

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Whaitua Taiwhenua Rural Zones – Mark Buckley on behalf of
Waimakariri District Council**

Date: 16 February 2024

INTRODUCTION:

1 My full name is Mark Thomas Buckley. I am employed as a Principal Policy Planner for Waimakariri District Council. I am the Reporting Officer for the Rural Zones topic and prepared the s42A Report.

2 I have read the evidence and tabled statements provided by submitters relevant to the s42A Report – Rural Zones.

3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 6.

4 Specifically, this statement of evidence relates to the matters in the s42A Report – Rural Zones.

5 I am authorised to provide this evidence on behalf of the District Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

6 Appendix C of my s42A report sets out my qualifications and experience.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

8 This reply follows Hearing Stream 6 held on 9 and 10th October and reconvened on 22nd November 2023. Minute 2 of the Hearing Procedures allows for s42A report authors to submit a written reply as agreed with the hearing panel since the adjournment of the hearing.

9 The main topics addressed in this reply include:

- Answers to questions posed by the Panel (contained in minute 13),
- Matters remaining in contention,
- Addressing any submissions that may have been missed,
- Addressing any identified errors, and

- Changes to recommendations in the s42A report to respond to the above.

- 10 Appendix 1 has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Council website.
- 11 Appendix 2 has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
- 12 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.
- 13 Appendix 4 is a table summarising the National Planning Standards (NPS) zone descriptor, the character of the various proposed residential and rural zones from the Proposed Plan.

Residential/Rural Determination

- 14 The Hearing Panel raised the question 16 as to whether Rural Lifestyle Zone is a residential activity within a rural context. Within Appendix 4 of this reply I have provided a paraphrased summary of the Proposed Plan character attributes for the RLZ and LLRZ zones that are sought through the provisions of the PDP, and my analysis of the differences between the anticipated outcomes of the zones.
- 15 The NPS description for Rural Lifestyle Zone states:
- Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.*
16. While recognising that the NPS definition of Rural Lifestyle does use the phrase 'residential lifestyle'; in my view there is a difference between residential lifestyle in a rural environment where primary production is still enabled and therefore expected to occur and residential living within

a low-density residential environment where primary production is not anticipated.

16 Unfortunately, the NPS does not elaborate as to what size Rural lifestyle sections should be. Across the Country, district councils have differing minimum subdivision size criteria for rural lifestyle properties as follows:

- Waitomo DC – 2,500m² minimum,
- Waikato DC – 5,000m² minimum,
- Whanganui DC – 5,000m² minimum,
- Porirua CC – 2ha,
- Selwyn DC – no Rural Lifestyle zone - proposed plan decisions,
- New Plymouth DC – 4,000m² minimum, and
- Waimakariri DC – 4ha minimum.

17 In my view it is important to note that the difference in approach from these Councils is that the RPS defines development to these minimum standards as 'rural residential' as specifically different from rural development under Policy 6.3.9.

18 Unfortunately, the NPS also does not define what 'residential lifestyle' is. I consider it unhelpful to define 'rural lifestyle' using a reference to 'residential lifestyle', especially as this later term is not defined. In my opinion there is a range of lot sizes and environmental character that could be considered 'residential lifestyle' and potentially this is not the same as 'rural lifestyle' in practice. Residential lifestyle could be a residential activity on a large lot, say 2500m², however this is not the same as rural lifestyle as clearly primary production is unlikely to occur on lots this small. My understanding, based on the proposed direction of the PDP, is that 'rural lifestyle' consists of large dwellings located on a minimum 4ha lots (based on average lot size in RLZ) in a rural environment, where there is generally low intensive agricultural activity occurring. The predominant income of these properties is not associated with agricultural/horticultural production, however, there remains the

potential for these blocks to be profitable (highly productive soils, flat topography, sufficient water for irrigation, and close to a large market), especially where the lot is in excess of the minimum 4h area. The 'residential lifestyle' then is the lifestyle afforded by this rural lifestyle environment. I consider this is consistent with the NPD definition of 'rural lifestyle'.

19 Complicating the above analysis, in Canterbury the RPS (which preceded the NPS) sought to define 'rural residential' and 'urban activities' in an attempt to respond to the proliferation of rural lifestyle development that was occurring in Greater Christchurch (and elsewhere in the region) at the time. For Greater Christchurch, 'urban activities' are defined as "*activities of a size, function, intensity or character typical of urban areas... at a density of more than one household unit per 4ha of site area;*" while 'rural activities' are defined as "*activities of a size, function, intensity or character typical of those in rural areas and includes: ... residential activity on lots of 4ha or more.*"

20 'Rural residential' activities are separately defined as '*residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.*'

21 My understanding is that the RPS drafters considered anything below 4ha relies on a primary income that is not derived from primary production and as such, lots less than 4ha are essentially not rural. They also sought to standardise within Greater Christchurch what is 'rural residential' by defining it.

22 I consider that the PDP 'rural lifestyle' zone is also consistent with the CRPS – a minimum lot size of 4ha is not urban as defined in the RPS. It is also not 'rural lifestyle'.

Answers to further written questions posed by the Panel

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.

23 The Ministry for the Environment (MfE) assessed whether the definition for ‘building’ should be amended to exclude permeable roofs so as to exclude crop protection structures¹. The conclusion was not to amend the definition to exclude permeable roofs but *“that it would be better the plan provisions ... to clearly enable crop protection structures or other similar structure if this is the desired outcome”*.

24 Should crop protection structures be considered a building as per the ‘Building’ definition, the 20% building site coverage and the setbacks rules associated with the application of GRUZ-BFS1 and BFS4, and RLZ-BFS1 and BFS4 as they apply to buildings, would create unintended constraints on the potential use of the land for horticultural production.

25 On the basis that MfE envisaged that crop protection structures could potentially be captured by the ‘Building’ definition and that it was not their intention of the definition to do so, it is my recommendation to now accept the Hort NZ submission [295.138] and [295.173] while recognising that they will still be subject to one of the built form standards associated with height (BFS3), but not the other bulk and location standards, and suggest the following new provisions as provided in submissions [295.138] and [295.173]:

| | |
|--|--|
| <u>GRUZ-R X Artificial Crop Protection Structures</u> | |
| <u>Activity status: PER</u> <u>Where:</u> | <u>Activity status</u> <u>when compliance</u> |

¹ Ministry for the Environment. 2019. 21 Definitions Standard – Recommendations on Submissions Report for the first set of National Planning Standards. Wellington: Ministry for the Environment

| | |
|---|--|
| <p><u>1. dark green or black cloth is used on vertical faces within 30m of the boundary of the property;</u></p> <p><u>2. green, black or white cloth is used on horizontal surfaces;</u></p> <p><u>3. the artificial crop protection structure is setback at least 5m from the boundary to an adjacent lot;</u></p> <p><u>4. no maximum site coverage shall apply; and</u></p> <p><u>5. the structure complies with GRUZ-BFS3.</u></p> | <p><u>with GURZ-R15A is not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>RURZ-MD1- Natural environmental values</u></p> <p><u>RURZ-MD3 - Character and amenity values of the activity</u></p> |
|---|--|

| | |
|--|--|
| <p><u>RLZ-RX Artificial Crop Protection Structures</u></p> | |
| <p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>1. dark green or black cloth is used on vertical faces within 30m of the boundary of the property;</u></p> <p><u>2. green, black or white cloth is used on horizontal surfaces;</u></p> <p><u>3. the artificial crop protection structure is setback at least 5m from the boundary to an adjacent lot;</u></p> <p><u>4. no maximum site coverage shall apply; and</u></p> <p><u>5. the structure complies with RLZ-BFS3.</u></p> | <p><u>Activity status when compliance with RLZ-R16A is not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>RURZ-MD1- Natural environmental values</u></p> <p><u>RURZ-MD3 - Character and</u></p> |

| | |
|--|--|
| | amenity values of the activity |
|--|--|

26 The new rules will need to be renumbered accordingly.

27 Given the new proposed rules, the proposed definition for Artificial Crop Protection Structures [295.59] will also need to be accepted for completeness of the provisions:

Artificial Crop Protection Structures

means structures to protect crops and/or enhance growth (excluding greenhouses).

2. Please respond to the evidence of Mr Ensor for Fulton Hogan on RURZ-P1 and his proposed amendment.

28 Fulton Hogan’s submission [41.43] on RURZ-P1 wanted to replace Policy RURZ-P1 with a policy that focuses on rural character as derived from the primary production activities that occur within rural areas. Paragraphs [106] and [107] in the s42A Rural Zones noted that the proposed wording was more of a descriptor of the perceived character as against a policy.

29 In considering the explanation by Mr Ensor in paragraphs [27] to [30] in his evidence dated 25 September 2023, I understand the intent of what Fulton Hogan is trying to achieve. To what extent does land use drive character of the rural environment? And how are these reflected in the amenity values?² I prefer the assessment that rural character is a reflection of the geomorphic topology with land use overlaid.

30 While I consider the proposed wording in Mr Ensor’s evidence may achieve part of the outcome originally sought by Fulton Hogan, in my opinion it does not meet the original intent of their submission [41.43]. Having reconsidered the intent of the proposed changes, it is my opinion

² *Rural landscapes are, by their nature, strongly influenced by the type of rural activity and the intensity of associated settlement. Natural elements generally remain strongly evident but are overlaid by patterns and processes of human activity* (The Impact of Development on Rural Landscape Values, MfE, 2000).

that the wording in Mr Ensor evidence does not reflect the outcome trying to be achieved and the linkage to RURZ-O1, RURZ-O2 and GRUZ-P1. I therefore recommend RURZ-P1 is amended as shown that takes into account the intent of Mr Ensor's submission [41.43]:

RURZ-P1 ~~Amenity values and~~ Rural character and amenity values

1. Recognise ~~the contribution of amenity values to maintaining the character of the zones, and maintain amenity values in Rural Zones by that rural character and amenity values vary across the Rural Zones resulting from the extent of established primary production activities and their relationship with natural and physical resources.~~

2. Recognise that the elements that characterise an area as rural, from which desired rural amenity is derived, include the predominance of:

a. a landscape dominated by openness and vegetation;

b. significant visual separation between residential buildings on neighbouring properties;

c. where appropriate, buildings integrated into a predominantly natural setting; and

d. natural character elements of waterways, water bodies, indigenous vegetation and natural landforms, including the coastal environment where relevant.

3. restricting the density of residential units and minor residential units that can be established on a site consistent with the character of each rural zone, unless a development right has been protected through a legacy provision or is associated with a bonus allotment.

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.

31 Mr Ensor, in his evidence paras [24] to [26], discusses the Fulton Hogan submission on RURZ-P8 Reverse Sensitivity and states that policy wording around direct effects in a policy on 'reverse sensitivity' is

confusing. He states that clause 3 should be a stand-alone policy, implying that the clause relates to direct effects rather than reverse sensitivity. The clause requires that there should be adequate separation distance between existing sensitive activities and the establishment of new intensive rural activities, including quarrying.

32 I understand the reasoning as to why the effects associated with the establishment of a new quarrying activity near an existing sensitive activity is not considered reverse sensitivity, particularly when having regard to the Proposed Plan definition. On the basis of the submission [41.45], the hearing evidence from Mr Ensor, and the recommendation from the s42A Earthworks officers report to EW-P4 as noted in [141] that defers the separation of quarrying and mining activities to the respective zones, it is proposed that the new policy set out below is introduced that addresses this issue as proposed in Mr Ensor's evidence in para [26].

RURZ-P9 Direct Effects

Minimise the potential for adverse effects from the establishment of new activities on existing sensitive activities by:

1. Ensuring adequate separation distances between existing sensitive activities and new intensive primary production activities, quarrying activities, mining, heavy industrial zones and rural industry; and
2. Avoiding quarry, landfill, cleanfill area, mining activities adjacent to urban environments where the amenity values of urban environments would be diminished.

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.

33 It is acknowledged that there is a disjoint between the proposed amendments to RURZ-P8 and the rules across the Proposed Plan. I have

considered the responses by Ms Styles (for Daiken) to questions from the Panel. In her response Ms Styles proposed 3 options with respect to reverse sensitivity, Option 1 amending RLZ-R3 and RLZR4, Option 2 amending RLZ-R3, RLZ-R4 and inserting a new RURZ-MD9 on reverse sensitivity, and Option 3 with an amendment to RLZ-BFS5 and a new RURZ-MD9. Of the options proposed, I consider a modified Option 3 for RLZ-BFS5 is the most efficient and effective as it places all of the activity setbacks within one location.

34 As noted in the s42A Rural Zones officer’s report, Daiken has not provided any evidence as to what other reverse sensitivity effects there are other than noise from the Daiken site. The proposed wording in Option 3 has been amended to reflect that noise is likely to contribute towards reverse sensitivity effects. Given that Daiken consider that reverse sensitivity effects may affect operation at the plant, having a restricted discretionary status for sensitive activities is inconsistent with the approach taken elsewhere in the Proposed Plan. It is noted that the adjoining properties to the east, west and south are over 450m from the plant. These properties are well outside the noise contour and are unlikely to be subject to reverse sensitivity. The proposed amendment to RLZ-BFS5 is as follows:

| | |
|---|---|
| RLZ-BFS5 Separation distances to and from intensive indoor primary production or intensive outdoor primary production activity or quarry | |
| <p>1. Any new residential unit or minor residential unit or accessory building used for overnight accommodation <u>sensitive activity</u> shall be set back a minimum of:</p> <p>a. 20m from any existing intensive indoor primary production, intensive outdoor</p> | <p>Activity status when compliance not achieved: <u>RDIS NC</u> Matters of discretion are restricted to: RURZ-MD2 – Housing of animals RURZ-MD8 – Setbacks</p> |

| | |
|---|--|
| <p>primary—production activity where it is located on the same site;</p> <p>b. 300m from any existing intensive indoor primary production or intensive-outdoor primary—production 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>e. inside the Heavy Industry Zone Processing Noise Contour.</p> <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> | |
|---|--|

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:

- Please advise how the PDP will implement the second part of the new policy “where established they are removed”*
- What higher order planning instruments need to be implemented in the PDP, and does the addition of (e) appropriately implement those instruments?*
- If your opinion if 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.*
- 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).*
- 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.*

35 Upon further analysis I have changed my position regarding the inclusion of a Wilding Trees policy within the Proposed Plan. While recognising that Wilding Trees are a significant issue both nationally and within the Canterbury Region, the application of Wilding Tree control through the NESCF is managed by the Regional Council. Through Clause 80 of the NESCF, the Regional Council can control replanting where it is located within a red zone, Territorial Authorities do not have any role in controlling replanting from a wilding pines perspective (noting there are some territorial authority controls with respect to replanting adjacent to a significant natural area and other matters).

36 Given my change of position regarding Wilding Trees, I now do not recommend the proposed amendment of RURZ-MD4(5), apart from the inclusion of ‘less than 1ha’ as recommended in section 3.19.16 of the s42A Rural Zones officer report.

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-R30³.*
- 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.*

37 I do not agree with Mr Ensor’s statement that construction or demolition waste should be accepted as clean fill material. The landfill guidelines⁴ states that “*inert material (e.g. selected inert construction or demolition material) or soils with trace element concentrations greater than applicable regional background concentrations*”, which is material that does not leach, is corrosive, combustible, toxic or reacts to other materials when mixed. The Guidelines also note that class 2 landfills (accepting inert construction and demolition waste) should have an environmental site assessment of the geology, stability, surface hydrology and topography, an engineered liner and leachate collection system, and that as part of the operating condition for the landfill that there should be monitoring of accepted material and monitoring of sediment runoff and groundwater.

38 Demolition waste, unless adequately sorted, can comprise material that is hazardous or ecotoxic. CCA treated timber, asbestos, plastic and heavy metals are common materials that are found in demolition waste.

39 Fulton Hogan’s submission [41.3] on the definition of ‘cleanfill material’ noted that they consider the deposition of demolition waste into cleanfill sites as resource recovery. The definition of cleanfill is a NPS definition, and can not be amended when used in the same context.

40 Despite the above, GRUZ-R30 specifies quarrying as a discretionary activity, which should require an assessment of the types of construction

³ Fulton Hogan submissions [41.11] sought an amendment to the cleanfill definition. The submission [41.3] seeking that rules are amended to enable construction material as cleanfill.

⁴ WasteMINZ, 2016. Technical Guidelines for Disposal to Land.

and demolition material that can be accepted as fill for rehabilitation of the site and whether there is a sufficient environmental investigations. The proposed amendment sought by Mr Ensor hinges on the understanding of what inert fill is. Mr Ensor in his evidence refers to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2021 with respect to the class of landfill that should be allowed. The regulations include a definition of inert fill, it should be noted that this does not enable construction and demolition waste to be deposited as inert fill, which is required to be disposed of at a class 2 landfill. I recommend that the submission is rejected

41 Mr Ensor in his assessment of the NPS-HPL states that most aggregate extraction in the district would meet the test of clause 3.9(2)(j)(iv) NPS-HPL. That particular clause states: *'aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.'*

42 It should be noted that while local aggregate extraction may provide a regional benefit, the clause does refer to it having to meet the test of not being able to be sourced elsewhere in New Zealand. It is my understanding that aggregate from Waimakariri sources is mainly from the river, which is controlled by ECan, and is not subject to consideration of the NPS-HPL. It is also my understanding that aggregate to the north (Amuri) and the south (Yardhurst) of the district have better strength properties with respect to use in concrete production⁵. I do not agree with Mr Ensor that land based aggregate from the Waimakariri District automatically meets the requirement of clause 3.9(2)(j)(iv) of the NPS-HPL as being significant enough to not being sourced outside of the district.

43 Having read Mr Ensor's evidence on the relationship between infrastructure and the materials used in its construction, operation, and maintenance, I still prefer my assessment that was provided in section 3.6.2 in the s42A Strategic Directions officer report and para [88] to

⁵ Cement and Concrete Association of New Zealand, Technical Report 11. Properties of New Zealand Concrete Aggregates. ISBN 0908956193.

[93] in the Strategic Direction Right of Reply. As per the Strategic Directions Right of Reply, it is noted that most gravel is extracted out of the Ashley and Waimakariri rivers and their catchments, and is controlled by resource consents issued by the Regional Council.

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.

44 As detailed in paragraph 301 of the s42A Rural Zones officer's report, it is the intent that agricultural aviation is included in ancillary activities and is therefore considered a permitted activity. In my opinion, the request that an advice note is required confirming that agricultural aviation falls within the definition of primary production activities is not required. It is not proposed that all ancillary agricultural activities are listed in an advice note. An advice note assumes that the activity is unique within the district or requires a special explanation, and could imply that other ancillary activities are not permitted as they are not identified in the definition.

45 It is noted that Advice Notes may assist in navigating the district plan, but have no legal status and cannot be used to change a definition or a rule.

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.

46 The Federated Farmers submission [414.189] wanted to 'amend' the rural zone boundaries and lot sizes based on soil characteristics. LUC1-3 class land should be protected from smaller lot sizes and lesser quality land may be suited to 4ha lot sizes. This submission has been divided into two parts, the first relating to moving the GRUZ/RLZ boundary, and the second relating to protecting LUC Class 1 to 3 land from small lot subdivision.

47 Paragraph [285] of the s42A Rural Zones officer report addresses the first part of the submission regarding the moving of the rural zone

boundary based on LUC classification which is recommended to be rejected. Paragraph [834] relates to the second part of the submission regarding the protection of LUC Class 1 to 3 land from small lot subdivision which is recommended to be accepted and forms part of the subdivision consideration within the GRUZ area.

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.

48 While paragraph [303] refers to plantation forestry, the correct reference should be to the term 'forestry activities' as per the primary production definition. With respect to submission from Dairy Holdings Limited [420.31] commercial forestry greater than 1 ha is permitted under the NESCF. As per the National Planning Standards definition for primary production, forestry activities are permitted under GRUZ-R2 and RLR-R2. The primary production definition does not specify any size constraint associated with forestry activities, meaning that those that are not covered by the NESCF would therefore need to be permitted by the rules in the Proposed Plan.

49 I concur with the assessment of commercial forestry and how it should be addressed in the Proposed Plan as presented in the memo from Mr Wilson dated 22 November 2023 on NES on Commercial Forestry (NECF) and required changes. I note that Mr Wilson has considered the relevant RMA sections identifying the relationship between NESs and district plans when preparing his response.

50 My understanding is that s43A(5) RMA provides for stating permitted activity status and can deal with effects that are **different** from those in the NES. Section 44A deals with duplication or conflict between an NES and a local authority plan or proposed plan.

10. NZ Pork and HortNZ evidence outlined the functional need for permanent and seasonal 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.

51 Mr Barugh and Mr Hodgson have not provided any evidence as to the actual need for seasonal workers accommodation beyond a broad statement regarding the need for the housing of staff onsite. While it is acknowledged that there are 10 pig farm operations within the district and that these may require accommodation onsite given the 24-hour staff availability requirement stated in the evidence of Mr Barugh and Mr Hodgson, no evidence was provided as to actual demand for seasonal workers accommodation and why the accommodation has to be 120m² as against the proposed 90m² minor residential unit sizing.

52 Ms Cameron in her evidence also noted that there was a big demand for seasonal workers accommodation, but did not provide any evidence to support the statement. She refers to the evidence of Mr Lindsay as justification for the need of seasonal workers accommodation. Mr Lindsay states that most of their employees live within 10-15km of their operation, with half residing in the district⁶. He did however note that he was considering using Recognised Seasonal Employees (RSE) due to labour shortages. While I acknowledge that additional accommodation is required for RSE workers, in industries that are heavily reliant on RSE workers, such as kiwifruit, accommodation is provided at central locations, as RSE workers often work across multiple orchards (orchards are often managed by firms that may be responsible for 30-60 orchards at any time). Within the kiwifruit industry, workers accommodation is not the responsibility of individual orchards, but is administered by the management firms.

⁶ para [18]

- 53 Paragraph [114] of Mr Hodgson’s noted that external drivers such as sustainability, animal welfare and climate change may lead to more pork production in New Zealand. While this may be the case⁷, NZ Pork have identified that most pork imported into New Zealand failed to meet the animal welfare standards and the majority were imported from countries in the northern hemisphere⁸. In addition to this fact, pork production within New Zealand has been decreasing over the last 20 years (figure 1)⁹, and unless this trend continues the need for seasonal workers accommodation associated with pork production is unlikely to increase.
- 54 Mr Hodgson in his evidence from para [107] to [120] has not provided any alternative assessment. I prefer my analysis of the need for seasonal workers accommodation as presented in section 3.6.6 of the s42A Rural Zones officer’s report.

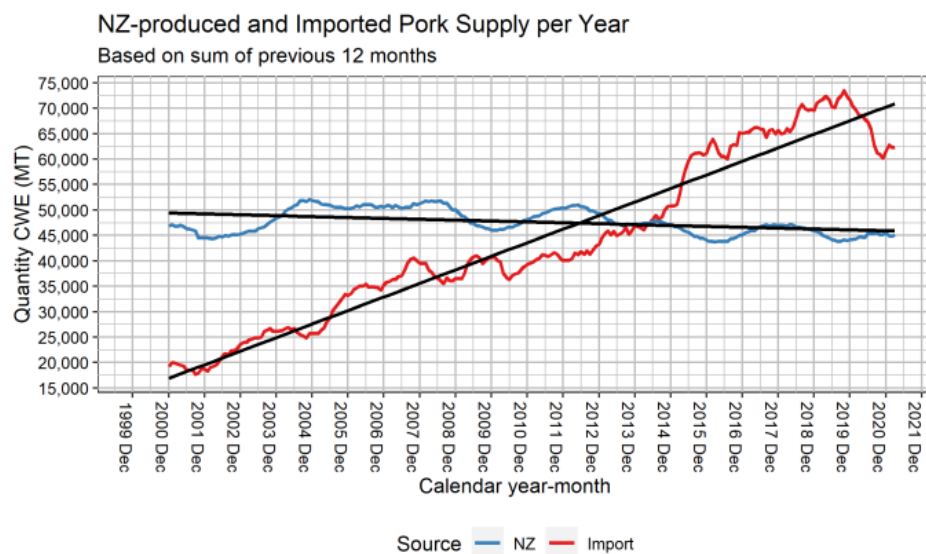


Figure 1. Pork production vs imports 1999 to 2021.

⁷ Realini C.E., et al. 2023. Survey of New Zealand consumer attitudes to consumption of meat and meat alternatives. Meat Science 203 Online.

⁸ <https://www.nzpork.co.nz/news-events/high-volumes-of-imported-pork-are-failing-to-meet-new-zealand-animal-welfare-standards>

⁹ https://assets.website-files.com/5f87a6eb2f34a3a32b6165cf/609b09372dbe00122c8ea21f_March_2021_Import-Export.pdf

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.

55 The proposed increase in staffing numbers reflects the type and size of rural industries in the district. Given Waimakariri's close proximity to a large urban market, large labour force and a major transportation hub, rural production industries are more likely to be larger in size than those rural communities located further away from such resources.

56 The potential effects associated with the change in staffing limits on amenity and roading network are likely to be minor. GRUZ-BFS1 allows for a maximum building coverage of 20% of the net site area. For those rural businesses presented in section 3.17.25 of the s42A Rural Zones officer report, the buildings coverage at these properties was between 0.3 to 8%, well below the 20% limit in GRUZ-BFS1.

57 Despite this, the addition of five extra staff members as proposed in section 3.11.24 of the s42A Rural Zones officer report could result in the establishment of large rural industries. GRUZ-R2 and RLZ-R2 enable, through the definition of 'primary production' businesses to establish in the rural zones where produce is processed. However, while small rural industry activities are permitted in the Rural Zones, they are of a scale that is unlikely to significantly impact upon the amenity and character of the rural zones.

58 I recommend that the proposed deletion of GRUZ-R(1) and RLZ-R(1) be reversed. This is inline with Objective RURZ-O1 where rural openness dominates over built form, and RURZ-O2 ensuring activities that have a functional need to be in the Rural Zones. The proposed amendment is as follows:

| GRUZ-R11 Rural industry | |
|--|--|
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. a maximum of <u>five</u> staff shall work on the site at any other time; 2. the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production; 3. the maximum GFA occupied for the rural industry shall be 250m² 4. the maximum GFA occupied for the rural industry within a SASM shall be 150m² 5. the maximum land area occupied for the rural industry shall be 500m²; 6. any retail sale of goods shall be set back a minimum of 10m from the site boundary; 7. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site; 8. the maximum NFA or land area occupied for retail sales shall be 50m²; and 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. | <p>Activity status when compliance with GRUZ-R11 (56) or (89) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values RURZ-MD3 - Character and amenity values of the activity RURZ-MD5 - Rural sales</p> <p>Activity status when compliance with GRUZ-R11 (34) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>SASM-MD1 – Wāhi tapu and wāhi taonga SASM-MD2 – Nga Tūranga tūpuna</p> <p>Notification</p> <p>An application for a restricted discretionary activity under GRUZ-R11 (4) is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga</p> <p>Activity status when compliance with GRUZ-R11 (1) to (23), (45), (67) or (78): DIS</p> |
| <p>Advisory Note</p> <ul style="list-style-type: none"> • It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity. | |

| RLZ-R11 Rural industry | |
|--|--|
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. a maximum of <u>five</u> staff shall work on the site at any other time; 2. the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production; 3. the maximum GFA occupied for the rural industry shall be 250m²; 4. the maximum GFA occupied for the rural industry within a SASM shall be 150m²; 5. the maximum land area occupied for the rural industry shall be 500m²; 6. any retail sale of goods shall be set back a minimum of 10m from the site boundary; 7. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site; 8. the maximum GFA or land area occupied for retail sales shall be 50m²; and 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. | <p>Activity status when compliance with RLZ-R11 (6) or (9) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values</p> <p>RURZ-MD3 - Character and amenity values of the activity</p> <p>RURZ-MD5 - Rural sales</p> <p>Activity status when compliance with RLZ-R11 (34) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>SASM-MD1 – Wāhi tapu and wāhi taonga</p> <p>SASM-MD2 – Nga Tūrangā tūpuna</p> <p>Notification</p> <p>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</p> <p>Activity status when compliance with RLZ-R11 (1) to ((23), (45),(67) or (78): DIS not achieved: DIS</p> |
| <p>Advisory Note</p> <ul style="list-style-type: none"> • It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity. | |

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).*

59 The effects that the district plan intend to manage with respect to free range poultry relate to amenity values. As per Ms McConnell's speaking notes (para [8]), free range poultry operations have a stocking rate of 2,500/ha compared to 10,000/ha for intensive production. Intensive production results in greater odour potential associated with more birds and more waste (given that air is concentrated via extraction fans).

60 Game bird farming does not enable the birds to run free range across an area of land. The birds are generally confined inside a or building and an enclosed netted area. While the number of game birds may be small the density per square metre could be high. Given the number of game birds in an operation typically covers a small area and has a limited breeding/rearing season¹⁰, the effects of the operation are likely to be closer to that of free-range poultry rather than intensive production. On this basis I propose to amend the definition for Intensive Outdoor Primary Production to exclude game bird farming.

Intensive Outdoor Primary Production

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; and

¹⁰ 6 to 8 weeks

[j. game bird farming.](#)

61 Associated with the amended definition, there will also need to be an amendment to the proposed amended rules GRUZ-R17 and RLZ-R18, as follows:

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

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

62 With respect to the proposed rules GRUZ-R18 and RLZ-R19 and the setbacks from sensitive activities, details as to what constitutes a sensitive activity was discussed in the s42A Rural Zones office report.

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.

63 The proposed height limit for wind turbines in GRUZ-BFS3 is 12m does not including the blades, while EI-R41 has a maximum height of 20m including the blades. The typical blade length to height ratio of up to 0.7 (dependent upon the number of blades), the actual total height of a permitted wind turbine in GRUZ-BFS3 is 20m.

64 It is noted that not all wind turbines¹¹ are used for electricity generation. It is subsequently noted that wind turbines apply to wind machines that generate electricity using kinetic energy, where wind mills use rotational force, and are primarily used for pumping water. There are a number of wind mill suppliers in New Zealand (Ferguson Wind Mills, NZ Stirrers and BM Industries) that have systems designed for pumping water. Given that EI-R41 does not cover non-electricity generating wind mills, I recommend that the amendment to GRUZ-BFS3 to clarify the intension of the BFS is to capture wind mills as against wind turbines.

| GRUZ-BFS3 Height | |
|---|---|
| 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. 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 turbinesmills shall be 12m above ground level (not including blades).</u> | Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: RURZ-MD7 - Height |

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.

65 The Operative Plan used a notional boundary for the separation of dwellings from intensive farming activities (Rules 31.19.11 and 31.19.12). Although it should be noted that a notional boundary was only used for dwelling houses.

“Notional Boundary means a line 20 metres from any part of a dwellinghouse, or the legal boundary of any site where this is closer to the dwellinghouse”

66 Should the aforementioned activities be considered as sensitive activities¹², the legal boundary of the property has been used in the Operative Plan as a delineation, although only for dwellings. It is reasonable to expect that this could also be applied to other sensitive activities establishing in an area.

67 Policy 14.3.5(1) of the RPS states that encroachment of new development on existing activities discharging into air should be avoided, where the new development is sensitive to those discharges. This policy is reflected in RURZ-P8, whereby reverse sensitivity effects are minimised by avoiding the establishment of any new sensitive activity near existing intensive primary production.

68 In recognising that open space recreation and retail businesses (farmers markets) have been identified as being highly sensitive activities within the MfE guidance document, an amendment to the built form standards

¹² It is noted that Table 4 of the Good Practice Guide for Assessing and Managing Odour (MfE, 2016) does identify schools and open space recreational areas as being high and moderately/high respectively as general sensitivity to odour.

GRUZ-BFS5 and RLZ-BFS5 would address the concerns of NZ Pork. I do not however accept that recreational activities, such as horse trekking, running, cycling etc are sensitive activities, as they can occur within road reserves or other open spaces on private land and are relative mobile activities. The following amendment are recommended:

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

| | |
|---|--|
| <p>3. <u>For sensitive activities that comprise outdoor areas setback distances shall be measured from a notional area of 20m from the outside boundary of any playing surface, the footprint of any buildings, or commercial area.</u></p> | |
|---|--|

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*

69 The proposed new policy to RLZ-P3 by Ms Kealey is a repetition of policy LLRZ-P5, which deals with Large Lot Residential Zone Overlay. Ms Kealey’s reasoning is that the policy and rule is required to enable development of LLRZ within the RLZ and making the link to the LLRZ. In my opinion having LLRZ policies within the RLZ chapter are inconsistent with the purpose of the Rural Lifestyle Zone and its objectives.

70 I do not agree with Ms Kealey’s assessment that a LLRZO is consistent with policies 1 and 8 of the NPSUD. Policy 1 requires Council decisions to contribute towards a well-functioning urban environment. While LLRZ is a residential living zone, it is not considered to be part of an urban environment as it does not meet all of the criteria listed in the policy. Policy 8 does not apply to properties in the LLRZO as they are not ‘unanticipated’ as they have been identified in the Proposed Plan.

71 I do not consider that there is a need to repeat the policy within the RLZ chapter that relates to the LLRZO, it is the objective, policy and other provisions of the LLRZ that are to apply, not those of the RLZ.

72 Ms Kealey has noted that Policy UFD-P3 makes reference to “...future Large Lot Residential Zone Overlay...” This policy is the only place in the

Proposed Plan where reference is made to “future” LLRZO. I consider that the intention was that the policy should reference to the LLRZO shown within the Proposed Plan as identified in the RRDS. On this basis I propose the following amendment:

UFD-P3 Identification/location and extension of Large Lot Residential Zone areas

In relation to the identification/location of Large Lot Residential Zone areas:

1. 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;

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.

73 Appendix 4 provides an assessment of the differences between the rural residential from the RPS and Large Lot Residential and Rural Lifestyle from the National Planning Standards.

74 I do not agree with all of Ms Aston’s assessment of the application of the NPS-HPL. Clause 3.5.7(b)(ii) relates to whether the LLRZO meets the test of being identified in a strategic planning document as being suitable for urban development.

75 Ms Aston’s evidence for Survus not only refers to 25 Ashley Gorge Road, but also refers to other land which is “suitable LLR locations”. The NPS-HPL does not exclude land in clause 3.5.7 because it is considered to be a ‘suitable LLR location’ In this case the NPS-HPL applies.

76 For 25 Ashley Gorge Road, while the land is identified as a distinct parcel of land on the Proposed Plan planning map, it is not identified as a distinct parcel in the Rural Residential Development Strategy (RRDS) but rather the general direction of growth (figure 1).

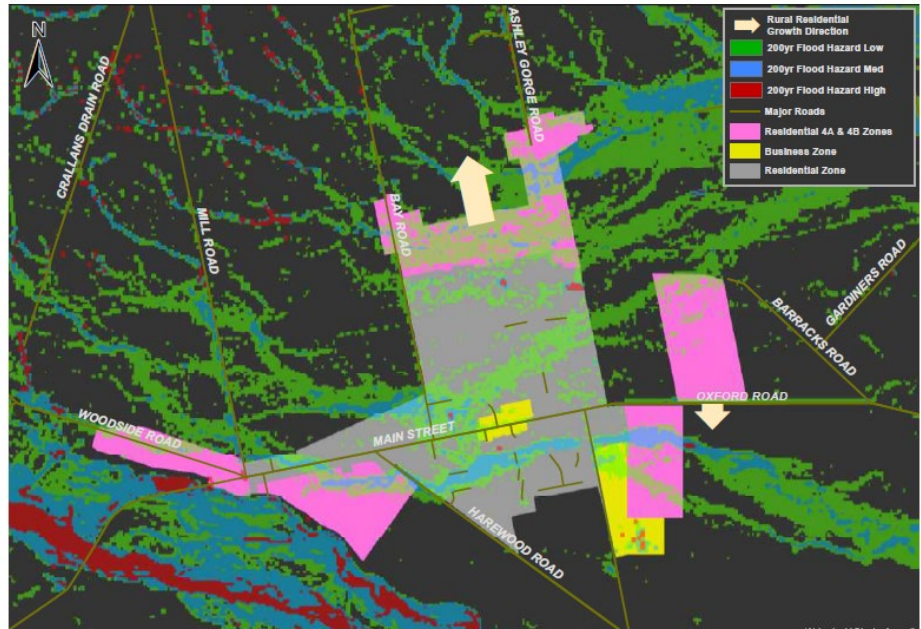


Figure 1. Oxford rural residential growth direction.

77 Despite this, it is reasonable to assume that the land parcels identified in the Proposed Plan planning maps as LLRZO meet the test of having been identified in a future development strategy. I also accept Ms Aston's assessment in her evidence that LLRZ meets the test of urban in the NPS-HPL (low density residential), and meets part of Policy 1(a)(i) as meeting the type, price and location of different households.

17. Regarding RLZ-R1, please consider whether an advice note would be appropriate to make clear how the rules apply to relocatable/moveable buildings.

78 I do not agree that an advice note would be appropriate to make clear how the rules apply to relocatable/moveable buildings. I prefer the approach outlined in para [289] of the s42A Rural Zones officer report. Where a building is temporarily stored on a site, the activity is covered by the Temporary Activities provisions, where it is permanently located to a site I consider the building to be covered by GRUZ-R1 and RLZ-R1 as having been altered.

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.

79 Consideration of Ms Styles evidence and the application of controls associated with the Daiken site has been addressed in question 4 of the Rural Right of Reply.

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.

80 I do not agree that an advice note is needed for RLZ-R11 Rural Industry directing plan users to the Transport chapter. The introduction for RLZ states “As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant”, directing the reader to the fact that the district plan is to be read as a whole. Inclusion of a specific advice note to one specific chapter or provision may present a picture that that particular chapter/provision is either the only relevant chapter or is more important than other chapters. This would ignore the fact that a rural industry might be located on a local road vs a strategic road, which does not require greater consideration for traffic effects than any primary production activity such as hay baling, grain harvesting or fruit picking. Adopting this approach for this specific rule would also potentially require a number of other rules to be referenced to other chapters by way of advice notes, which would not result in efficient plan drafting or implementation.

20. Please provide updated wording for your recommended amendment to RLZ-R11 so that the rules flow properly from the chapeau.

81 I am not proposing any amendments to RLZ-R11 other than the deletion of activity standard (3), which does not change that the activity standards flow logically 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.

82 It is unclear what the reference in the question to RLZ-R13 and existing residential buildings and proposed 20 metre setback actually relate to.

83 RLZ-R13 contains provisions relating to setbacks for retail sales associated with conservation activity from the boundary of the site. The proposed setback of 10m is consistent with the approach taken elsewhere in the plan (GRUZ-R10, R11, R13, R15 and RLZ-R10, R11, R15) where the activities are considered part of the rural environment.

84 RLZ-BFS4(1) is the relevant rule that applies to the setback of a residential unit or minor residential unit. Given that the Operative Plan already has a rule requiring dwelling setbacks of 20m from neighbouring boundaries, continuation of the rule is unlikely to create any difficulties. In any event, new rules cannot retrospectively be existing activities and buildings under the 'existing use' provisions of s10 RMA.

85 The issue of dwelling setbacks is considered to be minor as there have only been 20 resource consents issued in the past 10 years for internal boundary encroachments in the district.

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.

86 Motorised vehicle recreation primarily occurs within the public space inside the stop banks on the Waimakariri, Rakahuri, Okuku and Eyre Rivers. These areas are predominantly zoned General Rural and Rural

Lifestyle zones. Outside of some individual farms, there are a few places in the district where motorised recreational activities occur. Given that the effects of motorised recreational activities would not be different between the two zones, I recommend that the proposed amendment to RLZ-R14 also apply to GRUZ-R14.

- 87 While the recreation activity is permitted, any facilities associated with them require resource consent (such as RLZ-R22 Equestrian and ancillary activities and facilities RDIS; RLZ-R34 Recreation facilities DISC; and RLZ-R37 Sport shooting facility DISC). This is focussed on essentially controlling where organised events can occur. It is not Councils intention to control recreational activities within the rural zones where they occur within public or on private land.
- 88 While I can understand recreational activities associated with sports fields, which are zoned open space and recreation, may be considered as sensitive activities, I do not consider trail bike riding, mountain and road cycling, running and horse trekking as sensitive activities, given that they generally involve covering large distances.
- 89 Mr Hodgson in his evidence (para [57 to 65]) identified a series of effects that he considers may occur with recreational activities. It should be noted that some of the effects he mentions are associated activities that are controlled by other legislation or bylaws, such as: fireworks displays require 'Outdoor pyrotechnics display compliance certificates', fire permits through FENZ, and Biosecurity Act (1993). There is no explanation behind why some of these effects are associated with recreational activities, or why he thinks that such activities, such as fires and biosecurity¹³, are considered more prevalent with recreational activities rather than neighbouring primary production practices.
- 90 My assessment is that some of the concerns expressed by NZPork and Hort NZ relates to newly established recreational facilities, which are discretionary in the rural zones. Neither submitter has provided any actual evidence as to what the impacts are of recreational activities on

¹³ Present threat of M Bovis and Tb spread is associated with cattle movement.

primary production. I do not agree that there is a need to amend RLZ-R14, however I do agree that GRUZ-R14 should be amended to remove reference to motorised recreation activity.

| GRUZ-R14 Recreation Activities | |
|---|---|
| Activity status: PER Where: 1. the activity is not a motorised recreation activity. | Activity status when compliance not achieved: DIS NA |

Section 32AA evaluation GRUZ-R14 and RLZ-R14

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

- The proposed amendments better meet RURZ-O2 in that motorised recreational activities have a functional need to be located in the rural environment, as they cannot generally occur within an urban environment. Provision has been provided for these activities to occur within private and public land (such as the road corridor and inside the stop banks along main braided rivers).
- Recreational activities within the rural environment are consistent with RURZ-P3. Other than organised recreational activities at recreational facilities, I do not consider recreational activities will limit or constrain the operation of primary production activities or result in adverse effects on sensitive activities. While there may be some noise and traffic effects, no evidence has been provided to demonstrate that these would have adverse effects on primary production.
- 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.

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?

91 The Rangiora A&P showgrounds has been operated over the past 150 years by the Northern A&P Association, and Muscle Madness has been operating for the past 20 years. Over both time periods, the nature of events and the construction of buildings and other facilities have changed significantly to the extent that establishing ‘existing use rights’ would be exceedingly complex and likely to be mired in legal proceedings for a lengthy period with significant costs to a number of parties. Accordingly, although it is not elaborated on in section 5.4 of the Rural s32 report, the Rangiora A&P Showground activities were included in a list of other permitted activities on the basis that they are appropriate within the zone and the effects can be fully managed through activity and built form standards.

92 The permitted activities provided for under RLZ-R16 would include mobile food vendors and market stall vendors as an essential and ancillary part of the main activity (such as the annual A&P Show event). As such they would not come within the “Temporary activities” provisions.

- 93 The provisions in the TEMP chapter, especially TEM-R9 Temporary activity, were not considered suitable for the Rangiora A&P Association site as the permitted activity standards would not provide for the activities being undertaken. One option would be for there to be a specific rule under the TEMP chapter for the Rangiora A&P Association site. However, the Rangiora A&P Association activities, including mobile traders associated with events, would not meet the definition of a 'Temporary activity' and would appear anomalous amongst the other activities, as it is a site-specific activity and all the other temporary activities are 'non-site specific'.
- 94 Having heard Mr Knowles regarding his concerns about the running of the muscle car madness, I have met with the Council compliance team to discuss any issues associated with this year's event. The main issues were noise, alcohol enforcement, onsite traffic management and camping.
- 95 The noise issue this year relates to the time the band finished, for which a special dispensation was given by Council, and noise from the camping area (mixed with alcohol) late in the evening. Council did not receive any complaints that directly related to noise from inside the event (although as Mr Knowles points out in his evidence this might be as a result of frustration due to inaction by Council in the past). The organisers were alerted to the noise from the campground and are in discussions with Council over the control of alcohol at the site.
- 96 Alcohol issues are controlled through the Alcohol Control Bylaw. Traffic management onto the site was regulated through the Traffic Management Plan. Camping activities are controlled through the Camping-Ground Regulations (1985).
- 97 Mr Knowles identified the following permitted activity for the Proposed Plan:
- One Day Motor Vehicle Display Events conducted between the hours of 8.00am to 8.00pm.*

98 Given Mr Knowles description of what type of events he envisages that would be captured by this rule is useful. The proposed provision forming part of RLZ-R16 is consistent with the intent of RURZ-P1(2) and RURZ-P3(3).

An annual Muscle Car Madness motor vehicle display event lasting no longer than 4 days (96hours) subject to prescribed rules.[suggested later in this submission].

99 The suggested rules by Mr Knowles, and my assessment of the rules, that are applicable to the Muscle Car Madness event are as follows:

- *The event is open to the general public at all times,*

The event is open to the general public given payment. This is not an RMA matter as the land is privately owned.

- *The event must have a Council approved management plan, that is open to the public for comment,*

It is proposed to include a clause within the rule to require that a management plan be provided. However, most of the issues that have been raised by Mr Knowles are outside the scope of the RMA or require Council to adequately enforce the existing district plan provisions.

- *The event must have a traffic management plan which includes no pre or post event parking (especially camping) on the streets which bound the show grounds,*

The event is required to have a traffic management plan which is submitted to Council prior to any event.

- *Onsite public parking is preferably on the south section of the showgrounds from the Cemetery to Coldstream Road for the period of the event is open to the paying general public of the display event,*

This is something that is addressed partly through the Traffic Management Plan.

- *No camping in the designated public parking area is permitted at any time during the event or any other event,*

This is controlled through the Camping Ground Regulations and may be part of an approved management plan.

- *The total camping area is subject to the Camping Ground Regulations (1985),*

Management of the camping regulations is undertaken by the Council compliance team through those regulations and is not an RMA matter.

- *Any camping pre and post and during the event or any other event, must be confined to the north east corner of the Polo grounds within the showgrounds,*

My understanding is that camping was originally moved from the Polo fields due to damage to the fields. This is an issue that the A & P Association needs to discuss with the Muscle Car Madness Organisers.

- *At no time pre, post and during the event and any other event can noise levels from the show grounds exceed levels in the District Plan,*

NOISE-R19 permits activities where they meet NOISE Table 2, where they don't meet the limits in table 2 they are either a restricted discretionary activity or a non-complying activity where it is by more than 10 dB LAeq.

- *"Cruising" is allowed only within the hours of 3pm to 9pm on three (or two) evenings during the event,*

Outside of the A&P Showgrounds, the movement of traffic vehicles where they cause a nuisance is controlled by the police.

- *All cruising vehicles must be registered and display a current warrant of fitness and be in a position to pass a warrant of fitness examination if stopped whilst cruising, and*

Vehicles which do not have a current registration or warrant of fitness and are moving are regulated by the police, where the vehicles are parked then the Council parking provisions and enforcement under the Land Transport (Motor Vehicle Registration and Licensing) Regulations (2011).

- *The Council must have a senior Noise Control Officer available 24 hours a day in Rangiora to receive and attend noise control breach complaints, for the full day before the event, during the event, and the day after the event.*

Council provides a 24-hour 7-day noise control service¹⁴.

- *All other multiday motor vehicle display events are discretionary activities, subject to Resource Consent application and similar rules to those applied to Muscle Car Madness.*

It is understandable that there should be no more than one event similar to Muscle Car Madness per year.

100 Given that most of the issues are associated with activities that occur off site, and are therefore outside of the control of the organisers, deal with alcohol breachers or noise, which requires better enforcement.

101 On this basis I recommend the following amendment to RLZ-R16:

| RLZ-R16 Rangiora A&P Showground activities | |
|--|--|
| Activity status: PER Where: 1. The activities on the site are: a. an annual A&P Show event; b. recreation activities; | Activity status when compliance not achieved: DIS |

¹⁴ <https://www.waimakariri.govt.nz/consents-and-licences/noise-control>

| | |
|--|--|
| <ul style="list-style-type: none"> c. equestrian and ancillary activities and facilities; d. community facility; e. community market; f. one motor vehicle display event of four days duration per calendar year; g. one motor vehicle display event of two days duration per calendar year; and h. dog agility and training. <p>2. For all motor vehicle display events a management plan for the activity shall be provided addressing the following aspects as a minimum:</p> <ul style="list-style-type: none"> a. Hours of operation; b. Location of camping areas; c. Mitigation measures to control noise between 8pm and 8am during the event; and d. Extent of community consultation and any outcomes. | |
| <p>Advisory Note</p> <ul style="list-style-type: none"> • Rules for temporary activities are contained in the Temporary Activities Chapter. • Overnight camping at the Rangiora A&P Showgrounds is required to comply with the Camping-ground Regulations (1985). | |

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.

102 Amending RLZ-BFS4, and subsequently GRUZ-BFS4, implements Objectives RURZ-O2 by supporting activities that have a functional need to be in the rural zones, EI-O3, EI-P6, TRAN-O1 and TRAN-O4 by increasing the setback in line with factual evidence that supports the safe

transport mode and addresses reverse sensitivity on transport system. As discussed in the general question in the completed preliminary questions from the Hearings Panel, a 4m setback is sufficient to enable scaffolding or a cherry picker/scissor lift to operate safely without unduly restricting available land within the rural zones.

103 In addition, policies TRAN-P13(1) enabling safety, amenity values, efficiency or functionality of the transport system, and TRAN-P15(2) avoiding, remedying or mitigating reverse sensitivity effects on the transport system, and with the setback based upon factual information, and RURZ-P2 maintaining the availability of land for primary production and (2)(c) where to the extent practicable, that adverse effects are internalised are all implemented by increasing the setback from 3m to 4m.

104 Ms Heppelthwaite's and Ms Grinlinton-Hancock's evidence and supplementary evidence for KiwiRail did not present any factual basis for why a 5m setback was considered safer than a 4m setback, or any other width of setback. Ms Grinlinton-Hancock in her evidence does refer to the need for diggers to operate within the space behind buildings. Assuming this involves placing a gravity pipe, a setback of 2m from the foundations of the building is sufficient, meaning that a 4m setback is adequate. Typically, a 1.8 tonne digger would be used for small trenching, which has a width of 2m across the tracks. All of the equipment needed for the maintenance of a building or for trenching can easily be accommodated inside the 4m setback.

105 I note that Ms Grinlinton-Hancock in para [4.15] of her evidence accepted Councils recommendation of a 4m setback in the rural zones. Ms Grinlinton-Hancock stated that diggers would require 3-5m for operation, a 50-tonne digger which is 4m wide, which has an operating depth of 10m is highly unlikely to operate that close to the foundations of a rural building. On the basis that no factual evidence was provided in either Ms Heppelthwaite's and Ms Grinlinton-Hancock's evidence and supplementary evidence, I do not support any amendment from my

original recommendation in section 3.18.3 of the s42A Rural Zones officer report.

106 For consistency purposes I recommend that rail corridor setback in GRUZ-BFS4 also be amended to be consistent with RLZ-BFS4, to read as follows:

| GRUZ-BFS4 Building and structure setbacks | |
|--|---|
| <p>1. Any residential unit or minor residential unit shall be set back a minimum of:</p> <p>a. 20m from any road boundary (except for any fence); and</p> <p>b. 20m from any internal boundary (except for a fence).</p> <p>2. Any water tank shall be set back a minimum of 5m from all boundaries.</p> <p>3. Any stockyard shall not be required to be set back from any boundaries.</p> <p>4. Any other buildings and structures shall be set back a minimum of:</p> <p>a. 10m from road boundaries (except for any fence); and</p> <p>b. 34m from internal boundaries (except for any fence).</p> | <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: RURZ-MD8 – Setbacks</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p> |

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 NZ Hort submissions.

107 Having further reviewed RURZ-MD8(6), I understand the gap around considering reverse sensitivity on primary production activities that are

lawfully established but are not permitted by the Proposed Plan. On this basis I recommend the following amendment:

RURZ-MD8

6. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other permitted [or lawfully established](#) activities occurring on adjacent rural properties.

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).

108 Mr Hume's evidence in paragraph [28] requests that high class soils be directly referenced in RLZ-O1 and RLZ-P1. As discussed in section 3.20. of the s42a Rural Zones officer report and the preliminary response to panel questions, the RPS does not provide for the consideration of versatile soils within the Greater Christchurch area. I understand that the reason versatile soils are not considered within the Greater Christchurch area is because the Chapter 6 provisions, including Map A, already set out where urban growth and development is to occur and where it is not to occur. Consideration of versatile soils has already been undertaken in the process of determining the areas for urban growth and development. For those parts of the district that are outside of the Greater Christchurch area consideration has been given to versatile soils in the proposed s42A Rural Zones amendments to RURZ-P2, which is reflected in RLZ-P1(3) supporting activities reliant on the natural and physical resources, and RLZ-P2 retain opportunities for land within the zone to be used for primary production activities.

109 I note that the Federated Farmers submissions on RLZ-O1 [414.199] and RLZ-P1 [414.200] were acknowledged in para [813] and subsequently rejected in Appendix B Tables B24 and B24 respectively. However, I do acknowledge the substantive discussion about those specific

submissions is not present in the s42A Rural Zones officer report. Given that RLZ allows for subdivision down to 4ha as a controlled activity, greater consideration of versatile soils is limited based upon parcel size. I do not recommend any subsequent amendments to RLZ-O1 and RLZ-P1 in response to the submission.

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.

110 Ms Orr's supplementary evidence (ECan) regarding Policy 15.3.1 and avoidance of significant long-term adverse effects on soil quality is intended to address soils contamination and the accumulation of hazardous substances. The policy (15.3.1) is not directed towards stopping land use that does not degrade soils quality. The supplementary evidence does not establish the causal link between urban use and significant long term adverse effects on soil quality¹⁵. I do not agree with the evidence and do not think that this policy is relevant to the Rural Zones chapters and has been addressed in HS-O1.

111 Ms Aston's evidence regarding the application of versatile soils under the RPS and its relationship with the NPS-HPL has not presented any new issues that were not previously discussed in detail in section 3.20 s42A Rural Zones officer report and the memo on the NPS-HPL dated 30 June 2023.

112 I do not agree with Ms Aston's evidence relating to the primary purpose of the RLZ being lifestyle activities and not primary production. The purpose of the RLZ is clearly set out in RLZ-O1 and it is primary production and activities reliant on the natural and physical resources of the rural environment. In my opinion, as reflected in the Macfarlane

¹⁵ For discussion on urban soils see: Pouyat R.V et al, 2010. Chemical, physical, and biological characteristics of urban soils. In Aitkenhead-Peterson J and Volder A (eds) *Urban Ecosystem Ecology*. American Society of Agronomy. Agronomy Monograph 55.

report¹⁶, the biggest inhibitor to RLZ land being used for primary production is the lack of knowledge of land owners on production potential of the property and the relatively cheap cost of the land¹⁷, disincentivising the need to require the land to produce a return. This is not a reason as to why the RLZ land cannot be underutilised for primary production.

113 It is appropriate to differentiate LLRZ from RLZ, as given the size of the property, there is no expectation that primary production will occur on LLRZ, as they are described as providing for residential living on larger lots within the introduction of the chapter. A more detailed assessment of the difference between the various rural and residential zones is in Appendix 4.

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.

114 The description of how the amendments to RURZ-O1, RURZ-P2 and GRUZ-P2 are detailed in the memos from Council to the Hearing Panel dated 30 June and 22 July 2023, and section 3.20 of the s42A Rural Zones officer report.

115 The term “*highly productive land*” used in RURZ-O1 refers to NPS-HPL. Given that versatile soils can be considered as a subset of HPL, in that they both include LUC class 1 and 2 soils, while LUC class 3 soils only applies to the NPS-HPL, and the term versatile soils (LUC 1 and 2) is a subset of HPL (LUC class 1 to 3). Versatile soils can be deleted from GRUZ-P2 without being inconsistent with the RPS. However, both terms still apply to RURZ as they are used within GRUZ and RLZ.

¹⁶ Macfarlane Rural Business, 2008. Waimakariri District Plan Review: Rural Production Advice – Rural Land Zoning.

¹⁷ Sections 4.1 and 4.3 of MacFarlane report

116 Versatile soils is still a relevant consideration within the RLZ, despite the NPS-HPL being excluded under clause 3.5.7. The loss of versatile soils has already been considered within the Greater Christchurch area of the RPS, through controlling subdivision in the area by limiting it to Map A.

117 I recommend the following amendments to policies:

RLZ-P1 Character of the Rural Lifestyle Zone

Maintain the character in the Rural Lifestyle Zone which comprises:

1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities;
2. a dominance of human modified open space and vegetation, including paddocks and trees over buildings; and
3. a zone supporting activities reliant on the natural and physical resources, [such as versatile soils](#), of the Rural Lifestyle Zone.

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](#).

Section 32AA

RLZ-P1 and GRUZ-P2

| Recommended Amendments to Provisions: | |
|--|---|
| <p>The proposed amendments are presented above. The amendment to RLZ-P1 better reflects the consideration of versatile soils within the RLZ associated with the loss of rural production potential. For the wider district, versatile soils and the loss of primary production is important. For the greater Christchurch area, versatile soils are considered through constraints placed around unconstrained urban development outside of FUDA or LLRZO areas.</p> <p>The amendment to GRUZ-P2 better reflects the NPS-HPL and removes the overlap within the zone through the reference to versatile soils.</p> | |
| Costs | Benefits |
| <p>The cost of amendments are likely to be no more than minor, as the RPS and RRDS supports development controls within the RLZ and the minimum subdivision size does that for GRUZ.</p> | <p>The benefits are that the amendments give clearer direction around considerations, particularly within RLZ, where primary production can still occur.</p> |
| Efficiency | No identified change |
| Effectiveness | <p>The proposed amendment will improve the understanding and effectiveness of those provisions that rely on the policy and enable the plan to give effect to the versatile soils consideration under the RPS, while removing confusion within the GRUZ.</p> |
| Summary | |
| <p>The amendment reinforces the importance primary production in the Rural Zones. The amendment aligns with the other objectives and policies within the Rural zone chapters, by ensuring that primary production is still considered as important within the RLZ.</p> | |

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.

118 Effluent spreading setbacks were previously used in the Operative Plan due to there not being an operative Regional Air Plan appropriately controlling the odour effects related to some farming practices.

119 Objectionable and offensive odour beyond a property boundary can have an impact upon amenity of an area and is the jurisdiction of the district council. Other aspects such as spray drift are readily managed through controlling nozzle aperture, odour and visual impacts by application rate, and are controlled by the Regional Council. The relevant Regional Council rules are noted in para [856] of the s42A Rural Zones Officer report.

120 While it is noted that the Regional Council has rules that directly control discharges, which includes odour, the district council controls land use and any resulting reverse sensitivity effects, such as the amenity effects of odour associated with intensive primary production. It is through the land use rules on intensive primary production that these are controlled.

121 The management of these effects are detailed in Section 3.21 of the s42A Rural Zones officer report. Sections 3.12.5 and 3.18.5 of the s42A Rural Zones officer report provides the s32AA assessment for amendments to the GRUZ-BFS5 and RLZ-BFS5. The assessment of setbacks for intensive primary production and quarrying, forms part of the s32 Rural report and the District Plan Review: Draft Effluent Spreading & Intensive Farming Position Paper (Subtopic of Rural Chapter).

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'.

122 The NZPork submission assumes that sporting/recreational activities and farmers markets, the two examples given, are not temporary in nature. The definition of 'temporary activities' includes recreation and sporting events, but excludes markets and other activities held on a regular basis. I have previously discussed whether farmers markets and sporting/recreational activities can be considered as a sensitive activity in my answer for question 14.

123 While some activities can be considered as temporary, this is separate to whether they can be considered as sensitive activities. I acknowledge that farmers markets can be considered as sensitive activities, but do not accept that recreational activities are sensitive activities.

31. Please address submission points 145.4-145.6 from Daiken.

124 Daiken submission 145.4 supports the use of the NPS definition of primary production. I agree with their submission.

125 Daiken submission 145.5 supports the retention of the definition of reverse sensitivity (noted in para [975] of the s42A Rural Zones officer report). Taking into account the minor amendments to the language of the definition as part of the Transpower submission [195.12], the intent of the definition remains unchanged.

126 Daiken submission [145.6] supports the retention of the definition of rural production. I agree with their submission. It should be noted that submissions on rural production were addressed in the s42A Strategic Direction officers report.

32. Please respond to the evidence of Mr George Jason Smith, as you consider appropriate or necessary.

127 The National Planning Standards (refer to Table 4: District plan structure, page 16)) sets out that the "Rural zones" is a 'chapter' and that each rural zone is a section. Accordingly, the wording in the 'Introduction' to chapter and zones is correct. No amendment is proposed.

- 128 I do not agree with Mr Smith's statement that unsealed roads have the same safety issues as sealed roads with respect to ice and snow¹⁸. Safety issues with an unsealed road relate to management of the road surface with loose stones, drainage, potholes and dust, and are not directly related to the presence of shading from forestry or woodlots¹⁹. I therefore do not agree with the proposed amendment.
- 129 The submission point relating to enabling more rural residential subdivision was discussed in section 3.22 of the s42A Rural Zones officer report. Further subdivision of the GRUZ zones will increase reverse sensitivity effects and result in ongoing loss of rural production. In my opinion no compelling evidence was presented in Mr Smith's evidence to change the proposed approach to rural subdivision, and I prefer the analysis given in the s42A Rural Zones officer report.
- 130 The construction of a minor residential unit under GRUZ-R4 in the Proposed Plan is not restricted to only those properties that have an exemption listed in GRUZ-R4(5). The reference to the exemption relates to the notification of the RMA and the notification date of the variation associated the introduction of 4ha lot subdivision control.

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.

- 131 A number of minor amendments have been made based on evidence presented by submitters.

34 Federated Farmers submission 414.205 is not addressed in your report. Please provide your recommendation on their request to amend RLZ-R15.

- 132 Federated Farmers submission [414.205] is identified in Table 3 of the S42A Rural Zones officer report and is assessed with other related submissions in section 3.2.2 of the s42A Rural Zones officer report. The

¹⁸ The friction coefficient of an icy sealed road is between 0.1 to 0.2, compared to 0.5 for gravel roads.

¹⁹ ARRB, Unsealed Roads: Best Practice Guide 2. Section 3.3.4.

analysis of the submission was undertaken in para (68) and (69) of the report. It is recommended to reject the submission [414.205].

35. Please respond to the evidence of Mr Hodgson for NZPork on whether there is the need to define 'Extensive Pig Farming'.

133 I do not consider that there is a need for a definition for 'extensive pig farming' within the proposed plan. It is not clear in the evidence why extensive pig farming is different to intensive outdoor primary production (bearing in mind that NZPork wanted indoor and outdoor intensive primary production combined).

134 Mr Hodgson in his evidence in para [87] notes that the effects of outdoor free-range pig farming are the same as other extensive livestock farming. I do not necessarily agree with Mr Hodgson's statement that the effects between piggeries and other extensive livestock operations are the same. Given that stocking rates for pigs are 15/ha compared to 2.8/ha for dairy cattle, I do not agree with Mr Hodgson's statement that the effects are the same.

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.

135 McAlpines submission [226.4] sought an amendment to RLZ for reverse sensitivity. Given that McAlpines own all of the rural properties that immediately adjoin their site, there is potential for McAlpines to mitigate any non-noise-based effects, such as visual, through planting of trees and shrubs on the adjoining land, or vibration through geomembranes. Apart from noise, dust is the only other effect, and this is controlled by the Regional Council. I do not consider that there are any other effects other than noise, on any of the other adjoining rural lifestyle zoned properties. I am still of the opinion that reverse sensitivity effects

associated with noise are best controlled through the Noise Chapter of the Proposed Plan.

Additional submissions

136 CIAL submission [254.94] was not originally addressed in the s42A Rural Zones report as it was reallocated to Hearing Stream 11 CIAL report. Subsequent to this the s42A Rural Zones report author was made aware of the acceptance of the memorandum from CIAL dated 14 August 2023 to the Hearing Panel that requested that the submission be dealt with in Hearing Stream 6.

137 The submission states:

Amend RURZ-O1:

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;

3. the importance of allowing critical infrastructure, regionally significant infrastructure, and strategic infrastructure to develop and operate without being compromised by reverse sensitivity or incompatible activities.

The importance of critical, regional and strategic infrastructure is recognised in the Proposed Plan in EI-O1. Given that the Proposed Plan is to be read as a whole, there is no need to repeat the same objectives across every chapter in the plan. Given the fact that the Rural Zones chapters are intended to deal with rural related issues, inclusion of energy and infrastructure or transport related objectives undermines the intent of those chapters through blurring the boundaries.

138 *Peter Mulligan [370.1]*

139 The submission from Peter Mulligan [370.1] was identified para 887, but was not specifically identified in the discussion in paragraphs 899 and 900 (section 3.22.2 of the s42A Rural Zones officer report). As discussed in Section 3.22.2 of the s42A Rural Zones officer report, subdivision down

to 1ha within the Rural Lifestyle Zone most likely not enable primary production to occur on site, essentially making the activity residential (or rural residential under the RPS) and therefore not consistent with the NPS definition for the Rural Lifestyle Zone (which enables primary production to occur).

140 While there are numerous requests to enable subdivision of RLZ to less than 4ha, my understanding is that this is in response to people buying lifestyle properties without fully understanding the time and cost commitment that is involved. As stated in para 900 there are presently 1,198 vacant rural lifestyle properties. In my opinion such a site size would not be consistent with the NPS RLZ zone description and rather, would be more closely aligned with the LLRZ, which would necessitate re-zoning.

Primacy for Rural Zones

141 The Hearing Panel have requested that s42A report authors consider any potential implications that may arise on the Rural Zones objectives should the objectives in the Strategic Direction chapter (SD and UFD) be given primacy or not.

142 As detailed in the Strategic Directions Primacy Memos dated 8 September, 29 September and 8 December 2023, I consider that the present Rural Zones chapters, their objectives and policies, including amendments, align with the approach of Differing Approaches to Primacy for Strategic Direction 9(b)(i) and (ii) of the 29 September 2023 memo.

(b) SD objectives have "primacy" in one of the following different senses (dependent on how the district plan is crafted):

(i) SD objectives inform objectives and policies contained in other chapters;

(ii) Objectives and policies in other chapters must be expressed and achieved as being consistent with the SD objectives;

(iii) SD objectives are used to resolve conflict with objectives and policies in other chapters; and

(iv) SD objectives override all other objectives and policies in the plan.

- 143 Should the Hearing Panel consider that the primacy approach as detailed in 9(b)(iii) (*SD objectives are used to resolve conflict with objectives and policies in other chapters*) be appropriate, it will not result in any conflicts between SD-O4 and the other SD objectives associated with urban development. Objective SD-O1(3) could potentially restrict primary production within an ONL and ONF. Both objectives SD-O2(1) and SD-O4 would constrain urban development to those areas already identified as growth areas in the plan. SD-O4 could potentially constrain new renewable electricity generation where it is located within the rural environment by *“limiting other activities.”*
- 144 If the same approach was taken for the UFD policies, there would likely be conflict with UFD-P2 where new residential development is located outside of the existing FUDA areas. The provision would enable new areas that are concentrated on or attached to existing residential development, as the clauses associated with the policy do not consider the need to avoid development on HPL in line with GRUZ-P1.
- 145 For the primacy approach in 9(b)(iv) (*SD objectives override all other objectives and policies in the plan*), the approach would be inconsistent with the NPS-HPL, as SD-O4 does not have any provisions that protect HPL or versatile soils from subdivision other than *“limit other activities”* in SD-O4(1). In my opinion UFD-O1 and O2 could be considered as ensuring residential, commercial and industrial development capacity over rides any consideration of limiting rural subdivision.

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.

146

Date: 16 February 2024

A handwritten signature in black ink, appearing to read 'Mr Kelly', written in a cursive style.

.....

Appendix 1 – List of materials provided by submitters

Infometrics, 2023. Examining aggregates trends in New Zealand. An unpublished report prepared for Fulton Hogan.

NZPork, 2017. Pork Industry Guide: Environmental Management (EnviroPork) (2nd ED)

NZPork, 2017. Good Practice Guide: Nutrient Management in Pork Industry (ED 3).

Environment Court [2023] NZEnvC 59. Balmoral Developments (Outram) Ltd, Blue Grass Limited, Saddle Views Estate Limited & KJ Taylor, and Stephen Gregory Johnston vs Dunedin City Council.

Video evidence Mr C Knowles.

Environment Court [2023] NZEnvC 180. GM & J Drinnan vs Selwyn District Council.

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

General Objectives and Policies for all Rural Zones

Objectives

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.
3. the importance of protecting the highly productive and versatile soils that form part of the highly productive land in the District.

RURZ-O2 Activities in Rural Zones

Rural Zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located within Rural Zones.

Policies

RURZ-P1 ~~Amenity values and Rural character~~ and amenity values

1. Recognise ~~the contribution of amenity values to maintaining the character of the zones, and maintain amenity values in Rural Zones by that rural character and amenity values vary across the Rural Zones resulting from the extent of established primary production activities and their relationship with natural and physical resources.~~
2. Recognise that the elements that characterise an area as rural, from which desired rural amenity is derived, include the predominance of:

- a. a landscape dominated by openness and vegetation;
- b. significant visual separation between residential buildings on neighbouring properties;
- c. where appropriate, buildings integrated into a predominantly natural setting; and
- d. natural character elements of waterways, water bodies, indigenous vegetation and natural landforms, including the coastal environment where relevant.

3. restricting the density of residential units and minor residential units that can be established on a site consistent with the character of each rural zone, unless a development right has been protected through a legacy provision or is associated with a bonus allotment.

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~~ **Enabling** for 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.

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.~~

RURZ-P9 Spread of wilding trees

~~The spread of wilding trees is minimised and where established they are removed.
[316.167]~~

RURZ-P9 Direct Effects

Minimise the potential for adverse effects from the establishment of new activities on existing sensitive activities by:

1. Ensuring adequate separation distances between existing sensitive activities and new intensive primary production activities, quarrying activities, mining, heavy industrial zones and rural industry; and
2. Avoiding quarry, landfill, cleanfill area, mining activities adjacent to urban environments where the amenity values of urban environments would be diminished.

General Rural Zone

Objectives

GRUZ-O1 Purpose of the General Rural Zone

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.

Policies

GRUZ-P1 Character of the General Rural Zone

Maintain the character in the General Rural Zone which comprises:

1. primary production being the predominant land use;
2. a dominance of open space and vegetation, including paddocks, trees, agriculture and natural elements over buildings;
3. a landscape strongly influenced by patterns and processes of human activity associated with primary production, with a focus of open farmland areas and larger scale primary production activities, along with areas with natural environment values and sites and areas of significance to Māori;
4. separation between residential units and farm buildings on adjoining sites, with an overall low density of residential units and buildings; and
5. contrasts with urban environments through having a general absence of the type and scale of infrastructure and built form found in urban environments.

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.

Activity Rules

| | |
|--|---|
| <p>GRUZ-R2 Primary production</p> <p>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; intensive indoor primary production provided for under GRUZ-R17; or intensive outdoor primary production provided for under GRUZ-R18.</p> | |
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of: <ol style="list-style-type: none"> a. 40m from any residential unit or minor residential unit on a site under different ownership; b. 10m from any site boundary of a site under different ownership; and c. 10m from any road boundary of a paved public road. 1. <u>any new afforestation less than 1ha, carbon forest or woodlot shall undertake a wilding tree risk assessment in accordance with the criteria within the National Environmental Standards for Plantation Forestry and have a score of less than 12. [316.167]</u> | <p>Activity status when compliance with GRUZ-R2 (1) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values</p> <p>RURZ-MD3 - Character and amenity values of the activity</p> <p>RURZ-MD4 - Forestry, Carbon Forest, Woodlots</p> <p><u>Activity status when compliance with GRUZ-R2 (2) not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> |

| | |
|--|--|
| | <p>RURZ-MD1 - <u>Natural environment values</u></p> <p>RURZ-MD4 - <u>Forestry, Carbon Forest, Woodlots</u></p> <p>[316.167]</p> <p>Notification</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p> |
|--|--|

| | |
|--|---|
| GRUZ-R11 Rural industry | |
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 2. a maximum of <u>five</u> staff shall work on the site at any other time; 3. the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production; 4. the maximum GFA occupied for the rural industry shall be 250m² 5. the maximum GFA occupied for the rural industry within a SASM shall be 150m² 6. the maximum land area occupied for the rural industry shall be 500m²; 7. any retail sale of goods shall be set back a minimum of 10m from the site boundary; 8. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site; 9. the maximum NFA or land area occupied for retail sales shall be 50m²; and 10. 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 | <p>Activity status when compliance with GRUZ-R11 (56) or (89) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values RURZ-MD3 - Character and amenity values of the activity RURZ-MD5 - Rural sales</p> <p>Activity status when compliance with GRUZ-R11 (34) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>SASM-MD1 – Wāhi tapu and wāhi taonga</p> |

| | |
|--|--|
| <p>site other than where the rural industry is occurring.</p> | <p>SASM-MD2 – Nga Tūranga tūpuna</p> <p>Notification</p> <p>An application for a restricted discretionary activity under GRUZ-R11 (4) is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga</p> <p>Activity status when compliance with GRUZ-R11 (1) to (23), (45), (67) or (78): DIS</p> |
| <p>Advisory Note</p> <ul style="list-style-type: none"> It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity. | |

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

| |
|--|
| <p><u>GRUZ-RX Artificial Crop Protection Structures</u></p> |
|--|

| | |
|---|--|
| <p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>1. dark green or black cloth is used on vertical faces within 30m of the boundary of the property;</u> <u>2. green, black or white cloth is used on horizontal surfaces;</u> <u>3. the artificial crop protection structure is setback at least 5m from the boundary to an adjacent lot;</u> <u>4. no maximum site coverage shall apply; and</u> <u>5. the structure complies with GRUZ-BFS3.</u> | <p><u>Activity status when compliance with GURZ-R15A is not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>RURZ-MD1- Natural environmental values</u></p> <p><u>RURZ-MD3 - Character and amenity values of the activity</u></p> |
|---|--|

Built Form Standards

| | |
|---|--|
| <p>GRUZ-BFS3 Height</p> | |
| <ol style="list-style-type: none"> 11. 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. 12. The maximum height for any other building or structure shall be 12m above ground level. 13. <u>The maximum height of frost control fans and wind turbines shall be 12m above ground level (not including blades).</u> | <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD7 - Height</p> |

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

| | |
|---|--|
| <p>1. Any new residential unit or minor residential unit or accessory building used for overnight accommodation <u>sensitive activity</u> shall be set back a minimum of:</p> <p>a. 20m from any existing intensive indoor primary production, intensive outdoor primary production activity where it is located on the same site;</p> <p>b. 300m from any existing intensive indoor primary production or intensive outdoor primary production 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>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>3. <u>For sensitive activities that comprise outdoor areas setback distances shall be measured from a notional area of 20m from the outside boundary of any playing surface, the</u></p> | <p>Activity status when compliance not achieved:</p> <p>RDIS-NC</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD2 – Housing of animals</p> <p>RURZ-MD8 – Setbacks</p> |
|---|--|

| | |
|--|--|
| <u>footprint of any buildings, or commercial area.</u> | |
|--|--|

Rural Lifestyle Zone

Objectives

RLZ-O1 Purpose of the Rural Lifestyle Zone

Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.

Policies

RLZ-P1 Character of the Rural Lifestyle Zone

Maintain the character in the Rural Lifestyle Zone which comprises:

1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities;
2. a dominance of human modified open space and vegetation, including paddocks and trees over buildings; and
3. a zone supporting activities reliant on the natural and physical resources, [such as versatile soils](#), of the Rural Lifestyle Zone.

RLZ-P2 Activities in the Rural Lifestyle Zone

Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless:

1. associated with the development of infrastructure which reduces the size of the balance lot or site to below 4ha;

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 Plan; and
4. is the establishment of a minor residential unit, where the site containing a residential unit is 4ha or greater, or is protected by a legacy provision in this Plan.

Activity Rules

| | |
|--|---|
| <p>RLZ-R2 Primary production</p> <p>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>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of: <ol style="list-style-type: none"> a. 40m from any residential unit or minor residential unit on a site under different ownership; b. 10m from any site boundary of a site under different ownership; and c. 10m from any road boundary of a paved public road. | <p>Activity status when compliance with RLZ-R2 (1) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values</p> <p>RURZ-MD3 - Character and amenity values of the activity</p> <p>RURZ-MD4 - Forestry, Carbon Forest, Woodlots</p> |

| | |
|--|--|
| | <p>Notification</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p> |
|--|--|

| RLZ-R11 Rural industry | |
|---|---|
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 2. a maximum of five staff shall work on the site at any other time; 3. the manufacture, processing or production of goods involves initial or further processing of commodities derived from primary production; 4. the maximum GFA occupied for the rural industry shall be 250m²; 5. the maximum GFA occupied for the rural industry within a SASM shall be 150m²; 6. the maximum land area occupied for the rural industry shall be 500m²; 7. any retail sale of goods shall be set back a minimum of 10m from the site boundary; 8. any retail sale of goods on the site is restricted to those manufactured, produced or processed on the site; 9. the maximum GFA or land area occupied for retail sales shall be 50m²; and 10. 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 | <p>Activity status when compliance with RLZ-R11 (6) or (9) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD1 - Natural environment values</p> <p>RURZ-MD3 - Character and amenity values of the activity</p> <p>RURZ-MD5 - Rural sales</p> <p>Activity status when compliance with RLZ-R11 (34) not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>SASM-MD1 – Wāhi tapu and wāhi taonga</p> |

| | |
|--|--|
| <p>site other than where the rural industry is occurring.</p> | <p>SASM-MD2 – Nga Tūranga tūpuna</p> <p>Notification</p> <p>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</p> <p>Activity status when compliance with RLZ-R11 (1) to ((23), (45),(67) or (78): DIS not achieved: DIS</p> |
| <p>Advisory Note</p> <ul style="list-style-type: none"> • It is recommended that operators of a rural industry inform owners/occupiers of adjacent sites prior to commencing the activity. | |

| <p>RLZ-R16 Rangiora A&P Showground activities</p> | |
|--|---|
| <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> The activities on the site are: <ol style="list-style-type: none"> an annual A&P Show event; recreation activities; equestrian and ancillary activities and facilities; community facility; community market; one motor vehicle display event of four days duration per calendar year; one motor vehicle display event of two days duration per calendar year; and dog agility and training. For all motor vehicle display events a management plan for the activity shall be | <p>Activity status when compliance not achieved: DIS</p> |

| | |
|--|--|
| <p>provided addressing the following aspects as a minimum:</p> <ul style="list-style-type: none"> e. Hours of operation; f. Location of camping areas; g. Mitigation measures to control noise between 8pm and 8am during the event; and h. Extent of community consultation and any outcomes. | |
| <p>Advisory Note</p> <ul style="list-style-type: none"> • Rules for temporary activities are contained in the Temporary Activities Chapter. • Overnight camping at the Rangiora A&P Showgrounds is required to comply with the Camping-ground Regulations (1985). | |

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

| | |
|--|---|
| <p>RLZ-R X Artificial Crop Protection Structures</p> | |
| <p>Activity status: PER</p> <p>Where:</p> | <p>Activity status when compliance with RLZ-R16A is not achieved: RDIS</p> |

| | |
|---|---|
| <ol style="list-style-type: none"> 1. <u>dark green or black cloth is used on vertical faces within 30m of the boundary of the property;</u> 2. <u>green, black or white cloth is used on horizontal surfaces;</u> 3. <u>the artificial crop protection structure is setback at least 5m from the boundary to an adjacent lot;</u> 4. <u>no maximum site coverage shall apply; and</u> 5. <u>the structure complies with RLZ-BFS3.</u> | <p><u>Matters of discretion are restricted to:</u></p> <p><u>RURZ-MD1- Natural environmental values</u></p> <p><u>RURZ-MD3 - Character and amenity values of the activity</u></p> |
|---|---|

Built Form Standards

| | |
|--|--|
| <p>RLZ-BFS3 Height</p> | |
| <ol style="list-style-type: none"> 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. 2. <u>The maximum height of frost control fans and wind turbines shall be 12m above ground level (not including blades).</u> | <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD7 - Height</p> |

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

| | |
|---|--|
| <ol style="list-style-type: none"> 1. Any new residential unit or minor residential unit or accessory building used for overnight accommodation <u>sensitive activity</u> shall be set back a minimum of: <ol style="list-style-type: none"> a. 20m from any existing intensive indoor primary production, intensive outdoor primary production activity where it is located on the same site; b. 300m from any existing intensive indoor primary production or intensive outdoor primary production activity where it is located on a site in different ownership; c. 300m from any existing farm quarry where it is located on a site in different ownership; d. 500m from any existing quarry where it is located on a site in different ownership; e. <u>inside the Heavy Industrial Zone Noise Contour</u>. 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>Activity status when compliance with <u>RLZ-BFS5 (1) (a-e), RLZ-BFS5 (2)</u> not achieved: RDIS-NC</p> <p>Matters of discretion are restricted to:</p> <p>RURZ-MD32 – Housing of animals</p> <p>RURZ-MD8 – Setbacks</p> <p><u>Activity status when compliance with <u>RLZ-BFS5 (1) (e)</u> not achieved: <u>RDIS</u></u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>RURZ-MD9 Reverse sensitivity</u></p> |
|---|--|

Matters of Discretion for all Rural Zones

RURZ-MD3 Character and amenity 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.
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.

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. [Proximity to conservation land, SNAs and QE II National Trust land.](#)

RURZ-MD8 Setbacks

1. The extent to which building design, siting and external appearance adversely impacts on rural character and amenity values.
2. Site topography and orientation and the extent to which the building or structure can be more appropriately located.
3. The effect on nearby properties, including outlook, privacy, shading and sense of enclosure.
4. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site.
5. The need for the setback breach to allow more efficient or practical use of the remainder of the site or the long term protection of notable trees, historic heritage items or natural features on the site.

6. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other permitted or lawfully established activities occurring on adjacent rural properties.
7. The extent to which any reduced boundary setback will result in potential for activities within the building to give rise to disturbance to neighbours or nuisance effects.
8. With respect to a road setback, any adverse effects on the efficient and safe functioning of the road.

Definitions

Intensive Outdoor Primary Production

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; and

j. game bird farming.

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

[insert relevant rows from Appendix B of your s42A report]

Table 1: Recommended responses to submissions in Rural Right of Reply

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to Proposed Plan? |
|-----------|-------------------------------|------------|---|--|--------------------------|---|--|
| 295.138 | Hort NZ | GRUZ-RX | New rule for Crop Protection Structures | ROR | Accept | Agree with assessment provided in evidence | Yes |
| 295.173 | Hort NZ | RLZ-RX | New rule for Crop Protection Structures | ROR | Accept | Agree with assessment provided in evidence | Yes |
| 295.59 | Hort NZ | Definition | New definition for Crop Protection Structures | ROR | Accept | Agree with assessment provided in evidence | Yes |
| 41.43 | Fulton Hogan | RURZ-P1 | Consideration of land use on rural character | ROR | Accept in part | Partially agree with assessment | Yes |
| 41.45 | Fulton Hogan | RUR-P9 | Direct effects vs reverse sensitivity | ROR | Accept | Agree with assessment provided in evidence | Yes |
| 145.29 | Daiken | RLZ-BF55 | Reverse sensitivity effects associated with the Daiken Plant. | ROR | Accept in part | Partial agreement with evidence presented at Noise and Rural Zones hearings | Yes |
| 316.167 | ECan | Policy | Wilding pines | ROR | Reject | Removal of wilding pines provisions | Yes |
| 41.3 | Fulton Hogan | General | Sought a general amendment to all rules to enable construction waste to be used as clean fill | ROR | Reject | Do not agree as government guidelines prohibit construction waste to be used as cleanfill. | No |
| 414.189 | Federated Farmers | General | Discrete mapping of RLZ and GRUZ boundary based on soils and protection of LUC Class 1 to 3 soils from subdivision. | ROR | Accept in part | The first part of the submission is rejected and the second part is accepted for the GRUZ area. | No |
| 420.31 | DHL | GRUZ-R2 | Primary production and forestry provisions | ROR | Accept in part | Commercial forestry larger than 1ha is permitted through the NESPF | No |

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to Proposed Plan? |
|-----------|-------------------------------|------------|--|--|--------------------------|---|--|
| 323.1 | C Knowles | RLZ-R | Effects of muscle car madness on surrounding residents | ROR | Accept in part | Balanced need for amendments as against enforcement | Yes |
| 145.4 | Daiken | Definition | Support Primary Production definition | ROR | Accept | Agree with submission | No |
| 145.5 | Daiken | Definition | Support Reverse Sensitivity definition | ROR | Accept | Agree with submission | No |
| 145.6 | Daiken | Definition | Support Rural Production definition | ROR | Accept | Agree with submission | No |
| 414.205 | Federated Farmers | RLZ-R15 | Inclusion of 'new' in rural tourism title | ROR | Reject | Addressed in section 3.2.2 of s42A Rural Zones officer report | No |
| 254.94 | CIAL | RURZ-O1 | Inclusion of infrastructure provisions in rural objectives | ROR | Reject | Repetition of energy and infrastructure objectives is not required through the plan as it may undermine existing provisions and could result in inconsistency of approach | No |
| 370.1 | Peter Mulligan | General | Subdivision of RLZ into 1ha lots | ROR | Reject | Proposed amendment is inconsistent with the objectives of the RLZ | No |

Appendix 4: Residential and Rural Zones Character Assessment

| Zone | Description (refer to Table 13, Clause 8 <i>Zone Framework Standard</i> , National Planning Standards) | Character (Proposed District Plan, extracts from zone 'Introduction' and character policies) |
|----------------------------|--|---|
| Medium Density Residential | Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities. | <p>Provide for residential areas predominantly used for residential activity with moderate concentration and bulk of buildings, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities.</p> <ul style="list-style-type: none"> • higher density living in areas, • high quality building and landscape design for multi-unit residential development, • peaceful residential environment, • minimising the adverse effects of night time noise and outdoor lighting, and limited signs, • small-scale commercial, or community-based activities, that service the local community. <p>MDRZ-P1</p> |
| General Residential | Areas used predominantly for residential activities with a mix of building types, and other compatible activities. | <p>provide for residential areas predominantly used for residential activity, with a mix of building types, and other compatible activities that provide for maintenance or enhancement of residential amenity values.</p> <ul style="list-style-type: none"> • suburban character on larger sites primarily with detached residential units, • minimising the adverse effects of night time noise, glare and light spill, and limited signs, • opportunities for multi-unit residential development on larger sites, • generally dominated by landscaped areas, • provides a range of higher density living choices, • small scale commercial activity that services the local community, and home businesses. |
| | | |

| | | |
|-----------------------|--|---|
| Large Lot Residential | Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development. | <p>provide residential living opportunities for predominantly detached residential units on lots larger than other Residential Zones.</p> <ul style="list-style-type: none"> • low density residential environment with a built form dominated by detached residential units, • maintain a sense of openness and space between buildings on adjoining sites and ensuring that open space predominates over built form, • built form for all activities is consistent with the low density residential character, • retaining the open character and outlook from sites to rural areas through managing boundary fencing • up to 5,000m² sections. |
|-----------------------|--|---|

Comment:

The RPS has two relevant definitions for Rural Residential (but not for Large Lot Residential) as follows:

a. Wider Region (ie outside of Greater Christchurch);

Rural Residential (in the Wider Region) Note this definition applies to Chapter 5 – Land use and Infrastructure

Rural Residential development means zoned residential development outside or on the fringes of urban areas which for primarily low density residential activities, ancillary activities and associated infrastructure.

b. Greater Christchurch;

Rural residential activities

Means residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.

Large Lot Residential properties for the main part do not have any commercial agricultural/horticultural production, predominantly comprising large, landscaped sections, and are supplied with water and wastewater reticulated services.

| | | |
|--|---|---|
| Rural Lifestyle | Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur. | <p>provide for primary productive activities, those activities that support rural activities and those that rely on the natural resources that exist in the zone, while recognising that the predominant character is derived from smaller sites.</p> <ul style="list-style-type: none"> • a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, • a dominance of human modified open space and vegetation, including paddocks and trees over buildings, • supporting activities reliant on the natural and physical resources, • 4ha sections. |
| <p>Comment:</p> <p>Despite the majority of Rural Lifestyle Zone (RLZ) properties being on LUC Class 1 and 2 soils, have sufficient access to groundwater for irrigation, and given property sizes are predominantly 4ha, the RLZ in the Proposed Plan description in the Introduction section is not to dissimilar to the National Planning Standards description.</p> <p>The majority of RLZ properties do not contain highly productive intensive agricultural or horticultural land uses, and generally contain large residential dwellings and a number of garages/sheds, with grazing some cattle or sheep for domestic purposes or some horses. This is not to say that the properties cannot become highly productive in the future given adequate investment and knowledge. Apart from some properties being serviced as part of a rural water supply scheme, properties are not provided with any reticulated services and rely on groundwater for water supplies, onsite wastewater treatment, and ground soakage for stormwater disposal.</p> <p>In my opinion I do not favour the assessment that the RLZ properties are predominantly residential, despite the dwellings being on average bigger than those within the urban zones, the land areas covered by buildings and established gardens generally comprises <20% of the total site area. As stated above, RLZ properties have potential to become highly productive.</p> | | |
| General Rural | Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, | <p>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.</p> <ul style="list-style-type: none"> • Dominated by open space and vegetation ... over buildings, • focus of open farmland areas and larger scale primary production activities, • overall low density of residential units and buildings, |

| | | |
|---|--|--|
| | including associated rural industry, and other activities that require a rural location. | <ul style="list-style-type: none"> • 20ha sections. |
| <p>Comment</p> <p>As per the NPS definition and the character description in the Proposed Plan, GRUZ predominantly comprises primary production activities.</p> | | |