



**CENTRAL  
HAWKE'S BAY**  
DISTRICT COUNCIL

**REPORT OF HEARING  
PANEL**

**Independent Hearing Commissioners:**

Robert Schofield (Chair)  
Loretta Lovell Tim Aitken  
Kate Taylor  
Pip Burne [in part]

**TOPIC 3A**

**Rural Environment: Strategic Direction & General Matters**

**REPORT DATED:**

**4 May 2023**

**DATE OF HEARING:**

**15 to 16 June 2022**

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## List of Submitters and Further Submitters addressed in Panel Report: Rural Environment (Volumes 3A, 3B, 3C, 3D)

<b>Submitter Name</b>	<b>Submission Number(s)</b>
<b>Aerospread Ltd (Aerospread)</b>	<b>S38</b>
<b>Ara Poutama Aotearoa the Department of Corrections (Department of Corrections)</b>	<b>S97</b>
<b>Ballance Agri-Nutrients Limited (Balance Agri-Nutrients)</b>	<b>S76</b>
<b>Centralines Limited (Centralines)</b>	<b>S90</b>
<b>Chorus New Zealand Limited (Chorus)</b>	<b>S117</b>
<b>Egg Producers Federation of New Zealand (Egg Producers Federation)</b>	<b>S27</b>
<b>Federated Farmers of New Zealand (Federated Farmers)</b>	<b>S121</b>
<b>Fire and Emergency New Zealand (FENZ)</b>	<b>S57</b>
<b>Gerard Pain</b>	<b>S28</b>
<b>Hatuma Lime Co Ltd (Hatuma Lime)</b>	<b>S98</b>
<b>Hawke's Bay Regional Council (HBRC)</b>	<b>S11</b>
<b>Heretaunga Tamatea Settlement Trust (HTST)</b>	<b>S120</b>
<b>Heritage New Zealand Pouhere Taonga (HNZPT)</b>	<b>S55</b>
<b>Horticulture New Zealand (Hort NZ)</b>	<b>S81</b>
<b>IA &amp; PD Waldrom</b>	<b>S6</b>
<b>James Bridge</b>	<b>S105</b>
<b>Jill Fraser</b>	<b>S41</b>
<b>Josh and Suzie Calder</b>	<b>S58</b>
<b>Karen Middelberg</b>	<b>S36</b>
<b>Kenneth (John) MacLennan</b>	<b>S12</b>
<b>Kevin Williams</b>	<b>S13</b>
<b>Kāinga Ora – Homes and Communities (Kāinga Ora)</b>	<b>S129</b>
<b>Livingston Properties Limited (Livingston Properties)</b>	<b>S127</b>
<b>Ministry of Education</b>	<b>S73</b>
<b>New Zealand Agricultural Aviation Association (NZAAA)</b>	<b>S43</b>
<b>New Zealand Motor Caravan Association (NZMCA)</b>	<b>S101</b>
<b>New Zealand Pork Industry Board (Pork Industry Board)</b>	<b>S42</b>
<b>Regeneration Holdings Ltd (Regeneration Holdings)</b>	<b>S124</b>
<b>Riverfield Holdings Ltd (Riverfield Holdings)</b>	<b>S123</b>

<b>Submitter Name</b>	<b>Submission Number(s)</b>
Silver Fern Farms Limited (Silver Fern Farms)	S116
Spark New Zealand Trading Limited (Spark)	S118
Surveying the Bay Ltd (Surveying the Bay)	S94
Surveying the Bay	S128
Te Mata Mushrooms Land Company Limited (Te Mata Mushrooms)	S102
The Surveying Company (HB) Ltd (The Surveying Company)	S50
Thomas Collier	S107
Transpower New Zealand Ltd (Transpower)	S79
Vodafone New Zealand Limited (Vodafone)	S119
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78

<b>Further Submitter Name</b>	<b>Further Submission Number(s)</b>
Aerospread	FS10
Federated Farmers	FS25
First Gas Limited (First Gas)	FS3
HTST	FS13
Hort NZ	FS17
James Bridge	FS4
Jill Fraser	FS2
Kāinga Ora	FS23
Livingston Properties	FS27
Ministry of Education	FS11
NZAAA	FS14
NZMCA	FS24
Pork Industry Board	FS6
Ngā hapū me ngā marae o Tamatea (NHMT)	FS5
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms	FS8
Transpower	FS18
Tukituki Water Security Project (Tukituki Water)	FS1
Waka Kotahi	FS16

<b>Further Submitter Name</b>	<b>Further Submission Number(s)</b>
Water Holdings Hawke's Bay (Water Holdings)	FS29

List of Submitters and Further Submitters addressed in this Panel Report 3A:  
Strategic Direction & General Matters

<b>Submitter Name</b>	<b>Submission Number(s)</b>
Chorus	S117
Egg Producers Federation	S27
Federated Farmers	S121
FENZ	S57
Hatuma Lime	S98
HBRC	S11
HTST	S120
Hort NZ	S81
James Bridge	S105
Kāinga Ora	S129
Ministry of Education	S73
Pork Industry Board	S42
Silver Fern Farms	S116
Spark	S118
Te Mata Mushrooms	S102
The Surveying Company	S50
Transpower	S79
Vodafone	S119

<b>Further Submitter Name</b>	<b>Further Submission Number(s)</b>
Hort NZ	FS17
Kāinga Ora	FS23
NZMCA	FS24
Pork Industry Board	FS6
Forest & Bird	FS9
Silver Fern Farms	FS8
Tukituki Water	FS1
Water Holdings	FS29

# PART A – PRELIMINARY MATTERS

## 1 Introduction

### 1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel (“the Panel”) on the submissions and evidence considered at the Rural Environment topic hearing, held on 15 and 16 June 2022, held at the CHBDC Chambers, Waipawa.
- 1.1.2 This topic covers submissions received on the contents of the strategic RLR – Rural Land Resource chapter, the GRUZ – General Rural Zone chapter, the RPROZ – Rural Production Zone chapter, and the RLZ – Rural Lifestyle Zone chapter, and any associated definitions, as well as provisions in the SUB – Subdivision and NOISE – Noise chapters that specifically relate to the rural zones.
- 1.1.3 Given the number, nature and extent of the submissions and further submissions received, the s42A report for the rural environment was structured into 20 Key Issues spread across four volumes:
- Volume 1 – Strategic Direction & General Matters (Key Issues 1 to 3);
  - Volume 2 – Rural Zones, Rural Noise, Rural Subdivision (Key Issues 4 to 11);
  - Volume 3 – Specific Rural Activities within the Rural Zones (Key Issues 12 to 17); and
  - Volume 4 – Other Specific Activities within the Rural Zones (Key Issues 18 to 20).
- 1.1.4 The Panel Reports for the Rural Environment topic are structured into 4 separate reports in alignment with the s42A report structure, with the reports numbered 3A to 3D.
- 1.1.5 This Panel Report addresses submissions and further submissions on the ‘Key Issues’ relevant to ‘Strategic Direction & General Matters’ (Volume 1), which evaluates the overarching approach to managing the district’s rural environment: the findings of this report directly feed into the recommendations in the other Panel Reports on the rural provisions of the PDP. The three key issues addressed in this report are:
- Rural definitions;
  - Strategic direction for the rural land resource, and
  - Functional need for a rural location.
- 1.1.6 The recommendations in this report, together with all of the other recommendations of the Hearing Panel on submissions on the PDP, will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.7 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report’s recommendations and the underlying evaluation behind such changes.

### 1.2 Statutory considerations

- 1.2.1 The Panel’s Report on Preliminary Matters and Statutory Requirements sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our



consideration and recommendations. This framework is not repeated in this report. This report should be read in conjunction with the Report on Preliminary Matters and Statutory Requirements.

- 1.2.2 As set out in the Section 32 Rural Environment Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the New Zealand Coastal Policy Statement (2010) (NZCPS), the Hawke's Bay Regional Resource Management Plan (HBRMP) including the Regional Policy Statement (2006) (RPS), and the Hawke's Bay Regional Coastal Environment Plan (2014) (HBRCP). These documents are discussed in detail within the Section 32 Topic Report.
- 1.2.3 This report will refer to the following s42A reports:
- 'Officer's Report: Rural Environment – Volume 1: Strategic Direction & General Matters' prepared by Ms. Rowena Macdonald;
  - 'Officer's Report: Rural Environment – Volume 2: Rural Zones, Noise and Subdivision' prepared by Ms. Rowena Macdonald;
  - 'Officer's Report: Rural Environment – Volume 3: Rural Activities within the Rural Zones' prepared by Ms. Rowena Macdonald; and
  - 'Officer's Report: Rural Environment – Volume 4: Other Activities within Rural Zones' prepared by Ms. Janeen Kydd-Smith.
- 1.2.4 As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s 32 requires, and when changes are recommended, a further assessment under s 32AA will be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version.
- 1.2.5 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s 32AA for any changes to the PDP they were seeking. A s32AA evaluation was provided with the evidence of Stephen Daysh on behalf of HTST.
- 1.2.6 Where the Panel has made amendments to the PDP that are consistent with the recommendations contained within Council officers' s42A and / or rights-of-reply (and where there are relevant joint witness statements) we have adopted the s32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.
- 1.2.7 Where the Panel has made amendments to the PDP that are not contained within Council officers' recommendations, we have undertaken the required s32AA analysis, with the required assessment forming part of our evaluation. We are satisfied that the required substantive assessment has been undertaken.
- 1.2.8 After the Hearing Stream 3 hearings but prior to completion of deliberations the National Policy Statement on Highly Productive Land (NPS-HPL) was introduced. A legal submission for the CHBDC in relation to the NPS-HPL was prepared by Ms Asher Davidson, dated 9 November 2022. This advice was provided at the commencement of Hearing Stream 6. The Panel has considered the implications of the NPS-HPL in making its recommendations, noting the Panel is limited to recommending changes that are within the scope of submissions. Where there is scope, we have considered our recommendations in light of the NPS-HPL. As the PDP was prepared, and reported on in the s 42A reports, with an eye to the NPS-HPL coming into force during the life of the Plan, we note there is a high degree of consistency with it.

### 1.3 Submissions

- 1.3.1 There were 41 submitters and 19 further submitters across the whole 'Rural Environment' topic.
- 1.3.2 604 original submission points, and 410 further submission points were received on the provisions relating to the Rural Environment topic.
- 1.3.3 Of the 604 original submission points, 222 submission points were in support.

### 1.4 Procedural matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with cl8AA of Schedule 1, undertaken on the submissions relating to the rural environment provisions prior to the finalization of the s42A report.
- 1.4.2 No matters of trade competition were raised.

### 1.5 Hearing

- 1.5.1 The Rural Environment topic hearing was held on 15 and 16 June 2022 at the CHBDC Chambers, Waipawa. The hearing was adjourned at 4pm on 16 June 2022.
- 1.5.2 Due to a potential conflict of interest, Chairman Schofield recused himself from hearings submissions by Transpower, or deliberating on its submissions. Commissioner Lovell acted as chair in all proceedings related to the submission from Transpower.
- 1.5.3 The Panel maintained a quorum on hearing Transpower matters with the inclusion of Commissioner Burne while Chairman Schofield was recused from hearing and deliberations.
- 1.5.4 Submitters who appeared at the hearing, and the key issues and Panel Report volume under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the PDP Hearing Schedule webpage under the relevant Hearing Topic [[Hearing Stream 3 | Central Hawke's Bay District Council \(chbdc.govt.nz\)](#)].

**Table 1. Submitters who appeared at Hearing Stream 3: Rural Environment**

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Panel Report Volume and key issues under which evidence is discussed
Federated Farmers (S121)	Rhea Dasent (Senior Policy Advisor)	Submitter evidence	Volumes 3A – 3D Key Issues 1 - 20
Transpower (S79, FS18)	Pauline Whitney (External Planning Consultant) Dougall Campbell (Company Evidence) Benjamin Cartwright (Engineer)	Submitter evidence  Supplementary submitter evidence	Volume 3A, Key Issue 1, 2 Volume 3B, Key Issue 4, 5 Volume 3D, Key Issue 18
Hort NZ (S81)	Jordyn Landers (Environmental Policy Advisor) Lynette Wharfe (Senior Planner)	Submitter evidence (Lynette Wharfe)  Submitter statement (Jordyn Landers)	Volume 3A, Key Issues 1-3 Volume 3B, Key Issues 4-10 Volume 3C Key Issues 12-17 Volume 3D Key Issues 18-20

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Panel Report Volume and key issues under which evidence is discussed
		Supplementary submitter evidence	
NZAAA (S43, FS14)	Bill MacGregor	Submitter statement (joint New Zealand Agricultural Aviation Association and Aerospread)	Volume 3C, Key Issue 17
Aerospread (S38, FS10)	Bruce Peterson		Volume 3C, Key Issue 17
		Supplementary submitter evidence	
Hatuma Lime (S98)	Claire Price (Planning)	Submitter evidence	Volume 3A, Key Issue 1, 2 Volume 3B, Key Issue 5 Volume 3C, Key Issue 13
Te Mata Mushrooms (S102)	Claire Price (Planning) Peter Holland	Submitter evidence (Claire Price)	Volume 3A, Key Issue 1, 2 Volume 3B, Key Issue 4, 6 Volume 3C, Key Issues 13-16 Volume 3D, Key Issue 18
First Gas Limited (FS3)	Graeme Roberts (Planning)	Submitter evidence  Supplementary submitter evidence	Volume 3D, Key Issue 18
HTST (S120, FS13)	Stephen Daysh (Planning)	Submitter evidence	Volume 3A, Key Issue 2 Volume 3B, Key Issue 11
Tukituki Water (FS1)		Supplementary submitter evidence	
Water Holdings (FS29)			
Silver Fern Farms (S116, FS8)	Steven Tuck (Planning)	Submitter evidence  Supplementary submitter evidence	Volume 3A, Key Issue 2 Volume 3B, Key Issue 4, 11 Volume 3C, Key Issue 13-16
James Bridge (S105, FS4)	Quentin Davies and Joshua Marshall	Legal submissions	Volume 3A, Key Issue 2 Volume 3B, Key Issue 7
Livingston Properties (S127, FS27)	Philip McKay	Submitter evidence	Volume 3B, Key Issue 6, 11
The Surveying Company (S50)	Nick Wakefield	Submitter statement Supplementary submitter evidence	Volume 3B, Key Issue 6, 8, 11
Josh and Suzie Calder (S58)	M B Lawson (Solicitor)	Legal submissions  Supplementary submitter evidence	Volume 3C, Key Issue 17
Chorus (S117)	Tom Anderson	Written statement (joint)	Volume 3A, Key Issue 1
Spark (S118)			
Vodafone (S119)			
Waka Kotahi (S78, FS16))	Natasha Reid	Written statement	Volume 3C, Key Issue 17
Surveying the Bay (S128)	Andrew Taylor	Written statement	Volume 3B, Key Issue 6, 11
FENZ (S57)	Paul McGimpsey	Written statement	Volume 3D, Key Issue 20

- 1.5.5 Appearances for the Central Hawke’s Bay District Council were:
- Ms. Rowena Macdonald, reporting planner, Volumes 1, 2 and 3; and
  - Ms. Janeen Kydd-Smith, reporting planner, Volume 4.
- 1.5.6 Evidence provided by Ms Macdonald and Ms Kydd-Smith included:
- Officer’s Report: Rural Environment Volumes 1, 2 and 3 (Ms. Macdonald) and Volume 4 (Ms. Kydd-Smith) (“the s42A report”), and
  - Opening statements (verbal).
- 1.5.7 The ninth Memorandum and Direction of the Hearings Panel was issued on 29 June 2022 following Hearing 3. It sought a response from the reporting officers on several matters raised in submissions and evidence heard on this topic to be addressed in the officers’ rights of reply. The Panel also requested several pieces of information that submitters had referred to during the hearing.
- 1.5.8 Following the adjournment of the hearing on 16 June 2022, a written right-of-reply from the Council’s reporting planner was received and circulated on 5 August 2022.

## 1.6 Structure of this report

- 1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. Many of the submissions addressed the same or related issues and thus a key issue approach avoids undue repetition. The key issues are addressed across four volumes of this report as outlined below.

Panel Report volume	Key Issues
Volume 3A: Strategic Direction & General Matters (this report)	<ul style="list-style-type: none"> <li>• Key Issue 1: Rural Environment Definitions</li> <li>• Key Issue 2: Strategic Direction – Rural Land Resource</li> <li>• Key Issue 3: Functional Need for Rural Location</li> </ul>
Volume 3B: Rural Zones, Rural Noise, Rural Subdivision	<ul style="list-style-type: none"> <li>• Key Issue 4: Rural Production Zone Objectives &amp; Policies</li> <li>• Key Issue 5: Rural Production Zone Rules, Standards, Assessment Matters etc</li> <li>• Key Issue 6: General Rural Zone Issues, Objectives &amp; Policies</li> <li>• Key Issue 7: General Rural Zone Rules, Standards, Assessment Matters etc</li> <li>• Key Issue 8: Rural Lifestyle Zone</li> <li>• Key Issue 9: Shading from Trees</li> <li>• Key Issue 10: Noise Provisions Specific to Rural Activities</li> <li>• Key Issue 11: Subdivision Provisions Specific to Rural Zones</li> </ul>
Volume 3C: Specific Rural Activities within the Rural Zones	<ul style="list-style-type: none"> <li>• Key Issue 12: Provision for Artificial Crop Protection Structures, and Workers &amp; Seasonal Workers Accommodation</li> <li>• Key Issue 13: Provision for Intensive Primary Production – Definitions, Issues, Objectives &amp; Policies</li> <li>• Key Issue 14: Provision for Intensive Primary Production – Rules, Standards, Assessment Matters etc</li> <li>• Key Issue 15: Provision for Rural Industry – Definitions, Issues, Objectives &amp; Policies</li> </ul>

Panel Report volume	Key Issues
	<ul style="list-style-type: none"> <li>• Key Issue 16: Provision for Rural Industry – Rules, Standards, Assessment Matters etc</li> <li>• Key Issue 17: Provision for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas – Definitions, Rules &amp; Related Noise Standards</li> </ul>
Volume 3D: Other Specific Activities within the Rural Zones	<ul style="list-style-type: none"> <li>• Key Issue 18: Provision for the National Grid &amp; Gas Transmission Network in the Rural Zones</li> <li>• Key Issue 19: Provision for Camping Grounds, Community Facilities, Educational Facilities &amp; Visitor Accommodation in the Rural Zones</li> <li>• Key Issue 20: Provision for Emergency Services &amp; Firefighting Water Supply in the Rural Zones</li> </ul>

- 1.6.2 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. This includes definitions.
- 1.6.3 We then turn our evaluation to the higher-level provisions of the PDP relating to the topic: the objectives and policies and associated matters.
- 1.6.4 Thereafter we considered the associated rules and standards, and, if relevant, methods and anticipated environmental results.
- 1.6.5 Finally, we consider whether there were any minor errors that should be rectified or consequential amendments that may be needed as a result of our recommendations.
- 1.6.6 The Panel’s recommendations for each submission point across the whole of the Rural Environment topic are listed in the table in Appendix A at the end of Report 3D.
- 1.6.7 A complete set of recommended tracked changes to chapters relevant to the Rural Environment topic is contained in Appendix B at the end of Panel Report 3D.

# PART B – EVALUATION

## 2 Overview

- 2.1.1 The District Plan review identified the District’s land resource as a critical and finite resource for the future of Central Hawke’s Bay, meeting various competing demands, and that the conversion rate of productive land to non-productive uses (such as urban expansion) is highest for those most versatile soils (Class I and II land).
- 2.1.2 During the process of reviewing the District Plan provisions in relation to the rural environment, Council commissioned LandVision Ltd to assess the value of the rural land resource in Central Hawke’s Bay. The results of that assessment have been comprehensively summarised in section 3 of the Section 32 Rural Environment Report that accompanied notification of the PDP.
- 2.1.3 The LandVision Report identified approximately 89,000ha of the District as being highly productive (total land area for the District is approximately 332,000ha). The highly productive land identified in the LandVision Report ultimately underpinned the creation of the Rural Production Zone in the PDP, encompassing the major concentration of the District’s highly productive/versatile land (largely LUC 1-3 soils) centred in and around the Ruataniwha Plains and flat to rolling land surrounding the main urban areas of Waipukurau, Waipawa and Ōtāne township.
- 2.1.4 The PDP has incorporated a ‘Rural Land Resource’ chapter in the ‘Strategic Direction’ section of the PDP, and replaces the single Rural Zone in the Operative Plan with three rural zones – being the General Rural Zone, the Rural Production Zone, and the Rural Lifestyle Zone, in line with the National Planning Standards. The Rural Production Zone in the PDP encompasses the majority of the District’s concentration of highly productive land. The Rural Lifestyle Zone comprises areas adjoining the urban areas of Waipawa and Waipukurau that already contain some rural lifestyle uses, and/or have been deemed appropriate for continued rural lifestyle subdivision and development. The General Rural Zone encompasses the remaining areas of rural land in the District.
- 2.1.5 The ‘coastal margin’ has been superseded by mapping of the ‘coastal environment’ which is now addressed separately in the ‘CE – Coastal Environment’ chapter in the PDP, submissions on which have been covered in Hearings Stream 1, and the Panel Report on that topic.
- 2.1.6 The Rural Zone provisions in the ODP also incorporate rules applying to ‘areas of significant natural conservation value’ (ASNCVs) identified on the Planning Maps. ASNCVs have been superseded by ‘significant natural areas’ (SNAs) in the PDP which are now addressed separately in the ‘ECO – Ecosystems & Indigenous Biodiversity’ chapter in the PDP, submissions on which have again been covered in the Panel Report on Hearings Stream 1.
- 2.1.7 Subdivision in the Rural Zone is currently a Controlled Activity down to a minimum lot size of 4000m<sup>2</sup> in the ODP (subject to performance standards around general matters such as lot dimensions, property access, and servicing). Subdivision provisions in the PDP are significantly different, with larger minimum lot size thresholds, and differing controls for rural lifestyle subdivision across the three rural zones. Submissions on subdivision provisions specific to the rural zones are addressed as part of this Hearings Stream relating to the rural environment (addressed in Panel Report 3B).

## 3 Key Issue 1 – Rural Environment Definitions

### 3.1 Proposed Plan provisions

- 3.1.1 Definitions are set out in Part 1 of the PDP in the Interpretation chapter.
- 3.1.2 This section of this report addresses submissions relating to the following definitions in the PDP of relevance to the rural environment: accessory building, audible bird scaring device, crop support structures, farm quarry, frost fans, greenhouse, primary production, service activity, ancillary buildings and structures (primary production), fertiliser, plantation forest/plantation forestry, reverse sensitivity, sensitive activity/sensitive activity (national grid), shelterbelt, free range poultry farming, highly productive land, land-based primary production, and special audible characteristic.
- 3.1.3 These are not all the definitions of relevance to the rural environment. Other definitions of relevance are addressed separately in other sections of this report, where they are specific to a particular issue/activity – for example, the definitions of ‘Intensive Primary Production’ and ‘Rural Airstrip’ are addressed in the relevant key issues contained in Panel Report 3C (Rural Activities).

### 3.2 Submissions

- 3.2.1 This section of this report addresses 35 submission points and 16 further submission points relating to definitions in the PDP of relevance to the rural environment.
- 3.2.2 A number of submissions support the retention of definitions as proposed:
- Accessory Building (Hort NZ, S81.004);
  - Audible Bird Scaring Device (Hort NZ, S81.009);
  - Crop Support Structures (Hort NZ, S81.011);
  - Farm Quarry (Federated Farmers, S121.244);
  - Frost Fans (Hort NZ, S81.013);
  - Greenhouse (Hort NZ, S81.014);
  - Primary Production (Te Mata Mushrooms, S102.005; Hort NZ, S81.024; Egg Producers, S27.003); and
  - Service Activity (Te Mata Mushrooms, S102.007).
- 3.2.3 Other submissions sought amendments or new definitions in relation to the following terms: Accessory Building, Ancillary Buildings and Structures (Primary Production), Plantation Forest/Plantation Forestry, Reverse Sensitivity, Sensitive Activity, Shelter Belt, Free Range Poultry Farming, Highly Productive Land, Land-based Primary Production, and Special Audible Characteristic.

### 3.3 Reporting planner’s recommendations (s42A report)

#### Definitions as proposed

- 3.3.1 The reporting planner did not recommend making any changes to those definitions where submissions were all<sup>1</sup> to retain the definitions.

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<sup>1</sup> With the exception of the further submission in opposition by Forest & Bird that was in blanket opposition to all of Federated Farmers’ submission, one point of which was in support of the definition of ‘Farm Quarry’

**‘Accessory Building’ and ‘Ancillary Buildings and Structures (Primary Production)’**

- 3.3.2 In relation to Hort NZ’s request (S81.004 and S81.006) to clarify the relationship between the definitions for ‘Accessory Building’ and ‘Ancillary Buildings and Structures’, the reporting planner noted that ‘Ancillary Buildings and Structures’ was a term specifically related to certain rules, while ‘Accessory Building’ was used more broadly.
- 3.3.3 The Pork Industry Board (S42.001) also made a submission with respect to the definition of ‘Ancillary Buildings and Structures (Primary Production)’, and sought that a definition and rule structure be provided that gave relief from the rules for buildings and structures as they might apply to mobile pig shelters, and to add mobile pig shelters to the definition.
- 3.3.4 The reporting planner considered mobile pig shelters would be buildings and structures ancillary to primary production, and therefore provided for as a Permitted Activity in the zone rules identified in the preceding paragraph. The reporting planner recommended an amendment to the definition of ancillary buildings and structures (primary production) to include mobile pig shelters.

<p>ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)</p>	<p>means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, <b>mobile pig shelters</b>, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.</p>
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**‘Fertiliser’**

- 3.3.5 Federated Farmers (S121.234) sought deletion of the definition for ‘Fertiliser’ on the basis the term was only used once.
- 3.3.6 The reporting planner identified that the term ‘fertiliser’ was used in the PDP more than once (in the definitions for ‘agricultural aviation movements’ and ‘dust’, as well as in the explanation of GRUZ-12) considered it appropriate to retain the definition in the PDP as proposed.

**‘Plantation Forest’/‘Plantation Forestry’**

- 3.3.7 The reporting planner did not support altering the definition of ‘Plantation Forest/Plantation Forestry’ as requested by Federated Farmers (S121.243). The definition of ‘Plantation Forest/Plantation Forestry’ in the PDP was taken directly from the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017. The definition states that it relates to ‘a forest deliberately established for commercial purposes’. The reporting planner considered that whether plantation forestry was carried out by a forestry company or by a farm owner was immaterial, and altering the definition would also render it out-of-step with the NES.

**‘Reverse Sensitivity’**

- 3.3.8 Several submissions supported retention of the definition of ‘Reverse Sensitivity’ as proposed.
- 3.3.9 Silver Fern Farms (S116.003) sought to add “maintenance, upgrade, or expansion” to the definition of reverse sensitivity. The reporting planner did not support this amendment and was of the view that this would expand the application of the concept of ‘reverse sensitivity’ beyond the initial existing activity. Where a future upgrade or expansion triggered a resource consent, then the RMA anticipated enabling other parties to participate in that process where they were deemed affected.

**‘Sensitive Activity’ / ‘Sensitive Activity (National Grid)’**

- 3.3.10 While several submissions sought to retain the definition of ‘Sensitive Activity’ as proposed, a number of other submitters consider the definition of ‘Sensitive Activity’ was too narrow, and that it should be expanded to cover other activities that they considered were equally sensitive to the effects of intensive primary production in the rural zones: e.g. camping grounds, community facilities, commercial activities (but not post-harvest activities), and health care facilities. In



particular, the NZMCA opposed the addition of camping grounds, as they considered many of their campgrounds were located in or near rural areas and that camping was generally compatible with rural production.

- 3.3.11 The reporting planner noted that, in relation to the rural environment, the term ‘Sensitive Activity’ applied primarily to setbacks from existing intensive primary production activities<sup>2</sup> (Standard PKH-S8, Standard GRUZ-S11, Standard RPROZ-S12, Standard RLZ-S6) which all required a minimum 200m setback of buildings for sensitive activities from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities.
- 3.3.12 In that context, the reporting planner agreed that new community facilities and health care facilities were equally sensitive to the effects of intensive primary production (or industrial activities, hazardous substances etc), and these were provided for to a limited extent as a Permitted Activity in some circumstances (subject to compliance with standards).
- 3.3.13 The reporting planner considered camping grounds were places where people sleep, eat, and play (albeit in a more temporary way than residential activities and visitor accommodation), and were sensitive to nuisance effects, as tents and campervans (and the like) were less able to effectively shut out such effects. As the establishment of new camping grounds generally triggered the need for a resource consent across the various zones in the PDP, the potential for reverse sensitivity was likely to be considered as part of assessing those applications where they may be located in close proximity to intensive primary production activities or industrial activities etc. Given this, the reporting planner considered that camping grounds were appropriate to include in the definition of ‘sensitive activity’.
- 3.3.14 On the basis of the above, the reporting planner recommended amending the definition of ‘Sensitive Activity’ in the PDP, as follows:

SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, <b>camping grounds</b> , rest homes, retirement villages, day care facilities, educational facilities, <b>community facilities, health care facilities</b> and hospitals.
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- 3.3.15 Hort NZ, Federated Farmers and the Pork Industry Board also sought to add a separate definition in relation to the National Grid “Sensitive Activity (National Grid)”. Transpower sought to tighten the definition of Sensitive Activity to make it clear what activities were included and avoid inappropriately capturing some activities. They also offered, as an alternative, that they would support a definition of sensitive activity specific to the National Grid. Hort NZ (FS17.10) supported Transpower’s submission in part, as they sought changes to the definition of sensitive activity and also a separate definition for sensitive activities in the National Grid Yard to be consistent with the NPS-ET.
- 3.3.16 The reporting planner concurred with some of the submitters that the term ‘Sensitive Activity’ was used across a number of chapters in the PDP, and that the definition was doing double-duty: to manage general nuisance effects like noise and dust on some land uses, as well as to meet the more specific requirements of the NPS-ET. The reporting planner recommended that the definition should be split: keeping the more general definition and adding a new additional definition as follows:

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2 Note: the term ‘sensitive activity/activities’ is also used in a similar context in a number of other chapters in the PDP, including the RE – Renewable Energy, HAZS – Hazardous Substances, SUB – Subdivision, EW – Earthworks, COMZ – Commercial Zone, and GIZ – General Industrial Zone chapters.

<u>SENSITIVE ACTIVITY (NATIONAL GRID)</u>	<u>has the same meaning as in clause 3 of the National Policy Statement for Electricity Transmission (2008) (as set out in the box below); includes schools, residential buildings and hospitals</u>
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#### ‘Shelter Belt’

- 3.3.17 The reporting planner agreed with Hort NZ that the hedge height threshold in the definition of ‘Shelter Belt’ created an unintended scenario whereby a newly planted shelter belt would not be deemed to be a ‘shelter belt’ until such time as it reached a height of 2m, and recommended the definition be amended as follows:

SHELTER BELT	a continuous line of trees or a hedge <del>that exceeds 2m in height</del> along all or part of a property boundary which has been planted for shelter purposes.
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#### ‘Free Range Poultry Farming’

- 3.3.18 The Egg Producers Federation (S27.001) sought inclusion of a new definition for ‘Free Range Poultry Farming’. The reporting planner considered that free range poultry farming clearly fell within the definition of ‘Primary Production’. ‘Primary production activities (including ancillary buildings and structures, except for post-harvest facilities, mining and quarrying)’ were provided for as a Permitted Activity in the rural zones (Rule GRUZ-R3, Rule RPROZ-R3, and Rule RLZ-R2) and in the rural and coastal settlement zones (Rule LLRZ-R9 and Rule SETZ-R11). The reporting planner considered ‘ancillary buildings and structures’ in this context would include ‘open air runs’ and ‘weatherproof buildings for roosting’ and separate provision was not required.

#### ‘Highly Productive Land’

- 3.3.19 Hort NZ (S81.033) sought inclusion of a definition of ‘Highly Productive Land’ to clarify the spatial scope of such land and include LUC 1, 2 and 3. In response, the reporting planner noted that ‘Highly Productive Land’ was used throughout the PDP, with a view to responding to the introduction of a National Policy Statement for Highly Productive Land (noting that the s42A report on this topic preceded the release of the NPS-HPL in September 2022).
- 3.3.20 The Panel was informed by the reporting planner that a previously proposed definition of ‘versatile land of Central Hawke’s Bay’ was ultimately not included in the PDP on the basis that the land deemed ‘versatile’ (now referred to as ‘highly productive land’) had been effectively contained within its own purpose-built spatial layer (being the RPROZ – Rural Production Zone). The reporting planner advised that the essence of the definition from the Draft Plan now formed part of the description for the RPROZ zone in the PDP and the reporting planner considered that this text provided sufficient clarity around what was deemed ‘highly productive land’ in respect of the PDP. Having a specific definition suggested that the provisions of the Rural Production Zone were only intended to apply to pieces of land which individually met the definition, which was not the case. The protections applied by the Rural Production Zone applied to the resource as a whole, including pieces within it that may not, of themselves, meet that definition.

#### ‘Land-based Primary Production’

- 3.3.21 Hort NZ (S81.032) sought inclusion of a definition for ‘Land-based Primary Production’. Alternatively, they sought that all references to ‘land-based’ should be removed throughout the Plan when referring to primary production.
- 3.3.22 The reporting planner noted the term ‘Primary Production’ was subject to a mandatory definition contained in the National Planning Standards, and was defined as including ‘any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities. As ‘aquaculture

activities’ was a term defined in s2 of the RMA as involving the occupation of coastal marine area (a regional council responsibility), the provisions in the PDP intentionally referred in places only to ‘land-based’ primary production, as a subset of ‘primary production’.

3.3.23 The reporting planner therefore recommended including the following definition in the PDP:

<b><u>LAND-BASED PRIMARY PRODUCTION</u></b>	<b><u>a subset of Primary Production, excluding aquaculture activities.</u></b>
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‘Special Audible Characteristic’ (new)

3.3.24 Hort NZ (S81.030) sought inclusion of a definition for ‘Special Audible Characteristic’ as the National Planning Standard has a definition which was relevant when assessing sound from frost fans. The reporting planner did not consider that a definition should be added as the term was not used anywhere in the PDP.

### 3.4 Evidence to the hearing

- 3.4.1 Ms Rhea Dasent presented evidence for Federated Farmers supporting the definition recommended in the s42A report for ‘Sensitive Activity (National Grid)’ and agreed with the s42A recommendations for the definitions ‘Ancillary Buildings’, ‘Sensitive Activity’, ‘Shelterbelt’ and ‘Land-based Primary Production’.
- 3.4.2 Mr Dougall Campbell presented corporate evidence for Transpower, describing Transpower and the National Grid and addressing the nature of Transpower’s assets in the CHBD. Benjamin Cartwright presented evidence on the operation and maintenance requirements of the National Grid. Ms Pauline Whitney presented planning evidence for Transpower, setting out relevant National and Regional Direction under the RMA, summarising the nature of Transpower’s submission on the PDP and responding to the s42A report recommendations. Her evidence accepted the reporting planner’s recommendation to provide a National Grid specific definition of sensitive activities that reflected the NPS-ET.
- 3.4.3 Ms Jordyn Landers gave industry evidence for Hort NZ and Ms Lynette Wharfe presented planning evidence. Ms Wharfe’s evidence generally supported the s42A report in respect of the definitions addressed, but sought a definition be included for ‘Highly Productive Land’ given the extent to which the term was used in the PDP. Ms Wharfe would support a definition based on the criteria in the Introduction of the RPROZ chapter and provided the following wording:
- Highly productive land includes Land Use Capability Class 1-3 soils and Class 7 soils that have a high value for viticultural production.*
- 3.4.4 Ms Claire Price presented planning evidence for Te Mata Mushrooms. In her evidence, she accepted the s42A report recommendations in relation to ‘Primary Production’ and ‘Service Activities’ definitions.
- 3.4.5 Ms Price also presented planning evidence for Hatuma Lime, accepting the s42A report recommendations in relation to ‘Reverse Sensitivity’ and ‘Service Activities’ definitions.
- 3.4.6 Mr Tom Anderson submitted a statement on behalf of Chorus, Spark and Vodafone agreeing with the relief recommended in the s42A report in relation to the definition of reverse sensitivity.

### 3.5 Post hearing information

3.5.1 The reporting planners’ right-of-reply of 5 August 2022 addressed the different use of ‘accessory building’ and ‘ancillary buildings’ in the PDP. The reporting planners noted the National Planning

Standards included a definition of the term ‘accessory building’ which has been adopted in the PDP but there was no constraint under the Standards on the use of other terms within a district plan for other purposes. In the reporting planner’s view, the terms were not synonymous and were not used interchangeably in the PDP. The reporting planners did not change their recommendations from the s42A report. However, they noted the amendments in the s42A report on RPROZ-S5 and S6 and GRUZ-S4 and S5 should similarly apply in Standard RLZ-S4 and recommended this be made as a consequential amendment (this is addressed in Key Issues 6 and 7).

- 3.5.2 The right-of-reply addressed the definition of ‘Highly Productive Land’. The reporting planner confirmed her position in the s42A report which was that a definition of ‘Highly Productive Land’ was not needed. She considered that the text in the Introduction provided sufficient clarity around what was deemed ‘Highly Productive Land’ and the Highly Productive Land in the District has been mapped and incorporated into the PDP (RPROZ).

### 3.6 Evaluation and findings

#### ‘Accessory Building’ and ‘Ancillary Buildings and Structures (Primary Production)’

- 3.6.1 The Panel considers that there is potential for confusion in using the terms ‘accessory building’ and ‘ancillary buildings and structures (primary production)’. The term ‘accessory building’ is defined in the National Planning Standards, while not ‘ancillary buildings’ is not. While the Panel accepts that the National Planning Standards allow District Plans to have a level of subsidiary definitions for specific purposes, the Panel notes that the Standards are intended to ensure a level of consistency in terminology in District Plans across the country. The Panel therefore considers it appropriate to retain the two separate terms but considers that the term ‘ancillary’ should be replaced with ‘accessory’ to indicate it is a subsidiary definition under the principal definition of ‘accessory building’. Accordingly, the Panel recommends that Hort NZ submission S81.004 be accepted and S81.006 be accepted in part.
- 3.6.2 In relation to the request by the Pork Industry Board (S42.001) to include mobile pig shelters, the Panel considers that the term ‘mobile livestock shelters’ would be more appropriate as this would also capture bird roosts as sought by Egg Producers Federation (S27.001).
- 3.6.3 The Panel therefore recommends retaining the definition of ‘accessory building’ and making the following amendments to ‘ancillary buildings and structures (primary production)’:

<p><del>ANCILLARY</del> <u>ACCESSORY</u> BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)</p>	<p>means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, <b>mobile livestock shelters</b>, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.</p>
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- 3.6.4 The Panel recommends consequential amendments to LLRZ-R9, GRUZ-R3, RLZ-R2, RPROZ-R3 and SETZ-R11 to use the revised definition. These amendments are set out in the tracked changes chapters.

#### ‘Fertiliser’

- 3.6.5 The Panel notes that the term ‘Fertiliser’ is only used sparingly in the PDP and, if there is uncertainty, there is a definition in the National Planning Standards that can be referred to. Therefore, the Panel recommends that Federated Farmers’ submission S121.234 be accepted and the definition of ‘Fertiliser’ be deleted.

**'Plantation Forest/Plantation Forestry'**

3.6.6 As the definition of 'Plantation Forest/Plantation Forestry' is taken directly from the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017, the Panel considers that it would be inappropriate and inconsistent to change the definition. The Panel therefore recommends rejecting Federated Farmers' submission (S121.243) seeking its alteration.

**'Reverse Sensitivity'**

3.6.7 The Panel agrees with the reporting planner that the amendment sought by Silver Fern Farms to the definition of 'Reverse Sensitivity' would unduly expand the application of the concept. The Panel agrees with the reporting planner that, where a future upgrade or expansion triggers resource consent, then it is appropriate for other parties to participate in that process where they are deemed affected. Therefore, the Panel recommends rejecting Silver Fern Farms (S116.003) submission seeking to amend the definition of 'Reverse Sensitivity'.

**'Sensitive Activity' (amend) / 'Sensitive Activity (National Grid)' (new)**

3.6.8 The Panel agrees with the reporting planner that a separate definition for 'Sensitive Activity (National Grid)' would provide for greater clarity, given its specialist application in relation to the National Grid. The Panel recommends the following new definition be added:

<b><u>SENSITIVE ACTIVITY (NATIONAL GRID)</u></b>	<b><u>has the same meaning as in clause 3 of the National Policy Statement for Electricity Transmission (2008) (as set out in the box below);</u></b> <b><u>includes schools, residential buildings and hospitals.</u></b>
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3.6.9 In terms of the definition of 'Sensitive Activity' several submissions sought this be expanded. The Panel agrees with the reporting planner that it is appropriate to add community facilities and health care facilities to the list of sensitive activities. The Panel also agrees that camping grounds should be included as they are sensitive to nuisance effects and less able to effectively shut them out. The Panel also considers that it would aid clarity if 'cemeteries' were added to the list, noting these could be captured by the term 'urupā' but this is not entirely clear. However, as there is no submission point on this matter, the Panel does not have scope to make this change.

3.6.10 The Panel recommends the definition of 'Sensitive Activity' be amended as follows:

SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, <b><u>camping grounds,</u></b> rest homes, retirement villages, day care facilities, educational facilities, <b><u>community facilities, health care facilities</u></b> and hospitals.
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**'Shelter Belt'**

3.6.11 The Panel agrees with the reporting planner that the hedge height threshold in the definition of 'Shelter Belt' creates an unintended scenario whereby a newly planted shelter belt would not be deemed to be a 'shelter belt' until such time as it reaches a height of 2m. It is also inappropriately imposing a standard by way of a definition. Therefore, the Panel recommends accepting S81.029 and making the following amendment:

SHELTER BELT	a continuous line of trees or a hedge <b><u>that exceeds 2m in height</u></b> along all or part of a property boundary which has been planted for shelter purposes.
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#### **‘Free Range Poultry Farming’**

- 3.6.12 The Panel agrees with the reporting planner that a separate definition for ‘free range poultry farming’ is unnecessary. As discussed under our evaluation on the definition for ‘ancillary buildings and structures (primary production)’ definition, the Panel recommends adding ‘mobile livestock shelters’ to that definition which would more explicitly capture some of the structures that the Egg Producers Federation desires to see included. The Panel notes that the definition is inclusive and it is not necessary to add every type of potential structure associated with primary production.

#### **‘Highly Productive Land’**

- 3.6.13 The Panel agrees with the reporting planner and does not recommend that a definition of ‘Highly Productive Land’ be included in the PDP. The Panel considers that the important thing is the identification, rather than the definition, of ‘Highly Productive Land’ and notes that the productive soils are mapped in the PDP in that it is largely contained within its own purpose-built spatial layer, being the RPROZ – Rural Production Zone.
- 3.6.14 In regard to the NPS-HPL which came into force on 17 October 2022 (after the hearing on the rural environment in June 2022), the Panel was provided with legal advice from Ms Davidson with respect to its implications for the PDP (see memorandum dated 9 November 2022, circulated for Hearing Stream 6). Ms Davidson’s memorandum identified that the NPS-HPL contained two specific definitions of highly productive land; a long term one based on the mapping of LUC 1 to 3 soils, and a more complex transitional one. The Panel observed that the use of LUC 1 to 3 class soils aligned generally with the approach of the PDP and therefore reliance could be made on the definitions in the NPS-HPL rather than introducing a separate definition in the PDP.

#### **‘Land-based Primary Production’**

- 3.6.15 The Panel disagrees with the reporting planner’s recommendation to include a separate definition of land-based primary production as sought by Hort NZ (S81.032) to recognise that coastal aquaculture activities are not addressed in the policies of the PDP. The PDP uses the term ‘primary production’ in many places and, to be consistent therefore, all such references would have to be amended to read ‘land-based primary production’. The term ‘primary production’ is defined under the National Planning Standards, and while that definition includes ‘aquaculture’, the definition of ‘aquaculture’ under s2 RMA confines ‘aquaculture activities’ to those occurring within the coastal marine area<sup>3</sup>. Using the term ‘primary production’ is therefore self-excluding in that it automatically excludes any activity that is outside the jurisdiction of the District Council to control. Further, the Panel considers that ‘land-based’ will be read into the term ‘primary production’ in the way it is used throughout the PDP.
- 3.6.16 The Panel therefore recommends rejecting the submission of Hort NZ (S81.032).

#### **‘Special Audible Characteristic’ (new)**

- 3.6.17 The Panel agrees with the reporting planner that, as the term ‘special audible characteristic’ is not used in the PDP, there is no need to add a definition. The Panel therefore recommends rejecting Hort NZ submission S81.030.

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<sup>3</sup> The Panel does acknowledge that there appears to be an omission across the definitions relating to freshwater aquaculture activities that may occur on land (such as trout raising), but concluded this void is not consequential in terms of managing the rural land resources of Central Hawke’s Bay.

## 4 Key Issue 2 – Strategic Direction – Rural Land Resource

### 4.1 Proposed Plan provisions

- 4.1.1 This section of this report addresses submissions relating to the RLR – Rural Land Resource chapter contained within the Strategic Direction section of the PDP. The RLR chapter sets out the strategic direction for sustainable management of the rural land resource of Central Hawke’s Bay; in particular, the recognition of the District’s significant concentration of highly productive land.
- 4.1.2 Not all the submissions relating to this chapter were addressed under Key Issue 2. Other submissions relating to provisions in this chapter were addressed in other sections of this report, where they were specific to a particular issue/activity – for example, submissions seeking inclusion of specific references to ‘rural industry’, and submissions addressing lifestyle site subdivision provisions, were addressed in the relevant key issues contained in Panel Reports 3B and 3C.

### 4.2 Submissions

- 4.2.1 This section of this report addresses 54 submission points and 22 further submission points relating to the RLR – Rural Land Resource chapter.
- 4.2.2 Many submissions were in support and sought provisions be retained. Several submissions sought amendments to objectives and policies and one submission sought a new policy.

### 4.3 Reporting planner’s recommendations (s42A report)

#### General Strategic Direction

- 4.3.1 Several submissions support the retention of the RLR – Rural Land Resource chapter: for example, The Surveying Company supported the general strategic direction around the protection of highly productive soils. The reporting planner accepted these submissions insofar as the chapter was retained, but subject to recommended amendments in response to submissions on specific provisions.

#### Issues

- 4.3.2 Several submissions support the retention of Issues RLR-I1 as proposed. Hort NZ sought an amendment to include reverse sensitivity within the list in the explanation. The reporting planner agreed the amendment sought would be appropriate, with slightly different wording, and recommended the following new fifth point:

#### **RLR-I1 Incremental Loss of Highly Productive Land**

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

#### Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land’s versatility.

There has been a history of ad hoc subdivision of small lifestyle blocks within the Central Hawke's Bay District for many years. Many of these blocks are located on highly productive and versatile land or soils. Although some lifestyle blocks do continue to be productive in terms of agricultural or horticultural product, more often than not they become un-productive and their productive potential is lost forever.

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.

**5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established primary production activities in the vicinity (reverse sensitivity).**

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

### Objectives

- 4.3.3 **Objective RLR-O1.** The reporting planner did not recommend any amendments to RLR-O1, noting all submitters sought its retention.
- 4.3.4 **Objective RLR-O2.** Submitters all generally supported retention of Objective RLR-O2, but a number of them sought minor amendments to the wording.
- 4.3.5 The reporting planner did not agree with Hatuma Lime that the objective should be broadened to reference 'lawfully established activities (such as quarries)'. In her view, the focus of the RLR – Rural Land Resource objectives was on protecting the productive capacity of the District's rural land resource and its primary production role, and that broadening the objective to cover all lawfully established activities would significantly dilute that strategic direction. The planner also did not consider the relief sought to be necessary because lawfully established activities had existing use rights pursuant to s10 of the RMA, nor did she consider there was any reason to single out quarries.
- 4.3.6 The reporting planner did not support the Pork Industry Board's request to replace the reference to the 'rural land resource' with the word 'environment' but to avoid ambiguity in the reading of the objective, the reporting planner recommended the words 'and associated amenity' be placed within brackets.
- 4.3.7 The reporting planner considered replacing the words 'not compromised by' with the words 'protected from' (as requested by Silver Fern Farms) was an appropriate amendment as this better clarified the intent that inappropriate subdivision, use and development should be avoided, and 'protection' was more in keeping with terminology used in sections 6 & 7 of the RMA.
- 4.3.8 The reporting planner recommended Objective RLR-O2 be amended as follows:

RLR-O2      The primary production role (and associated amenity) of the District's rural land resource is retained, and is **protected from** ~~not compromised by~~ inappropriate subdivision, use and development.

- 4.3.9 The reporting planner did not recommend making any changes to **Objectives RLR-O3 and RLR-O4**, noting all submissions supported their retention.

### Policies

- 4.3.10 **Policy RLR-P1.** The reporting planner did not recommend making any changes to Policy RLR-P1, noting all submissions supported its retention.
- 4.3.11 **Policy RLR-P2.** The submitters all generally supported retention of Policy RLR-P2, but Silver Fern Farms sought to amend the policy so that the avoidance of unplanned urban expansion onto the District's highly productive land be confined to the Rural Production Zone, and that the words 'where other feasible options exist' be deleted as they considered the wording superfluous.



4.3.12 The report planner agreed that whether other feasible options exist or not, the conversion of highly productive land to urban uses should be preceded by formal planning processes (e.g. structure planning and rezoning) and the amended wording more accurately reflected the approach in the PDP. The planner recommended the policy be amended, as follows:

RLR-P2 To avoid unplanned urban expansion onto the District's highly productive land in the Rural Production Zone where other feasible options exist.

4.3.13 **Policy RLR-P3.** The submitters all generally supported retention of Policy RLR-P3, but some submitters sought amendments to the wording of the policy. The reporting planner recommended the policy be amended to better reflect the approach in the PDP to lifestyle subdivision. The planner recommended the following wording:

RLR-P3 To limit ~~the amount of~~ further fragmentation of the District's rural land resource through limiting lifestyle subdivision in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone.

4.3.14 **Policy RLR-P4.** The submitters all generally supported retention of Policy RLR-P4, but some sought various amendments. The reporting planner considered that the focus of the policy on managing activities that did not compromise the primary production role of the rural land resource was relevant to all rural land, not just highly productive land and therefore did not consider it added anything to the policy to specifically reference the two zones. The reporting planner agreed with Transpower that some 'non- primary production' activities required a rural location (such as the National Grid). The accompanying rules and standards in the PDP recognised this, and therefore there was merit to ensuring the policy better reflected this. The reporting planner also agreed with Hort NZ that reference to 'associated amenity of the rural land resource' was better described as 'rural character'.

4.3.15 Given the above, the reporting planner recommended amending the policy in line with the wording sought by Transpower, but also adopting some of the wording sought by Hort NZ, as follows:

RLR-P4 To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not unduly compromise ~~the~~ primary production ~~role~~ and associated rural character and amenity ~~of the rural land resource~~, particularly in the Rural Production Zone, recognising that some non-primary production activities have an operational or functional need to locate in a rural area.

4.3.16 **Policy RLR-P5.** Submitters all generally supported retention of Policy RLR-P5. As it was relevant to all rural land, the reporting planner did not consider it added anything to the policy to specifically reference the General Rural Zone and Rural Production Zone, as sought by Hatuma Lime and Te Mata Mushrooms. The reporting planner therefore recommended Policy RLR-P5 remain unchanged.

4.3.17 **New Policy.** HTST sought the inclusion of a new policy:

RLR-PX Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.

4.3.18 The reporting planner did not recommend the insertion of this policy, as she considered it was unclear about which resource management issue it was addressing, or the linkages between issue, objectives, policies and methods.

#### Principal Reasons

4.3.19 The reporting planner did not consider there was anything to be gained by amending the Principal Reasons in the RLR – Rural Land Resource chapter as sought by Hort NZ to clarify the intent to prevent small holdings in the rural environment where they were for non-primary production purposes. The reporting planner accepted that some horticulture did occur on existing small

holdings, but noted the subdivision provisions in the PDP acted to prevent the creation of large numbers of small holdings overall to address continued uncontrolled fragmentation of the rural land resource. The reporting planner therefore recommended to reject this submission.

#### Anticipated Environmental Results

- 4.3.20 Hort NZ and Silver Fern Farms sought amendments to the wording of Anticipated Environmental Result RLR-AER4. RLR-AER4 recognised that the provisions of the PDP were anticipated to result in a diversity of primary production and related activities in the rural area. However, the reporting planner agreed the wording could be misconstrued as anticipating a diversity of any and all types of activities. The reporting planner recommended the following amendment:

RLR-AER4 ~~Activities in the rural area are primarily primary production and related activities diversity of activity in the rural area.~~

#### 4.4 Evidence to the hearing

- 4.4.1 In relation to Key Issue 2, Ms Rhea Dasent’s evidence for Federated Farmers supported the s42A report recommendations.
- 4.4.2 Ms Pauline Whitney’s evidence for Transpower supported the s42A report recommendation to amend Policy RLR-P4, including the proposed reference to operational or functional need.
- 4.4.3 Ms Lynette Wharfe, for Hort NZ, generally supported the s42A report recommendations but sought amendments to RLR-I1, RLR-P3, and RLR-P4. These changes related to the reference to “New sensitive” activities in RLR-I1, the use of the terms “limit” and “limiting” in RLR-P3 and the use of the term “a wide range of” activities in LRL-P4. Ms Wharfe sought amendments to the wording of these provisions and provided tracked changes for the amendments sought. Ms Wharfe also provided a track changed version of the RLR chapter, which included an amendment to RLR-O4 to change “residential living” to “residential activities” to align with the definitions.
- 4.4.4 The evidence of Ms Claire Price for Hatuma Lime was generally supportive of the recommendations in the s42A report. Her evidence sought a further amendment to RLR-I1 to protect both primary production activities and other existing lawfully established activities from reverse sensitivity. In relation to RLR-O2 (S98.007), Ms Price’s evidence was that given the recommendation that this submission point be rejected as it was in the wrong place in the policy framework, that reference to protect lawfully established uses be inserted into GRUZ-P7.
- 4.4.5 The evidence of Ms Price for Te Mata Mushrooms was generally supportive of the recommendations in the s42A report. Her evidence sought a further amendment to RLR-I1 to protect both primary production activities and other existing lawfully established activities from reverse sensitivity. In relation to RLR-O2, Ms Price sought changes to RPROZ-O4 to recognise intensive primary production activities to satisfy the relief sought in S102.063 while retaining RLR-O2 as recommended in the s42A report.
- 4.4.6 Mr Stephen Daysh, for HTST, Tukituki Water and Water Holdings, provided evidence in relation to the new policy being sought by HTST. His evidence set out the context for the requested policy and linkages between the issue, objectives, policies and methods. Mr Daysh’s view was that it was critical that the Rural Environment section of the PDP included a clear policy supporting and linking water storage activities to the maintenance of productive outputs from high quality land resources. Mr Daysh’s evidence proposed a rewording of the new policy so that it applied more generally to the rural environment:

**RLR-PX - To provide for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.**

- 4.4.7 A s32AA evaluation was appended to Mr Daysh’s evidence.
- 4.4.8 The evidence of Mr Steven Tuck for Silver Fern Farms addressed the request of the submitter to add references to ‘rural industry’ to some RLR strategic provisions. Mr Tuck supported the s42A report recommendation to amend RLR-P4.
- 4.4.9 The legal submission on behalf of submitter James Bridge sought amendments to RLR-P3 to refer to ‘highly productive rural land’ rather than ‘rural land’ generally, to limit the application of the policy to the scope of the relevant objective RLR-O3. Likewise, the legal submission sought that RLR-P4 apply to ‘highly productive rural land resource’ rather than ‘rural land resource’ generally.

## 4.5 Post hearing information

- 4.5.1 The reporting planner’s right-of-reply of 5 August 2022 addressed RLR-I1. While the reporting planner did not change her position regarding recommending additional wording for the explanation supporting Issue RLR-I1, she revised her recommendation to clarify that both primary production activities and existing lawfully established activities should be protected from reverse sensitivity, agreeing with the wording sought by Claire Price in her planning evidence for Hatuma Lime and Te Mata Mushrooms. The reporting planner recommended the following additional wording (in shaded dark grey) for the explanation of Issue RLR-I1:

**5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established activities and primary production activities in the vicinity (reverse sensitivity).**

- 4.5.2 In relation to RLR-P3, in the right-of-reply, the reporting planner confirmed her position that RLR-P3 should not be limited to the ‘highly productive rural land resource’ as sought by James Bridge (S105.003). The reporting planner revised her recommendation on the wording of RLR-P3 to avoid repetition of “limit/limiting” and improve the grammar of the policy:

To limit ~~the amount of~~ further fragmentation of the District’s rural land resource through ~~limiting restricting~~ lifestyle subdivision **in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone’**

- 4.5.3 In relation to RLR-P4 the reporting planner revised her recommendation on the wording of Policy RLR-P4, essentially retaining the wording, but revising the structure:

To provide for a wide range of **activities** to establish, **in the rural area:**

1. which complement the **resources** of the rural area;
2. provided that they do not **unduly compromise the** primary production ~~role~~ and associated **rural character and amenity** ~~of the rural land resource~~, particularly in the Rural Production Zone,
3. while recognising that some non-**primary** production activities have an operational or functional need to locate in a rural area.

- 4.5.4 In relation to the new policy sought by HTST, the reporting planner noted that Council’s legal counsel provided advice confirming there was proper basis for the Panel to determine there was scope to consider the merits of the relief now sought. However, the reporting planner did not consider that maintaining the productive capacity of the District’s rural land resource (Objective RLR-O1) required access to water and did not consider it necessary to have the policy requested by the submitter in order to achieve Objective RLR-O1. The reporting planner was concerned that such a policy (as currently worded) could inadvertently be used to claim that highly productive land was not highly productive due to having a lack of reliable stored water. The reporting planner did not change her position recommending that the submission on this point be rejected, but provided policy wording if the Panel was of a mind to include a policy of this nature.

**RLR-PX To recognise the value of reliable stored water resources and associated water storage infrastructure, where it provides increased water availability and security for water users, in**

## 4.6 Evaluation and findings

### Issues

- 4.6.1 The Panel generally agrees with the reporting planner’s recommended amendment to RLR-I1 (as per the 5 August right-of-reply) to include reverse sensitivity within the list in the explanation to the issue and for this to refer to existing lawfully established activities as well as primary production activities. However, the Panel considers the addition of ‘reverse sensitivity’ in brackets at the end of the additional sentence could create confusion and consider it is not needed. Therefore, the Panel recommends the following amendment to RLR-I1:

#### **RLR-I1 Incremental Loss of Highly Productive Land**

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

#### **Explanation**

...

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.

#### **5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established activities and primary production activities in the vicinity.**

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

### Objectives

- 4.6.2 **Objective RLR-O2.** The Panel agrees with the reporting planner that replacing the words ‘not compromised by’ with the words ‘protected from’ as requested by Silver Fern Farms is an appropriate amendment as it better clarifies the intent that inappropriate subdivision, use and development should be avoided, and ‘protection’ is more in keeping with terminology used in sections 6 and 7 of the RMA. The Panel does not consider the objective should be broadened to reference ‘lawfully established activities (such as quarries)’ as the term ‘primary production’ includes quarries: this Objective is focused on the importance of the District’s land resource to primary production in the District. Neither does the Panel consider that ‘rural land resource’ should be replaced with ‘environment’, but to avoid ambiguity in the reading of the objective, the Panel agrees that brackets be placed around ‘and associated amenity’. The Panel recommends the following amendment:

RLR-O2 The primary production role (and associated amenity) of the District's rural land resource is retained, and is **protected from** ~~not compromised by~~ inappropriate subdivision, use and development.

- 4.6.3 **Objective RLR-O4.** All submissions on RLR-O4 were in support, although the Panel agrees with Ms Wharfe in her evidence for Hort NZ that replacing “residential living” with “residential activities” would ensure better alignment with the defined terms used in the PDP. However, the Panel considered ‘activities’ would be duplicative in that it would be used twice in the same clause, and therefore the objective should read:

RLR-O4 Residential ~~living~~ and other activities that are unrelated to primary production are directed to locations zoned for those purposes and that are not situated on highly productive land.

## Policies

- 4.6.4 **Policy RLR-P2.** The Panel agrees with the reporting planner’s recommendation that RLR-P2 be amended, considering that the revised wording would provide greater certainty and would more accurately reflect the approach in the PDP. The Panel therefore recommends RLR-P2 be amended as follows:

RLR-P2 To avoid unplanned urban expansion onto the District’s highly productive land in the Rural Production Zone where other feasible options exist.

- 4.6.5 **Policy RLR-P3.** The Panel agrees that an amendment to RLR-P3 would provide greater clarity and avoid the repetition of ‘limit’/‘limiting’ as sought by Silver Fern Farms S116.011 and Hort NZ S81.041. However, the Panel considers the wording of this policy could be more tightly worded than that recommended by the reporting planner, and recommends it be amended as follows:

RLR-P3 To ~~minimise limit the amount of further~~ fragmentation of the District’s rural land resource through directing limiting lifestyle subdivision to the Rural Lifestyle Zone and limiting lifestyle subdivision in the General Rural Zone and, particularly, in the Rural Production Zone.

- 4.6.6 **Policy RLR-P4.** The Panel agrees with the reporting planner that an amendment to RLR-P4 would ensure that the policy better reflects that some activities require a rural location and agrees that ‘associated amenity of the rural land resource’ is better described as ‘rural character’. The Panel consider the wording could be improved by restructuring and tightening and replacing a ‘wide range of activities’ with ‘non-primary production activities’ would better reflect what the policy is trying to achieve. The Panel therefore recommends RLR-P4 be amended as follows:

RLR-P4 To provide for ~~non-primary production a wide range of~~ activities ~~to establish, which that~~ complement the resources of the rural area, provided ~~that~~ they do not compromise ~~the~~ primary production ~~role and associated amenity of the rural land resource~~, particularly in the Rural Production Zone, and associated rural character and amenity in all rural zones, recognising that some non-primary production activities have an operational or functional need to locate in a rural area.

- 4.6.7 **Policy RLR-P5.** The Panel agrees with the reporting planner that the policy is relevant to all rural land and it does not add anything to specifically refer to the General Rural Zone and Rural Production Zone. The Panel therefore recommends that Policy RLR-P5 remains unchanged.

- 4.6.8 **New Policy.** HTST sought a new policy be included relating to reliable stored water resources and productive capacity of the land. Through the planning evidence of Stephen Daysh, this new policy was sought to be worded as:

RLR-PX To enable an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained

- 4.6.9 In the opinion of the Panel, a policy recognising the importance of access to stored water resources for primary production is appropriate, inasmuch as a policy that, for example, recognises the importance of the provision of infrastructure in relation to urban form and development. Infrastructure, which would include water storage and distribution, is a land use in of itself. While the Panel accepts that the diversion and/or take of water is a regional council responsibility under the RMA, the infrastructure involved with water storage (and its distribution) is a land use and it is therefore appropriately recognised and addressed as a district-level matter.

- 4.6.10 The Panel acknowledges the concerns of the reporting planner that “such a policy (as currently worded in the evidence of Mr Daysh) could inadvertently be used to claim that highly productive

land is not highly productive due to having a lack of reliable stored water”<sup>4</sup>. She was apprehensive that this could then be used as an argument in support of fragmentation via subdivision, or loss of productive land through covering it with inappropriate development.

- 4.6.11 The Panel, however, notes that this concern does not take into account the evidence that climate change may make primary production more difficult to maintain due to more extensive droughts<sup>5</sup>. It therefore is a direct relevance to Strategic objective RLR-01: “The productive capacity of the District’s rural land resource, particularly the District’s highly productive land, is maintained.” We also consider there is adequate direction in the PDP on the prevention of further fragmentation of the rural land resource (for example, RLR-O2, RLR-03, RLR-P3).
- 4.6.12 The Panel agrees with the reporting planner that reliable stored water resources and associated infrastructure would enable the productive capacity of land to be enhanced, in line with Policy POL LW1(k) of the Hawke’s Bay Regional Policy Statement. Accordingly, the Panel considers it is appropriate for the PDP to recognise the importance of such land uses in contributing to rural development and economic wellbeing, based as it is on primary production derived from the District’s land resource. It is also appropriate to recognise it as a strategic level issue in the PDP, given its broad relevance to the use of the District’s land resources and to the economic and social wellbeing of the District.
- 4.6.13 Thus, the Panel consider that it is appropriate for the PDP to have a policy that recognises the strategic importance of stored water resources for both maintaining and enhancing the productive capacity of the District’s land resource.
- 4.6.14 The Panel also considers the NPS-HPL, which came into force on 17 October 2022, is of relevance to this matter. In particular, it observes that public or community rural water storage infrastructure, including distribution systems, are exempt from the restrictions on the use and development of highly productive land as specified infrastructure (being strategic infrastructure).
- 4.6.15 Accordingly, the Panel accepts the recommended wording of the reporting planner, albeit with some minor changes to simplify the wording and to exclude reference to freshwater values (which is a regional issue), as follows:

**RLR-PX** **To recognise the value of reliable stored water resources and associated infrastructure where it provides increased water availability and security for water users, in maintaining and enhancing the productive capacity of the rural land resource.**

#### Principal Reasons

- 4.6.16 The Panel agrees with the reporting planner that the Principal Reasons would not be improved by the inclusion of text clarifying the intent to prevent small holdings in the rural environment only where they are for non-primary production purposes. The PDP contains subdivision provisions to prevent the creation of large numbers of small holdings overall, whatever their use or purpose, to address continued uncontrolled fragmentation of the rural land resource. The Panel therefore recommends retaining the Principal Reasons unchanged and rejecting Hort NZ’s submission on this point.

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<sup>4</sup> From the *Response to Submitter Evidence where there is a Disagreement*, attached to the reporting planner’s right-of-reply

<sup>5</sup> For example, climate change scientist Dr James Renwick has identified that “Drought risk is likely to increase most in eastern regions, including Hawke’s Bay, where a doubling or tripling of the risk is likely by the end of the century.” (*Climate Change and its Implications for the Ruataniwha Water Storage Scheme*, report prepared for the Hawke’s Bay Regional Investment Company Limited, May 2013)

## Anticipated Environmental Results

- 4.6.17 The Panel agrees that the wording of RLR-AER4 could be interpreted as anticipating an outcome where there is a diversity of all types of activities, including non-primary production activities, in the rural area, which is not a strategic objective of the PDP. The Panel agrees with the recommendation of the reporting planner and recommends the following amendment (replacing 'primarily' with 'predominantly' to avoid duplicative wording):

RLR-AER4 **Activities in the rural area are predominantly primary production and related activities** ~~diversity of activity in the rural area.~~



## 5 Key Issue 3 – Functional Need for a Rural Location

### 5.1 Proposed Plan provisions

- 5.1.1 Key Issue 3 addresses submissions relating to Policies GRUZ-P7 and RPROZ-P7 and to Assessment Matters GRUZ-AM8 and RPROZ-AM9 in the Rural Zone chapters, seeking to incorporate text around the functional or operational need for a rural location.

### 5.2 Submissions

- 5.2.1 Hort NZ sought to amend Policies GRUZ-P7 & RPROZ-P7 and Assessment Matters GRUZ-AM8 & RPROZ-AM9 to incorporate text around the functional or operational need for a rural location. The Ministry of Education supported retention of GRUZ-AM8 and RPROZ-AM9 as proposed.

### 5.3 Reporting planner’s recommendations (s42A report)

- 5.3.1 The reporting planner agreed with Hort NZ that the policy direction in the General Rural Zone and Rural Production Zone focused on ensuring activities with no direct relationship with primary production were directed to other more appropriate zones, but that the policies should more clearly articulate an allowance for non-primary production activities located in the rural zones where they had the functional or operational need for a rural location.
- 5.3.2 The reporting planner considered that adding the additional text to the relevant assessment matters in the respective rural zones also ensured the policy direction clearly flowed through to the zone provisions and the matters to be considered when assessing applications. The reporting planner recommended the following amendments:

GRUZ-P7	To ensure incompatible activities do not locate in the General Rural Zone where the activity <b>will</b> : <ol style="list-style-type: none"><li>1. <b>will</b> undermine the primary productive purpose and predominant character of the General Rural Zone;</li><li>2. <b>will</b> constrain the establishment and use of land for primary production; <b>and/or</b></li><li>3. <b>will</b> result in reverse sensitivity and/or lead to land use conflict; <b>and/or</b></li><li>4. <b>does not have a functional or operational need for a rural location.</b></li></ol>
RPROZ-P7	To ensure activities do not locate in the Rural Productive Zone where the activity: <ol style="list-style-type: none"><li>1. <b>has no functional or operational need for a rural location and</b> will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</li><li>3. will constrain the establishment and use of land for primary production;</li><li>4. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</li><li>5. will result in reverse sensitivity and/or leads to land use conflict.</li></ol>
GRUZ-AM8	Community Facilities and Educational Facilities <ol style="list-style-type: none"><li>1. ...</li><li>2. ...</li><li>3. ...</li><li>4. ...</li><li>5. ...</li><li>6. <b>The functional or operational need to locate in the General Rural Zone.</b></li></ol>
RPROZ-AM9	Community Facilities and Educational Facilities <ol style="list-style-type: none"><li>1. ...</li><li>2. ...</li><li>3. ...</li><li>4. ...</li><li>5. ...</li><li>6. <b>The functional or operational need to locate in the Rural Production Zone.</b></li></ol>



## 5.4 Evidence to the hearing

- 5.4.1 Ms Lynette Wharfe provided evidence in relation to Hort NZ’s submission on the matters raised in Key Issue 3 and concurred with the reporting planner’s recommendations in the s42A report but noted that she would consider it more appropriate for the new clause recommended to be added to RPROZ-P7 to be a standalone clause.

## 5.5 Post hearing information

- 5.5.1 The reporting planner’s right-of-reply of 5 August 2022 addressed the amendments to RPROZ-P7 sought by Hort NZ through the evidence of Lynette Wharfe. The reporting planner considered that splitting the recommended criterion (1) into two separate criteria would expand the scope of the policy beyond what was sought in the Hort NZ submission and it would be inappropriate to agree with the change now sought. The reporting planner did not change her position from that in the s42A report.

## 5.6 Evaluation and findings

- 5.6.1 The Panel agrees that policies GRUZ-P7, RPROZ-P7 and assessment matters GRUZ-AM8 and RPROZ-AM9 should more clearly articulate an allowance for non-primary production activities locating in the rural zones where they have the functional or operational need for a rural location. The Panel therefore agrees with the reporting planner’s recommendation, with a minor amendment to the wording to improve the structure of the list. The Panel recommends the following amendments to Policies GRUZ-P7, RPROZ-P7 and assessment matters GRUZ-AM8 and RPROZ-AM9:

GRUZ-P7	To ensure incompatible activities do not locate in the General Rural Zone where the activity <del>will</del> : <ol style="list-style-type: none"><li>1. <del>undermines</del> the primary productive purpose and predominant character of the General Rural Zone;</li><li>2. <del>constrains</del> the establishment and use of land for primary production; <del>and/or</del></li><li>3. <del>results</del> in reverse sensitivity and/or lead to land use conflict; <del>and/or</del></li><li>4. <b><u>does not have a functional or operational need for a rural location.</u></b></li></ol>
RPROZ-P7	To ensure activities do not locate in the Rural Productive Zone where the activity: <ol style="list-style-type: none"><li>1. <b><u>has no functional or operational need for a rural location;</u></b></li><li>2. <del>will be is</del> inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</li><li>3. <del>will</del> <del>constrains</del> the establishment and use of land for primary production;</li><li>4. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</li><li>5. <del>will</del> <del>results</del> in reverse sensitivity and/or leads to land use conflict.</li></ol>
GRUZ-AM8	Community Facilities and Educational Facilities <ol style="list-style-type: none"><li>1. ...</li><li>2. ...</li><li>3. ...</li><li>4. ...</li><li>5. ...</li><li>6. <b><u>The functional or operational need to locate in the General Rural Zone.</u></b></li></ol>
RPROZ-AM9	Community Facilities and Educational Facilities <ol style="list-style-type: none"><li>1. ...</li><li>2. ...</li><li>3. ...</li><li>4. ...</li><li>5. ...</li><li>6. <b><u>The functional or operational need to locate in the Rural Production Zone.</u></b></li></ol>

# PART C – SUMMARY OF RECOMMENDATIONS

## 6 Summary of recommendations

- 6.1.1 A summary table of recommended decisions for each submission point is included as Appendix B to Volume 3D.
- 6.1.2 A tracked changes version of recommended amendments is included as Appendix A to Volume 3D.

## 7 Consequential and minor amendments

- 7.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan.
- 7.1.2 As outlined in Key Issue 1 (paragraph 3.6.3) a consequence of amending the definition of “Ancillary Buildings and Structures (Primary Production)” the Panel recommends amending LLRZ-R9, GRUZ-R3, RLZ-R2, RPROZ-R3 and SETZ-R11 to use the revised definition.
- 7.1.3 As outlined in Key Issue 2 paragraph 4.6.3 a minor amendment is recommended to RLR-O4 replacing “residential living” with “residential activities” to ensure better alignment with the defined terms used in the PDP.



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