angelique Glubb [57.1], ECan [316.175], EPFNZ and PIANZ [351.11], be **rejected**.
746. I therefore recommend that RLZ-BFS be amended as follows:

<b>RLZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry</b>	
<p>1. Any new <del>residential unit or minor residential unit or accessory building used for overnight accommodation</del> sensitive activity shall be set back a minimum of:</p> <p>a. 20m from any existing intensive <del>indoor</del> primary production, <del>intensive outdoor primary production</del> activity where it is located on the same site;</p> <p>b. 300m from any existing intensive <del>indoor</del> primary production <del>or intensive outdoor primary production</del> activity where it is located on a site in different ownership;</p> <p>c. 300m from any existing farm quarry where it is located on a site in different ownership;</p> <p>d. 500m from any existing quarry where it is located on a site in different ownership.</p>	<p><b>Activity status when compliance not achieved: <del>RDIS-NC</del></b></p> <p><b><del>Matters of discretion are restricted to:</del></b></p> <p><del>RURZ-MD2 – Housing of animals</del></p> <p><del>RURZ-MD8 – Setbacks</del></p>



- |   |  |
|---|--|
| 2. Setback distances shall be measured from the building footprint of any permanent building, enclosure or yard in which animals or poultry are held, or any area of the site where compost is produced, stored or used, or any area of the site where quarrying activity occurs. |  |
|---|--|

### **3.18.8 Section 32AA evaluation**

747. In my opinion, the amendment to RLZ-BFS5 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment is consistent with the approach taken in RLZ-R18 with respect to intensive primary production, and better reflect the intent of Objectives RURZ-O2 and GRUZ-O1, and Policy RURZ-P2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.
- The proposed amendments will result in a consistent approach across the plan. This has been considered in the related provisions for GRUZ.

### **RLZ-BFS6 Gross floor area**

#### **3.18.9 Matters raised by submitters**

748. There is one submission on RLZ-BFS6 that opposes the existing built form standard.

749. NZPork [169.89] is concerned that mobile pig shelters would be defined as a building and structures. Rules for buildings and structures should provide relief for mobile pig shelters which have variable forms and are a critical for pig farming.

#### **3.18.10 Assessment**

750. The submission from NZPork [169.89] is addressed in section 3.12.10 of this report.

#### **3.18.11 Summary of recommendations**

751. I recommend that the submission from NZPork [169.64], be **rejected**.

752. I therefore do not recommend any changes to RLZ-BFS6.

## **3.19 Matters of Discretion for all Rural Zones Submissions**

### **RURZ-MD General**

#### **3.19.1 Matters raised by submitters**

753. There is one relevant submissions generally on rural matters of discretion, the submission wants an amendments.

754. KiwiRail [373.95] want the inclusion of a new matter of discretion (explanation referred to built form standard) requiring that consideration is given to the safe and efficient functioning of the rail network for any building inside the 5m setback from any property boundary adjoining the railway network.

### **3.19.2 Assessment**

755. KiwiRail [373.95] wanted the inclusion of a rail boundary setback for the rural zones. An additional setback has been included in RLZ-BFS5, but the addition of a matter of discretion is not needed as this is already included in RURZ-MD8 *Setbacks* at matter (8). However, I note that this matter of discretion needs to be amended to include reference to the rail corridor.

### **3.19.3 Summary of recommendations**

756. I recommend that the submission from KiwiRail [373.95], be **accepted in part**.

757. I therefore recommend the following changes to RURZ-MD8 *Setbacks*

RURZ-MD8 With respect to a road and rail corridor setbacks, any adverse effects on the efficient and safe functioning of the road and rail corridor.

### **RURZ-MD1 Natural environment values**

#### **3.19.4 Matters raised by submitters**

758. There are three submissions on RURZ-MD1, one submission in support (DoC [419.131]), and one opposed seeking an amendment.

759. Ngai Tahu Forestry [219.2] wants the matters of discretion amended to align with the NESPF, particularly for forestry adjacent to Outstanding Natural Landscape and Significant Natural Areas but not within those areas.

760. Federated Farmers [414.43] wanted RURZ-MD1 amended as it places an undue weight on one determination of the natural environment. The purpose of the Rural Zone is pastoral farming and other rural activity, however this definition of 'natural environment' appears to equate natural environment with conservation/preservation values.

#### **3.19.5 Assessment**

761. In response to the Ngai Tahu Forestry [219.2] submission, the matters of discretion do not have any bearing on plantation forestry in the district as the activity is permitted under GRUZ-R2 and RLZ-R2. I do not agree with the proposed amendment.

762. Federated Farmers in their submission [414.43] mis-construe the purpose of RURZ-MD1, which is to protect those environmental values where they exist. The rural zone does not only contain primary production activities but contains most of the remnant indigenous habitat left in the district (ECO-SCHEM1). Under policies 1, 4, 7 and 8 of the NPSIB Council are required to manage, indigenous biodiversity and protect and maintain SNAs. I do not agree with the proposed amendment.

### **3.19.6 Summary of recommendations**

763. I recommend that the submission from Ngai Tahu Forestry [219.2], and Federated Farmers [414.43], be **rejected**.
764. I recommend that the submission from DoC [419.131], be **accepted**.
765. I therefore do not recommend any changes to RURZ-MD1.

## **RURZ-MD2 Housing of animals**

### **3.19.7 Matters raised by submitters**

766. There is one submission that is seeking an amendment to the matter of discretion.
767. NZPork [169.90] wants the inclusion of a new clause to require adherence to relevant industry guidelines and good management practices.

### **3.19.8 Assessment**

768. Councils' ability to consider compliance with animal welfare guidelines as requested in the NZPork [169.90] is limited<sup>53</sup>. It is assumed that the submission relates to the guides for the Animal Welfare (Care and Procedures) Regulations and the various Codes of Welfare<sup>54</sup>. While Council has a rule with the control of dogs<sup>55</sup>, it does not have a bylaw or other control mechanism for rural animal welfare. I consider that Council officers would not likely have the expertise to adequately assess whether the code of welfare is being complied with, and this is not an RMA matter.

### **3.19.9 Summary of recommendations**

769. I recommend that the submission from NZPork [169.90], be **rejected**.
770. I therefore do not recommend any changes to RURZ-MD2.

## **RURZ-MD3 Character and amenity values of the activity**

### **3.19.10 Matters raised by submitters**

771. There are four submissions all seeking an amendment to the matter of discretion.
772. NZPork [169.91] and Hort NZ [295.192] wants the criteria improved to identify what the character and amenity values are not associated with the activity, identify that reverse sensitivity relates to existing sites and the need to consider alternative locations.
773. Ngai Tahu Forestry [219.3] wants the matter of discretion to align with the NESPF by deleting reverse sensitivity effects for plantation forestry.

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<sup>53</sup> Animal Welfare Act (1999) is administered by the Ministry for Primary Industries.

<sup>54</sup> <https://www.mpi.govt.nz/animals/animal-welfare/codes/all-animal-welfare-codes/>

<sup>55</sup> [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0017/126800/Dog-Control-Bylaw-2019-w-2023-Schedule-Amendment.PDF](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0017/126800/Dog-Control-Bylaw-2019-w-2023-Schedule-Amendment.PDF)

774. Federated Farmers [414.44] wanted primary production to have primacy over character and amenity values in the rural zones.

### **3.19.11 Assessment**

775. NZPork [169.91] and Hort NZ [295.192] submissions wanting clarification around the effects on character and amenity values aligns with my understanding of the intent of the matter of discretion. The second part is similar to the relief sought by Federated Farmers on a number of rules for the inclusion of "new" within the title. While the inclusion of considering alternative locations aligns with clause 6 of Schedule 4 of the RMA, it is already implied in RURZ-MD4(3) where *'The extent to which the activity/facility has a practical or functional need or operational need to be located in the area'*<sup>56</sup> This ensures that alternative locations have been considered as they would have had to establish why they can only occur in the chosen environment. The other considerations within the matter of discretion would enable a finer grain assessment to occur. I agree with the first part of the submission.

776. The Ngai Tahu Forestry [219.3] submission is inconsistent with the approach taken in the Proposed Plan of enabling primary production (including forestry) to occur and protecting it from reverse sensitivity issues. This approach is not dependent upon the NESPF, which enables territorial authorities to consider matters of discretion around; wilding pines, SNAs, ONFs, ONLs, dwellings, papakāinga and urban areas, and shading. Clause 17(2)(a) NESPF relates to reverse sensitivity effects associated with afforestation. The justification for the relief sought by Ngai Tahu Forestry is inconsistent with the approach taken in the NESPF. I do not agree with the proposed amendment that needs to be considered.

777. The inclusion of primary production in RURZ-MD3(1) associated with the Federated Farmers submission [414.44] appears to confuse land use as a character and amenity value, which is opposite to what NZPork [169.91] and Hort NZ [295.192] noted in their submission. Given the two opposing views I prefer the approach of NZPork [169.91] and Hort NZ [295.192] where it is not the character and amenity of the activity but rather the effects of the activity on the character and amenity values in the rural environment.

### **3.19.12 Summary of recommendations**

778. I recommend that the submission from NZPork [169.88], and Hort NZ [295.192] be **accepted in part**.

779. I recommend that the submission from Ngai Tahu Forestry [219.3], and Federated Farmers [414.44], be **rejected**.

780. I therefore recommend that the heading of RURZ-BFS be amended as follows:

#### **RURZ-MD3 Character and amenity values of the activity**

1. The use, intensity and scale of the operation on the site and the built form is compatible with, and maintains rural character and amenity values of the surrounding zone.
2. The extent to which the site layout and building design and intensity of the activity will internalise and mitigate effects including noise, lighting, impact on privacy and traffic.

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<sup>56</sup> Underlining is my emphasis

3. The extent to which the activity/facility has a practical or functional need or operational need to be located in the area.
4. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other activities occurring on adjacent rural sites.
5. Any benefits derived from the activity being undertaken on the site.
6. The extent to which the scale of the activity will cause demands for the uneconomic or premature upgrading or extension of the three waters reticulation network, roading, street lighting and footpaths.
7. Access and vehicle movements on the site and the safety and efficiency of the roading network.
8. The extent to which the adverse effects of the activity can be avoided, remedied and mitigated.

### **3.19.13 Section 32AA evaluation**

781. In my opinion, the amendment to RURZ-MD3 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- The amendment is consistent with the approach taken in the rest of the Proposed Plan with respect to reverse sensitivity, and better reflect the intent of Objectives RURZ-O2 and Policies RURZ-P1 and RURZ-P8. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.

### **RURZ-MD4 Forestry, Carbon Forest, Woodlots**

#### **3.19.14 Matters raised by submitters**

782. There are three submissions with one in opposition and two seeking amendments.
783. Ngai Tahu Forestry [219.4] wants the matter of discretion to align with the NESPF by deleting matter 3.
784. Federated Farmers [414.45] wants to delete RURZ-MD4 as it only applies to shading and that it is an unnecessary constraint on the NESPF. They also wanted Council to consider the wider impacts the rules would have on carbon forests and its relationship with woodlots. This aspect of the submission will be discussed in section 3.23 of this report and the definitions for carbon forests and woodlots will also be looked at in section 3.25.1.2 of this report.
785. DoC [419.133] wants a new clause for forests, woodlots and carbon forests to avoid the effects on SNAs.

**3.19.15 Assessment**

786. Clause 3 relates to the reverse sensitivity effects on neighbouring properties. The Ngai Tahu Forestry [219.4] submission states that the matter of discretion should align with the NESPF. As detailed in section 3.18.11 above, reverse sensitivity effects are an important consideration with respect to afforestation. Despite this the rule (RLZ-R2(1) activity specific standards) and the matter of discretion relates to forests less than 1ha, carbon forests and woodlots that are not covered by the NESPF. I do not agree with the proposed amendment.
787. In response to the Federated Farmers [414.45] submission, as explained above, the matters of discretion apply only to those forests and forestry operations that are not covered by the NESPF. The effects of these activities, such as shading and wilding pines, on neighbouring properties are just as significant as those generated by plantation forests and are regulated by the NESPF. I do not agree with the proposed amendment.
788. As the matter of discretion only applies to RLZ-R2 and the activity standards that apply to forestry less than 1ha, carbon forests and woodlots, I recommend (as provided by clause 16 of Schedule 1 RMA) that the heading for RURZ-MD4 be amended to remove any ambiguity that it applies to forestry that is covered by the NESPF.
789. The DoC [419.133] submission that wanted a new clause on the avoidance of SNAs is not required. Significant natural areas are considered in RURZ-MD1, everywhere in the proposed plan RURZ-MD4 is used, it is used in conjunction with RURZ-MD1. The only place that the two do not appear together are in the built form standard BFS6 in GRUZ and RLZ chapters, which relates to the GFA of buildings, so is not a relevant consideration. I do not agree with the proposed amendment.

**3.19.16 Summary of recommendations**

790. I recommend that the submission from Ngai Tahu Forestry [219.4], Federated Farmers [414.45], and DoC [419.133], be **rejected**.
791. I therefore do not recommend any changes to RURZ-MD4 MD4 in response to those submissions, but for clarity recommend that the heading be amended as follows:

RURZ-MD4 Forestry less than 1ha, Carbon Forest, Woodlot.

**3.19.17 Section 32AA evaluation**

792. In my opinion, the amendment to RURZ-MD4 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:
- The amendment is consistent with the approach taken in the rest of the Proposed Plan with respect to reverse sensitivity, and better reflect the intent of rules GRUZ-R2 and RLZ-R2. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.

**RURZ-MD8 Setbacks****3.19.18 Matters raised by submitters**

793. There are three submissions with all of them wanting an amendment. Two of the submitters wanted the inclusion of "*lawfully established*" activities within the setback considerations.
794. NZPork [169.92] wants amendments to address reverse sensitivity on lawfully established activities, the likelihood that the activity will result in reverse sensitivity effects, and the consideration of alternative locations.
795. Hort NZ [295.193] wants amendments to address reverse sensitivity effects on lawfully established activities on all rural sites and not just adjacent sites.
796. Federated Farmers submission [414.47] wants direct reference to effects on rural production and primary production, in RURZ-MD8(1) through the inclusion of "*primary production*".

**3.19.19 Assessment**

797. NZPork [169.92] and Hort NZ [295.193] wanted the inclusion of the wording around "*lawfully established*" included in clause 6. As discussed in section 3.18.11 the term is not required to be included as existing activities are already provided for under section 10(1)(a)(i) and (ii) of the RMA. The request to consider alternative locations was also discussed in section 3.18.11 of this report.
798. The second requested amendment by NZPork [169.92] around the generation of reverse sensitivity effects on intensive primary production and their ability to operate is already addressed through the setback provisions GRUZ-BFS5 and RLZ-BFS5, which requires a setback of 300m between any sensitive activity and any intensive primary production activity. NZ Pork did not submit on the setback distances, so it is assumed that these are adequate to address any reverse sensitivity effects. I do not agree with the proposed amendment.
799. Federated Farmers submission [414.47] wants the extent to which a building design, siting and external appearance could adversely impact on primary production considered (refer to clause 1). The proximity of a building to the boundary of a neighbouring site could potentially impact through shading, diversion of wind, and increased localised stormwater ponding. RURZ-MD8(3) considers the effects on neighbouring properties from a shading perspective and sub-clause 6 covers reverse sensitivity effects on neighbouring properties. The effects covered by the requested amendment are already covered in the aforementioned sections. I do not agree with the proposed amendment.

**3.19.20 Summary of recommendations**

800. I recommend that the submission from NZPork [169.92], Hort NZ [295.193], and Federated Farmers [414.47], be **rejected**.
801. I therefore do not recommend any changes to RURZ-MD8 other than that shown in section 3.19.2 of this report.

## Specialist Topics

### 3.20 Highly Productive Land and Versatile Soils

#### 3.20.1 Introduction

802. The NPS-HPL came into force on the 17 October 2022. A copy of the objectives and policies are appended (Appendix G). The memorandum to the Hearing Panel dated 30 June 2023 on the NPS-HPL provided an overview of the highly productive land within the district.

803. Objective 2.1 of the NPS-HPL seeks to ensure that highly productive land (HPL) is protected for primary production use, both now and for future generations. Clause 3.4 and 3.5 requires regional councils to identify and map HPL comprising of spatially large geographically cohesive areas of predominantly Land Use Capability Class (LUC) 1-3 land, with the discretion to include other classes of LUC land, and incorporate HPL maps into the RPS.

804. No later than two years after the NPS-HPL highly productive land mapping amendment to the RPS becomes operative, territorial authorities must notify changes to objectives, policies and rules in their district plans to give effect to the NPS-HPL and the RPS. It should be noted that the Regional Council is starting consultation with local authorities soon on setting criteria for mapping, with a timetable to notify a mapping amendment to the RPS in December 2024.

805. In the interim (until a RPS containing HPL maps is made operative), the district council must apply the NPS-HPL when making plan change or resource consent decisions in relation to land that is zoned general rural or rural production and identified as LUC 1-3 land. However, this interim requirement does not apply where land, as of 17 October 2022, had been identified for future urban development, or was subject to a Council initiated or adopted notified plan change to rezone from general rural or rural production to urban or rural lifestyle (Clause 3.5(7)).

*3.5(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*

*(a) is*

*(i) zoned general rural or rural production; and*

*(ii) LUC 1, 2, or 3 land; but*

*(b) is not:*

*(i) identified for future urban development; or*

*(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

806. The RPS has provisions around the protection of primary productivity and versatile soils that apply outside of the Greater Christchurch Partnership area<sup>57</sup> but not inside the area. Until the Regional Council maps highly productive land, the NPS-HPL only applies to the general rural zone

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<sup>57</sup> Referred to as wider region in RPS.



areas of the Proposed Plan. The Greater Christchurch boundary does not align with the rural lifestyle zone boundary within the Proposed Plan and results in pockets of land where different provisions apply (Table 7).

Areas (Figure 9)	Versatile Soils (Dark green)	Highly Productive Land (green hatch)
A	No	No
B	Yes	No
C	Yes	Yes
D	No	Yes

Table 7: Application of soil provisions across the District.

807. As shown in Table 7, the application of the policies around highly productive land and versatile soils is not straight forward, with some areas having not consideration of soils (GCP and RLZ), some having just versatile soils (RLZ outside GCP), some with just HPL (GRUZ inside GCP) and other areas having both (GRUZ outside GCP).

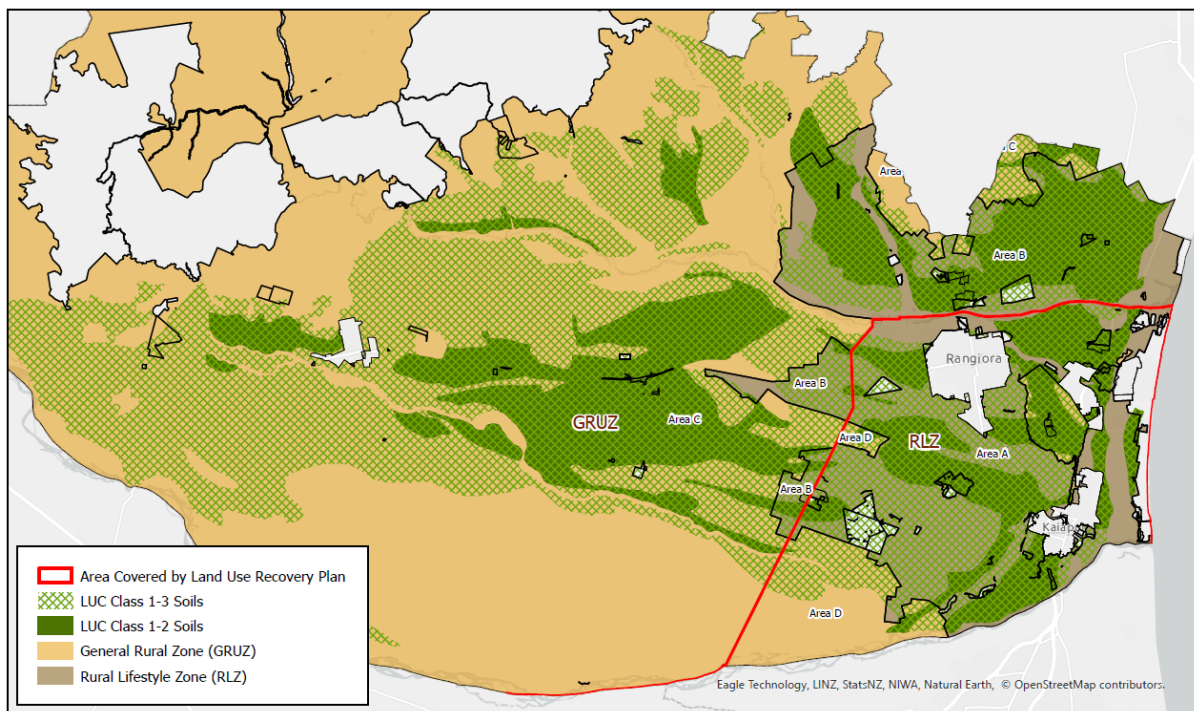


Figure 9: Application of Highly Productive Land and Versatile Soils in the District.

**3.20.2 Matters raised by submitters**

808. There are 17 submissions on the rural chapter wanting provisions in the Proposed Plan to recognise the importance and protection of highly productive land/versatile soils. In addition to the original submission there were two further submissions that were in support and one submission in opposition.

809. The Rangiora Ashley Community Board [148.7] and [148.11] wanted more intensive subdivision within the RLZ to protect highly productive soils in other areas.

810. Maurice Newell [281.2], [281.3], [281.5], [281.6] and [281.7], wanted good soils to be mapped and enable subdivision on poorer soils.
811. Hort NZ submission [295.121], [295.125], [295.132] and [295.175] wants an amendment to the introduction to the chapter to include statements on vegetable growing, highly productive land and protection from inappropriate development.
812. CCC [360.20] and [360.21] wanted all of the objectives and policies for the rural zones to protect the highly productive land/versatile soils from fragmentation and unsuitable 'primary production' activities such as forestry or quarrying. There was also a further submission in support from Hort NZ [FS47] and ECan [FS105] and one in opposition from Fulton Hogan [FS118].
813. Federated Farmers [414.189], [414.191], [414.199] and [414.200] seeks that objectives and policies are amended for the reason that they do not state that underpinning the rural zone is the life-supporting capacity of the soil. There was a further submission in support from Hort NZ [FS47].
814. In addition to those submissions on the Rural zones there are a number of related submissions across the other chapters in the Proposed Plan (Table B35). These are:
- Four submission on Strategic Directions from NZPork [169.11], Hort NZ [295.7], ECan [316.3] and Federated Farmers [414.53]. There were two further submissions in support Federated Farmers [FS83] and Hort NZ [FS47], and one in opposition from D Cowley [FS41];
  - 21 submissions on Urban Form and Development from Hort NZ [295.205 – 295.212], ECan [316.8] and [316.15], and Federated Farmers [414.58 – 414.67]. There were also further submission in support from ECan [105] and D Cowley in part [FS41], and one in opposition Cowley [FS41].
  - Four submissions mentioning versatile soils in Large Lot Residential Zone from Andrew McAllister [8.1], Nicky Cassidy [30.1], CCC [360.22] and Hort NZ [295.119]. There are two further submissions, one in support from ECan [FS105] and one in opposition from D Cowley [FS41].
  - There are eight submissions on the Subdivision chapter from Forest and Bird [192.82], Maurice Newell [281.1], Hort NZ [295.99] and [295.100], Marie Bax [305.1], and Federated Farmers [414.206], [414.207] and [414.208]. There are three further submission, two in support from Federated Farmers [FS83] and ECan [FS105], and one in opposition from D Cowley [FS41].

### **3.20.3 Assessment**

815. Given the large area of highly productive land/versatile soils within the district and the development pressures placed on this resource within the Rural zones, provisions addressing highly productive land/versatile soils was included in Strategic Directions, Urban Form and Development, Rural Zones and Subdivision.
816. While the protection of highly productive land/versatile soils is recognised as an important issue for the district, the Section 32 Rural report, the report does not explicitly provide for the consideration of highly productive land/versatile soils in accordance with Objective 5.2.1(2)(e) and policies 5.3.2 and 5.3.12 of the RPS. It should be noted that while the objective applies to the

'Entire region' (which includes all of the District), both policies apply to areas outside of the Greater Christchurch area (ie the 'Wider region'), which for the Proposed Plan is predominantly the GRUZ areas and comprise more LUC class 3 soils. Only the farm land zoned RLZ north of the Ashley River and the land around Cust between the Eyre and the Okuku rivers contains any appreciable LUC class 2 soils and is outside of the Greater Christchurch area. It should however be noted that the largest area of LUC class 1 soils are around Horrellville and West Eyreton located within the GRUZ zone.

817. Policy 5.3.2 (part) states:

*To enable development including regionally significant infrastructure which:*

*1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :*

*a. existing or consented regionally significant infrastructure;*

*b. options for accommodating the consolidated growth and development of existing urban areas;*

***c. the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;** [emphasis added]*

*d. the protection of sources of water for community supplies;*

*e. significant natural and physical resources;....*

818. Policy 5.3.12 (part) states:

*Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:*

*1. avoiding development, and/or fragmentation which;*

*a. forecloses the ability to make appropriate use of that land for primary production; and/or*

*b. results in reverse sensitivity effects that limit or precludes primary production.*

#### **Strategic Objectives: SD-O2 and SD-O4**

819. The submission on SD-O2 from Hort NZ [295.7] seeks a clause to ensure that and new urban development is not located on versatile soils (LUC Class 1 and 2 as per the RPS). The protection of versatile soils are not relevant inside of the GCP boundary. Outside of the GCP boundary, Policy 5.3.1 requires that any urban growth occurs in a form that concentrates, or is attached to, existing urban areas, and Policy 5.3.12 requires that development and/or fragmentation is avoided where it forecloses the ability to make appropriate use of that land for primary production.

820. The Strategic Direction objective (SD-O4) is recommended to be amended to recognise the importance of HPL within the district in line with NPS-HPL Policy 4, which requires that land based primary production is prioritised and supported on highly productive land. Consideration of the two remaining submissions on SD-O4 from ECan [316.3] and Federated Farmers [414.53], and the requirement to give effect to the NPS-HPL (policy 4) and the aforementioned provisions of the RPS (Policies 3.5.2 and 3.5.12), will require an amendment to SD-O4.

821. The proposed amendment is in section 3.25 of this report.
822. The protection of highly productive/versatile soils has been considered in relation to the use of land in the district for quarrying activities. This has been discussed in detail in the Section 42A Strategic Directions report and Councils reply to Hearing Panels questions on Strategic Directions dated 16 June 2023 (Aggregate Extraction being a Strategic Matter). While aggregate extraction is not a strategic issue for the district, the availability of aggregate as a resource is still considered important, with 2 million tonnes extracted within the district in the last three and a half years (clause 3.9(2)(j)(iv) NPS-HPL).
823. The recommended amendment to SD-O4 has been considered in relation to the limited availability of suitable aggregate resources in the district. Clause 3.9(j)(iv) of the NPS-HPL does enable Council to consider "*aggregate extraction that provides significant national or regional public benefit...*" as not being inappropriate use of highly productive land. It should be noted that the existing gravel pit north of Kaiapoi is located on LUC class 6 soils. Historic gravel pits are all generally located on LUC class 3 soils. The proposed amendment is in section 3.24 of this report.

#### **Urban Form and Development: UFD-P3**

824. The Urban Form and Development chapter (UFD) will need to include a consideration of versatile soils for the identification/location and extension of Large Lot Residential Zone areas for those areas within the RLZ zone and are outside of the GCP area (RPS Policy 5 and clauses 3.6 and 3.10) and for HPL when located within the GRUZ zones.
825. There were a number of submissions on UFD that raised issues around the interaction between new areas for residential development and avoiding HPL. As discussed above, the versatile soils policies of the RPS do not apply to that part of the district within the Greater Christchurch area as development is intended to be limited to the growth areas identified in Map A of Chapter 6 or as updated by subsequent spatial planning. Policy UFD-P2 is intended to enable residential development around existing urban centres, which is also an approach designed to lessen the loss of productive use of versatile soils. All of these urban areas are located within the Greater Christchurch area and are therefore exempt from the versatile soils policies of the RPS and have been zoned RLZ within the Proposed Plan and are excluded from the NPS-HPL under section 3.5(7)(b)(i).
826. Policy UFD-P3 that enables new LLRZ development in future LLRZO and in new areas which adjoin existing LLRZ areas. Fernside, Mandeville and Swannanoa aside, most of these areas sit outside the Greater Christchurch area and are subject to the RPS policies and are also subject to the NPS-HPL.
827. Policy 5 of the NPS-HPL requires that urban rezoning is avoided except where provided for in the NPS-HPL. Clause 3.6 lists a set of criteria that needs to be considered prior to rezoning of land for urban development. Large lot residential density does not provide sufficient development capacity (section 3.6(1)(a)) or at least sufficient development capacity (section 3.6(1)(b)) under the NPSUD, as the density is one residential unit per 5,000m<sup>2</sup>. Large lot residential development also does not meet section 3.6(1)(c) either as LLRZ properties within the district do not provide much in the way of potential primary production. This is illustrated in Figure 10 below which shows residential buildings and activities predominate.



Figure 10: Large lot residential zoned properties in Mandeville.

828. I agree with the intent of the submissions from Hort NZ [295.207], Federated Farmers [414.60], CCC [360.22] and the further submissions by Hort NZ [FS47], Federated Farmers [FS83], and ECan [FS105], and recommend that UFD-P3 is amended as shown in section 3.25 of this report. It should be noted that my original assessment of the Hort NZ [295.207], and part of the Federated Farmers [414.60] submission was to reject the submission. Upon further consideration both submissions have merit. The proposed amendment is in section 3.25 of this report.

**General Objectives and Policies for All Rural Zones: RURZ-O1 and RURZ-P2**

829. Objective RURZ-O1 will need to be amended to recognise that the district contains a significant proportion of LUC class 1 to 3 soils (approximately 45%). On a national basis, Canterbury contains a significant portion of HPL at a national level compared to other regions (Table 8). Given that the eastern part of the district has been rezoned RLZ in the Proposed Plan, greater consideration is required to protect the remaining HPL land within the GRUZ zone. This will require RURZ-O1(2) include wording that provides a higher level of consideration for any activity that does not utilise the natural and physical resources of the zone.

830. Policy RURZ-P2(2)(a) makes direct reference to maintaining the availability of land and minimising adverse effects on soil and highly productive land. In my opinion the policy falls short of the protection-based policies of the NPS-HPL (Policies 7 and 8). The proposed amendment is set out below in section 3.20.4 of this report.

Region	Hectares			Percent		
	LUC1-3 Area Not Already in S-Map	LUC1-3 Area Already in S-Map	Total LUC 1-3 Area	% Share of National LUC1-3 resource	% Share of LUC 1-3 Not Already in S-Map	% Share of LUC 1-3 Already in S-Map
Auckland Region	61,922	60,885	122,807	3.21%	50.4%	49.6%
Bay of Plenty Region	3,066	127,955	131,020	3.42%	2.3%	97.7%
Canterbury Region	31,510	806,193	837,703	21.87%	3.8%	96.2%
Gisborne Region	36,834	33,449	70,284	1.84%	52.4%	47.6%
Hawke's Bay Region	2,739	179,036	181,775	4.75%	1.5%	98.5%
Manawatu-Wanganui Region	289,910	101,475	391,385	10.22%	74.1%	25.9%
Marlborough Region	30,476	32,773	63,249	1.65%	48.2%	51.8%
Nelson Region	2,602	-	2,602	0.07%	100.0%	0.0%
Northland Region	126,282	1,424	127,706	3.33%	98.9%	1.1%
Otago Region	68,994	324,527	393,522	10.27%	17.5%	82.5%
Southland Region	80,206	471,441	551,648	14.40%	14.5%	85.5%
Taranaki Region	185,394	-	185,394	4.84%	100.0%	0.0%
Tasman Region	48,493	7,604	56,097	1.46%	86.4%	13.6%
Waikato Region	121,986	452,734	574,720	15.01%	21.2%	78.8%
Wellington Region	39,442	83,154	122,595	3.20%	32.2%	67.8%
West Coast Region	7,554	7,133	14,686	0.38%	51.4%	48.6%
<b>Total Area LUC 1, 2 and 3</b>	<b>1,137,410</b>	<b>2,689,783</b>	<b>3,827,193</b>		<b>29.7%</b>	<b>70.3%</b>

Table 8: Amount of LUC class 1 to 3 land across the regions<sup>58</sup>.**General Rural Zone: GRUZ-P2**

831. Policy GRUZ-P2 needs to recognise the importance of HPL from a land use perspective (NPS-HPL Policy 4 and 8) in that primary production will be prioritised and protected from inappropriate land use and development. The proposed amendment is set out below in section 3.20.4 of this report.
832. Figure 11 shows the loss of HPL land across New Zealand associated with urban development and rural lifestyle development for 2019 only. It should be noted that the majority of this land would have been lost across the three districts of McKenzie (2.7%), Selwyn (5.2%) and Waimakariri (2.5%)<sup>59</sup>.
833. From a HPL land use, the KPMG report<sup>60</sup> highlighted three potential rural future scenarios. While the report acknowledged that land prices now exceeded the economic value of the land, leading to greater financial gains from lifestyle subdivision, it was noted that previously the lifestyle blocks would have businesses attached but they generally did not due to the relaxation of the subdivision rules.

<sup>58</sup> ME Consulting, 2020. National Policy Statement on Highly Productive Land – Cost Benefit Analysis.

<sup>59</sup> Average annual percentage increase in population in the last 4 years. ECan population figures - <https://www.ecan.govt.nz/your-region/living-here/regional-leadership/population/census-estimates/>

<sup>60</sup> KPMG, 2018. Waimakariri District Council Rural Futures Analysis: Future agri-food scenario planning for a prosperous district.

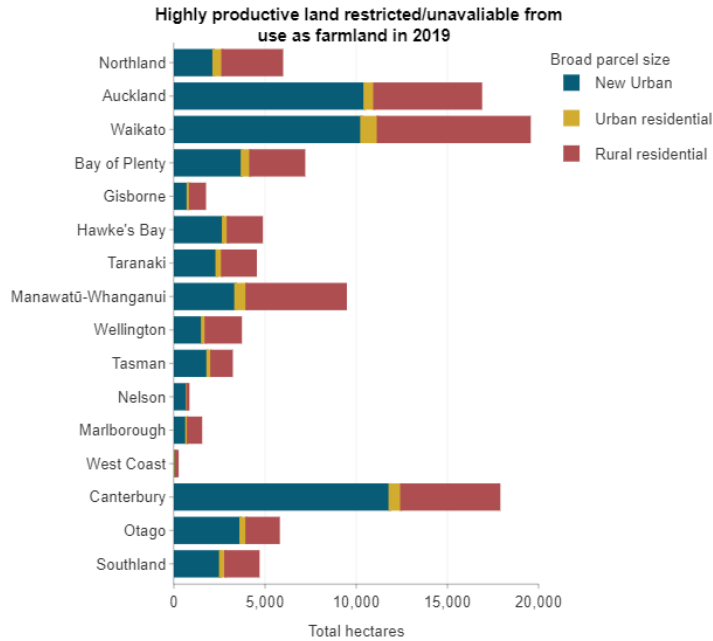


Figure 11: Land use change in 2019 of highly productive land.<sup>61</sup>

### 3.20.4 Summary of recommendations

834. I recommend that the submissions from Federated Farmers [414.189], be **accepted**.
835. The amendment to SD-O4 is in section 3.25 of this report.
836. I recommend that the submissions from CCC [360.20] and [360.21], Federated Farmers [414.53], be **accepted in part**.
837. I recommend that the submissions from Rangiora Ashley Community Board [148.7] and [148.11], Maurice Newell [281.2], [281.3], [281.5], [281.6] and [281.7], Hort NZ submission [295.121], [295.125], [295.132] and [295.175], be **rejected**.
838. I therefore recommend the following changes to RURZ-O1, RURZ-P2 and GRUZ-P2:

#### RURZ-O1 Rural Environment

An environment with a predominant land use character comprising primary production activities and natural environment values, where rural openness dominates over built form, while recognising:

1. the east of the District has a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments; ~~and~~
2. the remainder of the District, while having a range in the size of rural sites, has a predominant character of larger rural sites with a corresponding density of residential units and built form;

<sup>61</sup> Stats NZ Land Fragmentation. Accessed 4 July 2023.

3. the importance of protecting the highly productive and versatile soils that form part of the highly productive land in the District.

#### **RURZ-P2 Rural land**

Maintain the availability and life supporting capacity of land in recognition of its importance for undertaking primary production, and to maintain or enhance natural environment values in Rural Zones, including by:

1. ~~Providing~~ Enabling for primary production activities;
2. ~~providing for~~ Enabling those activities that directly support primary production, or those activities with a functional need to be located within Rural Zones, where:
  - a. adverse effects on versatile soils and highly productive land are ~~minimised~~ avoided;
  - b. the amenity values and character of Rural Zones are maintained; and
  - c. to the extent practicable, adverse effects are internalised within the site where an activity is being undertaken.
3. ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.

#### **GRUZ-P2 Limiting fragmentation of land**

Maintain opportunities for land to be used for primary production activities within the zone by limiting further fragmentation of land in a manner that avoids sites being created, or residential units being erected, on sites that are less than 20ha, unless:

1. associated with the development of infrastructure which reduces the size of the balance lot or sites to below 20ha;
2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;
3. the erection of a residential unit is protected by a legacy provision in this District Plan; ~~and~~
4. it is for the establishment of a minor residential unit, where the site containing a residential unit is 20ha or greater, or is protected by a legacy provision in this District Plan; and
5. it does not result in the loss of productive capacity of any versatile soils and highly productive land.

839. The s32AA assessment has been undertaken in **Appendix C** of this report.

### **3.21 Reverse Sensitivity and Odour Buffer Areas**

#### ***3.21.1 Matters raised by submitters***

840. There were eight submitters who commented on odour buffers. Of these there were six who supported not carrying over the "Effluent Spreading Setback Buffer" from the Operative District Plan ('effluent odour buffers') and two who opposed not carrying them over.



841. It should be noted that effluent spreading setback buffers have not been carried over to the Proposed Plan. GRUZ-BFS5 and RLZ-BFS5 have setbacks for specific activities, such as intensive indoor and intensive outdoor primary production, but these setbacks are based on the location of the buildings or area where animals are held. The setbacks are not based on the area from where effluent is applied.
842. Submitters Robert Appleyard [38.1], Russell Clifford [49.1], Broken River Trust [56.1], B and A Glubb [57.4-5], B Shield [65.1] and P.R. Curgenvin [74.1] do not want buffer zones for effluent spreading carried over. Of these three are directly affected by the effluent spreading buffer zone in the Operative Plan, and one did not appear to be directly affected. One of the submitters (R and F Buhler [209.2-31]) who wanted the buffers kept operates a farm on the edge of the GRUZ and RLZ boundary, and the other was an industry group (NZPork [169.37]).
843. The Broken River Trust submission [56.1] listed potential effects on adjoining property owners captured by the buffers:
- Any negative effect effluent discharge buffers had on land values will be mitigated.
  - It will remove any undue influence beneficiaries of buffers may have had on anyone wanting to build a residence within a buffer zone.
  - Any influence beneficiary may have had with the siting of a residence will end.
  - The possible ability beneficiaries of a buffer may have had to leverage transactional matters will end.
  - The Building Consent process will be quicker and easier for new residences on properties effected by buffers.
  - Beneficiaries who may use a buffer to resist mitigating any effects emanating from effluent discharge are encouraged to explore the efficiencies of their practices.
844. The B and A Glubb submission [57.4 and 57.5] supported the 300m separation from new sensitive activities and intensive primary production. They wanted the rule (GRUZ-BFS5) to clearly identify that it should equally apply to the establishment of new intensive primary production activities in relation to existing residential activities. The submission also identified the lack of additional activity status should the activity not comply with the RDIS activity status. The submitters also want odour to be included as a matter of discretion for the siting of intensive primary production applications. The proposed amendment to GRUZ-R18 as discussed in section 3.10.42 of this report addresses the separation between intensive primary production from existing residential units.
845. The request that odour be included as a matter of discretion is already covered in RURZ-MD8(6) that includes consideration of reverse sensitivity effects. No additional amendment is required.
846. The B Shield submission [65.1] supported the removal of effluent spreading buffers as he stated that the impact of his two neighbour's dairy operation places a constraint on his ability to subdivide his property.
847. The P R Curgenvin submission [74.1] stated they had four adjoining land parcels of 4+ha blocks that are affected by the effluent buffer zone of the neighbouring property. The concern was that any new dwelling built on the blocks would require a resource consent.

848. The NZPork [169.37] submission supported RURZ-P1 on the basis that the policy identified the relevant amenity values and character of the rural zones.

849. The RA and FM Buhler submissions [209.2-31] states that the Proposed Plan does not give effect to the RMA and fails to manage reverse sensitivity effects on sensitive land use intensification from intensive farming with odour effects, such as pig farming. The submitter points out that the farming operation has been in place since the 1950s and that the increase in residential development around the site makes it difficult to comply with the offensive or objectionable odour criteria at the boundary (figure 12).

850. They supported the GRUZ and RLZ provisions that recognise and protect existing lawfully established intensive farms from reverse sensitivity effects from intensification or activities sensitive to animal effluent odour discharges, such as residential and other activities. They state that this should include all buffers/setbacks in the Operative District Plan for sensitive activities and associated matters of consideration (Rule 31.19.1.1, 3 and 4 and Rule 32.1.3(m)).

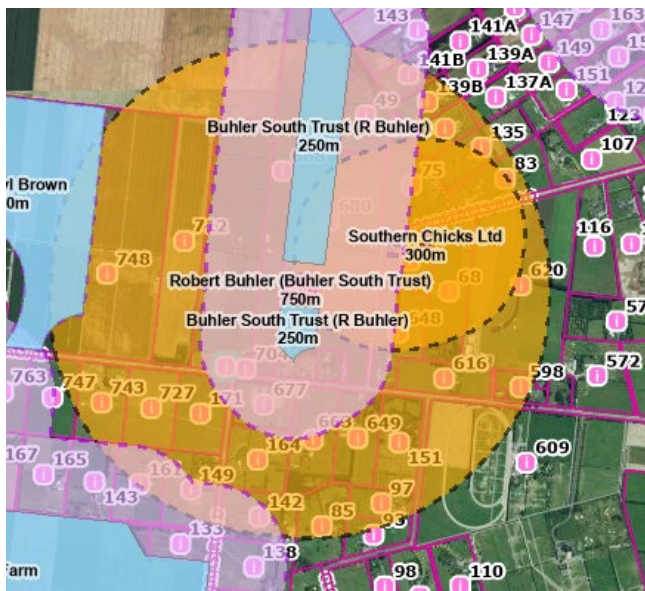


Figure 12: Location of R and A Buhler land and sounding land use, including poultry operation at No. 56 Moffatts Road.

**3.21.2 Assessment**

851. The Operative Plan contained a number of policies and rules associated with effluent and intensive farming activity buffer setbacks (see **Appendix F**). Some of the buffer setbacks have been carried over into the built form standards for the rural zones for intensive indoor and outdoor activities, but not effluent spreading setbacks. A comparison of the Operative Plan vs the Proposed Plan is in Table 9 below.

Activity	Operative Plan		Proposed Plan	
	Rural	Residential	Indoor	Outdoor
Piggery	200-500m	200-500m	300m	300m
Poultry	300m	300m	300m	300m
Free range Poultry	300m	300m	0m	0m
Cattle	100m	100m	300m	
Effluent spreading	500m	1000m		

Table 9: Odour buffer setback distances Operative vs Proposed Plan.

852. Section 2.4 of the Section 32 Rural chapter report states that with regard to the Operative Plan effluent spreading provisions:

*The District Plan also contains effects-based provisions for the zones that are generally permissive and allow a wide range of activities subject to performance controls. In contrast, there are some very specific provisions to manage effects on sensitive activities in relation to effluent spreading.*

853. The Proposed Plan has taken the approach of requiring that the effects of such activities are internalised to the extent practicable. Intensive indoor and outdoor activities require a restricted discretionary resource consent to establish within the rural environment. Setback distances between residential units and the intensive indoor and outdoor activities are controlled in BFS5 for both GRUZ and RLZ zones.

854. Policy 14.3.5 of the RPS is set out below and in summary requires that with respect to discharges to air, encroachment of new development on existing activities is avoided (RURZ-P8). The amendment to GRUZ-BFS5 and RLZ-BFS5 by changing the status from restricted discretionary to non-complying in the Proposed Plan will meet the intent of the policy within the RPS and is consistent with RURZ-P8(1).

#### **14.3.5 Relationship between discharges to air and sensitive land-uses**

*In relation to the proximity of discharges to air and sensitive land-uses:*

*1. To avoid encroachment of new development on existing activities discharging to air where the new development is sensitive to those discharges, unless any reverse sensitivity effects of the new development can be avoided or mitigated.*

*2. Existing activities that require resource consents to discharge contaminants into air, particularly where reverse sensitivity is an issue, are to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment.*

*3. New activities which require resource consents to discharge contaminants into air are to locate away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated.*

855. The removal of effluent buffer setbacks from the Proposed Plan means that any odour effects from effluent spreading will rely on the separation distance through the BFS5 and the ability of the land owner to retain the odour effects inside the property boundary.

856. The Canterbury Land and Water Plan requires a setback for animal effluent irrigation (Rule 5.31) of 100m from an existing dwelling. The Regional Air Plan requires that there should not be an offensive or objectionable effect beyond the boundary (Rule 7.73) otherwise it is a restricted discretionary consent. Both of these provisions apply in addition to the Proposed Plan.

857. The RPS sets out at the 'Methods' section of Policy 14.3.5 that:

*Territorial authorities:*

*Will:*

*6. Set out objectives and policies, and may include methods in district plans to ensure that:*

*a. Activities discharging contaminants to air are appropriately located.*

*b. Provision is made to protect established activities discharging contaminants to air from adverse reverse sensitivity effects resulting from encroachment by sensitive land-uses if the established activity has adopted the best practicable option to prevent or minimise any actual or likely adverse effects.*

858. Setbacks apply from the site where the intensive indoor and outdoor primary production occurs, which would include any parts of the operation (primary production definition) and needs to be cognisant that for intensive outdoor primary production may occur anywhere on a site. The proposed setbacks between residential units and the intensive primary production activities of 300m should be sufficient to prevent objectionable odour from the building/yards (given certain atmospheric conditions). However for associated activities with intensive primary production effluent irrigation setback of 100m as per the Land and Water Plan would apply.

859. The submissions from RA and FM Buhler regarding the conflict with meeting the odour requirements and being closed out by increased residential development associated with lifestyle blocks is acknowledged. To address the issue, I proposed to amend to GRUZ-BFS5 and RLZ-BFS5 to change the status where residential units fail to meet the setback requirements from restricted discretionary to non-complying. This is consistent with the approach in RURZ-P1 acknowledging that noise, dust and odours may be present.

### **3.21.3 Summary of recommendations**

860. I recommend that the submissions from RA and FM Buhler [209.2-31], be **accepted in part**.

861. I recommend that the submissions from B Shield [65.1], PR Curgenvan [74.1], NZPork [169.37], Robert Appleyard [38.1], Russell Clifford [49.1], Broken River Trust [56.1], B and A Glubb [57.4-5], B Shield [65.1] and P.R. Curgenvan [74.1], be **accepted**.

## **3.22 Rural Zones Property Sizing**

862. Council sought legal effect of its proposed subdivision rules in the RLZ while the district plan was notified and up until the plan becomes operative. The application was lodged in the Environment Court on July 2021 and the decision released on 17 September 2021 (Appendix D). The decision gave immediate legal effect to:

- GRUZ-R41 Residential Unit;
- GRUZ-R42 Minor Residential Unit;
- Definitions for 'minor residential unit' and 'residential unit'; and
- SUB-R10 Subdivision in General Rural Zone.

### **3.22.1 Matters raised by submitters**

863. There are 21 submitters that have raised numerous issues around the RLZ boundary and the sizes of sections. There are 26 submission points in opposition, three in support and seven seeking amendments.

864. A number of submitters have requested that the subdivision size within the General Rural Zone be reduced back to the 4ha size that was enabled under the Operative Plan, and that subdivision is enabled down to 1-2ha within the RLZ.

865. Wayne Dyer [12.1] seeks to include more smaller rural zoned properties of 0.5 to 2ha closer to the urban centres rather than having them as stand alone areas.
866. PG Ducray [20.1] supports the retention of San Dona as RLZ due to its setting.
867. B and S Andersen [58.1] wants to allow boundary adjustments to make larger 20ha lots, smaller into at least 4ha. These could include 'no building' caveats on such adjustments, to ensure land could not be subdivided in the future.
868. C and J Rose [67.1] want to extend Rural Lifestyle Zone along the north side of Oxford Road, west from Rangiora to the Cust River (Kennedy Hill Rd) to match the zoning on the south side of Oxford Road and reinstate the boundary adjustment provisions from the Operative District Plan. They seek to assess subdivision applications on individual merit.
869. Nathan Schaffer [76.1] states that Rural character still remains after subdividing to 4ha and that the RLZ boundary should be extended up to the Ashley Forest.
870. John Waller [89.1] opposes the GRUZ zoning subdivision limit and wants the 4ha subdivision limit reinstated.
871. M and J Cotter [103.1] noted that the boundary between the rural zones leaves pockets of 8-20ha lots surrounded by 4ha blocks with no opportunity to subdivide. This also prevents boundary adjustments to increase land for primary production. The rezoning component of their submission will be addressed in the Section 42A Rezoning officers report in hearing stream 11.
872. The Kaiapoi-Tuahiwi Community Board [147.9] support the provision of a minimum of 20ha for the General Rural Zone and [147.10] state that *"People wanting a rural lifestyle do not want 4ha and 1ha minimum is a more efficient use of land. Allow more than one dwelling on lots in the Rural Lifestyle Zone."*
873. The Rangiora – Ashley Community Board [148.7] requests that RLZ be allowed to subdivide down to 1 to 1.5ha blocks and [148.11] opposes the 20ha minimum lot size in the GRUZ zone as they think that it is too small to be an economic unit.
874. The Oxford-Ohoka Community Board [172.10] supports Large Lot Rural Residential Zones in Mandeville keeping with the rural feel of the area. Support development of land on the southern side of Tram Road adjacent to existing development and seeks that San Dona is treated similar to the rest of Mandeville. This is outside the scope of this report and will be addressed in the Section 42A Rezoning officers report.
875. Ohoka Meadows [202.8] wants to *"amend RLZ-P2 to refer to 2ha allotments as is more appropriate allotment size to provide for rural lifestyle activities and a more efficient use of rural land where more intensive residential use is anticipated"*. In [202.9] the submitter also wants RLZ-R3 amended from 4ha to 2ha within the RLZ zones.
876. Evans Corporate Trustee Ltd [203.2] supports the retention of two rural zones.
877. Survus Consultants submissions [205.1] want to delete the GRUZ and RLZ maps and provisions for rural subdivision and [205.3] wanting GRUZ-R3 amended to enable rural subdivision applications lodged prior to the environment court decision on immediate legal effect (Appendix D) to enable a residential unit to be built on them.

878. Andrea and William Thomson [260.2] want to reduce the lot size to 1ha while *“recognise the predominant use for rural lifestyle living activities and the role, function, predominant character and amenity of the zone is not compromised by incompatible activities”*.
879. George Jason Smith [270.6] and [270.7] suggested that 20ha was too small and would only have limited uses. He also suggested that enabling limited subdivision down to 1ha linked to a net 20ha site would enable capital to be raised by farmers.
880. Maurice Newell submissions [281.2] [281.5] and [281.6] stated that he thought that applicants who submitted subdivision applications under the Operative District Plan had been advised that there applications are not going to be approved. He stated that more residential land is needed at 5,000 to 10,000m<sup>2</sup> in size, which would reduce demand for 4ha sites (no analysis was provided on this matter). Mr Newell considers that the boundary between rural zones is arbitrary, and should be based more on soil types in order to protect best cropping soils, which are more valuable.
881. Daniel Cosgrove [292.1] opposes the minimum subdivision limit of 20ha in the General Rural Zone in the area of submitter's 13ha property at 852 Oxford Rd, Rangiora as it does not acknowledge the current lot sizes or opportunity for larger farms to create boundary adjustments and develop land for primary production. Submitter's property is surrounded by 4ha lots, is near the boundary with the Rural Lifestyle Zone, and has the feel of developed 4ha lots. Would like the opportunity to subdivide in the future.
882. The Eyrewell Dairy Ltd submission opposing the parts of the Proposed Plan that relates to the general approach taken for rural subdivision sizes within the GRUZ and RLZ zones. The submissions have been made on RURZ-O1 [300.3], RURZ-O2 [300.4], RURZ-P1 [300.5], RURZ-P2 [300.6], GRUZ-O1 [300.7], GRUZ-P1 [300.8], GRUZ-P2 [300.9], GRUZ-R3 [300.10], and GRUZ-R41 [330.11]. All of the parts of the submissions that relate to enabling rural subdivision below 20ha.
883. They state that allowing Rural Lifestyle zoning (RLZ) of the site would not be out of character with the surrounding environment, the Waimakariri/Eyre rivers form a natural boundary to the south of the site to which the RLZ could be extended to, and lots smaller than 20ha can provide for rural production activities. There are financial implications for landowners.
884. Robert Kimber [306.3] wants to reduce the minimum lot size within RLZ to 1ha as primary production is constrained on 4ha blocks.
885. Morris Harris [348.1] and [348.2] opposes the 20ha GRUZ subdivision minimum and seeks that the rules are amendment to allow 0.5 to 1ha lifestyle properties close to towns.
886. DC and DA Bartram [359.2] generally support the principle of the two rural zones.
887. PRR Mulligan [370.1] wants to allow 1ha section subdivision for both sites and allotments to enable the placement of a residential unit on sites less than 4ha.

### **3.22.2 Assessment**

#### **Ashley Forest Boundary**

888. The GRUZ/RLZ boundary around Ashley Forest (relating to Nathan Schaffer [76.1] submission) was reviewed by Boffa Miskell and presented to Council in a memo (Appendix I). The memo reviews the land along the lines of the same criteria used to determine the RLZ characteristics. In assessing the area, the memo states:

*The rolling hills of the downlands support a relatively fine grain of subdivision as well as pastoral farmland. While not all developed, the settlement pattern is distinctly rural residential in some pockets such as Copples and Forestry Road. The level of development in the western downlands is much lower, which means that the character is predominantly rural with productive land use as a focus, rather than rural residential/ lifestyle like in the more eastern parts (such as along most of Marshmans Road and Carrs Road). The downlands accessed off Marshmans Road are more rolling and some parts of this area contains larger paddocks and farms.*

889. The RLZ boundary was based on the dominant character of an area and is not dependent upon whether there are small pockets of rural lifestyle properties or whether the land owner wants to subdivide their property, however, the boundary has been determined using a set of criteria that takes into account statutory documents (RPS) and best practice<sup>62</sup>. I do not agree with the submission.

### **20ha Subdivision Limit**

890. The Rural Section 32 report (section 2.3), Rural Production Advice – Rural Land Zoning report<sup>63</sup>, and the Waimakariri District Council Rural Futures Analysis<sup>64</sup>, detail the impacts of the previous 4ha subdivision standard on rural production within the district. The Macfarlane report stated that *“Unfortunately, these properties replaced productive farm land and with a general lack of expertise and scale, production off these properties is generally sub-optimal. Also, a large proportion of the land area is used for domestic purposes including housing, sheds, horse grazing etc”*

891. The rural 4ha subdivision rule came into effect in October 2005 as part of a district plan review (Variation 8). The intent of the review was to provide for some rural lifestyle land, with a size based on septic tank rules at the time, and not economic viability of properties.

892. The Macfarlane report<sup>63</sup> presented the minimum areas suitable for certain land use (Table 10). The conclusion of the report was that for fruit and vegetable production this is heading towards fewer producers on larger properties. While the report noted that some specialist production could occur on smaller blocks, given good soils and irrigation, they were generally unproductive. The report noted that once the house areas and amenities were deducted, the actual usable land is as low as 2ha.

893. As detailed above there is no rural production justification for 4 ha lifestyle blocks. Mr Gordon in his affidavit (Appendix E) noted that given the districts good soils, availability of irrigation, flat topography and proximity to markets, the rural land has a high production potential<sup>65</sup>. Hort NZ noted in the affidavit that some specialist covered crops could be grown on land down to 2ha, but Mr Gordon was of the opinion that small lifestyle properties less than 8ha were not capable of

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<sup>62</sup> NZ Institute of Landscape Architects, 2010. Best Practice Guide – Landscape Assessment and Sustainable Management. 6.0 Practice Support Documentation.

<sup>63</sup> Macfarlane Rural Business Ltd, 2018. Waimakariri District Plan Review - Rural Production Advice – Rural Land Zoning.

<sup>64</sup> KPMG, 2018. Waimakariri District Council Rural Futures Analysis - Future agri-food scenario planning for a prosperous district.

<sup>65</sup> Dairy NZ Stats 2021-22 (table 3.3) shows that Waimakariri and Ashburton at 3.5, has the highest average cows per ha of anywhere in the country (National average 2.85). It also has the third highest average kg milksolids per hectare in the country (1,472kg compared to national average of 1,098kg).

sustaining many rural production systems and will generally impact negatively on the rural production per hectare. However, it is noted that parts of 4ha blocks can be leased for grazing and are often used for hay.

Production System	Minimum Production area (Hectares)
Speciality small seed (e.g. carrots)	10 – 15
Horticulture	10 – 15
Vegetables	15 – 20
Dairy support and Dairy	20 – 40
Mixed cropping/Livestock	20 – 40
Intensive breeding finishing	40
Extensive breeding and finishing	100

Table 10: Minimum productive rural land use areas.

894. The submissions from Mr Waller [89.1] and Survus [205.1] are requesting exemptions from the rules. Should Council enable exemptions for the existing applications, there is a potential that those who had previously been advised by Council not to apply for a subdivision consent because it would likely be declined, could feel aggrieved. For the above reasons I do not agree with the submission from John Waller and Survus.

895. The Eyrewell submissions [300.3] to [300.11] wanted the land under which the dairy farm is located to be zoned RLZ. The land has LUC class 4 soils, which have a very high drainage capacity due to their stony texture. The high drainage constraint is alleviated through irrigation, which potentially reduces the impact of the soil constraint enabling the land to be used for dairy production. Because of irrigation this land could be considered as being highly productive. I do not believe that the land should be rezoned to RLZ on the basis that it is not perceived to be highly productive land.

### Boundary Adjustments

896. Brian and Susan Andersen [58.1], Chris and Jenny Rose [67.1], and Margaret and John Cotter [103.1] opposes the GRUZ zone and separate to the rezoning request want the boundary adjustment provisions reinstated from the Operative Plan and subdivision applications assessed on a case-by-case basis. The provisions of the Operative Plan and Proposed Plan are presented in Table 9 below.

897. The boundary adjustment provisions within the Operative Plan enable a subdivision between two land parcels without any restriction in size other than the 10% land area constraint. While this provision has been touted by the submitter as enabling larger lots to develop, this is not the case and the provision resulted in further fragmentation of rural land into smaller blocks. Table 1 of the Rural Section 32 report shows that 7% of subdivisions (including boundary adjustments) resulted in properties greater than 20ha, while 84% of subdivisions resulted in properties of between 4 to 8ha.

898. The boundary adjustment provisions in the Proposed Plan are still enabled as a controlled activity, as with the Operative Plan, the only difference is the minimum lot size of 20ha within the GRUZ zone for any boundary adjustment (Table 11). For subdivision within the rural zone, the main difference between the operative and proposed plans is the new 20ha minimum subdivision requirement in the GRUZ zone. The District Plan Effectiveness Review noted: *"The PIU have observed that exemption Rule 32.1.2.6 provides unlimited opportunity to create a boundary adjustment that can create a non-complying lot or extend the level of non-compliance"*. On the



basis that the previous boundary adjustment provisions contributed to undersized lots and further land fragmentation and did not result in the increase in larger productive parcels, I do not agree with the proposed amendment to the boundary adjustment provisions.

	Boundary adjustment	Subdivision
Operative Plan	Rule 3.1.2.6 Any allotment created by a boundary adjustment is exempt from complying with the minimum allotment areas and dimensions in Rule 32.1.1.1 provided that any change in the area of the allotment is less than 10% of the allotment area prior to the boundary adjustment.	<b>Any subdivision is a controlled activity if it:</b> i. is not otherwise listed as a discretionary (restricted), discretionary or non-complying activity under this chapter; ii. is not listed as a discretionary or non-complying activity under Rule 24.4.1 (Outstanding Landscapes), Rule 25.2.3 (Indigenous Vegetation), Rule 27.2.1 (Natural Hazards) or Rule 28.2.2 (Heritage); iii. complies with Standards and Terms under Rule 32.1.1; and iv. complies with all the conditions and provisions for permitted activities in all chapters.
Proposed Plan	<b>Activity status: CON</b> Where: SUB-S2 to SUB-S18 are met.  Matters of control are restricted to: SUB-MCD1 - Allotment area and dimensions SUB-MCD2 - Subdivision design SUB-MCD3 - Property access SUB-MCD5 - Natural hazards  Notification An application for a controlled activity under this rule is precluded from being publicly or limited notified.	<b>Activity status: CON</b> Where: SUB-S1 to SUB-S18 are met, except where:  a. the allotment is for any unstaffed infrastructure, accessway or road; b. the subdivision is of a fee simple allotment from an approved cross lease site, where the exclusive use areas shown on the existing cross lease plan are not altered, and where only SUB-S5 will apply; c. the subdivision site is a reserve created under the Reserves Act 1977, or any esplanade reserve allotment; or d. otherwise specified in this chapter.

Table 11: Boundary adjustment and subdivision provisions.

#### Smaller Subdivision with RLZ

899. Wayne Dyer [12.1] and Morris Harris [348.1] and [348.2] seeks to enable smaller rural subdivision at 0.5 to 2ha closer to the existing urban centres in order to make better use of the lifestyle properties and allow a “good transition from rural to urban”, particularly amenity and social advantages. Policy 6.3.1(4) enabling development in accordance with Map A and 6.3.9 that

rural residential development can only occur where there is an adopted rural residential development strategy. This strategy was last assessed in June 2019 and has provided sufficient growth for the next 10 years. While it may seem attractive to enable rural residential development close to existing urban areas there is a risk that such development could inhibit future urban development by raising land prices close to the urban centres.

900. Maurice Newell [292.1] has stated that more 5,000 - 10,000m<sup>2</sup> residential land should be made available to reduce the pressure on 4ha sites. An analysis of rural subdivision by QV (2018)<sup>66</sup> found that in 2018 there were 1198 vacant lifestyle properties, of which 719 were between 4 to 8ha. QV noted that given the present rate of section sales (50 per year) that there is enough for 14 years' worth of supply without any new subdivision. This analysis did not include the sale of existing established lifestyle properties<sup>67</sup>. Given that there were 1,198 vacant rural lifestyle properties as of 2018, I do not support the statement that allowing subdivision down to 5,000 - 10,000m<sup>2</sup> sections would reduce pressure on 4ha rural lifestyle properties.

901. Statistics for Rural Subdivision consent between 18/09/2020 – 18/09/2021 is presented in Table 12 below. Of the granted rural subdivision consents, there were an additional **307 lots created**, 95% of which were 4ha in size.

Status	Total
Rural subdivision consent applications <b>received</b> between 18/09/2020 – 18/09/2021	158
Rural subdivision consent applications <b>granted</b> between 18/09/2020 – 18/09/2021	129
Rural subdivision consents <b>currently in process or on hold</b> between 18/09/2020 – 18/09/2021	29

Table 12: Numbers of subdivision consents for rural lifestyle blocks in the one year prior to notification.

902. The affidavit from Ms Downie (Appendix E) showed (Tables 2 and 3 of evidence) that in the three years prior to the notification of the Proposed Plan that there were an additional 291 lots (95% of subdivisions) in the proposed RLZ and 328 lots (86% of subdivisions) in the proposed GRUZ of less than 8ha.

903. Combined with the post September 2020 subdivision lots, an additional 926 lots less than 8ha have been created in the district since 2017. Ms Downie in her affidavit (dated 12 July 2021) identified that an additional 536 lots less than 8ha could be created within the proposed RLZ.

904. Given the existing size distribution across the rural zones (Table 13) and the additional 307 lots created since September 2020 (unlikely to have been countered as they were still being processed) and the additional 536 estimated above, there will be a total of 6,510 lots less than 8ha across all Rural zones.

<sup>66</sup> QV, 2018. Rural Subdivision and Housing Analysis - Waimakariri District. An unpublished report for Waimakariri District Council.

<sup>67</sup> QV recorded the average length of ownership of 4-8ha lifestyle blocks was 3 years and 9 months.

	Proposed Rural Lifestyle Zone		Proposed Rural Zone	
	Number	Percentage	Number	Percentage
< 4ha	1167	27	496	13
4 – 7.99ha	2336	54	1671	44
8 – 11.99ha	344	8	303	8
12 – 19.99ha	194	4	241	6
20 – 39.99ha	217	5	463	12
> 40 ha	101	2	588	16
<b>TOTAL</b>	<b>4359</b>	<b>100</b>	<b>3762</b>	<b>100</b>

Table 13: Numbers of rural lots by size category as of March 2021 (taken from Table 5 of Ms Downie's affidavit (Appendix E)).

### Larger GRUZ Blocks

905. The submission by the Rangiora-Ashley Community Board [148.11] opposed the 20ha subdivision limit as it is too small to be economic given water and nitrate restrictions. Table 8 shows that the minimum of 20ha for a dairy-to-dairy finishing property is sustainable. However, these are minimum sizes, and a choice of bigger farming units could still occur. A sustainable farm is not just based on parcel size, but is dependent upon the economic, environmental, social and cultural consequences beyond farm boundaries<sup>68</sup>.

906. The submitter noted that water restrictions would be an issue for farming operations in the district. Climate change projections are that there is likely to be an increase in rainfall of between 2 to 6% on the plains, and a decrease in the number of dry days<sup>69</sup>. While there may be a reduction in available groundwater, the potential for restrictions on water availability are unlikely to be significant<sup>70</sup>.

907. Nitrate discharge restrictions on agricultural production is more likely to constrain land use. Nitrate concentrations within the Ashley River and catchment is well below (0.2 to 1.2 mg/l) the national bottom line (6.9 mg/l), while the Waimakariri River and its catchments are close to or above (1.5 mg/l in Cam River to 9.4 mg/l in Kaiapoi River) the national bottom line<sup>71</sup>. Reduction in nitrogen will be required for the Waimakariri River and groundwater catchment. Larger farming units with lower stocking ratios would help reduce nutrient loads<sup>72</sup>.

908. The Parliamentary Commissioner for the Environment noted<sup>73</sup> that nutrient loss would be mitigated "*from more efficient use of nitrogen fertiliser, lower nitrogen loss per animal due to improved genetics, the adoption of good environmental practices in new dairy conversions, and*

<sup>68</sup> Snelder T et al, 2023. Land-use suitability is not an intrinsic property of a land parcel. *Environmental Management*, Vol 71, pp. 981-997.

<sup>69</sup> NIWA, 2022. Waimakariri District Climate Change Scenario: Technical Report. Prepared for Waimakariri District Council.

<sup>70</sup> Lifestyle block use of groundwater is less than that of productive land – permitted groundwater take is 20m<sup>3</sup> which equates to 0.5mm irrigation across 4ha compared to 4mm for a typical dairy farm.

<sup>71</sup> ECan 2019. Waimakariri Land and Water Solutions Programme- Water Quality, Aquatic Ecology and Biodiversity. Report R19/76.

<sup>72</sup> Clay N et al, 2020. Dairy intensification: Drivers, impacts and alternatives. *Ambio* Vol 49, pp. 35-48.

<sup>73</sup> Parliamentary Commissioner for the Environment, 2013. Water quality in New Zealand: Land use and nutrient pollution.

*compliance of all dairy farms with the Sustainable Dairying: Water Accord nutrient goals."* While the reduction in stocking rates would reduce nutrient losses, changes in land management and genetics are likely to have more of an impact, enabling the existing higher levels of productivity on the small sized farms.

### **3.22.3 Summary of recommendations**

909. I recommend that the submissions from Wayne Dyer [12.1], Brian and Susan Andersen [58.1], Chris and Jenny Rose [67.1], Nathan Schaffer [76.1], John Waller [89.1], Margaret and John Cotter [103.1], Kaiapoi-Tuahiwi Community Board [147.10], Rangiora-Ashley Community Board [148.11], Ohoka Meadows [202.8], Survus [205.1] and [205.3], Andrea and William Thomson [260.2], George Jason Smith [270.6] and [270.7], Daniel Cosgrove [292.1], Maurice Newell [281.2], [281.5] and [281.6], Eyrewell Dairy Limited [300.4] and [300.5], Robert Kimber [306.3], Morris Harris [348.1] and [348.2], and PRR Mulligan [370.1], be **rejected**.
910. I recommend that the submissions from PG Ducray [20.1], Kaiapoi-Tuahiwi Community Board [147.9], Evans Corporate Trustee Ltd [203.2], DC and DA Bartram [359.2], be **accepted**.
911. Therefore, I do not recommend any changes to the RURZ, GRUZ and RLZ chapters in relation to these submissions.

## **3.23 Carbon Forests**

### **3.23.1 Matters raised by submitters**

912. There were five submissions that raised a number of issues around the use of the term 'carbon forests', including the following:
913. Hort NZ [295.141] want carbon forests removed from the rule as a permitted activity in GRUZ-R2 and oppose including carbon forest unless amended to safeguard the life supporting capacity of soils, including LUC1, 2 and 3 soils
914. Hort NZ [295.175] support RLZ-R2 enabling horticulture as a permitted activity but were concerned that carbon forests remain in perpetuity. Oppose carbon forest as a permitted activity unless amended to safeguard the life supporting capacity of soils, including LUC 1, 2 and 3 soils.
915. Federated Farmers [414.201] opposes RLZ-R2 as it is the first rule in the Rural Lifestyle Zone with a matter of discretion for carbon forestry, and other rules and policies only refer to woodlots, or not at all. Also, it refers to a non-existent definition of 'forestry' in the plan when there is only 'plantation forestry', which has its own national regulations, and it is more stringent than the National Environmental Standards for Plantation Forestry without specific reason.
916. Federated Farmers [414.45] want RURZ-MD4 deleted. They were neutral on carbon forestry, noting that it has substantial detrimental effects on landscape, water yield, and fragments rural communities, but is also an attractive option for landowners for whom traditional farming is no longer viable due to rules and regulations in regional and district plans. Federated Farmers state that instead of regulating carbon forestry it is better to run a 'carbon forestry conversion' test over the impact of all rules and regulations. Smaller carbon forests more akin to woodlots may be created as an internal carbon sink for farming operation, rather than as a trading forest in the Emissions Trading Scheme. These matters of discretion may also unnecessarily constrain the

National Environmental Standards for Plantation Forestry and traditional use of small woodlots. It is better to wait for national direction to regulate carbon forestry.

917. DoC [419.133] considers the adverse effects on SNAs need to be taken into account when establishing Forestry, Carbon Forest, and Woodlots in the Rural Zone. This has been addressed in section 3.6.2 of this report.

### 3.23.2 Assessment

918. While it is recognised that carbon forests will contribute towards the sequestration of atmospheric carbon, reducing the effects of climate change, and dependent upon the tree species they can create significant offsite effects on the surrounding environment. These include long term changes in soil chemistry and soil biomass<sup>7475</sup>, soil erosion, shading, reduction in water yield<sup>76</sup>, and surface water quality<sup>7778</sup>.

919. Currently there is very little central government regulations around carbon forests. Given that these can be permanent forests, it would make sense to apply the same criteria used in the NESPF for afforestation.

920. Federated Farmers in their submissions [414.45] and [414.201] wanted the corresponding rules deleted because they stated that Council could not be more restrictive than the provisions in the NESPF. The rules were for permitted activities, and list those forest related land uses that are not covered by the NESPF. The rules (GRUZ-R2 and RLZ-R2) do not contain any restrictions that apply to plantation forestry. The submitter is not correct in their assessment that Council cannot impose restrictions on plantation forestry as this is enabled under sections 15, 16, 60, 61, 70, 81, 94, 99, 101, 102, and 103 of the NESPF.

921. Kathryn Alice Houghton Cawte [259.1] noted that the effects that forestry in general has on neighbouring properties. These effects from a cluster of trees bigger than a shelter belt can potentially be similar to that experienced with plantation forests. The effects from shading has been assessed in a memorandum presented in Appendix G. Given that shading can cause icy conditions on roads<sup>7980</sup>, the deteriorate road pavements<sup>8182</sup>, and shading of houses<sup>83</sup>, the removal

<sup>74</sup> Knoepp J.D and Swank W.T., 1994. Long-term soil chemistry changes in aggrading forest ecosystems. *Soil Science Society of America Journal*, Vol 58, No. 2, pp. 325-331.

<sup>75</sup> Berthrong S T et al, 2009. A global meta-analysis of soil exchangeable cations, pH, carbon and nitrogen with afforestation. *Ecological Applications*, Vol 19, No. 8, pp. 2228-2241.

<sup>76</sup> Fahey B, 1994. The effect of plantation forestry on water yield in New Zealand. *N.Z. Forestry*, November pp. 18-23.

<sup>77</sup> Quinn J.M. et al 1997. Land use effects on habitat, water quality, periphyton, and benthic invertebrates in Waikato, New Zealand, hill-country streams. *New Zealand Journal of Marine and Freshwater Research*. Vol. 31. No. 5. Pp. 579-597.

<sup>78</sup> Baillie B.R. and Neary D.G. 2015. Water quality in New Zealand's planted forests: a review. *New Zealand Journal of Forestry Science*. Vol 45. No. 7. Pp. 1 -18

<sup>79</sup> Section 5.4.1 of Section 32 Natural Hazards officers report.

<sup>80</sup> During early 2000s between 5 to 11% of all rural road crashes were attributed to icy roads (NZ Transport Agency, 2010. Waimakariri District Road Safety Report 2005-2009).

<sup>81</sup> Dravitzki V. et al, 2003. Road surfaces and Loss of skid resistance caused by frost and thin ice in New Zealand. Transfund New Zealand Research Report No. 44.

<sup>82</sup> Naik B. et al, 2017. Effects of trees canopy on Rural Highway Pavement Condition, Safety, and Maintenance. Prepared for The Ohio Department of Transportation Office of Statewide Planning and Research #135320.

<sup>83</sup> [https://motu-www.motu.org.nz/wpapers/17\\_13.pdf](https://motu-www.motu.org.nz/wpapers/17_13.pdf)

of woodlot from the proposed changes to NH-R7, it is recommended that those shading provisions associated with plantation forests in section 14 of the NESPF be included in GRUZ-R2 and RLZ-R2.

### 3.23.3 Summary of recommendations

922. I recommend that the submissions from Federated Farmers [414.45], be **accepted in part**.
923. I recommend that the submissions from Hort NZ [295.141] and [295.175] Federated Farmers [414.201], be **rejected**.
924. I therefore recommend the following changes to GRUZ-R2:

<p><b>GRUZ-R2 Primary production</b> This rule does not apply to mining provided for under GRUZ-R29; quarrying activities provided for under GRUZ-R30; farm quarry provided for under GRUZ-R12; free range poultry provided for under GRUZ-R17; or intensive indoor and outdoor primary production provided for under GRUZ-R18</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of:             <ol style="list-style-type: none"> <li>a. <u>the greater of either:</u> <ol style="list-style-type: none"> <li>i. 40m; or</li> <li>ii. <u>A distance where the forest species when fully grown would shade a residential unit or minor residential unit between 10am and 2pm on the shortest day of the year;</u></li> </ol> </li> <li>b. from any residential unit or minor residential unit on a site under different ownership, <u>except where topography already causes shading;</u> or</li> <li>c. 10m from any site boundary of a site under different ownership; and</li> <li>d. 10m from any road boundary of a paved public road.</li> </ol> </li> </ol>	<p><b>Activity status when compliance with GRUZ-R2 (1) not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> RURZ-MD1 – Natural environment values RURZ-MD3 – Character and amenity values of the activity RURZ-MD4 – Forestry, Carbon Forest, Woodlots</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>

<p><b>RLZ-R2 Primary production</b> This rule does not apply to any farm quarry provided for under RLZ-R12; intensive indoor primary production provided for under RLZ-R18; intensive outdoor primary production provided for under RLZ-R19; mining provided for under RLZ-R30; or quarrying activity provided for under RLZ-R31.</p>	
<p><b>Activity status: PER</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of:             <ol style="list-style-type: none"> <li>a. <u>the greater of either:</u> <ol style="list-style-type: none"> <li>i. 40m; or</li> <li>ii. <u>A distance where the forest species when fully grown would shade a residential unit or</u></li> </ol> </li> </ol> </li> </ol>	<p><b>Activity status when compliance with RLZ-R2 (1) not achieved: RDIS</b> <b>Matters of discretion are restricted to:</b> RURZ-MD1 – Natural environment values RURZ-MD3 – Character and amenity values of the activity</p>

<p><u>minor residential unit between 10am and 2pm on the shortest day of the year;</u></p> <p>b. from any residential unit or minor residential unit on a site under different ownership, <u>except where topography already causes shading;</u> or</p> <p>c. 10m from any site boundary of a site under different ownership; and</p> <p>d. 10m from any road boundary of a paved public road.</p>	<p>RURZ-MD4 – Forestry, Carbon Forest, Woodlots</p> <p><b>Notification</b> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
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### 3.23.4 Section 32AA evaluation

925. In my opinion, the amendments to GRUZ-R2 and RLZ-R2 is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- They will address the gap associated with mitigating the shading effects from afforestation of carbon forests, forests <1ha and woodlots. Consequently, they fill the gap and are more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## 3.24 Integration – Earthworks and Quarries

### 3.24.1 Matters raised by submitters

926. There are seven submissions that relate to earthworks integration.

927. Rules GRUZ-R12 and RLZ-R12 both relate to farm quarries and make reference to EW-R11 (meant to be EW-R10 farm quarries). There are three submissions that want quarrying activities excluded from the earthworks provisions (Fulton Hogan [41.33], Aggregate and Quarry Association [127.4], and Philip Davison [364.1]).

928. Mr Davison submission [364.1] requested that all quarries are prevented from operating within 10km from residential areas.

929. Woodstock Quarries Ltd [46.7] wanted the retention of all rules in relation to quarries, including the earthworks volumes.

930. MainPower [249.122] and [249.125] wanted a new rule in the GRUZ and RLZ zones relating to earthworks adjacent a major electricity distribution line. This submission was addressed in sections 3.6.15 of this report.

931. Drucilla Kingi-Patterson [16.11] submitted that she did not want quarrying near the Rangiora airfield due to dust.

### 3.24.2 Assessment

932. The submission relating to opposing quarrying near the Rangiora Airfield [16.11] relates partly to the previously proposed resource consent for quarrying operations at the Rangiora race course (Figure 13). Figure 13 shows the location of the Rangiora airfield in relation to the Rangiora race course (1.4km from airfield) and the existing processing facility at 1 Cones Road (approximately 3km from airfield).



Figure 13: Location key quarrying related sites.

933. All three sites are proposed to be zoned Rural Lifestyle Zone under the Proposed Plan. The recommended amended Rule RLZ-R31 would require any new quarry to be set back 500m from any residential zone. This would make any new quarry activities at the existing quarry processing facility and the Rangiora race course non-complying activities, but does not have the same constraining effect on a quarry closer to the Rangiora Airfield. I do not agree with the submission as the quarry processing facility on Cones Road has not generated any complaints.

934. In response to Mr Davison's submission [364.1] having a 10km exclusion zone would exclude most of the district, given that Oxford and Rangiora are 30km apart, with Cust in the middle and Mandeville and Kaiapoi are 8km apart, this approach would only leave Eyrewell and Whiterock.

935. Under earthworks rule EW-R11 (general earthworks) in the Proposed Plan, any quarrying activity would need to meet the earthworks standards in order to be a permitted activity. The quarrying operation would be constrained by EW-S1 limit of 500m<sup>3</sup> (total) or 100m<sup>3</sup> per ha, with most quarry operations being 1000s of cubic metres<sup>84</sup>. This would mean that any quarrying activity would be restricted discretionary under the earthworks rules and discretionary under the rural zone rules.

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<sup>84</sup> CRC190835 300,000m<sup>3</sup>/yr Browns Rd, CR172878 200 tonnes/hr at Fullers Rd.



936. Earthworks rule EW10 (farm quarries) is proposed to be deleted. This rule is referenced in the advice note GRUZ-R12 and RLZ-R12 Farm quarry. The EW rule (EW-R10) sets a maximum area of 1,500m<sup>2</sup> for any permitted farm quarry within the General Rule Zone, but does not state the Rural Lifestyle Zone, although it was intended to include the zone. The rule also refers to compliance with the activity standards.

937. In response to the Woodstock Quarries Ltd submission Council has carried over all of the earthworks provisions within the rural zones.

### **3.24.3 Summary of recommendations**

938. I recommend that the submissions from P Davison [364.1], Drucilla Kingi-Patterson [16.11], be **rejected**.

939. I recommend that the submission from Woodstock Quarries Ltd [46.7], be **accepted**.

940. I do not recommend any changes to the objectives, policies, rules and standards in response to these submissions other than what has already been covered for rules GRUZ-R12 and RLZ-R12.

## **3.25 Strategic Directions and Rural Zones Objectives**

### **3.25.1 Strategic Directions Objective SD-O4**

941. The Strategic Directions Chapter contains one specific objective that is applicable to the rural zones. As a result of the assessment of submissions on Strategic Directions the following amendments were recommended in the Section 42A Officers report:

#### **SD-O4 Rural ~~land~~ environment**

Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:

1. providing for ~~rural primary~~ production, ~~activities, activities that directly support rural production activities~~ rural industry and activities reliant on the natural resources of Rural Zones and limit other activities; and
2. ensuring that within rural areas the establishment and operation of ~~rural primary~~ production activities are not limited by new incompatible sensitive activities.

942. The proposed amendments strengthen the recognition of all primary production activities within the rural environment, these included quarries, indoor and outdoor intensive production activities. The amendment recognised that those activities are dependent upon the location of natural and physical resources, are dependent upon highly productive land, and are sensitive to reverse sensitivity impacts.

### **3.25.2 Urban Form and Development Policy UFD-P3**

943. The Urban Form and Development Chapter contains one specific objective that is applicable to the rural zones. As a result of the assessment of submissions and evidence presented during the hearing on Urban Form and Development the following amendments were recommended in

#### **UFD-P3 Identification/location and extension of Large Lot Residential Zone areas**

1. In relation to the identification/location of Large Lot Residential Zone areas:
  2. new Large Lot Residential development is located in the Future Large Lot Residential Zone Overlay which adjoins an existing Large Lot Residential Zone as identified in the RRDS and is informed through the development of an ODP;
  3. In relation to the identification/location of Large Lot Residential Zone areas:
  4. new Large Lot Residential development is located in the Future Large Lot Residential Zone Overlay which adjoins an existing Large Lot Residential Zone as identified in the RRDS and is informed through the development of an ODP;
  5. new Large Lot Residential development, other than addressed by (1) above, is located so that it:
    - a. occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development;
    - b. is not located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi and Woodend identified in the Future Development Strategy;
    - c. is not on the direct edges of the District's main towns of Rangiora, Kaiapoi and Woodend, nor on the direct edges of these towns' identified new development areas as identified in the Future Development Strategy;
    - d. occurs in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required, to an acceptable standard; and
    - e. is informed through the development of an ODP;
    - f. avoids the loss of LUC class 1 to 3 soils.
944. The proposed amendment strengthens the protection of versatile soils within the rural environment, these included quarries, indoor and outdoor intensive production activities. The amendment recognised that those activities are dependent upon the location of natural and physical resources, are dependent upon highly productive land, and are sensitive to reverse sensitivity impacts.

## 3.26 Definitions

### 3.26.1 Matters raised by submitters

945. 77 submissions on definitions and their wording which are commonly used in the rural zone chapters. There are also a number of submissions that want new definitions to be included in the plan. Submissions were received on the following existing definitions:

- Agriculture,
- Building,
- Carbon forest,
- Farm quarry,

- Farming and agricultural supply,
- Intensive indoor primary production
- Intensive outdoor primary production,
- Outdoor storage area,
- Quarrying activities,
- Reverse sensitivity,
- Rural produce retail,
- Rural production,
- Sensitive activity,
- Woodlot.

946. Submissions were also received in support of a number of other definitions. These are not discussed here unless there are other submissions in opposition or wanting amendments. Those definitions in support of the definitions are included in the Table 31 Appendix B.

947. There were also ten submitters who wanted new words added to the definitions list which touch on matters raised in their submissions. These are:

- Agricultural tourism activities,
- Artificial crop protection structures,
- Bird strike,
- Crop support structures,
- Farm workers accommodation,
- Free range poultry farming,
- Horticultural greenhouses,
- Seasonal worker accommodation,
- Sports shooting range.

### **3.26.2 Agriculture Submissions, Assessment and Recommendations**

#### ***Agriculture***

*means a land-based activity having any one or combination of the following as the purpose of the use of land:*

- a. arable land use being the use of land to grow crops for harvest; or*
- b. horticultural land use being the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply; or*
- c. pastoral land use being the use of land for the grazing of livestock; or*

*d. Plantation Forest or Woodlot being less than 1ha of continuous area of deliberately established tree species that has been planted, or has or will be, harvested or replanted.*

948. There are two submissions, both opposed to the present definition. Agriculture has been used to differentiate it from the definition of 'primary production' by excluding aquaculture, mining, quarrying and plantation forestry. The definition refers to plantation forestry being less than 1ha, which does not meet the definition of plantation forestry from the NESPF.

949. NZPork [169.2] wants the definition either deleted or amended to include intensive and extensive primary production. Given that the definition is used where aquaculture, mining, quarrying and plantation forestry are not expected (LLRZ and SPZKN) or would detract from character and amenity values (GRUZ-P1)<sup>85</sup>, it can be expected that intensive primary production activities are also not expected to be permitted activities in those areas.

950. Federated Farmers [414.1] wanted the definition replaced with the definition used in section 217B RMA. The definition is for arable land use and relates only to arable crops and not pastoral land use, horticulture or forestry less than 1ha. In addition, the definition is only used in Part 9A *Freshwater Farm Plans* and is not applicable the use of the definitions in the PDP.

951. I do not agree with any of the proposed amendments from the submissions above.

952. However, an amendment to clause (d) in the definition is required to avoid conflict with the definition of Planation Forestry and is recommended as a clause 16 RMA amendment. So that definition now reads:

*means a land based activity having any one or combination of the following as the purpose of the use of land:*

- e. arable land use being the use of land to grow crops for harvest; or*
- f. horticultural land use being the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply; or*
- g. pastoral land use being the use of land for the grazing of livestock; or*
- h. ~~Plantation~~ Forest, Carbon Forest or Woodlot being less than 1ha of continuous area of deliberately established tree species that has been planted, or has or will be, harvested or replanted.*

### **3.26.3 Building (NPS definition) Submissions, Assessment and Recommendations**

*means a temporary or permanent movable or immovable physical construction that is:*

- a. partially or fully roofed; and*
- b. is fixed or located on or in land;*

*but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*

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<sup>85</sup> The wording of GRUZ-P1 was supported by Fulton Hogan and Woodstock Quarried Limited.

953. The Broken River Trust [55.1] wanted a number of amendments to definitions. In particular the definition for building (NPS definition) as it discriminates against non-motorised vehicles e.g. a tiny home built on a light trailer or a 5<sup>th</sup> wheel caravan, which require a building consent, but seeks to amend this definition to include 'drawn vehicle' to the exclusion.

954. The definition is a NPS definition which cannot be altered.

### **3.26.4 Carbon forest Submissions, Assessment and Recommendations**

955. There are three submission on carbon forest definition, one that is neutral (Forest and Bird [192.3]) one wanting an amendment (DoC [419.7]) and one in opposition (Federated Farmers [414.2]).

956. The Rayonier Matariki Forests [171.1] submission has been considered in light of numerous provisions across the chapter. The amendment involving the replacement of "production" with "plantation" in the definition of carbon forest addresses the submission.

957. The DoC submission [419.7] has been recommended to be partly accepted, with the changes shown further below, as the term production forest is not defined, and Plantation Forest better reflects the intent of the definition. The addition of woodlot has been excluded to avoid confusion associated with overlapping definitions.

958. The Federated Farmers submission [414.2] wants the definition deleted and for Council to wait for national direction. The term is used in the plan and as written the definition applies to a particular land use. Deleting the definition does not address the issue of carbon forests. I do not agree with the submission.

959. I recommend that the definition of Carbon forest be amended as follows:

960. *means forest land, other than ~~Production Forest~~ Plantation Forestry, that is for the purpose of carbon sequestration.*

#### **Farm quarry**

*means the extraction of minerals taken for use ancillary to farming and horticulture, and only used within the property of extraction. It includes the extraction of material for farm and forestry tracks, accessways and hardstand areas on the property of origin. It does not include the exportation or removal of extracted material (including any aggregate) from the property of origin or retail or other sales of such material.*

961. There are three submission on farm quarry, one in support (Forest and Bird [192.11]), one wanting an amendment (DoC [419.11]) and one in opposition (Hort NZ [295.33]).

962. The DoC submission wants an amendment to exclude "indigenous vegetation clearance or disturbance of the habitat of the indigenous fauna or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry." Farm quarries are permitted under Rules GRUZ-R12 and RLZ-R12, which requires a setback from other activities/boundaries, and which also has a size limit of 1500m<sup>2</sup> and a requirement to meet the earthworks standards (EW1 to EW7) and avoid SNAs. Where indigenous vegetation clearance is required for a farm quarry, the activity requires a RDIS consent under Rule ECO-R2 which requires consideration of the habitat. The additions to the definition are not required as it is covered elsewhere in the Proposed Plan.

963. The Hort NZ submission states that the use of the term "farming" is inconsistent with the use of the term elsewhere in the Proposed Plan. I do not agree with the amendments, the addition of the term forestry, which could be construed to include plantation forestry, which has gravel extraction covered under the NESPF (Subpart 5). I disagree with the proposed exclusion of the second sentence, as it provide some guidance with the understanding of the definition.

### **3.26.5 Farming and agricultural suppliers Submissions, Assessment and Recommendations**

*means businesses primarily selling goods for permanent exterior installation or planting and includes: landscaping suppliers; and suppliers of bark, compost, firewood, and paving and domestic paving aggregates.*

964. Both submissions (NZ Pork [169.3] and Hort NZ [295.33]) state that the definition does not relate to farming and agricultural suppliers. I agree with the submissions, as the description does not match the intended meaning. The term is only used in the nesting table of definitions under trade supplier. The term 'Trade supplier' is not used in either of the rural zone chapters. I do not consider that the definition is essential in the common understanding of the term "*farming and agricultural suppliers*", and I consider it is not needed in the Proposed Plan and therefore can be deleted.

### **3.26.6 Intensive indoor primary production (NPS definition) Submissions, Assessment and Recommendations**

*means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.*

965. There are three submissions on the definition, one opposed (NZ Pork [169.5]) and two in support (Hort NZ [295.40] and EPFNZ and PIANZ [351.2]). The definition is a NPS definition and cannot be altered. I therefore recommend the submission by NZ Pork is rejected.

### **3.26.7 Intensive outdoor primary production Submissions, Assessment and Recommendations**

*means primary production activities involving the keeping or rearing of livestock, or commercial aquaculture, where the regular feed source for the production of goods is substantially provided other than from the site concerned. The activity may be undertaken entirely outdoors or in a combination if indoors and outdoors, including within an outdoor enclosure. It includes:*

- a. *free-range pig farming;*
- b. *free-range poultry or game bird farming;*
- c. *intensive goat farming and;*
- d. *aquaculture;*

*it excludes the following:*

- e. *woolsheds;*
- f. *dairy sheds;*
- g. *calf pens or wintering accommodation for stock;*
- h. *pig production for domestic use which involves no more than 25 weaned pigs or six sows.*

966. There are four submissions on this definition, one in support (Hort NZ [295.41]), one opposed (Federated Farmers [414.7]) and two wanting amendments (NZ Pork [169.6] and EPFNZ and PIANZ [351.3]).

967. The Federated Farmers submission wants the definition deleted because it is too difficult and arbitrary to achieve a definition. The proposed definition is similar to that used by Selwyn District Council, but can be considered as more explanatory. Deleting the definition would not help with the interpretation of the rules.

968. The submission by NZ Pork wanting to combine both indoor and outdoor definitions. The proposed wording does not cover the whole gambit of intensive outdoor primary production activities. Their suggested wording is:

*Intensive primary production 'means any activity defined as intensive indoor primary production or intensive outdoor primary production.*

- *'Intensive indoor primary production' (as per National Planning Standards) means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.*

- *'Intensive outdoor primary production' means any primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover. Excludes 'extensive pig farming'.*

- *'Extensive pig farming' means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.*

969. While the definition includes a reference to pasture maintenance and ground cover, this would mean that intensive livestock grazing of fodder crops could be considered as intensive outdoor primary production. NZ Pork also wanted a new definition for extensive pig farming, which provides a more detailed understanding of the activity compared to free-range pig farming. On the basis that I am proposing a new definition for extensive pig farming, I recommend that the definition of intensive outdoor primary production is amended as set out below.

970. The EPFNZ and PIANZ submission seeks to remove free-range poultry from the intensive outdoor primary production definition because the effects are considerably less than other intensive outdoor primary production activities. The definition has been amended in line with the previous submissions discussed in section 3.10.42 of this report.

*Means primary production activities involving the keeping or rearing of livestock, or commercial aquaculture, where the regular feed source for the production of goods is substantially provided other than from the site concerned. The activity may be undertaken entirely outdoors or in a combination if indoors and outdoors, including within an outdoor enclosure. It includes:*

- a. *~~free-range pig farming~~ extensive pig farming;*
- b. *~~free-range poultry or game bird farming~~;*
- c. *intensive goat farming and;*
- d. *aquaculture;*

it excludes the following:

- e. woolsheds;
- f. dairy sheds;
- g. calf pens or wintering accommodation for stock;
- h. pig production for domestic use which involves no more than 25 weaned pigs or six sows;  
and
- i. free-range poultry farming.

**Extensive Pig Farming:**

*means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained, and where no fixed buildings are used for the continuous housing of animals.*

**3.26.8 Outdoor storage area Submissions, Assessment and Recommendations**

*means any land used for the purpose of storing vehicles, equipment, machinery or natural or processed products outside of fully enclosed buildings for periods in excess of 12 weeks in any year. It excludes yard-based suppliers and vehicle parking associated with an activity.*

971. Federated Farmers [414.12] wants the definition deleted because it unnecessarily and unfairly constrains rural land use. It states that it would capture storage of machinery, silage, and grain storage. While it may be reasonable to assume that the definition could apply to normal farming practices, the definition is not used in any of the rural zone chapters and is used mainly in the commercial and industrial zones. Altering the definition would undermine the approach for LIZ-BFS9, LCZ-BFS12, LFRZ-BFS3, LFRZ-BFS6, GIZ-BFS9, SPZ(HOS)-BFS6, SPZ(HOS)-MD4, and DEV-KLFR-R1. I do not agree with the proposed deletion of the rule.

**3.26.9 Quarrying activities (NPS definition) Submissions, Assessment and Recommendations**

*means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.*

972. Two submissions were received on this definition, one wanting an amendment (Fulton Hogan [41.11]) and another wanting retention of the definition (Aggregate and Quarrying Association [127.1]). The Fulton Hogan submission wanted concrete demolition material to be used in rehabilitation of quarry sites as it doesn't meet the definition of cleanfill material.

973. The use of cleanfill in the Proposed Plan is linked to NPS definitions which cannot be amended where they are used in the same context through a district plan review process.

974. Any change to the definition is outside the scope of this process. It is assumed that construction and demolition waste where it meets the criteria listed in the cleanfill definition would be acceptable.



**3.26.10 Reverse sensitivity Submissions, Assessment and Recommendations**

*means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which [that] may be sensitive to the [an] actual, potential or perceived adverse environmental effects generated by an existing activity.*

975. There are ten submissions on this definition. Eight are in support of retaining the definition as notified (Daiken NZ Ltd [145.5], NZ Defence Force [166.6], Waka Kotahi [275.2], Clampett Investments Ltd [284.25], Hort NZ [295.51], RIDL [326.26], KiwiRail [373.9], and Federated Farmers [414.16]).

976. Transpower submission [195.12] wants the replacement of “which” with “that” and “an” with “the” to improve grammar. The proposed changes do not change the intent of the definition and make it clearer as to the meaning (both words underlined and proposed words in [] for reference). I agree with the changes.

977. The CIAL submission [254.12] wants the inclusion of “intensification” into the definition. The definition as written includes the words “*establishment or alteration*” which would include any reasonable change in intensity of the activity. The addition of intensification implies that there may be a significant change in effects, which may require additional consideration. I do not think that the amendment meets the intent of the definition.

*Means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity ~~which-that~~ may be sensitive to the actual, potential or perceived adverse environmental effects generated by ~~an-the~~ existing activity.*

**3.26.11 Rural produce retail Submissions, Assessment and Recommendations**

*means the use of land or building on, or within which, rural produce grown or produced on the site and products manufactured from it are offered for sale.*

978. There is one submission from Hort NZ [295.53] wanting the definition amended to delete the reference to grown or produced on the site. They point out that growers often use crop rotation to reduce the potential of soil borne diseases, and groups of growers will often work in together to sell from the same location. Alternatively, this change may result in fruit and vegetable shops becoming established. However, given that rules GRUZ-R1 and RLZ-R10 have a size limit of 50m<sup>2</sup> for retail space, the potential for this to occur as a permitted activity is limited<sup>86</sup>. Given that the intent of the rural zone is to enable primary production and minimise the effects of reverse sensitivity, the proposed changes makes sense and I agree with the amendment.

*Means the use of land or building on, or within which, rural produce ~~grown or produced on the site~~ and products manufactured from ~~the rural produce~~ are offered for sale.*

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<sup>86</sup> The Fruit and Vegetable shop in Rangiora covers 500m<sup>2</sup>.

**3.26.12 Sensitive activity Submissions, Assessment and Recommendations**

*means activities and facilities including, but is not limited to, educational facilities, community facility, healthcare facility, childcare facilities, residential units, minor residential units, retirement village, visitor accommodation, community facility, offices and hospitals.*

979. There are ten submissions on the definition. Eight are in support (Fulton Hogan [41.12], NZ Pork [169.9], Transpower [195.13], CIAL [254.13], Oil Companies [276.10], MoE [277.7], Clampett Investments Ltd [284.26], RIDL [326.27]), although the NZ Pork submission wants an amendment, and two wanting amendments.

980. NZ Pork [169.9] seeking the addition of conservation activities, recreation activities, rural tourism, equestrian and ancillary activities and farmers markets. Hort NZ [295.56] want the removal of "*but is not limited to*". EPFNZ and PIANZ [351.4] want the deletion of 'community facility' and to be replaced with 'farmers market'.

981. The activities listed in the definition are all temporary activities which may have permanent occupation over 24 hours, or involve children. Those activities listed in the submission from NZPork [169.9] generally occur intermittently for short periods on any one day, as against being permanent or occurring on every day across a week. Recreational activities are included in the definition of community facility. I do not agree with the amendment.

982. The Hort NZ submission [295.56] wanting the deletion of "*but is not limited to*" would unduly constrain any other potential activity that may in the future establish in an area where they could be considered as a sensitive activity, such as funeral home, or crematorium, etc. I do not agree with the proposed amendment.

983. The EPFNZ and PIANZ submission [351.4] wanting the deletion of community facility and replaced with farmers market seems to misunderstand the intent of the relevant rules. The definition of community facility includes such places as church/mosque/temple, marae, community halls etc. These facilities are not readily mobile and generally operate for periods longer than half a day. A farmers' market would fall within the definition of a 'temporary activity'. I do not agree with the proposed amendment.

**3.26.13 Woodlot Submissions, Assessment and Recommendations**

984. The definition of woodlot has been recommended to be amended by this report to enable for integration with other chapters in the Proposed Plan, as follows:

*Means a stand of trees for the purposes of firewood, Christmas trees, the creation of other wood products, ~~a carbon sink~~, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry and carbon forest.*

985. There are two submissions, both wanting amendments. The Federated Farmers submission [414.22] wanted carbon sinks, erosion control and wilding pest management purposes deleted as they felt some of the activities were covered within conservation activities (erosion control). I agree with the removal of carbon sinks, as it is covered in the definition for carbon forest, however, the other elements such as erosion control and wilding pines could potentially be removed from the definition of conservation activities should the DoC submission [419.9] be accepted. This would create a gap in the use of those activities and as such I do not agree with the proposed amendments.

986. The DoC submission [419.19] seeks to remove carbon sink and is agreed.

***Proposed new definitions***

**3.26.14 Artificial crop protection structures Submissions, Assessment and Recommendations**

987. A submission was received from Hort NZ [295.59] wanting a new definition for artificial crop protection structure

988. There is very little use of artificial crop protection structures in the district, and as no policy or rules are proposed the definition is not required.

**3.26.15 Crop support structures Submissions, Assessment and Recommendations**

989. A submission was received from Hort NZ [295.60] wanting a new definition for crop protection structure.

990. There is very little use of crop protection structures in the district, and as no policy or rules are proposed the definition is not required.

**3.26.16 Farm workers accommodation Submissions, Assessment and Recommendations**

991. A submission was received from NZ Pork [169.10] requesting a definition for farm workers accommodation.

992. I recommend that this submission is rejected as there is no demand for farm workers accommodation as discussed earlier in this report. As no policy or rules are proposed the definition is not required.

**3.26.17 Free range poultry farming Submissions, Assessment and Recommendations**

993. I agree that a definition is required as a new rule for free range poultry farming has been proposed. The following wording is proposed based on the definition from the Proposed Selwyn District Plan:

*The primary production of poultry for commercial purposes, where:*

*All of the birds farmed have access to open air runs; and*

*Permanent vegetation ground cover exists on the land where birds are permitted to range; and*

*The stocking rate of the runs and weatherproof shelter to which the birds have access are appropriate for the relevant bird type.*

**3.26.18 Horticultural greenhouses Submissions, Assessment and Recommendations**

994. A submission was received from Hort NZ [295.61] wanting a new definition for "Horticulture Greenhouse".

995. I recommend that this submission is rejected as the term is not used in the proposed plan.

**3.26.19 Seasonal worker accommodation Submissions, Assessment and Recommendations**

996. A submission was received from Hort NZ [295.62] wanting a new definition for seasonal worker accommodation.

997. I recommend that this submission is rejected as there is no demand for seasonal worker accommodation as discussed earlier in the report. As no policy or rules are proposed the definition is not required.

**3.26.20 Sports shooting range Submissions, Assessment and Recommendations**

998. A submission from Waimakariri District Council [367.43] wanted a definition for sports shooting range in line with its use in RLZ-37

999. The Proposed Plan uses the term 'Sports Shooting Facility' which covers the range and any buildings, while '*sports shooting range*' is not currently used in the plan. The term 'Sports Shooting Facility' is reasonably self-explanatory and does not need any additional explanation.

**3.26.20.1 Summary of recommendations**

1000. The following definitions are recommended to have amendments:

- Agriculture;
- Carbon forest;
- Intense outdoor primary production;
- Reverse sensitivity;
- Rural produce retail; and
- Woodlot.

1001. The following new definitions are proposed:

- Agriculture tourism activities;
- Extensive pig farming; and
- Free range poultry farming.

1002. The following definition is recommended to be deleted:

- Farming and Agricultural Suppliers.

**3.27 Minor Errors**

1003. I recommend that a number of amendment/s be made to the chapter to clarify/fix the underlying provisions. These amendment/s could have been made after Proposed Plan was

notified through the RMA process to correct minor errors<sup>87</sup>, but I recommend the amendments are made as part of the Hearing Panel's recommendations for completeness and clarity. The amendment are set out below.

1004. Introduction to RURZ – General Objectives and Policies for all Rural Zones within the first sentence contains a reference to '*primary production activities, including pastoral farming, livestock, ...*' The term pastoral farming includes the practice of livestock production. It is recommended that the term '*livestock*' is deleted to avoid repetition. So that it now reads:

*The purpose of the chapter is to enable a range of primary production activities, including pastoral farming, ~~livestock~~, horticulture and forestry as well as other activities that rely on or support the natural resources within rural areas.*

1005. RLZ-R11 notification clause makes reference to GRUZ-R11, when the reference should be RLZ-R11. So that the provision now reads:

**Notification**

An application for a restricted discretionary activity under ~~GRUZ~~RLZ-R11 (4) is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga

1006. GRUZ-R22 has an incorrect reference to a matter of discretion. The reference should be RURZ-MD5 not RURZ-MD2 as a reference to the housing of animal. This is in line with the matters of discretion for Farmers' Markets in RLZ-R22, which has the correct reference to matters of discretion. So that it now reads:

**Matters of discretion are restricted to:**

RURZ-MD1 – Natural environment values

~~RURZ-MD2 – Housing of animals~~

RURZ-MD3 – Character and amenity values of the activity

RURZ-MD5 – Rural sales

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<sup>87</sup> Clause 16 of RMA Schedule 1

## 4 Conclusions

1007. Submissions have been received in support of, and in opposition to the Proposed Plan. While most of these submissions relate to the Rural zones as notified, some submissions seek that amendments to definitions that cross over other chapters and are inter-related to other chapters within the Proposed Plan.

1008. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.

1009. For the reasons set out in the Section 32AA evaluation attached at Appendix C OR included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

### Signed:

Name and Title		Signature
Report Author	Mark Buckley Principal Policy Planner	