

**IN THE MATTER of  
the Resource Management Act 1991**

**AND**

**IN THE MATTER of  
hearing of submissions and further  
submissions on the Proposed  
Waimakariri District Plan**

**AND**

**of hearing of submissions and further  
submissions on Variations 1 and 2 to the  
Proposed Waimakariri District Plan**

**MINUTE 13 – QUESTIONS ARISING FROM  
HEARING STREAM 6 – RURAL ZONE**

## PURPOSE

- (1) The purpose of this Minute is to put questions to the Council s42A Rural Zone report author to respond to in preparing their Reply Report to the Panel, due by **Friday 15 December 2023**.

## QUESTIONS TO HEARING STREAM 6 RURAL ZONE SECTION 42A REPORT AUTHOR FOR REPLY REPORT

- (2) Following the reconvening of the hearing to go through the responses to preliminary questions on the Section 42A report for the Rural Zone, the Hearings Panel has questions that we would like answered in the Section 42A Rural Zone report author's Reply Report. The questions are set out in Appendix 1.
- (3) We request that the Reply Report be provided no later than **4pm Friday 15<sup>th</sup> December 2023**, unless otherwise agreed with the Chair.
- (4) This list of questions is not exhaustive and the Section 42A author is invited to respond to other matters arising from the hearing that are not contained in the list of questions. This includes matters that the author has deferred in their statement of supplementary evidence. The Reply Report is to append a fully updated Appendix B, recommended responses to submissions and further submissions.
- (5) In the Reply Reports, the Section 42A report author is also requested to provide a fully updated Appendix A "recommended amendments" to their chapters showing:
  - (a) Any further recommended amendments to the chapters having read and heard evidence through the hearings process. These are to be shown in a consistent manner across the rights of reply, using the same annotation, which clearly delineates the recommended amendments from the Section 42A report and further recommended amendments following the hearing.
  - (b) Each recommended amendment to the chapter(s) being footnoted to the relevant submission(s) that the amendment(s) relates to.

## CORRESPONDENCE

- (6) Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator, Audrey Benbrook, on 0800 965 468 or [audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz).



Gina Sweetman

Independent Commissioner – Chair - on behalf of the Hearings Panel members

24 November 2023

## Appendix 1: Questions to the Reporting Officer for Rural Zone Chapters.

1. In your preliminary questions, you stated that you consider that artificial crop protection structures are permitted activities. The Panel queried whether it should be made explicit that they are excluded from the definition of buildings (but not structures). Please respond to this.
2. Please respond to the evidence of Mr Ensor for Fulton Hogan on RURZ-P1 and his proposed amendment.
3. Please respond to the evidence of Mr Ensor in which he further explained Fulton Hogan's submission intention was to avoid confusion between direct effects and reverse sensitivity effects in proposing their amendment to RURZ-P8.
4. You have recommended that the relief sought by Daiken to amend the Policy RURZ-P8 is accepted but not their request to include rules to implement the policy. Please explain how the amendment to RURZ-P8 is implemented through the PDP if the requested amendments to either the rules and standards proposed by Ms Styles are not accepted.
5. You have recommended:
  - A new policy RURZ-P9 which reads: *The spread of wilding trees is minimised and where established they are removed.*
  - Amendment to GRUZ-R2 so that Primary Production is permitted where "(e) any afforestation should only occur where the wilding tree risk calculated score is less than 12" and added an advice note.
  - Amendment to RURZ-MD4(5) to add "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."

When answering the following questions, please also respond to ECan evidence:

- a. Please advise how the PDP will implement the second part of the new policy "*where established they are removed*"
- b. What higher order planning instruments need to be implemented in the PDP, and does the addition of (e) appropriately implement those instruments?
- c. If your opinion is that (e) is appropriate, please consider whether the rule needs to be reconstructed or a new rule created because (a)-(d) and (e) are different in structure.
- d. In your written response to questions, you supported RURZ-MD4(5) being widened to include the potential for the spread of wilding trees onto all land. Please provide your recommended rewrite for RURZ-MD4(5).
- e. In recommending any further amendments, please provide a s32AA evaluation how your recommended approach is the most appropriate means to achieve the objectives of the PDP, including any other reasonably practicable options and other rules and regulations.

6. Please respond to Mr Ensor's evidence for Fulton Hogan:
  - a. Seeking a new rule to provide for the deposition of inert fill and amendments to GRUZ-R30.
  - b. In relation to quarrying activities and the NPS-HPL, in particular the policy proposed to address the issue of "regional public benefit"
  - c. On the relationship between infrastructure and the materials used in its construction, operation, and maintenance.
7. Please consider whether an advice note would be appropriate to confirm that agricultural aviation is a permitted activity as it falls within the definition of primary production activities.
8. At Para 285 you recommend that Federated Farmers [414.189] be rejected but at Para 834 recommend that Federated Farmers [414.189] be accepted. Please explain your recommendations.
9. We have reviewed your reply to our question on paragraph 303 and considered your response at the hearing. It was your view that you can have rules in district plans for the same activity as is prescribed through a national environmental standard. The Panel's own understanding is that the RMA is more nuanced than this when it comes to NES regulations and District Plan rules. You stated in para 303 that plantation forestry forms part of the primary production definition and is therefore a permitted activity. Please review sections 43A and 44A of the RMA when updating your response to our question.
10. NZ Pork and HortNZ evidence outlined the functional need for permanent and seasonable workers to be accommodated on site. They sought amendment to GRUZ-R4 and RLZ-R4 or a standalone rule to permit worker accommodation with control measures to prevent subsequent subdivision and sale of a primary residential unit. Please consider the questions posed by the Panel during the hearing and respond to the evidence of Ms Cameron and evidence and supplementary evidence of Mr Hodgson that proposes a new definition, rules and a matter of discretion.
11. You have recommended that GRUZ-R11 be amended to increase the maximum staffing level from 5 to 10 and to remove the maximum building limit. Please consider and describe the effects that may arise from this recommended increase in staffing numbers, particularly in terms of amenity and the roading network, and provide a clear s32AA evaluation why these amendments are the most appropriate means to achieve the objective(s). In doing so, please also address why you use Proposed Selwyn District Plan as an example when explaining your recommendation to increase the maximum staffing levels, given that Plan restricted the limit to no more than two staff.
12. In our preliminary questions we queried your statement in Para 421 that because free range poultry farming was a permitted activity in the Regional Plan, it would not be appropriate for the territorial authority to have a stricter activity classification. In

- the hearing, we discussed the ability of a Regional Plan and District Plan to manage the same activity where the effects being managed differ.
- a. In light of that discussion, please consider the effects that the District Plan proposes to manage for Intensive outdoor primary production, and in particular, in respect to free range poultry farming, and provide an updated recommendation.
  - b. In response to our preliminary question on Para 970, your evidence is that the effects of game birds are less than free range poultry. Accordingly, please advise whether it is appropriate to include (b) game bird farming in the definition of 'Intensive outdoor primary production' but exclude (i) free-range poultry farming and make free range poultry a permitted activity.
  - c. In the event that your recommendation is unchanged, please restructure your proposed wording so that the remainder of the rule flows properly from the chapeau.
  - d. In your updated recommendation, please also reconsider your reply as to how this recommended rule is determined – in particular “where WHAT is 20m from any sensitive activity” and where what part of the sensitive activity the measurement is taken from. (see question 14 in respect to the same matter of measurement of distance from sensitive activities)
13. Please update the Panel on the outcome of your discussion with Mr MacLennan as to whether there is a need for wind turbine rules in the GRUZ Chapter, given there are already rules relating to wind turbines in all zone chapters in the Energy and Infrastructure chapter.
14. Further to your preliminary response to questions and as discussed during the course of the hearing, please advise how the distance from a sensitive activity will be measured for the purposes of GRUZ-BFS5 and RLZ-BFS5, taking into account that a sensitive activity includes sports fields and play areas for educational facilities. In responding to this question, please consider whether it is appropriate whether the measurement should be from buildings associated with sensitive activities or sensitive activities (therefore including outdoor areas) themselves.
15. Please respond to the evidence of Ms Kealey for Andrew Carr:
- a. Seeking new policy RLZ-P3 in the RLZ to enable the development of an Outline Development Plan in the Large Lot Residential Zone Overlay. Please comment on the wording that she suggests for the policy and rules in the RLZ Chapter
  - b. In relation to the structure of UFD-P3
16. In reply to our question on paragraph 522 you have explained that the RPS does not have a RLZ, and rather the rural residential definition relates to the LLRZ. You did not address our question regarding the relationship between your assessment and the National Planning Standards, and which definition should have primacy. Please explain your understanding of the purpose of the Rural Lifestyle Zone and whether the District Plan purpose can differ from the purpose stated in the National Planning Standards. Please review the evidence of Ms Aston for Survus when providing your response.

17. Regarding RLZ-R1, please consider whether an advice note would be appropriate to make clear how the rules apply to relocatable/moveable buildings.
18. Referring back to our question 4 above, please liaise with Ms Manhire to determine the controls that apply to the Daiken site and associated overlay within the Noise Chapter and advise whether additional controls are appropriate in the Rural Lifestyle Zone to manage the effects described by Ms Styles for Daiken. Please review, consider and respond to the evidence of Ms Styles for Daiken, including her recommended amendments to rules and/or standards when responding to this question.
19. Please consider whether an advice note directing plan users to the Transport Chapter is appropriate for RLZ-R11. In considering your response, please liaise with other Reporting Officers for the Proposed District Plan to ensure consistency of approach across the whole plan.
20. Please provide updated wording for your recommended amendment to RLZ-R11 so that the rules flow properly from the chapeau.
21. Please explain how RLZ-R13 applies existing residential buildings that are already located within the proposed 20 metre setback from the boundary and whether your recommendation changes in light of this consideration.
22. Please clarify why it would be appropriate to permit motorised recreation activity in the RLZ but require a resource consent in the GRUZ. When responding, please consider the evidence of NZPork and HortNZ and all effects associated with this type of recreation activity; not just noise effects. If your recommendation does not change, then please provide an updated s32AA evaluation which sets out your rationale for why it is appropriate.
23. Please respond to the evidence Mr Knowles presented at the Hearing, in particular the appropriateness of the controls that he suggests in respect to the “Muscle Car Madness” activity. Also, please advise of the relationship between this specific rule and the Temporary Activities rules. You have advised us that mobile vendors operating as part of the listed events would require consent under the Temporary Activities rules. Please explain how it is clear and understandable for plan users that this is the case, and whether this is appropriate given, in the Panel’s view, it is difficult to discern where the line would stop between a “muscle car madness” or “farmers market” and a mobile food vendor or a market stall vendor. Please also explain what the effects would be of the list of activities and how these effects are managed. On the face of it, a farmers market or a motor vehicle display event could operate 24/7 on the site, whereas, based on your advice, there are stricter controls on mobile vendors like coffee stalls. Is this the intention?

24. In response to KiwiRail's submission, you have recommended:
- Amending RLZ-BFS4 to add a 4m setback from any site boundary with the rail corridor
  - Amending RURZ-MD8 to add rail corridor setbacks to matters of discretion.
- Please explain which Objectives or Policies these amendments would implement. Please review Ms Heppelthwaite for KiwiRail's evidence and supplementary evidence in responding.
25. In respect of RURZ-MD8, as discussed during the hearing, please explain how the matters of discretion address reverse sensitivity effects from new sensitive activities on lawfully established primary production activities (which are not permitted activities and therefore not covered by MD8(6)), which is the matter raised by the NZPork and NZHort submissions.
26. Please respond to the Federated Farmers submission and the evidence of Mr Hume for Federated Farmers seeking specific reference to the protection of versatile soils and greater safeguards for the life-supporting capacity of soils, particularly in respect to RLZ-O1, RLZ-P1 and that the protection of versatile soils and highly productive land should be a requirement to the expansion of existing zones or creating new zones (UFD objectives and policies)
27. Please respond to ECan's supplementary evidence and Ms Aston's evidence for Survus on the protection of soils under the NPS-HPL and the RPS, and how the RPS applies in addition to the NPS-HPL. In your response, please advise whether it is appropriate to differentiate between LLRZ and RLZ and whether versatile soils and Chapter 15 are a consideration in the RLZ.
28. Taking into account your response to question 27, please explain how your recommended amendments to RURZ-O1, RURZ-P2(2)a and GRUZ-P2 gives effect to the NPS-HPL and RPS. In setting out your response, please explain why you have used the terms you have in the amended objective and policies compared to those in the higher order documents.
29. Please advise what the effects are of effluent spreading. Of these effects, what effects are managed by the RNRP and what effects are not (if any), and whether any effects that are not managed by the RNRP fall within the jurisdiction of the Waimakariri District Council. If there are effects that are not managed under the RNRP and fall within the jurisdiction of the Waimakariri District Council, are they of a nature and scale that warrants these to be managed through the PDP. If you consider that there are effects that do warrant being managed, please provide details of how these should be managed, and include a s32AA evaluation.
30. In the Hearing, the Panel expressed a preliminary view that the activities sought to be included in the sensitive activities definition by NZPork were not temporary in nature. Given that, does your view remain that these activities should be excluded from the definition of 'Sensitive activities'.



31. Please address submission points 145.4-145.6 from Daiken.
32. Please respond to the evidence of Mr Jason Smith, as you consider appropriate or necessary.
33. Please also respond to any matters not covered in the above list for which your professional opinion may have changed as a consequence of hearing the submitters' evidence and the Panel's questions, as may further assist the Panel.
34. Federated Farmers submission 414.205 is not addressed in your report. Please provide your recommendation on their request to amend RLZ-R15.
35. Please respond to the evidence of Mr Hodgson for NZPork on whether there is the need to define 'Extensive Pig Farming'.
36. McAlpine in 226.4 sought an amendment to the RLZ for reverse sensitivity controls. Your advice was that would be addressed in the Noise reply report. In considering your response to Daiken [145.30 – 32] in question 18, please also consider whether there are reverse sensitivity effects other than Noise that McAlpine would seek to be managed through reverse sensitivity protection in the rural zones. If there are, then please provide advice on how these should be managed through the PDP.