



**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 3B**

**Rural Environment: Rural Zones, Rural Noise, Rural  
Subdivision**

**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 this Panel Report 3B: Rural Zone Provisions, Rural Noise, Rural Subdivision

<b>Submitter Name</b>	<b>Submission Number(s)</b>
Ara Poutama Aotearoa the Department of Corrections (Department of Corrections)	S97
Egg Producers Federation of New Zealand (Egg Producers Federation)	S27
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Gerard Pain	S28
Hatuma Lime Co Ltd (Hatuma Lime)	S98
Hawke's Bay Regional Council (HBRC)	S11
Heretaunga Tamatea Settlement Trust (HTST)	S120
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Horticulture New Zealand (Hort NZ)	S81
IA & PD Waldrom	S6
James Bridge	S105
Jill Fraser	S41
Kenneth (John) MacLennan	S12
Kevin Williams	S13
Livingston Properties Limited (Livingston Properties)	S127
Ministry of Education	S73
New Zealand Pork Industry Board (Pork Industry Board)	S42
Regeneration Holdings Ltd (Regeneration Holdings)	S124
Riverfield Holdings Ltd (Riverfield Holdings)	S123
Silver Fern Farms Limited (Silver Fern Farms)	S116
Surveying the Bay	S94
Surveying the Bay	S128
Te Mata Mushrooms	S102
The Surveying Company	S50
Thomas Collier	S107
Transpower New Zealand Ltd (Transpower)	S79

<b>Further Submitter Name</b>	<b>Further Submission Number(s)</b>
Hort NZ	FS17
James Bridge	FS4
Kāinga Ora – Homes and Communities (Kāinga Ora)	FS23
Livingston Properties	FS27
Ngā hapū me ngā marae o Tamatea (NHMT)	FS5
Pork Industry Board	FS6
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8
Ministry of Education	FS11

# 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 Given the number, nature and extent of the submissions and further submissions received, the s42A report 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).

1.1.3 The Panel reports are structured in four volumes in alignment with the s42A report structure: Reports 3A to 3D. This volume of the Panel report addresses submissions and further submissions on the ‘Key Issues’ relevant to ‘Rural Zones, Rural Noise, and Rural Subdivision’ (Volume 2). This report addresses submissions received on the broader provisions for the:

- General Rural Zone – GRUZ;
- Rural Production Zone – RPROZ;
- Rural Lifestyle Zone – RLZ; and
- NOISE – Noise provisions and SUB – Subdivision provisions relating specifically to the rural environment.

### 1.2 Statutory considerations

1.2.1 Refer to Panel Report 3A for the relevant statutory considerations.

### 1.3 Submissions

1.3.1 There were 27 submitters and 9 further submitters on the provisions addressed in this volume.

1.3.2 205 original submission points, and 76 further submission points were received on the provisions addressed in this report.

1.3.3 Of the 205 original submission points, 106 submission points were in support.

### 1.4 Procedural matters

1.4.1 Procedural matters relating to the hearing are set out in Volume 3A of this Panel Report.

### 1.5 Hearing

1.5.1 Submitters who appeared at the hearing, and the key issues and Panel Report volume under which their evidence is discussed, are shown in Table 1 in Volume 3A.

## 1.6 Structure of this report

- 1.6.1 Given the number, nature and extent of the submissions and further submissions received, the s42A report was structured into 20 key issues spread across four volumes. We have structured this report according to the key issues identified in the section 42A report Volume 2, rather than present a submission point by submission point evaluation. This Panel Report (3B) addresses the following key issues:
- Key Issue 4: Rural Production Zone Objectives & Policies not addressed elsewhere;
  - Key Issue 5: General Rural Zone Issues, Objectives & Policies not addressed elsewhere;
  - Key Issue 6: Rural Production Zone Rules, Standards, Assessment Matters etc. not addressed elsewhere;
  - Key Issue 7: General Rural Zone Rules, Standards, Assessment Matters etc. not addressed elsewhere;
  - Key Issue 8: Rural Lifestyle Zone Provisions not addressed elsewhere;
  - Key Issue 9: Shading from Trees;
  - Key Issue 10: Noise Provisions Specific to Rural Activities not addressed elsewhere; and
  - Key Issue 11: Subdivision Provisions Specific to the Rural Zones.
- 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 Panel 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 Key Issue 4 – Rural Production Zone objectives and policies not addressed elsewhere

### 2.1 Proposed Plan provisions

- 2.1.1 This section addresses submissions relating to the Rural Production Zone objectives and policies. The Rural Production Zone encompasses the concentration of highly productive land in the District.
- 2.1.2 Not all the submissions relating to these objectives and policies are grouped under Key Issue 4. Other submissions relating to these objectives and policies are addressed in other sections of this report, where they are specific to a particular issue/land use activity.

### 2.2 Submissions

- 2.2.1 This section of this report addresses 49 submission points and 22 further submission points relating to the objectives and policies in the Rural Production Zone.
- 2.2.2 A number of submissions sought to retain provisions as notified. Several sought amendments to objectives and policies.

### 2.3 Reporting planner’s recommendations

#### General Submissions on the Rural Production Zone

- 2.3.1 The reporting planner recommended accepting the submissions in support of the chapter insofar as the direction and provisions are largely retained, but subject to recommended amendments in response to submissions on specific provisions.

#### Objectives RPROZ-O1, RPROZ-O2, RPROZ-O3 and RPROZ-O7

- 2.3.2 Submissions on these objectives were all in support and the reporting planner recommended they be accepted, noting there were other specific submissions seeking amendments to these provisions, which were addressed elsewhere as part of addressing a wider issue.

#### Objective RPROZ-O4

- 2.3.3 The reporting planner recognised that there was significant support for retention of Objective RPROZ-O4 but agreed with Hort NZ that amendments to Objective RPROZ-O4 would improve and better reflect the range and nature of primary production activities within the context of the Rural Production Zone in CHB, and further strengthen the relationship between this objective and the subsequent rule framework. The reporting planner recommended the following wording amendments:

RPROZ-O4	The predominant character of the Rural Production Zone is maintained, which includes: <ol style="list-style-type: none"><li>1. <u>overall</u> low-density built form, with open space and few structures;</li><li>2. a predominance of <u>rural and land-based</u> primary production activities and associated buildings such as barns and sheds, <u>post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;</u></li></ol>
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3. ~~the sounds, and smells, and traffic~~ associated with ~~legitimate~~ primary production activities anticipated from a working rural environment;
4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).

#### Objective RPROZ-O5

- 2.3.4 The reporting planner recognised that there was significant support for retention of Objective RPROZ-O5. The reporting planner did not agree with Federated Farmers’ position (S121.205) that the focus of the objective should be on those adverse effects that were not consistent with the rural character and farming land uses, as adverse effects were potentially generated by any activity, and the subsequent rule framework included Permitted Activity standards that applied to all activities, as well as standards that applied to specific activities, including activities associated with primary production.
- 2.3.5 The reporting planner did not agree with Hort NZ’s position that the focus of the objective should be on non-primary production activities and avoiding reverse sensitivity effects, and also considered this matter was sufficiently addressed in Objective RPROZ-O6.
- 2.3.6 The reporting planner recommended retaining Objective RPROZ-O5 as notified.

#### Objective RPROZ-O6

- 2.3.7 The reporting planner recognised that there was significant support for retention of Objective RPROZ-O6. In response to Te Mata Mushrooms’ (S102.065) request for additional explanation within the objective to give certainty as to what constitutes incompatible activities, the reporting planner considered this was well understood in the context of the Rural Production Zone and further explanation was unnecessary.
- 2.3.8 In relation to Silver Fern Farms’ (S116.032) request for amended wording, the reporting planner considered that the addition of the word ‘prevention’ implies ‘prohibiting’ and the amendments sought would create a dissonance between the objective and the subsequent rule framework.
- 2.3.9 The reporting planner recommended retaining Objective RPROZ-O6 as notified.

#### Policy RPROZ-P1

- 2.3.10 The reporting planner concurred with Federated Farmers (S121.207) and Hort NZ (S81.146) in amending the wording of Policy RPROZ-P1 from ‘allowing’ to ‘enabling’ primary production, in the context of the Rural Production Zone, where this was the main role of the Zone. The reporting planner also accepted that the words ‘land based primary production’ were unnecessary and potentially unclear. The reporting planner recommended the following amendment:

RPROZ-P1 To ~~enable allow land based~~ primary production and ancillary activities, ~~recognising which are compatible with~~ the primary productive purpose and predominant character and amenity of the Rural Production Zone.

- 2.3.11 Submissions seeking specific provision for, and referencing to, intensive primary production activities and rural industry throughout the PDP were comprehensively addressed together within Panel Report 3C (Rural Activities).

## Policy RPROZ-P2

- 2.3.12 There was a level of support for the intent of Policy RPROZ-P2, but a number of submissions sought amendments to the policy to clarify what type of activities were envisaged by it.
- 2.3.13 The reporting planner did not consider that further clarification was necessary in terms of specifying types of activities as indicated in Te Mata Mushrooms' submission (S102.067). She also did not consider it appropriate to single out network utilities, as sought by Transpower (S79.112)).
- 2.3.14 The reporting planner did not consider it appropriate to make the amendments sought by Transpower that would remove the qualifying aspect of the policy around avoiding, remedying or mitigating adverse effects. The reporting planner concurred with Hort NZ (FS17.128) that the amendments sought by Transpower would enable activities which could have adverse effects on primary production in the Rural Production Zone, and that the focus should be on activities which have a functional or operational need to locate in the Rural Production Zone.
- 2.3.15 The reporting planner generally supported the amendments sought in Hort NZ's submission (S81.147), as in her view they better reflect the subsequent rule framework for the Rural Production Zone, and she concurred with Silver Fern Farms that it would assist to provide explicit recognition of functional or operational need, reverse sensitivity, and compatibility with the rural environment, which would in turn assist the consideration of proposals to establish potentially sensitive activities in the Rural Production Zone.
- 2.3.16 The reporting planner recommended that Policy RPROZ-P2 be amended as follows:

RPROZ-P2 ~~To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated~~ To provide for non-primary production related activities that have a functional need or operational need for a rural location, and where they are managed to ensure that:

1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;
2. they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;
3. they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and
4. adverse effects are avoided, remedied or mitigated.

## Policy RPROZ-P4

- 2.3.17 The reporting planner noted a good level of support for retention of Policy RPROZ-P4 as notified, but concurred with Hort NZ (S81.149) that it was important in this context to recognise that the Rural Production Zone was a working rural environment, and buildings and structures were essential to primary production activities in this zone.
- 2.3.18 The reporting planner recommended the following amendment as sought by Hort NZ (S81.149):

RPROZ-P4 To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area, whilst recognising that it is a rural working environment.

## Policy RPROZ-P8

- 2.3.19 There was support for retention of Policy RPROZ-P8 as notified, with only Federated Farmers (S121.214) and Silver Fern Farms (S116.036) seeking amendments.
- 2.3.20 The reporting planner did not agree with Federated Farmers that the policy 'to avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone' should be altered to reflect that there was some rural subdivision that was acceptable.

- 2.3.21 The reporting planner considered that the accompanying subdivision rule framework for residential and rural lifestyle subdivision as it applied to the Rural Production Zone in the SUB – Subdivision chapter made it clear that rural lifestyle subdivision was only anticipated in very limited circumstances – essentially where it was based around an existing residential unit on an existing site, and where no additional sites were created (amalgamation of the balance lot was required), where the newly amalgamated sites were adjoining and combined to a net site area greater 12 hectares, and where the newly amalgamated lot contained no more than two residential units. In the reporting planner’s view, the wording of Policy RPROZ-P8, as notified, accurately reflected this rule framework.
- 2.3.22 In terms of the additional wording proposed by Silver Fern Farms, the reporting planner considered that there was merit in the policy also acknowledging the impact of rural lifestyle subdivision and resulting fragmentation of land on the potential for reverse sensitivity to occur.
- 2.3.23 The reporting planner recommended that Policy RPROZ-P8 be amended, as follows:

RPROZ-P8	To avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or which limits the use of land for primary-productive purposes <b><u>(including through the potential creation or exacerbation of reverse sensitivity effects)</u></b> .
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#### Policies RPROZ-P7 and RPROZ-P9

- 2.3.24 Submissions relating to Policies RPROZ-P7 and RPROZ-P9 that sought these policies contain reference to functional or operational need for a rural location, to rural industry, and to a proposed Future Development Area, are addressed within Panel Report 3A (Strategic & General Matters), Panel Report 3C (Rural Activities), and, in the case of the proposed Future Development Area, are addressed comprehensively in Panel Report 6A Volume 2 (Maps and Rezoning Requests).
- 2.3.25 The remaining submissions on these two policies (those covered here), were in support, and the reporting planner recommended these be accepted.

## 2.4 Evidence to the hearing

- 2.4.1 In her evidence for Hort NZ, Ms Lynette Wharf did not agree with the s42A report recommendation in relation to RPROZ-O5, seeking that the policy be reworded so that the activity, not the adverse effects were managed.
- 2.4.2 Ms Rhea Dasent presented evidence for Federated Farmers, supporting the s42A report recommendation to amend RPROZ-O4 and noting her acceptance of the recommended changes to policies RPROZ-P1, RPROZ-P2, RPROZ-P4 and RPROZ-P8. In relation to RPROZ-O5, Ms Dasent was of the view that the wording should be amended to refer to activities ‘that are inconsistent with the existing primary production land uses and rural character’.
- 2.4.3 Mr Steven Tuck for presented evidence for Silver Fern Farms, generally accepted the s42A report recommended change to RPROZ-P2, with an amendment to delete the word “related”.
- 2.4.4 Ms Claire Price, in her evidence for Te Mata Mushrooms, sought to add ‘intensive primary production activities’ to the proposed revised wording in RPROZ-O4 sub-clause (3). In relation to RPROZ-P2, Ms Price considered building in reverse sensitivity matters to be appropriate but proposed alternative wording to better align with RLR-AER5 and RPROZ-P7.
- 2.4.5 Ms Pauline Whitney for Transpower supported the s42A recommendation in relation to RPROZ-P2 on the basis the policy was amended to refer to ‘operational or functional need’.

## 2.5 Post hearing information

2.5.1 In her 5 August right-of-reply, the reporting planner addressed matters relating to RPROZ-O5 and RPROZ-P2.

2.5.2 In relation to RPROZ-O5 the reporting planner did not change her position from the s42A report, after having considered evidence from Federated Farmers. The reporting planner did not agree with Hort NZ's position that the focus of the objective should be on non-primary production activities and avoiding reverse sensitivity effects but did agree with Ms Wharfe that it was the activity, not the adverse effect to be managed and recommended revised wording for RPROZ-O5:

RPROZ-O5 ~~Adverse effects of~~ Activities are managed to ensure that adverse effects do not compromise ~~maintain~~ rural character and amenity

2.5.3 In relation to RPROZ-O2, having considered the evidence of Steven Tuck for Silver Fern Farms, the reporting planner considered an amendment would be appropriate to clarify that the policy was intended to apply to all non-primary production activities with a functional or operational need for a rural location. The reporting planner recommended the following amendment to the wording of RPROZ-P2 in the s42A report:

'To provide for non-primary production related activities...'

## 2.6 Evaluation and findings

### Objective RPROZ-O4

2.6.1 The Panel agrees with the reporting planner in response to Hort NZ that amendments to Objective RPROZ-O4 would improve and better reflect the range and nature of primary production activities within the context of the Rural Production Zone in CHB, and further strengthen the relationship between this objective and the subsequent rule framework.

2.6.2 The Panel agrees with the reporting planner that the amendments sought by Hort NZ (S81.143) would better reflect the range and nature of primary production activities within the context of the Rural Production Zone in Central Hawke's Bay, and would further strengthen the relationship between this objective and the subsequent rule framework (note – an addition in response to Silver Fern Farms' submission S116.031 is addressed in Key Issue 15).

RPROZ-O4 The predominant character of the Rural Production Zone is maintained, which includes:

1. **overall** low-density built form, with open space and few structures;
2. a predominance of ~~rural and land-based~~ primary production activities and associated buildings such as barns and sheds, **post-harvest facilities, seasonal workers accommodation**, and artificial crop protection structures and crop support structures, **which may vary across the district and seasonally**;
3. **the sounds, and smells, and traffic** associated with ~~legitimate~~ primary production activities **anticipated from a working rural environment**;
4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths)

### Objective RPROZ-O5

2.6.3 The Panel agrees with the reporting planner and does not consider that the objective should be amended as sought by Federated Farmers as adverse effects are potentially generated by any

activity and it is not appropriate to narrow the scope of the submission in the manner sought. Likewise, the Panel does not accept Hort NZ’s submission that the focus of the objective should be on non-primary production activities and avoiding reverse sensitivity effects. The Panel however agrees that the wording could be improved as sought by Hort NZ to reflect that it is not the adverse effect to be managed, but the activity and recommends the following wording:

RPROZ-O5 ~~Adverse effects of~~ Activities are managed to ensure that maintain rural character and amenity are maintained

#### Objective RPROZ-O6

- 2.6.4 The Panel recommends that RPROZ-O6 be retained as notified, as we agree with the reporting planner that no amendment is necessary to provide additional explanation within the objective as sought by Te Mata Mushrooms. The Panel does not consider the use of ‘preventing’ as sought by Silver Fern Farms is appropriate in that it infers ‘prohibition’ and would create a dissonance between the objective and the rule framework. Further, potentially incompatible activities may be able to be established that do not compromise the primary productive purpose and character of the Rural Production Zone.

#### Policy RPROZ-P1

- 2.6.5 The Panel agrees with the reporting planner’s recommendation to amend Policy RPROZ-P1 in response to the submissions from Federated Farmers and Hort NZ. The Panel considers it appropriate to use the term ‘enable’ rather than ‘allow’ in the context of the Rural Production Zone where this is the main role of the zone. The use of “land-based” is unnecessary and the Panel agrees its removal would improve clarity of the policy: this aligns with our recommendation in Report 3A not to have a definition for ‘land-based primary production’ (refer Key Issue 1). The Panel recommends the following amendment to Policy RPROZ-P1 (additional amendments regarding intensive primary production are addressed in Key Issues 13 and 15):

RPROZ-P1 To ~~enable allow land-based~~ primary production and ancillary activities, ~~recognising which are compatible with~~ the primary productive purpose and predominant character and amenity of the Rural Production Zone.

#### Policy RPROZ-P2

- 2.6.6 The Panel agrees with the reporting planner’s recommended amendments to RPROZ-P2 in response to submissions by several parties (with a minor wording change). The Panel considers the recommended amendments better express what the PDP is trying to achieve in relation to non-primary production activities and provide explicit recognition of functional or operational need, reverse sensitivity, and compatibility with the rural environment, which would in turn assist the consideration of proposals to establish potentially sensitive activities in the Rural Production Zone.
- 2.6.7 The Panel recommends the following amendment to Policy RPROZ-P2 (additional amendments are addressed in Key Issue 18):

RPROZ-P2 ~~To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District’s economy, where adverse effects are avoided, remedied or mitigated~~ To provide for non-primary production activities that have a functional or operational need for a rural location, and where they are managed to ensure that:

1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;
2. they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;

3. they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and
4. adverse effects are avoided, remedied or mitigated.

#### Policy RPROZ-P4

- 2.6.8 The Panel agrees with the reporting planner’s recommendation to accept the amendment sought by Hort NZ to RPROZ-P4 to recognise that the Rural Production Zone is a working rural environment. The Panel recommends the following amendment to Policy RPROZ-P4:

RPROZ-P4 To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area, **while recognising that it is a rural working environment.**

#### Policy RPROZ-P8

- 2.6.9 The Panel agrees with the reporting planner’s recommendation to amend RPROZ-P8 to acknowledge the potential for reverse sensitivity and agrees that it is not appropriate to alter the policy to reflect that there is some rural subdivision that is acceptable as the circumstances where subdivision is anticipated are very limited. The Panel recommends the following amendment to Policy RPROZ-P8:

RPROZ-P8 To avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or ~~which that~~ limits the use of land for primary-productive purposes **(including through the potential creation or exacerbation of reverse sensitivity effects).**

#### Policies RPROZ-P7 and RPROZ-P9

- 2.6.10 Submissions on these two policies addressed in this key issue were in support and no changes are recommended in response to these submissions. However, other submissions on these policies are addressed in Key Issue 3 and Key Issue 15 of the Rural Environment topic and in Hearing Stream 6.

### 3 Key Issue 5 – General Rural Zone Issues, Objectives and Policies not addressed elsewhere

#### 3.1 Proposed Plan provisions

- 3.1.1 This section addresses submissions relating to the objectives and policies in the General Rural Zone. The General Rural Zone encompasses the largest proportion of the rural area of the District.
- 3.1.2 Not all the submissions relating to these objectives and policies were grouped under Key Issue 5. Other submissions relating to these objectives and policies were addressed in other sections of this report, where they were specific to a particular issue/land use activity.

#### 3.2 Submissions

- 3.2.1 This section addresses 39 submission points and 17 further submission points relating to the objectives and policies in the General Rural Zone.
- 3.2.2 Many submissions sought objectives and policies be retained as notified and several sought amendments.

#### 3.3 Reporting planner's recommendations

##### General submissions on the General Rural Zone and Zone Issues

- 3.3.1 The reporting planner recommended accepting the submissions in support of the chapter insofar as the direction and provisions were largely retained, but subject to recommended amendments in response to submissions on specific provisions. The reporting planner noted submissions in support of retaining Issue GRUZ-I1 and did not recommend any amendments.

##### Objective GRUZ-O1

- 3.3.2 Submissions on Objective GRUZ-O1 were all in support, and the reporting planner did not recommend any changes.

##### Objective GRUZ-O2

- 3.3.3 The reporting planner noted there was significant support for retention of GRUZ-O2, but agreed with Hort NZ that amendments to Objective GRUZ-O2 would improve and better reflect the range and nature of primary production activities within the context of the General Rural Zone in Central Hawke's Bay, and further strengthen the relationship between this objective and the subsequent rule framework. The reporting planner recommended the following amendments:

- GRUZ-O2 The predominant character of the General Rural Zone is maintained, which includes:
  1. **overall** low-density built form, with open space and few structures;
  2. a predominance of ~~rural and land based~~ primary production activities and associated buildings such as barns and sheds, **post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;**
  3. **the sounds, and smells, and traffic** associated with ~~legitimate~~ primary production activities **anticipated from a working rural environment;**
  4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;



5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).

### Objective GRUZ-O3

- 3.3.4 The reporting planner noted the level of support for retention of GRUZ-O3. The reporting planner did not consider it correct for the objective to refer to ‘adverse effects that exceed limits’ as sought by Federated Farmers as that suggests that effects below those limits might be ‘adverse’ which she did not consider to be correct. The reporting planner did not recommend any changes to GRUZ-O3.

### Objective GRUZ-O4

- 3.3.5 The reporting planner noted a significant level of support of the intent of Objective GRUZ-O4. In terms of additional explanation to give certainty as to what constitutes incompatible activities sought by Te Mata Mushrooms and Hatuma Lime, the reporting planner was of the view that this was well understood in the context of the General Rural Zone, and further explanation was unnecessary.

### Policy GRUZ-P1

- 3.3.6 The reporting planner agreed with Federated Farmers and Hort NZ submissions seeking to amend the wording of GRUZ-P1 from ‘allowing’ to ‘enabling’ primary production, in the context of the General Rural Zone, where this was the main role of the zone. The reporting planner also agreed that the words ‘land based primary production’ were unnecessary and potentially unclear.
- 3.3.7 The reporting planner recommended amendments to Policy RPROZ-P1, as follows:

GRUZ-P1 To ~~enable allow land based~~ primary production and ancillary activities, ~~recognising which are compatible with~~ the primary productive purpose and predominant character and amenity of the General Rural Zone.

- 3.3.8 There were other specific submissions seeking amendments to these provisions, which were addressed elsewhere as part of addressing a wider issue.

### Policy GRUZ-P2

- 3.3.9 The reporting planner noted a level of support for the intent of GRUZ-P2 but that a number of submissions sought amendments to clarify what type of activities were envisaged by it. The reporting planner did not consider it appropriate to single out network utilities as sought by Transpower. In line with her recommendation on the equivalent policy RPROZ-P2, the reporting planner recommended the same wording for GRUZ-P2:

GRUZ-P2 ~~To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated~~ To provide for non-primary production related activities that have a functional need or operational need for a rural location, and where they are managed to ensure that:

1. their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;
2. they maintain a level of amenity in keeping with the rural character of the General Rural Zone;
3. they minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and
4. adverse effects are avoided, remedied or mitigated.

### Policies GRUZ-P4, GRUZ-P7 and GRUZ-P9

- 3.3.10 Submissions on these policies were all in support. The reporting planner noted there was another specific submission by Hort NZ seeking amendments to Policy GRUZ-P7, which was addressed elsewhere as part of addressing a wider issue.

### Policy GRUZ-P8

- 3.3.11 The reporting planner noted a high level of support for retention of Policy GRUZ-P8 as notified, with Federated Farmers seeking an amendment to replace “limit” with “manage” residential and rural lifestyle subdivision. The reporting planner did not agree with this amendment, considering the notified wording was in alignment with the rule framework.

## 3.4 Evidence to the hearing

- 3.4.1 In her evidence for Federated Farmers, Ms Rhea Dasent noted her acceptance of the s42A reports amendments to GRUZ-O2, and GRUZ-P1 and P2.
- 3.4.2 Ms Lynette Wharfe for Hort NZ endorsed the recommended changes in the s42A report to GRUZ-O2, and GRUZ-P1 and P2. She noted an inconsistency in GRUZ-O2 in strikethrough versions of the GRUZ chapter and s42A report. For completeness, she considered the words ‘rural and land-based’ should be deleted from GRUZ-O2(2). Similar to RPROZ-O5, Ms Wharfe sought amendment to the wording of GRUZ-O3 such that the activity was to be managed, not the adverse effects. In relation to GRUZ-P8 Ms Wharfe considered the wording would be improved by replacing “limits” with “restricts” to remove duplicative use of this word in the Policy.
- 3.4.3 In her evidence for Hatuma Lime, Ms Claire Price did not recommend further changes to GRUZ-O4 but suggested amendments to GRUZ-P7.
- 3.4.4 Ms Pauline Whitney for Transpower supported the s42A recommendation in relation to GRUZ-P2 on the basis the policy was amended to refer to ‘operational or functional need’.

## 3.5 Post hearing information

- 3.5.1 In her 5 August right-of-reply, the reporting planner addressed GRUZ-O2, GRUZ-O3 and GRUZ-P7. The reporting planner confirmed the wording in the s42A report was correct, and the tracked changes GRUZ chapter should have ‘rural and land based’ deleted. Having considered the evidence of Ms Dasent for Federated Farmers and Ms Wharfe for Hort NZ, the reporting planner did not change her position in the s42A report relating to the insertion of ‘that exceed limits’ into GRUZ-O3. In relation to Ms Wharfe’s request to amend the wording around managing activities vs effects, similarly to RPROZ-O5, the reporting planner considered this may be done as a cl16 RMA amendment.
- 3.5.2 In relation to GRUZ-P7, having considered the evidence of Claire Price for Hatuma Lime, the reporting planner did not change her position and did not recommend any changes to her recommended wording of GRUZ-P7 in the s42A report.

## 3.6 Evaluation and findings

### Objective GRUZ-O2

- 3.6.1 The Panel agrees with the reporting planner that amendments to GRUZ-O2 as sought by Hort NZ would improve and better reflect the range and nature of primary production activities within the

context of the General Rural Zone. The Panel recommends the following amendment to Policy GRUZ-O2:

GRUZ-O2	The predominant character of the General Rural Zone is maintained, which includes: <ol style="list-style-type: none"><li>1. <b>overall</b> low-density built form, with open space and few structures;</li><li>2. a predominance of <del>rural and land-based</del> primary production activities and associated buildings such as barns and sheds, <b>post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;</b></li><li>3. <b>the</b> sounds, <del>and</del> smells, <del>and</del> traffic associated with <del>legitimate</del> primary production activities <b>and established rural industries, anticipated from a working rural environment;</b></li><li>4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;</li><li>5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;</li><li>6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</li></ol>
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### Objective GRUZ-O3

- 3.6.2 The Panel agrees with the reporting planner that the insertion of the words “that exceed limits” as sought by Federated Farmers would suggest that effects below those limits might be adverse, which is not correct. The Panel agrees with the evidence of Lynette Wharfe for Hort NZ that the policy would be better worded to refer to managing activities rather than managing adverse effects of activities. The Panel recommends the following wording amendment be made as a cl16 amendment:

GRUZ-O3	<del>Adverse effects of a</del> Activities are managed to <del>maintain</del> <b>ensure</b> rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment <b>are maintained.</b>
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### Objective GRUZ-O4

- 3.6.3 The Panel agrees with the reporting planner that additional explanation of what constitutes incompatible activities is not necessary as this is well understood in the context of the General Rural Zone. The Panel does note that the wording of GRUZ-O4 could be improved to make it more grammatically correct without changing its meaning. The Panel therefore recommends the following amendment as a minor correction:

GRUZ-O4	The primary productive purpose and predominant character of the General Rural Zone are not compromised by <b>the establishment of</b> potentially incompatible activities <del>establishing</del> .
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### Policy GRUZ-P1

- 3.6.4 The Panel agrees with the reporting planner’s recommendation to amend Policy GRUZ-P1 in response to submissions by Federated Farmers and Hort NZ. As for RPROZ-P1, the Panel considers it appropriate to use the term ‘enable’ rather than ‘allow’ in the context of the General Rural Zone where this is the main role of the zone. The use of “land-based” is unnecessary and the Panel agrees its removal would improve clarity of the policy. The Panel recommends the following amendment to Policy GRUZ-P1:

GRUZ-P1	To <del>enable-allow land-based</del> primary production and ancillary activities, <b>recognising which are compatible with</b> the primary productive purpose and predominant character and amenity of the General Rural Zone.
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## Policy GRUZ-P2

- 3.6.5 The Panel agrees with the reporting planner’s recommended amendments to GRUZ-P2 (with a minor wording change) in response to submissions by several parties. The recommended amendments better express what the PDP is trying to achieve in relation to non-primary production activities and provide explicit recognition of functional or operational need, reverse sensitivity, and compatibility with the rural environment. The recommended wording is consistent with that recommended for RPROZ-P2. The Panel recommends the following amendment to Policy GRUZ-P2 (additional amendments are addressed in Key Issue 19):

GRUZ-P2	<p><del>To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District’s economy, where adverse effects are avoided, remedied or mitigated</del> <b>To provide for non-primary production related activities that have a functional or operational need for a rural location, and where they are managed to ensure that:</b></p> <ol style="list-style-type: none"><li><b><u>1. their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;</u></b></li><li><b><u>2. they maintain a level of amenity in keeping with the rural character of the General Rural Zone;</u></b></li><li><b><u>3. they minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and</u></b></li><li><b><u>4. adverse effects are avoided, remedied or mitigated.</u></b></li></ol>
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## Policies GRUZ-P4, GRUZ-P7 and GRUZ-P9

- 3.6.6 The submitters on Policies GRUZ-P4, GRUZ-P7 and GRUZ-P9 support retention of those policies as notified. The Panel agrees with the reporting planner that the amendments sought by Hatuma Lime in evidence would not be in scope and the policy should not be broadened to reference lawfully established activities as sought.
- 3.6.7 The Panel does not recommend any amendments to GRUZ-P7, noting that other amendments to GRUZ-P7 recommended to be made in response to other submissions are addressed in Key Issue 3 in Panel Report 3A.

## Policy GRUZ-P8

- 3.6.8 Federated Farmers seeks to change GRUZ-P8 to “manage residential and rural lifestyle subdivision” rather than “limit residential and rural lifestyle subdivision”. Hort NZ opposed this submission and in her evidence, Lynette Wharfe suggested replacing the second “limits” with “restricts” to avoid repeated use of the word “limit”. The Panel agrees with the reporting planner that the PDP is seeking to “limit” not just “manage” residential and rural lifestyle subdivision, but considers that the wording could be improved to avoid repeating the word “limit” as suggested by Hort NZ.
- 3.6.9 The Panel therefore recommends the following amended wording as a clause 16 amendment:

GRUZ-P8	To limit residential and rural lifestyle subdivision that results in fragmentation of rural land and/or <del>which that restricts limits</del> the use of rural land for productive purposes.
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## 4 Key Issue 6 – Rural Production Zone Rules, Standards, Assessment Matters not addressed elsewhere

### 4.1 Proposed Plan provisions

- 4.1.1 This section addresses submissions relating to the rules, standards, assessment matters, and principal reasons in the Rural Production Zone. The Rural Production Zone encompasses the concentration of highly productive land in the District.
- 4.1.2 Not all the submissions relating to these provisions were grouped under Key Issue 6. Other submissions relating to these provisions were addressed in other sections of this report, where they were specific to a particular issue/land use activity.

### 4.2 Submissions

- 4.2.1 This section of this report addresses 28 submission points and 10 further submission points relating to the rules, standards, assessment matters, and principal reasons in the Rural Production Zone.
- 4.2.2 Submissions sought a range of amendments to rules and standards. Submissions relating to assessment matters and principal reasons sought to retain them.

### 4.3 Reporting planner's recommendations

#### Rule RPROZ-R1 Residential Activities

- 4.3.1 There was a good level of support for retention of Rule RPROZ-R1 in terms of the graduated approach to allowing more dwellings in the Rural Production Zone the bigger the property. Submissions seeking amendments were around the conditions applying to minor residential units (Jill Fraser), and the assessment matters that should be applied where conditions were not met (Hort NZ). There were also other submissions seeking amendments to this rule from Transpower, FENZ, and the Pork Industry Board that were not specific to this rule. These were addressed elsewhere in this report as part of addressing a wider issue.
- 4.3.2 In terms of provision for a minor residential unit in the rural areas of the District, the PDP reinforced its 'ancillary' status through requiring a minor residential unit to be located close to the principal residential unit, and to share the same vehicle access. Those requirements sought to ensure there was a shared curtilage for both dwellings, which minimised the impact on highly productive land. Rule RPROZ-R1 assigned a Discretionary Activity status to residential units or minor residential units that did not meet the Permitted Activity conditions. In contrast, provision in Rule RPROZ-R1 for an 'additional residential unit' for sites greater than 12ha, or provision for 'seasonal workers accommodation' in Rule RPROZ-R2, were not similarly constrained in terms of location in relation to the principal residential unit, reflecting that they had a different purpose to minor residential units in terms of their accommodation role in supporting primary production on the property.
- 4.3.3 The reporting planner recommended retention of the requirement for minor residential units to be located within 25m of the principal residential building on the site as contained in Rule RPROZ-R1(1)(a)(iii)(c).
- 4.3.4 Hort NZ considered Assessment Matter RPROZ-AM6 should be listed in Rule RPROZ-R1(2) as another matter over which discretion was restricted where compliance with the standards was not achieved. Assessment Matter RPROZ-AM6 was a broad set of assessment matters for

assessing the effects of residential activities on the sustainable management of the soil resource and on the character and amenity of adjoining activities and the surrounding rural environment in a more general sense (not in response to an infringed standard). The reporting planner was of the view that adding Assessment Matter RPROZ-AM6 to the list of matters in Rule RPROZ-R1(2) was not in keeping with the rule framework adopted in the PDP and did not support this amendment.

#### **Rule RPROZ-R3 Primary Production Activities**

- 4.3.5 There was a high level of support for retention of Rule RPROZ-R3 as notified. The Egg Producers Federation, however, sought that the rule also specifically reference 'free-range poultry farming'. The reporting planner considered that 'free range poultry farming' falls within the definition of 'primary production activity' without needing to be separately defined and did not consider the term was necessary in Rule RPROZ-R3.
- 4.3.6 Other submissions seeking amendments to this rule were addressed elsewhere in this report.

#### **Rule RPROZ-R7 Home Businesses**

- 4.3.7 Hort NZ supported this rule, but considered Assessment Matter RPROZ-AM8 should be listed in Rule RPROZ-R7(2) as another matter over which discretion was restricted where compliance with the standards was not achieved. Assessment Matter RPROZ-AM8 was a broad set of assessment matters for assessing the effects of commercial activities, visitor accommodation, and home businesses on the character and amenity of the surrounding area, compatibility with surrounding activities, and reverse sensitivity in a more general sense (not in response to an infringed standard). The reporting planner was of the view that adding Assessment Matter RPROZ-AM8 to the list of matters in Rule RPROZ-R7(2) was not in keeping with the rule framework adopted in the PDP.
- 4.3.8 Other submissions seeking amendments to this rule were addressed elsewhere in this report.

#### **Rule RPROZ-R9 Commercial Activities not otherwise provided for**

- 4.3.9 The Pork Industry Board and Silver Fern Farms sought deletion of Rule RPROZ-R9, based on a concern that commercial activities were broadly defined and were sensitive activities that could conflict with, and generate reverse sensitivity issues for, primary production activities. They considered a permitted activity rule for commercial activities was therefore not appropriate in this zone.
- 4.3.10 The reporting planner did not agree that commercial activities were necessarily sensitive activities and considered the permitted activity limits in Rule RPROZ-R9 work together to ensure that the type and scale of permitted commercial activities was likely to complement the predominant primary production role of the Rural Production Zone, rather than generate reverse sensitivity concerns. The reporting planner therefore recommended that Rule RPROZ-R9 be retained.
- 4.3.11 Other submissions seeking amendments to this rule were addressed elsewhere in this report.

#### **Rule RPROZ-R18 Any other activity not otherwise provided for**

- 4.3.12 There was only one submission on this default rule, in support of retention of Rule RPROZ-R18 as notified.

### Standard RPROZ-S1 Activity Threshold

- 4.3.13 The Pork Industry Board, Silver Fern Farms, and Hort NZ all sought deletion of the activity thresholds pertaining to ‘restaurants’ in Standard RPROZ-S1. They were concerned that such activities were sensitive activities and can therefore create potential reverse sensitivity effects for legitimate rural activities. The reporting planner considered that provision for small-scale restaurants with a gross floor area limited to 100m<sup>2</sup> and maximum capacity of 40 customers, was reasonable and could be complementary in the rural environment – noting that such activities would also have to comply with the 15m setback from neighbours (Standard RPROZ-S6). Retention of the ‘restaurants’ activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities. The reporting planner recommended that Standard RPROZ-S1(5), (6) and (7) relating to ‘restaurants’ be retained as notified.

### Standard RPROZ-S5 Setback from Roads and Rail Network

- 4.3.14 The reporting planner agreed with Hort NZ that reference to ‘Accessory Buildings associated with Primary Production Activities’ in Standard RPROZ-S5 should be replaced with ‘Ancillary Buildings and Structures (Primary Production)’ to be more consistent with the terminology used and specifically defined in the PDP. The planner recommended the following amendment:

RPROZ-S5 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> <li>1. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>
Seasonal Workers Accommodation	<ol style="list-style-type: none"> <li>3. Minimum distance of any building(s) from road boundaries is 15m.</li> </ol>
<b><u>Ancillary Buildings and Structures (Primary Production)</u></b> <del>Accessory Buildings associated with Primary Production Activities</del>	<ol style="list-style-type: none"> <li>4. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.</li> <li>6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> <li>7. Minimum setback of any building(s) from road boundaries is 20m, except that:               <ol style="list-style-type: none"> <li>a. buildings less than 10m<sup>2</sup> in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.</li> </ol> </li> <li>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>

- 4.3.15 The reporting planner did not agree with Federated Farmers’ submission seeking to delete clauses 5 and 6 of RPROZ-S5 relating to the 20m setback from arterial roads applying to stockyards and stock loading ramps/races, and the 5m setback from the Rail Network. In the reporting planner’s view, the 20m setback for stockyards and stock loading ramps/races was not about the activity and its acceptability in a rural environment, but about recognising that these facilities were often adjacent to the road, and the 20m setback ensured that any loading or unloading happens within the site, and not within the road reserve of higher traffic volume ‘Arterial’ or ‘Primary Collector Roads’. A setback of 20m provided for the safety and efficiency of the road network. The planner also noted that existing facilities had existing use rights.
- 4.3.16 In relation to the 5m setback from the rail corridor, the reporting planner considered a 5m setback appropriate, being the same as that applied to road boundaries in the Rural Production Zone.

- 4.3.17 There was one other submission on this standard from CHBDC, that was not specific to this provision. This is addressed as part of the Transport topic under Panel Report 7C.

#### Standard RPROZ-S6 Setback from Neighbours

- 4.3.18 The reporting planner noted FENZ's (S57.192) support for the exemption of domestic water storage tanks up to 2m in height from the setback standards. The reporting planner agreed with Federated Farmers that there was merit in providing a similar exemption from the setback for farm water storage tanks, as well as for domestic water tanks, being similar in scale and effect, and recommend that this be added to Standard RPROZ-S6. For consistency, the reporting planner recommended that the equivalent amendment be made to GRUZ-S5 under RMA Schedule 1 cl16(2).
- 4.3.19 In relation to the submission of Hort NZ seeking to alter the reference to 'Accessory Buildings' to instead refer to 'Ancillary Buildings and Structures associated with Primary Production Activities', the reporting planner considered the reference to 'Accessory Buildings' was important to retain, as the buildings referred to in this standard were not just those that were ancillary to primary production activities, but accessory buildings for all activities (including those buildings accessory to residential activities) within the Rural Production Zone. To provide clarification that the reference includes 'Ancillary Buildings and Structures (Primary Production)' the reporting planner recommended an amendment to RPROZ-S6 (refer full set of recommended amendments below).
- 4.3.20 Hort NZ also sought the imposition of a greater setback requirement specifically applying to residential buildings (30m from internal boundaries), to better reflect the clear policy direction in the PDP to avoid compromising primary production. The reporting planner considered the current 15m setback requirement was appropriate, noting that a 30m separation was achieved when applied on both sides of a shared boundary. The reporting planner considered a 30m setback for residential activities could also result in substantially more land inadvertently being lost from production in the effort to make new dwellings comply with the PDP.
- 4.3.21 The reporting planner did not support the amendment sought by the Egg Producers Federation (S27.016) to give effect to RPROZ-P5, considering the matter was clearly and specifically provided for in Standard RPROZ-S12 Setback from Existing Intensive Primary Production Activities, which imposed a 200m setback "from any buildings or enclosure housing animals reared intensively, or other organic matter and effluent storage treatment and utilisation associated with intensive primary production activities".
- 4.3.22 The Surveying Company considered the 15m setback from neighbours was too great. They compared the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which was 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also considered that a reduced setback from neighbours would allow for more productive rural land to be retained. In the reporting planner's view, a 5m setback from an internal rural boundary in the Rural Production Zone was not conducive to avoiding sensitive activities locating close to and potentially compromising primary production activities. The reporting planner was of the view that papakāinga housing multi-unit development could be differentiated from a residential dwelling in the Rural Production Zone, and did not support the amendments sought by The Surveying Company.
- 4.3.23 The reporting planner considered Surveying the Bay raised a valid issue around small sites granted prior to the PDP becoming operative that were established with a side yard setback of 5m applying in the Rural Zone under the current ODP (Standard 4.9.5 of the Operative District Plan), and that the move to a 15m side yard setback in the PDP may prove a constraint on development of those sites that would impose a time, cost, and process burden on landowners



(and Council). Livingston Properties noted that the alternative was that land use consent to reduce the 15m side yard was likely to be required for the majority of new residential buildings on such existing sites.

4.3.24 The reporting planner accepted that a 15m side yard setback represented a substantial change from the 5m setback in the ODP and, on a very small site, could act as a significant development constraint that would not have necessarily been anticipated at the time that the site was created. The reporting planner concurred there was merit in acknowledging past approvals in this situation, and agreed that providing exceptions to the side yard setback rule in the proposed Rural Production Zone, General Rural Zone, and Rural Lifestyle Zone, would avoid the imposition of unreasonable additional costs in the future in such circumstances. While there may be reverse sensitivity issues, given such sites had already been lawfully applied for/approved before the provisions of the PDP had taken effect, those effects arose from the previous planning regime, and could not be fully addressed by the new plan.

4.3.25 Reflecting all the above, the reporting planner recommended Standards RPROZ-S6, GRUZ-S5 and RLZ-S5 were amended as follows:

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings <b>and Ancillary Buildings and Structures (Primary Production)</b> )	2. Minimum setback of buildings for an activity from <b>side and rear internal</b> boundaries is 15m. <b>Farm and Domestic</b> water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings <b>Ancillary Buildings and Structures (Primary Production)</b>	3. Minimum setback of buildings for an activity from <b>side and rear internal</b> boundaries is 5m. <b>Farm and Domestic</b> water storage tanks up to 2m in height are exempt from this standard.
<b><u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u></b> <b><u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u></b>	4. <b><u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u></b> 5. <b><u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u></b>

GRUZ-S5 Setback from Neighbours	
...	1. ...
...	2. ...
...	3. ...
<b><u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u></b> <b><u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u></b>	4. <b><u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u></b> 5. <b><u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u></b>

RLZ-S5 Setback from Neighbours	
...	1. ...
...	2. ...
<b><u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u></b> <b><u>Where a subdivision consent application to create a site is lodged with Council</u></b>	3. <b><u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u></b> 4. <b><u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u></b>

Standard RPROZ-S9 Transport (Access, Parking, Loading)

- 4.3.26 The submission from FENZ on Standard RPROZ-S9 was the only submission relating to this provision and was in support.

Assessment RPROZ-AM1, RPROZ-AM6, RPROZ-AM12 & RPROZ-AM14 and RPROZ – Principal Reasons

- 4.3.27 The submissions on Assessment Matters RPROZ-AM1, RPROZ-AM6, RPROZ-AM12 & RPROZ-AM14 and RPROZ – Principal Reasons, were the only submissions relating to these provisions, and were all in support.

#### **4.4 Evidence to the hearing**

- 4.4.1 In her evidence for Federated Farmers, Ms Rhea Dasent considered that a 20m setback for stockyards and loading ramps/races allowing the truck to park fully off the road was not unreasonable and accepted the s42A report recommendation on this.
- 4.4.2 Hort NZ made a number of submissions and further submissions that were addressed in Key Issue 6. Ms Lynette Wharf considered that it would provide greater clarity in the PDP if relevant assessment matters were listed where they may be considered as part of a discretionary activity. In relation to RPROZ-R9, Ms Wharfe considered that the policy direction in RPROZ-P9 was to avoid establishment of commercial activities that were unrelated to primary production and if an activity was linked to primary production, then an additional condition should be applied. In relation to restaurants and RPROZ-S1, Ms Wharfe expressed concern that a restaurant could be considerably larger than 100m<sup>2</sup> as kitchen and storage space and outdoor areas were not included in this limit and considered that providing for restaurants as a permitted activity did not meet the objectives and policies of the PDP.
- 4.4.3 In relation to RPROZ-S6 Ms Wharfe noted that while there might be 30m separation that would be from residential activity to residential activity, not residential activity to primary production activity and it was the latter separation that Hort NZ was seeking to better manage. Ms Wharfe also questioned the reporting planner's assertion that land would be lost from production through setbacks as the land surrounding residential activity was still available for primary production use. In Ms Wharfe's view providing a 30m setback for residential activities from the boundary would assist in achieving the policy direction in the PDP. In relation to sites created before 28 May 2021, Ms Wharfe considers it would be more appropriate that the change was limited to sites less than 4000m<sup>2</sup> as those of a greater size would have the ability to accommodate a larger setback under the new plan.
- 4.4.4 Ms Claire Price's evidence for Te Mata Mushrooms concurred with the s42A report recommendations in relation to Key Issue 6.
- 4.4.5 Surveying the Bay provided a written statement supporting the s42A report recommendation to provide a reduced side setback to small sites created under the ODP in response to S128.002. Mr Philip McKay for Livingston Properties also supported the s42A report recommendation in response to S128.002 and FS27.5.

- 4.4.6 Mr Nick Wakefield spoke on behalf of The Surveying Company at the hearing. In relation to the setback rules, Mr Wakefield was of the view that a 15m setback was too great and will result in land being inadvertently lost to domestic surrounds. Mr Wakefield considered that residential dwellings and Papakāinga should be treated the same in all rural zones regarding boundary setback requirements, but considered a review of the building setback rules particularly important in the RLZ.

## 4.5 Post hearing information

- 4.5.1 In her 5 August 2022 right-of-reply, the reporting planner addressed RPROZ-R1 (RPROZ-AM6), RPROZ-R7 (RPROZ-AM7), RPROZ-S1 and RPROZ-S6. Having considered the evidence of Lynette Wharfe for Hort NZ, the reporting planner did not change her position as set out in the s42A report, other than to revise her recommendation on RPROZ-S6, GRUZ-S5, and RLZ-S5 to change “greater than” to “less than”.
- 4.5.2 The reporting planner also noticed the amendments in the s42A report on RPROZ-S5 and S6 (and GRUZ-S4 and S5 as addressed in Key Issue 7) should similarly apply in Standard RLZ-S4 and recommended this be made as a consequential amendment.
- 4.5.3 In her 9 December 2022 right-of-reply the reporting planner reconsidered, in light of the NPS-HPL, whether any changes were required to the setback from neighbours standards RPROZ-S6, GRUZ-S5 and RLZ-S5. The reporting planner remained satisfied that the requirement to protect land-based primary production from reverse sensitivity effects continued to be sufficiently addressed by the recommended reduced setbacks, as they only applied to sites created prior to notification of the PDP and only those sites less than 4000m<sup>2</sup> net site area. The reporting planner did not change her recommendation in this respect.

## 4.6 Evaluation and findings

### Rule RPROZ-R1 Residential Activities

- 4.6.1 The Panel agrees with the reporting planner’s recommendation to retain the requirement for minor residential units to be located within 25m of the principal residential building on the site as contained in Rule RPROZ-R1(1)(a)(iii)(c). The rule requirements ensure there is a shared curtilage for both dwellings and minimise the impact on highly productive land. Provision in Rule RPROZ-R1 for an ‘additional residential unit’ for sites greater than 12ha, and provision for ‘seasonal workers accommodation’ in Rule RPROZ-R2, ensure these are not similarly constrained in terms of location in relation to the principal residential unit, reflecting that they have a different purpose to minor residential units in terms of their accommodation role in supporting primary production on the property.
- 4.6.2 The Panel also agrees with the reporting planner that adding Assessment Matter RPROZ-AM6 to the list of matters in Rule RPROZ-R1(2) for Restricted Discretionary activities is not in keeping with the rule framework adopted in the PDP as they relate to broad matters rather than the infringement of a standard. The Panel does not consider it necessary to reference the assessment matters where an activity defaults to Discretionary and consider this is adequately dealt with in the “Note” that sits in the front of the Assessment Matters sections in the various chapters across the PDP stating, “For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors)”.
- 4.6.3 Accordingly, the Panel recommends RPROZ-R1 is retained as notified (other submissions seeking amendments are addressed in Key Issues 18 and 20).

#### **Rule RPROZ-R3 Primary Production Activities**

- 4.6.4 The Panel agrees with the reporting planner's recommendation that it is not necessary or appropriate to single out 'free-range poultry farming' as sought by Egg Producers Federation (S27.014) as it is captured by 'primary production activity'.
- 4.6.5 Other submissions seeking amendments to this rule are addressed elsewhere in this report.

#### **Rule RPROZ-R7 Home Businesses**

- 4.6.6 The Panel considers that the scope of RPROZ-AM8 is very broad and the matters do not align with the restricted matters that are relevant to assessment of the infringement of the standard(s). The Panel agrees with the reporting planner that adding RPROZ-AM8 to the list of matters in Rule RPROZ-R7(2), as sought by Hort NZ, would not be in keeping with the rule framework adopted in the PDP. Therefore, the Panel does not recommend adding RPROZ-AM8 to the list of matters to which discretion is restricted in Rule RPROZ-R7(2).
- 4.6.7 Other submissions seeking amendments to this rule are addressed elsewhere in this report.

#### **Rule RPROZ-R9 Commercial Activities not otherwise provided for**

- 4.6.8 The Panel agrees with the reporting planner that commercial activities are not necessarily sensitive activities and the permitted activity limits in Rule RPROZ-R9 work together to limit the type and scale of permitted commercial activities so that those activities permitted by the rule are likely to complement the predominant primary production role of the Rural Production Zone, rather than generate reverse sensitivity concerns.
- 4.6.9 The Panel does not recommend any changes to Rule RPROZ-R9 as a result of submissions on this key issue, noting recommendations on other submissions seeking amendments to this rule are addressed elsewhere in this report.

#### **Standard RPROZ-S1 Activity Threshold**

- 4.6.10 In relation to submissions seeking to delete the activity thresholds pertaining to 'restaurants' in RPROZ-S1, the Panel considers that provision for small scale restaurants is reasonable and can be complementary in the rural environment. Retention of the 'restaurants' activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities. The Panel agrees with the reporting planner and recommends that Standard RPROZ-S1(5), (6) and (7) relating to 'restaurants' be retained, as notified. The Panel notes that, as identified in Ms Davidson's legal submissions in Hearing Stream 6 (9 November 2022) and the reporting planner's right-of-reply for Hearing Stream 6 (9 December 2022), the wider issue of whether commercial activities may be inconsistent with the NPS-HPL may need to be revisited at a later date.

#### **Standard RPROZ-S5 Setback from Roads and Rail Network**

- 4.6.11 The Panel agrees with the reporting planner's recommendation that the 20m setback for stockyards and loading ramps/races in Standard RPROZ-S5 be retained as notified. However, the Panel agrees with Federated Farmers that 'accessory buildings associated with primary production activities' (now referred to as 'accessory buildings and structures (primary production)' as a result of another submission) do not require a 5m setback. The Panel does not consider it appropriate to delete the setback in its entirety but considers that a setback of 3m is sufficient to enable access and maintenance of buildings without encroaching on the road or rail corridor.

- 4.6.12 The Panel recommends a change to the terminology around accessory/ancillary buildings associated with primary production to be consistent with the recommendation on the definition of ‘Ancillary Buildings and Structures (Primary Production)’ as addressed in Key Issue 1, which is recommended to be changed to ‘accessory building’ to be consistent with the National Planning Standards. The Panel recommends the following amendment:

RPROZ-S5 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> <li>1. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>
Seasonal Workers Accommodation	<ol style="list-style-type: none"> <li>3. Minimum distance of any building(s) from road boundaries is 15m.</li> </ol>
<b><u>Accessory Buildings and Structures (Primary Production) Accessory Buildings associated with Primary Production Activities</u></b>	<ol style="list-style-type: none"> <li>4. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.</li> <li>6. Minimum setback of any building(s) from the Rail Network Boundary is 3m.</li> </ol>
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> <li>7. Minimum setback of any building(s) from road boundaries is 20m, except that:               <ol style="list-style-type: none"> <li>a. buildings less than 10m<sup>2</sup> in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.</li> </ol> </li> <li>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>

#### Standard RPROZ-S6 Setback from Neighbours

- 4.6.13 The Panel agrees with the reporting planner that an exemption for farm water storage tanks would be consistent with the exemption for domestic water storage tanks and appropriate as they are similar in scale and effect.
- 4.6.14 The Panel also agrees with the reporting planner that the reference to ‘Accessory Buildings’ should be retained but there is merit in clarifying that it includes ‘Accessory Buildings and Structures (Primary Production)’ in addition.
- 4.6.15 The Panel agrees with the reporting planner that the 15 m setback is appropriate and should not be extended to 30m as sought by Hort NZ or reduced as sought by The Surveying Company, the Panel agrees Standard RPROZ-S12 provides for setbacks from Primary Production Activities and it is not necessary to amend RPROZ-S6 as sought by the Egg Producers Federation.
- 4.6.16 The Panel agrees with the reporting planner that a reduced setback would be appropriate for those sites less than 4000m<sup>2</sup> created before 28 May 2021 given the substantial change from the 5m setback in the Operative District Plan and the potential for significant development constraint.
- 4.6.17 The Panel recommends the following amendments (noting other amendments to these standards are addressed in other key issues and the term ‘internal boundaries’ has been retained as per Reports 2A Urban Environment and 6C Miscellaneous):

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	<ol style="list-style-type: none"> <li>1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</li> </ol>
<b><u>All Other Activities (excluding Accessory Buildings and Accessory Buildings and Structures (Primary Production))</u></b>	<ol style="list-style-type: none"> <li>2. Minimum setback of buildings for an activity from <b>internal</b> boundaries is 15m. <b>Farm and Domestic</b> water storage tanks up to 2m in height are exempt from this standard.</li> </ol>

Accessory Buildings <b>Accessory Buildings and Structures (Primary Production)</b>	3. Minimum setback of buildings for an activity from <b>internal</b> boundaries is 5m. <b>Farm and Domestic</b> water storage tanks up to 2m in height are exempt from this standard.
<b>Sites created before 28 May 2021 and less than 4000m<sup>2</sup> net site area</b>  <b>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</b>	4. <b>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</b> 5. <b>Minimum setback of buildings for all other activities from internal boundaries is 10m.</b>

GRUZ-S5 Setback from Neighbours	
...	6. ...
...	7. ...
...	8. ...
<b>Sites created before 28 May 2021 and less than 4000m<sup>2</sup> net site area</b>  <b>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</b>	9. <b>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</b> 10. <b>Minimum setback of buildings for all other activities from internal boundaries is 10m.</b>

RLZ-S4 Setback from Roads and Rail Network	
Accessory Buildings and Structures (associated with Primary Production) Activities	3. Minimum setback of any building(s) from road boundaries is 5m. 4. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 5. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

RLZ-S5 Setback from Neighbours	
...	
...	
<b>Sites created before 28 May 2021 and less than 4000m<sup>2</sup> net site area</b>  <b>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</b>	3. <b>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</b> 4. <b>Minimum setback of buildings for all other activities from internal boundaries is 10m.</b>

## 5 Key Issue 7 – General Rural Zone Rules, Standards, Assessment Matters not addressed elsewhere

### 5.1 Proposed Plan provisions

5.1.1 This section addresses submissions relating to the rules, standards, assessment matters, and principal reasons in the General Rural Zone.

- 5.1.2 Not all the submissions relating to these provisions are grouped under Key Issue 7. Other submissions relating to these provisions are addressed in other sections of this report, where they were specific to a particular issue/land use activity.

## **5.2 Submissions**

- 5.2.1 This section of this report addresses 26 submission points and 7 further submission points relating to the rules, standards, assessment matters, and principal reasons in the General Rural Zone.
- 5.2.2 Submissions sought various amendments to several rules and standards. Submissions were in support of assessment matters and principal reasons.

## **5.3 Reporting planner's recommendations**

### **Rule GRUZ-R1 Residential Activities**

- 5.3.1 The reporting planner noted a good level of support for retention of Rule GRUZ-R1 in terms of the graduated approach to allowing more dwellings in the General Rural Zone the bigger the property.
- 5.3.2 The reporting planner did not support adding GRUZ-AM5 to the list of matters in Rule GRUZ-R1(2) as sought by Hort NZ on the basis it was not in keeping with the rule framework adopted in the PDP.
- 5.3.3 Other submissions seeking amendments to this rule were addressed elsewhere in this report.

### **Rule GRUZ-R3 Primary Production Activities**

- 5.3.4 There was a high level of support for retention of Rule GRUZ-R3 as notified. The Egg Producers Federation, however, sought that the rule also specifically reference 'free-range poultry farming'. The reporting planner considered that 'free range poultry farming' falls within the definition of 'primary production activity' without needing to be separately defined and did not consider the term was necessary in Rule GRUZ-R3.
- 5.3.5 Other submissions seeking amendments to this rule were addressed elsewhere in this report.

### **Rule GRUZ-R9 Commercial Activities not otherwise provided for**

- 5.3.6 The Pork Industry Board sought deletion of Rule GRUZ-R9, based on a concern that commercial activities were broadly defined and were sensitive activities that could conflict with, and generate reverse sensitivity issues for, primary production activities. They considered a permitted activity rule for commercial activities was therefore not appropriate in this zone. The reporting planner did not agree that commercial activities were necessarily sensitive activities and was of the view that the permitted activity limits in Rule GRUZ-R9 worked together to ensure that the type and scale of permitted commercial activities was likely to complement the predominant primary production role of the General Rural Zone, rather than generate reverse sensitivity concerns. The reporting planner therefore recommended that Rule GRUZ-R9 be retained.
- 5.3.7 Other submissions seeking amendments to this rule were addressed in Key Issues 16, 18 and 20.

**Rule GRUZ-R18 Any other activity not otherwise provided for**

5.3.8 There was only one submission on this default rule, in support of retention of Rule GRUZ-R18 as notified.

**Standard GRUZ-S1 Activity Threshold**

5.3.9 The Pork Industry Board and Hort NZ both sought deletion of the activity thresholds pertaining to ‘restaurants’ in Standard GRUZ-S1. They were concerned that such activities were sensitive activities and can have potential reverse sensitivity effects for legitimate rural activities. The reporting planner considered that provision for small-scale restaurants with a gross floor area limited to 100m<sup>2</sup> and maximum capacity of 40 customers, was reasonable and can be complementary in the rural environment – noting that such activities would also have to comply with the 15m setback from neighbours (Standard GRUZ-S5). Retention of the ‘restaurants’ activity threshold specifically recognised the different characteristics of restaurants, as distinct from other commercial activities. The reporting planner recommended that Standard GRUZ-S1(5), (6) and (7) relating to ‘restaurants’ be retained as notified.

**Standard GRUZ-S4 Setback from Roads and Rail Network**

5.3.10 The reporting planner agreed with Hort NZ that reference to ‘Accessory Buildings associated with Primary Production Activities’ in Standard GRUZ-S4 should be replaced with ‘Ancillary Buildings and Structures (Primary Production)’ to be more consistent with the terminology used and specifically defined in the PDP. The planner recommended the following amendment:

GRUZ-S4 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> <li>1. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>
Seasonal Workers Accommodation	<ol style="list-style-type: none"> <li>3. Minimum distance of any building(s) from road boundaries is 15m.</li> </ol>
<b>Ancillary Buildings and Structures (Primary Production) Accessory Buildings associated with Primary Production Activities</b>	<ol style="list-style-type: none"> <li>4. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.</li> <li>6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> <li>7. Minimum setback of any building(s) from road boundaries is 20m, except that:                             <ol style="list-style-type: none"> <li>a. buildings less than 10m<sup>2</sup> in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.</li> </ol> </li> <li>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>

5.3.11 The reporting planner did not agree with Federated Farmers’ submission seeking to delete clauses 5 and 6 of GRUZ-S4 relating to the 20m setback from arterial roads applying to stockyards and stock loading ramps/races, and the 5m setback from the Rail Network. In the reporting planner’s view, the 20m setback for stockyards and stock loading ramps/races was not about the activity and its acceptability in a rural environment, but about recognising that these facilities were often adjacent to the road, and the 20m setback ensured that any loading or unloading happens within the site, and not within the road reserve of higher traffic volume ‘Arterial’ or ‘Primary Collector Roads’. A setback of 20m provided for the safety and efficiency of the road network. The planner also noted that existing facilities have existing use rights.



5.3.12 In relation to the 5m setback from the rail corridor, the reporting planner considered a 5m setback appropriate, being the same as that applied to road boundaries in the General Rural Zone.

5.3.13 There was one other submission on this standard from CHBDC, that was not specific to this provision. This was addressed as part of the Transport topic in Panel Report 7.

#### Standard GRUZ-S5 Setback from Neighbours

5.3.14 The reporting planner noted support for the exemption of domestic water storage tanks up to 2m in height from the setback standards.

5.3.15 In relation to the submission of Hort NZ seeking to alter the reference to ‘Accessory Buildings’ to instead refer to ‘Ancillary Buildings and Structures associated with Primary Production Activities’, the reporting planner considered the reference to ‘Accessory Buildings’ was important to retain, as the buildings referred to in this standard were not just those that were ancillary to primary production activities, but accessory buildings for all activities (including those buildings accessory to residential activities) within the General Rural Zone. To provide clarification that the reference includes ‘Ancillary Buildings and Structures (Primary Production)’ the reporting planner recommended an amendment to GRUZ-S5 (refer full set of recommended amendments below).

5.3.16 The reporting planner did not support the amendment sought by the Egg Producers Federation to give effect to Policy GRUZ-P5, considering the matter was clearly and specifically provided for in Standard GRUZ-S11 Setback from Existing Intensive Primary Production Activities, which imposes a 200m setback "from any buildings or enclosure housing animals reared intensively, or other organic matter and effluent storage treatment and utilisation associated with intensive primary production activities".

5.3.17 The Surveying Company considered the 15m setback from neighbours was too great. They compared the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which was 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also considered that a reduced setback from neighbours would allow for more productive rural land to be retained. In the reporting planner’s view, a 5m setback from an internal rural boundary in the General Rural Zone was not conducive to avoiding sensitive activities locating close to and potentially compromising primary production activities. The reporting planner was of the view that papakāinga housing multi-unit development could be differentiated from a residential dwelling in the General Rural Zone and did not support the amendments sought by The Surveying Company.

5.3.18 In terms of the amendment sought by James Bridge to apply a reduced 5m setback for sites comprising 2.5ha or less in Standard GRUZ-S5, the reporting planner agreed with Hort NZ that greater setbacks from primary production sites should be retained in order to ensure that reverse sensitivity issues adjacent to primary production sites were addressed. However, the reporting planner noted her recommendation in Key Issue 6 to include exceptions in the Rural Zones of the Proposed Plan to allow small sites created under the previous (currently operative) District Plan to apply a reduced side yard setback.

5.3.19 The reporting planner recommended Standard GRUZ-S5 be amended as follows:

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.

All Other Activities (excluding Accessory Buildings <b>and Ancillary Buildings and Structures (Primary Production)</b> )	2. Minimum setback of buildings for an activity from internal boundaries is 15m. <b>Farm<sup>1</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings <b>Ancillary Buildings and Structures (Primary Production)</b>	3. Minimum setback of buildings for an activity from internal boundaries is 5m. <b>Farm<sup>2</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
<b>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</b> <b>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</b>	4. <b>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</b> 5. <b>Minimum setback of buildings for all other activities from internal boundaries is 10m.</b>

#### Standard GRUZ-S8 Transport (Access, Parking, Loading)

- 5.3.20 The submission from FENZ on Standard GRUZ-S8 was the only submission relating to this provision and was in support.

#### Assessment Matter GRUZ-AM1, GRUZ-AM5, GRUZ-AM11, GRUZ-AM13, and GRUZ – Principal Reasons

- 5.3.21 The submissions on Assessment Matters GRUZ-AM1, GRUZ-AM5, GRUZ-AM11 & GRUZ-AM13 and GRUZ – Principal Reasons, were the only submissions relating to these provisions, and were all in support.

## 5.4 Evidence to the hearing

- 5.4.1 In her evidence for Federated Farmers, Ms Rhea Dasent accepted the s42A report recommendation in relation to the Setback from Roads and Rail Network provisions.
- 5.4.2 Hort NZ made a number of submissions and further submissions that were addressed in Key Issue 7. Ms Wharfe's comments in relation to assessment matters and provisions for restaurants were as per those in the RPROZ as discussed under Key Issue 6. In regard to dwelling setbacks Ms Wharfe supported a setback for residential activities of 15m in the General Rural Zone and a more focussed set of provisions for sites created before May 2021 to enable small sites to accommodate a residential dwelling (considering it would be more appropriate that the change was limited to sites less than 4000m<sup>2</sup>).
- 5.4.3 The legal submission made on behalf of James Bridge sought a reduced setback for sites of 2.5ha or less. The submission cited concerned that the combination of standards and lot size could leave permitted lots with no permitted building platform, particularly where lots were not square. In addressing the concerns noted in the s42A report relating to setbacks from primary production the legal submissions noted the standard being sought would only apply to boundaries "between sites of 2.5ha or less" and such sites were unlikely to be primary production sites.

## 5.5 Post hearing information

- 5.5.1 In her 5 August 2022 right-of-reply, the reporting planner addressed GRUZ-R1, GRUZ-S1, and GRUZ-S5. Having considered the evidence of Lynette Wharfe for Hort NZ on GRUZ-R1 and GRUZ-

<sup>1</sup> Inserted as a clause 16(2), First Schedule, RMA amendment – refer S121.224 Federated Farmers relating to equivalent Standard RPROZ-S6, addressed in Key Issue 6 above

<sup>2</sup> As above

S1 and legal submissions for James Bridge on GRUZ-S5, the reporting planner did not change her position from that set out in the s42A report.

## 5.6 Evaluation and findings

### Rule GRUZ-R1 Residential Activities

- 5.6.1 The Panel agrees with the reporting planner that adding Assessment Matter GRUZ-AM5 to the list of matters in Rule GRUZ-R1(2) for Restricted Discretionary activities is not in keeping with the rule framework adopted in the PDP as they relate to broad matters rather than the infringement of a standard. The Panel does not consider it necessary to reference the assessment matters where an activity defaults to Discretionary and consider this is adequately dealt with in the “Note” that sits in the front of the Assessment Matters sections in the various chapters across the PDP stating, “For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors)”.
- 5.6.2 The Panel recommends GRUZ-R1 is retained as notified (with amendments as a result of other submissions addressed in Key Issues 18 and 20).

### Rule GRUZ-R3 Primary Production Activities

- 5.6.3 The Panel agrees with the reporting planner that it is not necessary to include a separate term for ‘free range poultry farming’ as sought by the Egg Producers Federation nor have separate inclusion of ‘free range poultry farming’ in Rule GRUZ-R3. It falls within the definition of ‘primary production activity’ without needing to be separately defined or provided for.
- 5.6.4 The issue of ‘intensive primary production’ is addressed in Key Issue 13.

### Rule GRUZ-R9 Commercial Activities not otherwise provided for

- 5.6.5 The Panel agrees with the reporting planner that commercial activities are not necessarily sensitive activities and the permitted activity limits in Rule GRUZ-R9 work together to limit the type and scale of permitted commercial activities so that those activities permitted by the rule are likely to complement the predominant primary production role of the General Rural Zone, rather than generate reverse sensitivity concerns. The Panel agrees it is appropriate to make some limited provision for general commercial activities in this zone as GRUZ-R9 does.
- 5.6.6 The Panel recommends that Rule GRUZ-R9 be retained, subject to recommended amendments that are addressed in Key Issues 16, 18 and 20.

### Standard GRUZ-S1 Activity Threshold

- 5.6.7 In relation to submissions seeking to delete the activity thresholds pertaining to ‘restaurants’ in GRUZ-S1, the Panel considers that provision for small scale restaurants is reasonable and can be complementary in the rural environment. Retention of the ‘restaurants’ activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities. The Panel agrees with the reporting planner and recommends that Standard GRUZ-S1(5), (6) and (7) relating to ‘restaurants’ be retained, as notified. The Panel considers that the scale of the permitted activity in the PDP is small and the impact on highly productive land at this scale would be de minimis. Anything larger would be required to be assessed through a resource consent application. The Panel notes that, as identified in Ms Davidson’s legal submissions in Hearing Stream 6 (9 November 2022) and the reporting planner’s

right-of-reply for Hearing Stream 6 (9 December 2022), the wider issue of whether commercial activities may be inconsistent with the NPS-HPL may need to be revisited at a later date.

#### Standard GRUZ-S4 Setback from Roads and Rail Network

- 5.6.8 Federated Farmers (S121.194) seeks the deletion of clauses 5 & 6 of GRUZ-S4. The Panel agrees with the reporting planner that the 20m setback for stockyards and stock loading ramps/races should remain. However, the Panel agrees with Federated Farmers that ‘accessory buildings associated with primary production activities’ (now referred to as ‘accessory buildings and structures (primary production)’ as a result of another submission) do not require a 5m setback. The Panel does not consider it appropriate to delete the setback in its entirety but considers that a setback of 3m is sufficient to enable access and maintenance of buildings without encroaching on the road or rail corridor.
- 5.6.9 The Panel recommends a change to the terminology around accessory/ancillary buildings associated with primary production to be consistent with the recommendation on the definition of ‘Ancillary Buildings and Structures (Primary Production)’ as addressed in Key Issue 1, which is recommended to be changed to ‘accessory building’ to be consistent with the National Planning Standards.
- 5.6.10 The Panel therefore recommends accepting S121.194 and S81.126 in part and making the following amendments:

GRUZ-S4 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> <li>1. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>2. Minimum setback of any building(s) from the Rail Network Boundary is 5 m.</li> </ol>
Seasonal Workers Accommodation	<ol style="list-style-type: none"> <li>3. Minimum distance of any building(s) from road boundaries is 15m.</li> </ol>
<b><u>Accessory Buildings and Structures (Primary Production)- Accessory Buildings associated with Primary Production Activities</u></b>	<ol style="list-style-type: none"> <li>4. Minimum setback of any building(s) from road boundaries is 5m.</li> <li>5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.</li> <li>6. Minimum setback of any building(s) from the Rail Network Boundary is <b>3m</b>.</li> </ol>
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> <li>7. Minimum setback of any building(s) from road boundaries is 20m, except that:               <ol style="list-style-type: none"> <li>a. buildings less than 10m<sup>2</sup> in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.</li> </ol> </li> <li>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</li> </ol>

#### Standard GRUZ-S5 Setback from Neighbours

- 5.6.11 The Panel agrees with the reporting planner that an exemption for farm water storage tanks would be consistent with the exemption for domestic water storage tanks and appropriate as they are similar in scale and effect.

- 5.6.12 The Panel also agrees with the reporting planner that the reference to ‘Accessory Buildings’ should be retained but there is merit in clarifying that it includes ‘Accessory Buildings and Structures (Primary Production)’ in addition.
- 5.6.13 The Panel agrees with the reporting planner that the 15 m setback is appropriate and should not be reduced as sought by The Surveying Company or James Bridge. The Panel notes that, as identified by the reporting planner in the right-of-reply, there are options for developers in situations where a lesser setback may be appropriate, including through applying for a land use consent to reduce setback requirements between sites when applying for subdivision consent. There is also the Deemed Permitted Boundary Activity option (s87BA of the RMA) where written approval from the affected neighbour is obtained.
- 5.6.14 The Panel agrees with the reporting planner that it is not necessary to include a 200m setback from primary production or free-range poultry farming as this is clearly addressed in GRUZ-S11.
- 5.6.15 The Panel agrees with the reporting planner that, as for RPROZ-S6 (Key Issue 6), a reduced setback would be appropriate for those sites less than 4000m<sup>2</sup> created before 28 May 2021 given the substantial change from the 5m setback in the Operative District Plan and the potential for significant development constraint.
- 5.6.16 The Panel recommends the following amendments (incorporating amendments from Key Issue 6 and noting the term ‘internal boundaries’ has been retained as per Reports 2A Urban Environment and 6C Miscellaneous):

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	6. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings <b>and Accessory Buildings and Structures (Primary Production)</b> )	7. Minimum setback of buildings for an activity from <b>internal</b> boundaries is 15m. <b>Farm<sup>3</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings <b>Accessory Buildings and Structures (Primary Production)</b>	8. Minimum setback of buildings for an activity from <b>internal</b> boundaries is 5m. <b>Farm<sup>4</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
<b>Sites created before 28 May 2021 and less than 4000m<sup>2</sup> net site area</b> <b>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</b>	9. <b>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</b> 10. <b>Minimum setback of buildings for all other activities from internal boundaries is 10m.</b>

<sup>3</sup> Inserted as a clause 16(2), First Schedule, RMA amendment – refer S121.224 Federated Farmers relating to equivalent Standard RPROZ-S6, addressed in Key Issue 6 above

<sup>4</sup> As above

## 6 Key Issue 8 – Rural Lifestyle Zone Provisions not addressed elsewhere

### 6.1 Proposed Plan provisions

- 6.1.1 This section addresses submissions relating to the Rural Lifestyle Zone that were not addressed elsewhere.
- 6.1.2 Not all the submissions relating to the Rural Lifestyle Zone were grouped under Key Issue 8. Other submissions were addressed in Panel Reports 3C and 3D.

### 6.2 Submissions

- 6.2.1 This section of this report addresses 7 submissions relating to the Rural Lifestyle Zone. 5 of the 7 submissions were in support of retaining the respective provision in the Rural Lifestyle Zone as proposed. The other 2 points sought amendments to RLZ-S5 (Setback from Neighbours).

### 6.3 Reporting planner's recommendations

#### General Submissions on the Rural Lifestyle Zone

- 6.3.1 Hort NZ supported retention of the RLZ – Rural Lifestyle Zone chapter in the PDP, subject to its submissions on specific provisions in this chapter. The reporting planner noted this support and recommended accepting the submission in part insofar as the direction and provisions were largely retained, but subject to recommended amendments in response to the various submissions on specific provisions.

#### Policy RLZ-P4, Rule RLZ-R12, and Standard RLZ-S12

- 6.3.2 The submissions on Policy RLZ-P4, Rule RLZ-R12, and Standard RLZ-S12, were the only submissions relating to these provisions, and were all in support.

#### Standard RLZ-S5 Setback from Neighbours

- 6.3.3 The reporting planner noted support for the exemption of domestic water storage tanks up to 2m in height from the setback standards.
- 6.3.4 In relation to Hort NZ's submission that the 15m setback from internal boundaries should also apply at rural zone boundaries, the reporting planner agreed that this was intended to be the case, and the amendment sought would clarify application of the setback standard in situations where the zone boundary does not follow a property boundary line. On that basis, the reporting planner recommended Standard RLZ-S5 be amended as follows:

RLZ-S5 Setback from Neighbours	
All Buildings (excluding Accessory Buildings)	1. Minimum setback of buildings for an activity from internal boundaries, <b><u>or boundary with the General Rural Zone or Rural Production Zone</u></b> , is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	2. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.
<b><u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u></b>	3. <b><u>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</u></b>

<u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u>	4. <u>Minimum setback of buildings for all other activities from internal boundaries is 10m.</u>
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6.3.5 In terms of the 15m setback requirement from internal boundaries generally, The Surveying Company considered this was too great a distance. They compare the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which was 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also considered that a reduced setback from neighbours would allow for more productive rural land to be retained. In the reporting planner’s view, papakāinga housing multi-unit development could be differentiated from a residential dwelling in the Rural Lifestyle Zone.

6.3.6 The reporting planner agreed with Hort NZ that greater setbacks for residential buildings were required to enable reverse sensitivity effects to be managed. Given that the Rural Lifestyle Zone was not exclusively residential in nature and continues to provide for primary production activities, the reporting planner considered a 5m setback from an internal rural boundary in the Rural Lifestyle Zone was not conducive to avoiding sensitive activities locating close to and potentially compromising such primary production activities and did not support the amendments sought by The Surveying Company in this regard.

## 6.4 Evidence to the hearing

6.4.1 Evidence for The Surveying Company and Hort NZ addressed the issue of setbacks for residential buildings as outlined under Key Issues 6 and 7.

6.4.2 Ms Lynette Wharfe in her evidence for Hort NZ did not support a 5m setback of a rural lifestyle residential activity from the zone boundary as the potential reverse sensitivity effects were significant. Ms Wharfe did not agree with the s42A report recommended change to RLZ-S5 allowing residential activity 5m from primary production activities and seeks an amendment to RLZ-S5(3) to add “except where located on a boundary with the General Rural Zone or Rural production Zone where 15m will apply”.

## 6.5 Post hearing information

6.5.1 In her 5 August 2022 right-of-reply, the reporting planner addressed RLZ-S5. Having considered the evidence of Lynette Wharfe for Hort NZ, the reporting planner revised her position, recommending the amendment of RLZ-S5 to apply a 15m internal setback for residential activities where the boundary was with the General Rural Zone or Rural Production Zone for those sites less than 4000m<sup>2</sup> created before 28 May 2021. The reporting planner recommended the addition of the qualifier “except where located on a boundary with the General Rural Zone or Rural Production Zone where 15m will apply” to RLZ-S5(3).

## 6.6 Evaluation and findings

### Standard RLZ-S5 Setback from Neighbours

6.6.1 The Panel agrees with the reporting planner that the 15 m setback requirement for internal boundaries generally is appropriate and should not be reduced. Given that the Rural Lifestyle Zone is not exclusively residential in nature and continues to provide for primary production activities, a 5m setback from an internal rural boundary in the Rural Lifestyle Zone is not

conducive to avoiding sensitive activities locating close to and potentially compromising such primary production activities.

6.6.2 In relation to Hort NZ’s submission that the 15m setback from internal boundaries should also apply at rural zone boundaries, the Panel agrees with the reporting planner’s recommended amendment to clarify application of the setback standard in situations where the zone boundary does not follow a property boundary line.

6.6.3 For sites created before 28 May 2021, the Panel agrees that it is reasonable to apply a 15m setback from the General Rural Zone or Rural Production Zone in the Rural Lifestyle Zone to address the greater potential for reverse sensitivity between a rural lifestyle zoned site and an adjoining General Rural Zone or Rural Production Zone.

6.6.4 The Panel recommends the following amendments (incorporating amendments from Key Issue 6):

RLZ-S5 Setback from Neighbours	
All Buildings (excluding Accessory Buildings)	1. Minimum setback of buildings for an activity from internal boundaries, <b><u>or boundary with the General Rural Zone or Rural Production Zone</u></b> , is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	2. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.
<b><u>Sites created before 28 May 2021 and less than 4000m<sup>2</sup> net site area</u></b>  <b><u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u></b>	3. <b><u>Minimum setback of buildings for a residential activity from internal boundaries is 5m, except where located on a boundary with the General Rural Zone or Rural Production Zone where 15m will apply.</u></b> 4. <b><u>Minimum setback of buildings for all other activities from internal boundaries is 10m.</u></b>

## 7 Key Issue 9 – Shading from Trees

### 7.1 Proposed Plan provisions

7.1.1 This section addresses submissions on the issue of shading from trees across identical provisions contained in the Rural Production Zone and General Rural Zone.

### 7.2 Submissions

7.2.1 There were 13 submission points and 10 further submission points addressing the issue of shading from trees.

### 7.3 Reporting planner’s recommendations

7.3.1 The reporting planner noted that there was considerable issue taken in the submissions from Federated Farmers, Hort NZ, and the Pork Industry Board on this topic around the application of standards relating to shading of trees on roads and properties as it related to shelterbelts specifically, but also generally in terms of whether they were appropriate at all.

7.3.2 The reporting planner identified the issues these provisions were attempting to address as including:

- adverse effects on the health of vegetation and stock on adjoining sites;



- increased fire risk for neighbouring properties;
- reduced sunlight/daylight and overshadowing impacts on adjoining productive land, and
- damage to structures due to wind fall or root growth.

7.3.3 In terms of adjoining public roads, the concern was around the impact of planting on road safety risk (shading and ice formation, and wind fall onto roads).

7.3.4 The reporting planner was of the view that these were all valid issues in the context of CHB, and warrant some level of management.

7.3.5 The reporting planner considered the PDP provisions to be closely aligned with the provisions in the Hastings District Plan Standard 6.2.5H. She also considered the provisions to be preferable to the ODP provisions which she considered more draconian and complex to interpret.

7.3.6 The reporting planner recommended retention of the respective policies, standards, and assessment matters, but with amendments to clarify the issue being addressed and to better reflect the intent of the PDP. The reporting planner recommended amendments to policies GRUZ-P6 and RPROZ-P6 to replace the term ‘avoid’ with ‘manage’ as the intent was not that adverse effects must be nil, and to replace reference to ‘shading’ as this did not accurately describe all the effects:

GRUZ-P6	To <del>avoid</del> <b>manage</b> adverse effects of <del>continuous tree planting along boundaries shading from trees</del> on adjoining <del>properties and</del> public roads <del>and properties</del> .
RPROZ-P6	To <del>avoid</del> <b>manage</b> adverse effects of <del>continuous tree planting along boundaries shading from trees</del> on adjoining <del>properties and</del> public roads <del>and properties</del> .

7.3.7 The reporting planner did not agree with Federated Farmers that the standards in the PDP were overly prescriptive and considered the PDP provisions an appropriate method to manage the adverse effects of continuous planting on adjoining properties and roads. The reporting planner recommended that Standards GRUZ-S6 and RPROZ-S7 be retained but with the following amendments:

GRUZ-S6 <del>Continuous Tree Planting along Boundaries</del> <b>Shading of Land and Roads</b>	
Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ol style="list-style-type: none"> <li>must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> <li>where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</li> </ol>
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

RPROZ-S7 <del>Continuous Tree Planting along Boundaries</del> <b>Shading of Land and Roads</b>	
Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ol style="list-style-type: none"> <li>must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> </ol>

	b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

7.3.8 The reporting planner recommended that Assessment Matters GRUZ-AM2 and RPROZ-AM2 were retained, but that they were amended as follows:

GRUZ-AM2	<p><b><del>Continuous Tree Planting along Boundaries</del> <del>Shading of Land and Roads</del></b></p> <ol style="list-style-type: none"> <li>1. Trees on Boundaries <ol style="list-style-type: none"> <li>a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ol> </li> <li>2. Trees adjoining Public Roads <ol style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ol> </li> </ol>
RPROZ-AM2	<p><b><del>Continuous Tree Planting along Boundaries</del> <del>Shading of Land and Roads</del></b></p> <ol style="list-style-type: none"> <li>1. Trees on Boundaries <ol style="list-style-type: none"> <li>a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ol> </li> <li>2. Trees adjoining Public Roads <ol style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ol> </li> </ol>

## 7.4 Evidence to the hearing

7.4.1 In her evidence for Federated Farmers, Ms Rhea Dasent outlined their concerns that farm shelterbelts would be unnecessarily restricted for no resource management gain, meaning farmers would not be able to provide shade and shelter for livestock. Federated Farmers did not support the s42A report recommended amendment to the policy to delete shade effects and replace with ‘effects of continuous planting’. Federated Farmers did not agree with broadening the policy and considered issues such as health of vegetation, livestock health, fire risk, windfall risk were dealt with by other legislation and regulations. Provisions that focussed on managing road shading during the shortest day to prevent dangerous ice on the road, and managing shading of existing houses on neighbouring properties, would be acceptable to Federated Farmers and Ms Dasent agreed with the amendments suggested by Lynette Wharf in paragraph 7.101 of her evidence (see below).

7.4.2 Ms Lynette Wharfe presented evidence for Hort NZ on the provisions relating to ‘shading from trees’. Ms Wharfe was supportive of the s42A report amendment to the policies to change ‘avoid’ to ‘manage’. However, Ms Wharfe did not support amendments changing the focus from ‘adverse effects of shading from trees’ to ‘adverse effects of continuous tree planting along

boundaries' and was of the view this was a significant shift in the policy intent which was not sought by submitters. In relation to assessment matters, Ms Wharfe did not consider that the health of vegetation or stock was a resource management issue and risk of fire and windfall can be managed through setbacks of residential buildings. Ms Wharfe sought the following amendments (at para 7.101):

- a) Amend GRUZ-P6 and RPSOZ-P6: Manage location of trees so that adjoining public roads and properties were not adversely affected by shading;
- b) RPROZ-S6 and GRUZ-S6 by deleting clause 1 b); and
- c) Amend GRUZ-AM2 and RPROZ-AM2 by deleting clause 1a).

## 7.5 Post hearing information

7.5.1 Having considered evidence on the issue of shading from trees, in her right-of-reply, the reporting planner revised her recommendation, recommending the changes put forward in the evidence of Lynette Wharfe, with a change to the wording of the policies to follow the word structure used throughout the PDP. The reporting planner recommended the following:

GRUZ-P6	<b><u>To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></b> <del>To avoid adverse effects of shading from trees on adjoining public roads and properties.</del>
RPROZ-P6	<b><u>To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></b> <del>To avoid adverse effects of shading from trees on adjoining public roads and properties.</del>

GRUZ-S6 Shading of Land and Roads	
Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ul style="list-style-type: none"> <li>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> <li>b. <del>where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</del></li> </ul>
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

RPROZ-S7 Shading of Land and Roads	
Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ul style="list-style-type: none"> <li>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> <li>b. <del>where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</del></li> </ul>

Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

<b>GRUZ-AM2</b>	<b>Shading of Land and Roads</b>
	<ol style="list-style-type: none"> <li>1. Trees on Boundaries <ol style="list-style-type: none"> <li>a. <del>The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</del></li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ol> </li> <li>2. Trees adjoining Public Roads <ol style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ol> </li> </ol>

<b>RPROZ-AM2</b>	<b>Shading of Land and Roads</b>
	<ol style="list-style-type: none"> <li>1. Trees on Boundaries <ol style="list-style-type: none"> <li>a. <del>The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</del></li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ol> </li> <li>2. Trees adjoining Public Roads <ol style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ol> </li> </ol>

## 7.6 Evaluation and findings

- 7.6.1 The Panel agrees with the reporting planner’s recommendations as per her 5 August 2022 right-of-reply. The Panel agrees that ‘manage’ is a more appropriate term than ‘avoid’ for what the PDP is seeking to achieve. The Panel is of the opinion that the amendment to the standard would simplify it while still achieving the stated policies.
- 7.6.2 The Panel recommends the following amendments:

<b>GRUZ-P6</b>	<b><u>To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></b> <del>To avoid adverse effects of shading from trees on adjoining public roads and properties.</del>
<b>RPROZ-P6</b>	<b><u>To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></b> <del>To avoid adverse effects of shading from trees on adjoining public roads and properties.</del>

<b>GRUZ-S6 Shading of Land and Roads</b>	
Trees on boundaries	<ol style="list-style-type: none"> <li>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ol style="list-style-type: none"> <li>a. <del>must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary;</del> and</li> <li>b. <del>where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</del></li> </ol> </li> </ol>

Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

<b>RPROZ-S7 Shading of Land and Roads</b>	
Trees on boundaries	3. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and a — where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).
Trees adjoining public roads	4. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

<b>GRUZ-AM2</b>	<b>Shading of Land and Roads</b>
1. Trees on Boundaries	<ul style="list-style-type: none"> <li>a. <del>The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</del></li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ul>
2. Trees adjoining Public Roads	<ul style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ul>

<b>RPROZ-AM2</b>	<b>Shading of Land and Roads</b>
1. Trees on Boundaries	<ul style="list-style-type: none"> <li>a. <del>The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.</del></li> <li>b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.</li> <li>c. The degree to which trees may potentially damage structures due to wind fall or root growth.</li> </ul>
2. Trees adjoining Public Roads	<ul style="list-style-type: none"> <li>a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.</li> <li>b. The degree to which trees may potentially cause a road safety risk due to wind fall.</li> </ul>

## 8 Key Issue 10 – Noise Provisions Specific to Rural Activities not addressed elsewhere

### 8.1 Proposed Plan provisions

- 8.1.1 This section addresses submissions relating to noise relevant to primary production.
- 8.1.2 Not all the submissions relating to noise relevant to the rural environment were grouped under Key Issue 10. Other submissions specific to rural activities were addressed in other relevant key issues contained in Panel Report 3C.
- 8.1.3 The remaining submissions addressing the provisions in the NOISE – Noise chapter of the PDP have been covered in the Panel Report on Noise and Signs addressed as part of Hearings Stream 2 (refer to Panel Report 2C).

### 8.2 Submissions

- 8.2.1 This section of this report addresses 8 submission points and 2 further submission points on noise provisions in the PDP relevant to primary production.

### 8.3 Reporting planner’s recommendations

#### Policy Noise-P3

- 8.3.1 The submissions on Policy NOISE-P3 were all in support.

#### Standard NOISE-S5(7) Primary Production

- 8.3.2 There was considerable support for retention of Standard NOISE-S5(7) relating to noise associated with primary production.
- 8.3.3 The reporting planner disagreed with Hort NZ that the exemption wording in clause 7 required specific reference to ‘stock’ as the heading of clause 7 clearly references ‘activities involving stock’ as being subject to the exemption, and the exemption wording captured those activities in a general ‘Exempt’. The remainder of the wording in clause 7 expressed how that exemption applied in relation to vehicles and mobile machinery. On that basis, the reporting planner recommended Standard NOISE-S5(7) be retained as notified.

#### Standard NOISE-S5(27-29) Audible Bird Scaring Device

- 8.3.4 In relation to Hort NZ’s proposed amendments to clauses 27 & 29 of Standard NOISE-S5 relating to ‘audible bird scaring devices’ Council’s acoustic expert, Damian Ellerton (Marshall Day Acoustics) advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be ‘within the notional boundary’. He did not recommend changing the proposed noise limits for bird scaring devices for the following reasons:

*The audible bird scaring provisions proposed are intended to control the two commonly used forms of bird scaring – percussive blast (shots) and audible avian distress alarm systems.*

*The proposed 50dB LAE is used to control the audible avian distress alarm type bird scaring devices as these can operate for a variable duration – and the LAE acoustic parameter is a function of ‘loudness’ and time by its definition. I have reviewed several*

of the other District Plans referenced by Hort NZ and their use of a higher limit – 65dBA SEL. The Plans referenced are using SEL in that case to control their percussive bird scaring noise and not the audible avian distress alarm type. CHBDP proposes L<sub>zpeak</sub> noise limit of 100dB for percussive bird scaring noise because it is more practical way to measure that type of noise.

- 8.3.5 On the basis of the acoustic advice above, the reporting planner recommended that Standard NOISE-S5(27) & (29) be amended to alter the measurement and assessment position for noise in Rural Lifestyle zoned land (but not the amendment sought to the proposed noise limit in clause 29), as follows:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>	
Audible bird scaring devices	<p>27. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB L<sub>zpeak</sub>, when measured within the notional boundary of any other site in the General Rural, <del>or</del> Rural Production <u>or Rural Lifestyle</u> Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del>, General Residential or Settlements Zones.</p> <p>28. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p> <p>29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA L<sub>AE</sub> when assessed at the notional boundary of any other site in the General Rural, <del>or</del> Rural Production, <u>or Rural Lifestyle</u> Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del>, General Residential or Settlement Zones.</p>

#### Standard NOISE-S5(30) Frost Fans

- 8.3.6 As for bird scaring devices above, the reporting planner discussed Hort NZ’s proposed amendments to clause 30 of Standard NOISE-S5 relating to ‘frost fans’ with Council’s acoustic expert, Damian Ellerton (Marshall Day Acoustics) who advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be ‘within the notional boundary’. However, in his view, the change to the proposed noise limits for frost fans was not recommended, for the following reasons:

*I disagree that a noise level of 65dB LAeq within notional boundary of rural dwelling or at any point within Residential Zone as permitted by Hastings District Plan is appropriate for three reasons.*

*Firstly, a number of other District Plans (Marlborough and Hurunui) use 55dB LAeq noise limit – which compared to typical night-time noise limit of 40-45dB LAeq is a generous relaxation in and of itself. Secondly, I am aware of active Environment Court mediation regarding this issue in Central Otago and the general consensus amongst experts is the current noise limit of greater than 55dB LAeq is not appropriate or best practice. Thirdly, Environment Court decision 2014 NZEnvC 154 between Marlborough District Council and HortNZ/NZ Winegrowers included a noise limit of 55dB LAeq be used.*

- 8.3.7 On the basis of the acoustic advice above, the reporting planner recommended that Standard NOISE-S5(30) be amended to alter the measurement and assessment position for noise in Rural Lifestyle zoned land, but not the amendment sought to the proposed noise limit, as follows:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>	
Frost Fans	30. Noise generated by frost fans must not exceed 55 dB LAeq 10min when assessed within the notional boundary of any other site in the General Rural, <del>or</del> Rural Production <u>or Rural Lifestyle</u> Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del> , General Residential or Settlement Zones.

## 8.4 Evidence to the hearing

- 8.4.1 Federated Farmers submitted in support of Policy NOISE-P3 and Standard NOISE-S5(7) Primary Production. In her evidence for Federated Farmers, Ms Rhea Dasent supported the s42A Report’s recommendation to retain these provisions.
- 8.4.2 In her evidence for Hort NZ in relation to audible bird scaring devices, Ms Lynette Wharfe supported an approach with different limits for percussive audible bird scaring devices vs avian distress alarms and provided revised wording. In relation to Frost Fans, Ms Wharfe did not agree with the recommendation in the s42A report and was of the opinion that NOISE-S5(3) should be amended from 55 dB LAeq (10 min) to 55dB LAeq (15 mins).

## 8.5 Post hearing information

- 8.5.1 In her 5 August 2022 right-of-reply, the reporting planner addressed Standard NOISE-S5(27), (28) and (29) relating to Audible Bird Scaring Devices and NOISE-S5(30) relating to Frost Fans. Having considered the evidence of Lynette Wharfe for Hort NZ and advice from Council’s acoustic expert Damian Ellerton (Marshall Day Acoustics), the reporting planner did not change her position as set out in the s42A report.

## 8.6 Evaluation and findings

### Standard NOISE-S5(7) Primary Production

- 8.6.1 The Panel does not agree with Hort NZ that NOISE-S5(7) as notified does not exempt stock from the noise limits. However, the Panel considers that some rewording could clarify the situation and make it clear that stock was included within the exemption. The Panel therefore recommends accepting S81.099 in part and making the following amendment to NOISE-S5:

Activities involving <del>stock, vehicles, and mobile machinery, and livestock</del> associated with primary production	7. Exempt, providing noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied. Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery, <u>or activities in the farming calendar such as weaning or stags roaring.</u>
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### Standard NOISE-S5(27-29) Audible Bird Scaring Device

- 8.6.2 Hort NZ sought that Standard NOISE-S5(29) be amended to 65dB A<sub>SEL</sub> rather than 50dB A<sub>LE</sub>. Advice from Council’s acoustic expert Damian Ellerton (Marshall Day Acoustics) was that there are two criteria proposed which address two different types of bird scaring technologies (impulsive vs



wailing modulated siren). Mr Ellerton gave evidence that SEL and L<sub>AE</sub> are two different ways of saying the same thing and at issue was whether the level for avian distress sirens should be 50dBA or 65dBA L<sub>AE</sub>/SEL. In Mr Ellerton’s opinion, an increase in the limit to 65 dBA L<sub>AE</sub>/SEL would amount to a significant increase in noise and result in an unreasonable level of noise to receivers. Mr Ellerton also advised that the use of the SEL acoustic parameter for percussive/instantaneous noise sources would be technically incorrect because the type of noise was very short duration and SEL was “sound exposure level” which inherently requires a time component. In Mr Ellerton’s view, a L<sub>zpeak</sub> noise limit of 100dB for percussive/instantaneous noise sources was appropriate.

8.6.3 Mr Ellerton advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be ‘within the notional boundary’.

8.6.4 The Panel notes that there appears no nationally consistent approach to such noise limits. The Panel has reviewed the advice of Mr Ellerton and has not been presented with any other expert noise evidence. Given the advice of Mr Ellerton, the Panel agrees with the recommendation of the reporting planner that Standard NOISE-S5(27) & (29) be amended to alter the measurement and assessment position for noise in Rural Lifestyle zoned land but that the proposed noise limit in clause 29 remain as notified.

8.6.5 The Panel recommends the following amendment:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>	
Audible bird scaring devices	<p>30. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB L<sub>Zpeak</sub>, when measured within the notional boundary of any other site in the General Rural, <del>or</del> Rural Production <b>or Rural Lifestyle</b> Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del>, General Residential or Settlements Zones.</p> <p>31. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p> <p>32. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA L<sub>AE</sub> when assessed at the notional boundary of any other site in the General Rural, <del>or</del> Rural Production, <b>or Rural Lifestyle</b> Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del>, General Residential or Settlement Zones.</p>

**Standard NOISE-S5(30) Frost Fans**

8.6.6 Hort NZ’s submission sought that the noise level for frost fans be amended to 65dB LAeq 15min, and for measurement at the notional boundary for the Rural Lifestyle Zone.

8.6.7 As for NOISE-S5(27) and (29) Mr Ellerton advised that the measurement and assessment position for noise for rurally zoned dwellings should be ‘within the notional boundary’. Mr Ellerton’s expert advice was that a noise level of 65dB LAeq as sought by Hort NZ would not be appropriate based on other examples he was aware of. On the basis of the expert acoustic advice, the reporting planner recommend that Standard NOISE-S5(30) be amended to alter the measurement and assessment position for noise in Rural Lifestyle zoned land but that the proposed noise limit in clause 30 remain as notified. The Panel agrees with the reporting planner and recommends the following amendment:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4

*Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.*

Frost Fans

31. Noise generated by frost fans must not exceed 55 dB  $L_{Aeq, 10min}$  when assessed within the notional boundary of any other site in the General Rural, ~~or~~ Rural Production or Rural Lifestyle Zones, or within the site boundary of any site in the ~~Rural Lifestyle~~, General Residential or Settlement Zones.

## 9 Key Issue 11 – Subdivision Provisions Specific to the Rural Zones

### 9.1 Proposed Plan provisions

- 9.1.1 This section addresses submissions relating to subdivision in the General Rural Zone, Rural Production Zone and Rural Lifestyle Zone. All other submissions addressing provisions in the SUB – Subdivision chapter of the PDP were addressed as part of Hearings Stream 5.
- 9.1.2 Under the ODP, 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). The approach taken to rural subdivision in the PDP has been directed at preserving the lower level of fragmentation on the Ruataniwha Plains and stopping any further fragmentation of versatile land around the urban centres in terms of sustainable management of this resource for current and future generations. Subdivision provisions in the PDP were therefore significantly different, with larger minimum lot size thresholds, and differing controls for rural lifestyle subdivision across the three rural zones:
1. Rural Lifestyle Zone (RLZ) – provides extensively for rural lifestyle subdivision;
  2. General Rural Zone (GRUZ) – essentially provides for the creation of one lifestyle lot every 3 years with a complying balance lot of 20ha or more; and
  3. Rural Production Zone (RPROZ) – essentially only provides for the creation of a lifestyle lot where it was around an existing dwelling, and where there was also amalgamation with an adjoining site combining to achieve a complying balance lot of 12ha or more (i.e. the net number of sites remains the same).

### 9.2 Submissions

- 9.2.1 This section of this report addresses 35 submission points and 8 further submission points relating to subdivision provisions in the General Rural, Rural Production, and Rural Lifestyle Zones.

### 9.3 Reporting planner's recommendations

#### Standard SUB-S1(8), (9) & (10) Minimum Net Site Area Requirements

- 9.3.1 In her s42A report, the reporting planner outlined the PDP approach to subdivision in the rural zones and the background and reasons for the new provisions (which shall not be repeated here). Given this rationale, the reporting planner did not consider it appropriate to reduce the minimum lot sizes for the General Rural Zone or Rural Production Zone (e.g. to 10,000m<sup>2</sup> and 4,000m<sup>2</sup> respectively), or to revert back to the 4000m<sup>2</sup> minimum lot size currently applying across the entire rural area of the District in the ODP, as variously sought by Regeneration Holdings, Riverfield Holdings, and John McLennan.
- 9.3.2 Based on the advice of LandVision, and to provide general alignment with the neighbouring Hastings District Plan, the reporting planner considered that it was appropriate and prudent to retain the 20ha and 12ha minima for the General Rural Zone and Rural Production Zone set out in Standard SUB-S1(9) & (10) respectively, as notified. The reporting planner considered that these areas appropriately give effect to the objectives and policies of the relevant zones, whereas the reduced lot sizes sought would not. The reporting planner considered it appropriate to assess the effects of any subdivision proposal where these minimums were not met, on a case-by-case basis as a Discretionary Activity (as per Rule SUB-R1(3)).

- 9.3.3 The reporting planner did not support providing an exemption for existing lots within the Rural Production Zone that were less than 20ha to further subdivide to create an additional lot of not less than 2ha, every 3 years, as sought by Kevin Williams. Given that there were considerable lots within the Rural Production Zone that were less than 20ha in size, she considered that such an approach would enable significant levels of fragmentation to continue on the District’s finite highly productive land resource, which would undermine the PDP’s strategic direction and policy framework applying to the protection of this resource for current and future generations.
- 9.3.4 In terms of the submissions of Livingston Properties and HTST, and supported by NHMT, the reporting planner considered there was some merit in considering a reduction in the minimum net site area requirement for the Rural Lifestyle Zone. The reporting planner considered that a reduction in the ‘minimum’ net site area requirement in the Rural Lifestyle Zone, along with the introduction of an ‘average’, can be an appropriate way to provide for rural living more efficiently without compromising natural resources and amenity values, to provide for more variety in living situations, and potentially facilitates the more flexible provision of public open space. As highlighted by the submitters, a minimum site size of 2,500m<sup>2</sup> was consistent with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal.
- 9.3.5 The reporting planner therefore recommended Standard SUB-S1(9) & (10) be retained as notified, but that Standard SUB-S1(8) be amended, as follows:

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots).	
Rural Lifestyle Zone	8. <b>2,500m<sup>2</sup>, with a minimum</b> 4000m <sup>2</sup> <b>average.</b>
General Rural Zone	9. 20 hectares <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i>
Rural Production Zone	10. 12 hectares <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i>

- 9.3.6 In relation to Gerard Pain’s submission, the reporting planner noted that a Discretionary activity status for subdivision that does not comply with the minimum net site areas above, enables assessment of subdivision applications on a case-by-case basis, whereby an applicant has the opportunity to present a case for the granting of consent.

#### Lifestyle Site subdivision - Rule SUB-R5

- 9.3.7 The reporting planner did not consider it appropriate to delete Rule SUB-R5 and revert back to the rural subdivision rules currently applying across the entire rural area of the District in the ODP, as sought by Thomas Collier and James Bridge.
- 9.3.8 The reporting planner also did not support removal of the condition limiting lifestyle subdivision in the General Rural Zone (outside of the Coastal Environment Area) to a site once every 3 years, as sought by Hort NZ and IA & PD Waldrom. Without this ‘limitation’, she considered there would be no differentiation from what can occur currently under the ODP rules, and therefore there would be little control over the quantity and speed at which land fragmentation could occur within the General Rural Zone into the future. She noted that the subdivision rules in the PDP work collectively and in tandem with each other, and the amendment sought would effectively circumvent the application of the minimum net site areas set out in Standard SUB-S1, rendering them ineffective.

- 9.3.9 The reporting planner also did not support increasing the quantity of lifestyle lots provided for in Rule SUB-R5 from 1 lot per 3-year cycle, to 5 lots per 3-year cycle, as sought by The Surveying Company as this would significantly reduce any gains through the ability to manage the quantity and speed at which land fragmentation could occur within the General Rural Zone into the future. Although noting the potential for the 3-year aspect of the rule to result in unintended consequences as suggested by The Surveying Company, the reporting planner did not believe this would be a significant risk in practice and noted SUB-AM13 allows consideration of this potential.
- 9.3.10 The reporting planner agreed with Surveying the Bay that the 3-year period should only apply to titles from which lifestyle sites were previously created, as she considered that this makes practical sense, in that the first lifestyle site subdivided from a property should logically then trigger the first 3-year standdown period. The reporting planner recommended an amendment to Rule SUB-R5 accordingly (refer recommended amendment below).
- 9.3.11 With respect to the submissions seeking a more restrictive activity status for rural lifestyle subdivision in the Rural Production Zone (Hort NZ and Silver Fern Farms), the reporting planner agreed that the Rural Production Zone warrants greater protection from land fragmentation given the significance of the District’s highly productive land as a valuable and finite resource, but considered the current controlled activity status for complying rural lifestyle subdivision provides clear messaging to landowners about what type of rural lifestyle subdivision was anticipated and deemed acceptable in the zone, and that defaulting to discretionary enables full consideration of the adverse effects on the environment for those rural lifestyle subdivisions that do not comply with the controlled activity conditions.
- 9.3.12 The reporting planner considered that a non-complying activity status where a rural lifestyle subdivision in the Rural Production Zone was unable to comply could signal that such subdivision was not anticipated within the Rural Production Zone, but was comfortable with discretionary status on the basis that consideration under s104 RMA requires full regard to be had to the effects of the proposal and its ‘fit’ with relevant objectives and policies in the same way as non-complying status, albeit without the additional threshold test applying.
- 9.3.13 The reporting planner recommended that Rule SUB-R5 be retained, with an amendment to clause 1(a) as follows:

SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)		
General Rural Zone (outside of the Coastal Environment Area)	1. Activity Status: CON: Where the following conditions are met: a. Limited to: i. Only one lifestyle site can be created. ii. A site is only eligible to be subdivided to create a lifestyle site <b><u>3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</u></b> iii. The minimum site area for the balance lot is 20 hectares. b. Compliance with SUB-S2(1) and SUB-S2(2). c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. d. Compliance with: i. SUB-S4(1); ii. SUB-S5;	2. Activity status where compliance with condition SUB-R5(1)(d) is not achieved: RDIS Matters over which discretion is restricted: a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13.
		3. Activity status where compliance with conditions SUB-R5(1)(a), SUB-R5(1)(b)

	<ul style="list-style-type: none"> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> <p>e. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>f. SUB-AM1.</li> <li>g. SUB-AM2.</li> <li>h. SUB-AM3.</li> <li>i. SUB-AM4.</li> <li>j. SUB-AM5.</li> <li>k. SUB-AM6.</li> <li>l. SUB-AM7.</li> <li>m. SUB-AM8.</li> <li>n. SUB-AM9.</li> <li>o. SUB-AM10.</li> <li>p. SUB-AM11.</li> <li>q. SUB-AM13.</li> </ul>	<p>and/or SUB-R5(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
<p>Rural Production Zone</p>	<p>5. Activity Status: CON: Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares.</li> <li>ii. No additional sites are created (amalgamation of the balance lot is required).</li> <li>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</li> <li>iv. The newly amalgamated lot contains no more than two residential units.</li> </ul> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S2(3) and SUB-S2(4)</li> </ul> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> <li>i. HH-SCHED2.</li> <li>ii. SASM-SCHED3.</li> <li>iii. ECO-SCHED5.</li> <li>iv. ONL or ONF in NFL-SCHED6.</li> <li>v. CE-SCHED7.</li> </ul> <p>d. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S4(1);</li> <li>ii. SUB-S5;</li> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> <p>e. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>f. SUB-AM1.</li> <li>g. SUB-AM2.</li> <li>h. SUB-AM3.</li> <li>i. SUB-AM4.</li> <li>j. SUB-AM5.</li> <li>k. SUB-AM6.</li> <li>l. SUB-AM7.</li> <li>m. SUB-AM8.</li> <li>n. SUB-AM9.</li> <li>o. SUB-AM10.</li> <li>p. SUB-AM11.</li> <li>q. SUB-AM13.</li> </ul>	<p>6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul> <p>7. Activity status where compliance with conditions SUB-R5(5)(c) is not achieved: DIS</p> <p>8. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>

General Rural Zone (Coastal Environment Area)	9. Activity Status: DIS Where the following conditions are met: a. Compliance with: i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.	10. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC
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### Lifestyle Site subdivision - Standard SUB-S2

- 9.3.14 The reporting planner considered there was some merit in considering a reduction in the minimum net site area requirement for lifestyle sites in the General Rural Zone as contained in Standard SUB-S2(1), as sought by James Bridge, noting the 2500m<sup>2</sup> minimum size required for lifestyles sites created under the rules for conservation lots, the adequacy of a 2,500m<sup>2</sup> size for a lifestyle development to be able to comply with the associated bulk and location standards applying still fully in this zone, and the consistency of a minimum site size of 2,500m<sup>2</sup> with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal.
- 9.3.15 The reporting planner also considered there was merit in considering an increase in the maximum net site area requirement for lifestyle sites in the Rural Production Zone as contained in Standard SUB-S2(4), as sought by The Surveying Company. The reporting planner accepted that as a lifestyle site in this zone was anticipated to be created around an existing dwelling, a maximum size of 1ha was reasonable to support the existing features that many rural properties have 'including effluent fields, garages and sheds, existing planting and physical features.
- 9.3.16 On that basis, the reporting planner recommended Standard SUB-S2 be amended, as follows:

SUB-S2 Lifestyles Sites (not in association with the creation of a Conservation Lot)	
General Rural Zone	1. Minimum net site area for Lifestyle Lot – <del>2500m<sup>2</sup></del> <b>4000m<sup>2</sup></b> . 2. Maximum net site area for Lifestyle Lot – 2.5 hectares.
Rural Production Zone	3. Minimum net site area for Lifestyle Lot – 2500m <sup>2</sup> . 4. Maximum net site area for Lifestyle Lot – <del>1 hectare</del> <b>4000m<sup>2</sup></b> .

### Assessment Matters SUB-AM11, SUB-AM12 & SUB-AM13

- 9.3.17 The reporting planner noted there was considerable support for retention of Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13 as proposed. However, there were some minor amendments sought by Silver Fern Farms, Hort NZ, and the Pork Industry Board.
- 9.3.18 The reporting planner agreed with Silver Fern Farms that there was merit in referencing existing rural industry in Assessment Matters SUB-AM11, SUB-AM12 & SUB-AM13. As already stated, inclusion of 'rural industry' as a separately defined and anticipated activity was addressed separately in Key Issues 15 & 16 in Panel Report 3C. However, there was long-standing existing rural industry located in the rural areas of Central Hawke's Bay (such as Silver Fern Farms) that warrant consideration in terms of the potential for new development in the vicinity of these rural industries to create or exacerbate the potential for reverse sensitivity. The reporting planner also agreed that 'avoidance' of reverse sensitivity effects was also a legitimate consideration to be reflected in Assessment Matters SUB-AM12 & SUB-AM13, in addition to consideration of ability to 'mitigate'/'manage' such effects. However, she did not support the additional wording sought by this submitter relating to restrictive covenants and/or consent notices in Assessment Matter SUB-AM12(3)(b).

- 9.3.19 The reporting planner agreed with Federated Farmers that ‘rural production activity’ was not a defined term in the PDP and use of this term in Assessment Matter SUB-AM13 should revert to the defined term ‘primary production activity’.
- 9.3.20 In regard to Assessment Matter SUB-AM13(2)(c), this assessment matter responds to the requirement in the zone provisions for new sensitive activities to be setback 200m from existing intensive primary production activities (refer Standards GRUZ-S11, RPROZ-S12 & RLZ-S6), and the requirement for new intensive primary production activities to be setback 200m from existing property boundaries (refer Rules GRUZ-R14(1)(a)(ii) & RPROZ-R14(1)(a)(ii)). The reporting planner agreed with the Pork Industry Board in this respect, that the assessment matter should refer to intensive primary production activities.
- 9.3.21 The reporting planner did not support the deletion of item 7 of Assessment Matter SUB-AM13 as sought by Regeneration Holdings, considering this matter important in terms of signalling that subdivision in the General Rural Zone with the intention to ‘set up’ future lifestyle site subdivisions, was not endorsed.
- 9.3.22 The reporting planner recommended that Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13 be amended as follows:

SUB-AM11 Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural, ~~or~~ intensive primary production, or rural industry activities

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
  - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
  - b. The location of the house sites which will avoid any potential for reverse sensitivity effects.
  - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated ~~experienced~~.
  - d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

SUB-AM12 Lifestyle Sites in the Rural Production Zone

1. Maximum area exceeded

The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m<sup>2</sup> for a lifestyle site is appropriate:

- a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
- b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
- c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.
- d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
- e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining



land uses are likely to generate the potential for complaints about adjoining primary production **or rural industry** activities.

**2. Balance area smaller than 12 hectares**

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:

- a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.
- b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.

**3. Amalgamated sites not adjoining**

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:

- a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
- b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

**SUB-AM13**

**Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites**

1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to **avoid, mitigate or** manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
2. The ability to **avoid or** mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
  - a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
  - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of Waka Kotahi NZ Transport Agency);
  - c. Any lifestyle site proposed within 400 metres of an existing rural **industry or primary** production activity **including intensive primary production**;
  - d. Any rural airstrip; and
  - e. Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with.
3. Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.

### Provision for Farm Park Developments

9.3.23 Surveying the Bay, The Surveying Company and James Bridge would like to see the PDP include 'farm park' subdivision provisions for the General Rural and Rural Lifestyle Zones, similar to the Hastings District Plan.

9.3.24 The submitters described the concept of a 'farm park' as providing for a cluster(s) of lifestyle sites within a working farm property. The idea was to provide flexibility for the 'balance' area to continue to operate as a working farm or to be set up as a conservation/recreation area. Owners of the lifestyle sites have exclusive use of their own site, but may also have access to communal land and amenities.

- 9.3.25 The reporting planner accepted that ‘farm parks’ can be an effective way of allowing for rural residential living whilst maintaining a working farm, but did not consider that there was evidence of any significant demand for such developments in the CHBD at this time, to warrant adopting a raft of additional special provisions.
- 9.3.26 A subdivision consent for a farm park development in the General Rural Zone or the Rural Lifestyle Zone can still be applied for under the current subdivision rules in the PDP, and assessed on their merits, on a case-by-case basis, as a Discretionary Activity.
- 9.3.27 The reporting planner did not consider there was any substantial benefit in incorporating a set of specific ‘farm park’ subdivision provisions for the General Rural Zone or Rural Lifestyle Zone in the PDP, at this time.

#### **Building Platform Standards – Standard SUB-S4(1) Rural Zones**

- 9.3.28 The reporting planner noted there was overall support for retention of the building platform standard (Standard SUB-S4(1)) applying in the General Rural Zone, Rural Production Zone, and Rural Lifestyle Zone in the PDP, as a method to assist in managing reverse sensitivity effects.
- 9.3.29 In addition to the building platform requirement, however, the Pork Industry Board sought a 400m setback from an intensive primary production activity for any building platform for new lifestyle sites (except where the building platform was on the same site as the intensive primary production activity). This request was on the basis that upon erection of a residential dwelling, an existing intensive primary production activity would (unreasonably) then be required to meet more restrictive light and noise standards.
- 9.3.30 In the reporting planner’s view, inclusion of such a setback in the building platform standard (Standard SUB-S4(1)) was unnecessary, as there was already a setback requirement in the respective zone provisions. The setbacks apply a 200m setback for any new sensitive activities from existing intensive primary production activities in the General Rural Zone (Standard GRUZ-S11), Rural Production Zone (Standard RPROZ-S12), and Rural Lifestyle Zone (Standard RLZ-S6).
- 9.3.31 Such matters were also covered in Assessment Matter SUB-AM13 above, as well as assessment matters more generally, in these zones in the PDP, around addressing reverse sensitivity matters related to lifestyle subdivision (Assessment Matters SUB-AM11 & SUB-AM12).
- 9.3.32 On this basis, the reporting planner recommended retention of Standard SUB-S4(1) as notified.

## **9.4 Evidence to the hearing**

- 9.4.1 Mr Nick Wakefield spoke on behalf of The Surveying Company at the hearing, addressing amendments they were seeking to Rule SUB-R5, the maximum lot size for a lifestyle section in the Rural Production Zone, the provision for Farm Park development, and amendments to SUB-S7 relating to conservation lots. Mr Wakefield considered SUB-R5 to be too restrictive for the District and sought more opportunity for subdivision while ensuring larger lots which were economically productive were maintained. Mr Wakefield raised concerns that the rule not allowing lifestyle subdivision around existing dwellings if a property was larger than 12ha will see blocks of land between 12ha and 24ha being restricted in their potential productive use. Mr Wakefield considered there would be a market for Farm Parks and questioned why council would not wish to allow such development.
- 9.4.2 Legal submissions on behalf of James Bridge sought amendments to SUB-S2, noting the requested amendment was supported in the s42A report.

- 9.4.3 In her evidence for Hort NZ, Ms Lynette Wharfe did not agree with the s42A report assessment that a controlled activity status for subdivision was appropriate in the Rural Production Zone. Ms Wharfe considered the rule framework needs to enable a full evaluation of the effects of the subdivision and the ability to decline the application if it was shown to contribute to fragmentation of land or limit the use of land for primary production purposes.
- 9.4.4 The evidence of Mr Steve Tuck for Silver Fern Farms addressed its requested amendment to SUB-AM12. Mr Tuck considered a direct reference to registering a consent notice or covenant would make the matter an explicit consideration and clarify how a proponent could address any concerns about reverse sensitivity caused by ad-hoc piecemeal lifestyle site subdivision, and associated Plan integrity matters.
- 9.4.5 In his evidence for HTST, Mr Stephen Daysh supported the s42A recommendation to amend SUB-S1(8) to provide for 2,500m<sup>2</sup>, with a minimum 4,000m<sup>2</sup> average in the Rural Lifestyle Zone.
- 9.4.6 Mr Philip McKay presented evidence for Livingston Properties. Mr McKay agreed with the amended wording recommended in the s42A report in relation to SUB-S1(8) to provide for a 2,500m<sup>2</sup> minimum net site area, with a minimum 4000m<sup>2</sup> average in the Rural Lifestyle Zone.
- 9.4.7 The submitter statement for Surveying the Bay addressed provision for Farm Park development, identifying benefits of farm parks but recognising demand may not be such to warrant the inclusion of specific provision in the PDP at this time.

## 9.5 Post hearing information

- 9.5.1 In her 5 August 2022 right-of-reply, the reporting planner considered Rule SUB-R5 in light of submitter evidence. Having considered the evidence of Lynette Wharfe for Hort NZ, the reporting planner did not change her position from that in the s42A report. The reporting planner also considered SUB-AM12(3)(b) and the evidence of Steven Tuck for Silver Fern Farms but did not change her position from that in the s42A report.

## 9.6 Evaluation and findings

### Standard SUB-S1(8), (9) & (10) Minimum Net Site Area Requirements

- 9.6.1 The Panel agrees that the PDP establishes clear differentiation between the Rural Production Zone, General Rural Zone and Rural Lifestyle Zone – which collectively acts to direct rural lifestyle subdivision to the Rural Lifestyle Zones, in keeping with the strategic direction in the PDP to protect the District’s valuable productive land for current and future generations (particularly the District’s highly productive land which is of regional, if not national, significance).
- 9.6.2 The Panel agrees with the reporting planner that, given the objectives the PDP is seeking to achieve, it would not be appropriate to reduce the minimum lot sizes for the General Rural Zone or Rural Production Zone (e.g. to 10,000m<sup>2</sup> and 4,000m<sup>2</sup> respectively), or to revert back to the 4000m<sup>2</sup> minimum lot size currently applying across the entire rural area of the District in the ODP.
- 9.6.3 The Panel also agrees with the reporting planner that it is appropriate and prudent to retain the 20ha and 12ha minimums for the General Rural Zone and Rural Production Zone set out in Standard SUB-S1(9) & (10) respectively, as notified. These areas appropriately give effect to the objectives and policies of the relevant zones, whereas the reduced lot sizes sought would not.
- 9.6.4 Similarly, the Panel agrees with the reporting planner in not supporting an exemption for existing lots within the Rural Production Zone that are less than 20ha to further subdivide to create an additional lot of not less than 2ha, every 3 years, as sought by Kevin Williams. Given that there

are considerable lots within the Rural Production Zone that are less than 20ha in size, such an approach would enable significant levels of fragmentation to continue on the District's finite highly productive land resource, which would undermine the PDP's strategic direction and policy framework applying to the protection of this resource for current and future generations.

- 9.6.5 The Panel also agrees with the reporting planner that there is some merit in a reduction in the minimum net site area requirement for the Rural Lifestyle Zone. The Rural Lifestyle Zone has been specifically developed to provide sustainable opportunities for rural living on land that has lower productive potential, and that is close to the main townships. The Panel agrees with the reporting planner's recommendation to reduce the 'minimum' net site area requirement in the Rural Lifestyle Zone and introduce an 'average'. The Panel agrees this is an appropriate way to provide for rural living more efficiently without compromising natural resources and amenity values, to provide for more variety in living situations, and potentially facilitates the more flexible provision of public open space.
- 9.6.6 On that basis, the Panel recommends Standard SUB-S1(9) & (10) be retained as notified, but that Standard SUB-S1(8) be amended, as follows:

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots).	
Rural Lifestyle Zone	8. <b>2,500m<sup>2</sup>, with a minimum 4000m<sup>2</sup> average.</b>
General Rural Zone	9. 20 hectares <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i>
Rural Production Zone	10. 12 hectares <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i>

- 9.6.7 The Panel agrees with the reporting planner that a Discretionary activity status for subdivision that does not comply with the minimum net site areas above allows for exceptions as sought by Gerard Pain. It enables assessment of subdivision applications on a case-by-case basis, whereby an applicant has the opportunity to present a case for the granting of consent. The Panel therefore agrees with the reporting planner's recommendation to accept Gerard Pain's submission S28.001 in part and reject S28.002 (as the resource consent process is separate from the plan making process).

#### Lifestyle Site Subdivision

- 9.6.8 The Panel notes that although the PDP is generally well aligned with the NPS-HPL, there are some areas, such as the creation of lifestyle sites in conjunction with the creation of a conservation lot, that may not be consistent with the NPS-HPL. As outlined in the legal submissions of Ms Davidson, no submitter sought deletion or significant tightening of the conservation lot rules and there is no scope to address this inconsistency at this stage. The Panel has confined itself to considering amendments that it has the scope to recommend.

#### Rule SUB-R5

- 9.6.9 The Panel does not support the submissions seeking to delete Rule SUB-R5 and revert back to the rural subdivision rules currently applying across the entire rural area in the ODP. The Panel agrees with the reporting planner that the proposed rules limiting lifestyle lots to 1 lot per 3-year cycle would allow landowners in the General Rural Zone to have some ability to create new titles whilst ensuring the General Rural Zone retains its focus, providing for and supporting primary

production in the District. The Panel therefore agrees with the reporting planner’s recommendation to amend the wording of Rule SUB-R5 so that the 3-year period only applies to titles from which lifestyle sites were previously created.

9.6.10 The Panel agrees with the reporting planner that a controlled activity status is appropriate for complying rural lifestyle subdivision in the Rural Production Zone given the very limited range of circumstances that would fall within the controlled activity category (SUB-R5(5)(a)(i)-(iv).

9.6.11 In relation to the activity status where a rural lifestyle subdivision in the Rural Production Zone is unable to comply, the Panel considers that a non-complying activity status as sought by Silver Fern Farms would be appropriate to align with the strategic direction and zone policy framework in the PDP, particularly Objective RPROZ-O2 which refers to protecting the resource from fragmentation.

9.6.12 The Panel recommends the following amendments to SUB-R5:

SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)			
General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON: Where the following conditions are met:</p> <p>a. Limited to:</p> <p>iv. Only one lifestyle site can be created.</p> <p>v. A site is only eligible to be subdivided to create a lifestyle site <b>3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</b></p> <p>vi. The minimum site area for the balance lot is 20 hectares.</p> <p>b. Compliance with SUB-S2(1) and SUB-S2(2).</p> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>e. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>Matters over which control is reserved:</p> <p>f. SUB-AM1.</p> <p>g. SUB-AM2.</p> <p>h. SUB-AM3.</p> <p>i. SUB-AM4.</p> <p>j. SUB-AM5.</p> <p>k. SUB-AM6.</p> <p>l. SUB-AM7.</p> <p>m. SUB-AM8.</p> <p>n. SUB-AM9.</p> <p>o. SUB-AM10.</p> <p>p. SUB-AM11.</p> <p>q. SUB-AM13.</p>	<p>2. Activity status where compliance with condition SUB-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> <p>b. SUB-AM2</p> <p>c. SUB-AM3.</p> <p>d. SUB-AM4.</p> <p>e. SUB-AM5.</p> <p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p> <p>j. SUB-AM10.</p> <p>k. SUB-AM11.</p> <p>l. SUB-AM12.</p> <p>m. SUB-AM13.</p>	
			<p>3. Activity status where compliance with conditions SUB-R5(1)(a), SUB-R5(1)(b) and/or SUB-R5(1)(c) is not achieved: DIS</p>
			<p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>

Rural Production Zone	<p>5. Activity Status: CON: Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares.</li> <li>ii. No additional sites are created (amalgamation of the balance lot is required).</li> <li>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</li> <li>iv. The newly amalgamated lot contains no more than two residential units.</li> </ul> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>ii. SUB-S2(3) and SUB-S2(4)</li> </ul> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> <li>vi. HH-SCHED2.</li> <li>vii. SASM-SCHED3.</li> <li>viii. ECO-SCHED5.</li> <li>ix. ONL or ONF in NFL-SCHED6.</li> <li>x. CE-SCHED7.</li> </ul> <p>d. Compliance with:</p> <ul style="list-style-type: none"> <li>vii. SUB-S4(1);</li> <li>viii. SUB-S5;</li> <li>ix. SUB-S6;</li> <li>x. SUB-S7;</li> <li>xi. SUB-S8; and</li> <li>xii. SUB-S9.</li> </ul> <p>e. Compliance with:</p> <ul style="list-style-type: none"> <li>iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>f. SUB-AM1.</li> <li>g. SUB-AM2.</li> <li>h. SUB-AM3.</li> <li>i. SUB-AM4.</li> <li>j. SUB-AM5.</li> <li>k. SUB-AM6.</li> <li>l. SUB-AM7.</li> <li>m. SUB-AM8.</li> <li>n. SUB-AM9.</li> <li>o. SUB-AM10.</li> <li>p. SUB-AM11.</li> <li>q. SUB-AM13.</li> </ul>	<p>6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul> <p>7. Activity status where compliance with conditions <del>SUB-R5(5)(a) and/or</del> SUB-R5(5)(c) is not achieved: DIS</p> <p>8. Activity status where compliance with conditions <u>SUB-R5(5)(a) and/or</u> SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>
General Rural Zone (Coastal Environment Area)	<p>9. Activity Status: DIS Where the following conditions are met:</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul>	<p>10. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC</p>

### Standard SUB-S2

- 9.6.13 The Panel agrees with the reporting planner that there is merit in reducing the minimum net site area requirement for lifestyle sites in the General Rural Zone as contained in Standard SUB-S2(1), as sought by James Bridge.
- 9.6.14 The Panel agrees that the 2500m<sup>2</sup> minimum size required for lifestyles sites created under the rules for conservation lots supports the contention that a smaller lot size is sufficient to accommodate lifestyle development within rural areas. 2,500m<sup>2</sup> is sufficient for a lifestyle development to be able to still fully comply with the associated bulk and location standards applying in this zone and ensure reverse sensitivity issues for existing primary production activities on adjoining sites are appropriately managed.

- 9.6.15 The Panel also agrees with the reporting planner’s recommendation that the maximum net site area requirement for lifestyle sites in the Rural Production Zone as contained in Standard SUB-S2(4) be increased. As a lifestyle site in this zone is anticipated to be created around an existing dwelling, a maximum size of 1ha is reasonable to support the existing features that many rural properties have ‘including effluent fields, garages and sheds, existing planting and physical features.
- 9.6.16 The Panel therefore recommends Standard SUB-S2 be amended, as follows, with a clarification in the title to make it clear it relates to the General Rural Zone and Rural Production Zone:

SUB-S2 Lifestyles Sites <b>in General Rural Zone and Rural Production Zone</b> (not in association with the creation of a Conservation Lot)	
General Rural Zone	<ol style="list-style-type: none"> <li>1. Minimum net site area for Lifestyle Lot – <del>2500m<sup>2</sup></del><b>4000m<sup>2</sup></b>.</li> <li>2. Maximum net site area for Lifestyle Lot – 2.5 hectares.</li> </ol>
Rural Production Zone	<ol style="list-style-type: none"> <li>3. Minimum net site area for Lifestyle Lot – 2500m<sup>2</sup>.</li> <li>4. Maximum net site area for Lifestyle Lot – <b>1 hectare</b><del>4000m<sup>2</sup></del>.</li> </ol>

#### Assessment Matters SUB-AM11, SUB-AM12 & SUB-AM13

- 9.6.17 The Panel agrees with the reporting planner that there is merit in referencing existing rural industry in Assessment Matters SUB-AM11, SUB-AM12 & SUB-AM13 and that ‘avoidance’ of reverse sensitivity effects is also a legitimate consideration to be reflected in Assessment Matters SUB-AM12 & SUB-AM13, in addition to consideration of ability to ‘mitigate’/‘manage’ such effects. The Panel also agrees with the reporting planner that reference to restrictive covenants and/or consent notices in Assessment Matter SUB-AM12(3)(b) would not add value in the context of the Assessment Matters.
- 9.6.18 The Panel agrees that as ‘rural production activity’ is not a defined term in the PDP the use of the term ‘primary production activity’ in SUB-AM13 would be more appropriate, as sought by Federated Farmers.
- 9.6.19 In relation to SUB-AM13(2)(c) the Panel agrees with the reporting planner that the assessment matter should refer to intensive primary production activities as sought by the Pork Industry Board.
- 9.6.20 In relation to the deletion of SUB-AM13(7) as sought by Regeneration Holdings, the Panel agrees with the reporting planner that it is not appropriate to delete this matter as it is important in terms of signalling that subdivision in the General Rural Zone with the intention to ‘set up’ future lifestyle site subdivisions, is not endorsed.
- 9.6.21 On the basis of the above, the Panel recommends that Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13 be amended as follows:

SUB-AM11	<p>Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural, <del>or</del> intensive primary production, <b>or rural industry</b> activities</p> <ol style="list-style-type: none"> <li>1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered: <ol style="list-style-type: none"> <li>a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.</li> <li>b. The location of the house sites which will avoid any potential for reverse sensitivity effects.</li> <li>c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being <b>created or exacerbated</b><del>experienced</del>.</li> </ol> </li> </ol>
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- d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

SUB-AM12 Lifestyle Sites in the Rural Production Zone

1. Maximum area exceeded

The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m<sup>2</sup> for a lifestyle site is appropriate:

- a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
- b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
- c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.
- d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
- e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- f. Provision for buffer areas (greater than the minimum yard requirements) to **avoid or** mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production **or rural industry** activities.
- a. ...

SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites

1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to **avoid, mitigate or** manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
2. The ability to **avoid or** mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
  - a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
  - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of Waka Kotahi NZ Transport Agency);
  - c. Any lifestyle site proposed within 400 metres of an existing rural **industry or primary** production activity **including intensive primary production**;
  - d. Any rural airstrip; and
  - e. Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with.
3. Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.



### Provision for Farm Park Developments

- 9.6.22 While the Panel sees some merit in the concept of Farm Park Developments, given that they would currently fall to a Discretionary Activity status the Panel does not see value at this point in time in developing an additional set of provisions for farm parks. Therefore, the Panel agrees with the reporting planner's recommendation that the submissions seeking the inclusion of farm park subdivision provisions in the General Rural and Rural Lifestyle Zones be rejected.

### Building Platform Standards – Standard SUB-S4(1) Rural Zones

- 9.6.23 The Panel agrees with the reporting planner that there is no need for an additional setback requirement as sought by the Pork Industry Board. This is unnecessary in SUB-S4(1) as it is already addressed in the respective zone provisions. The Panel recommends the retention of SUB-S4(1) as notified.

# PART C – SUMMARY OF RECOMMENDATIONS

## 10 Summary of recommendations

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

## 11 Consequential and minor amendments

- 11.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan.
- 11.1.2 The Panel recommends an amendment to GRUZ-O3 (refer paragraph 3.6.2) similar to that recommended to RPROZ-O5 (paragraph 2.6.3) to reflect that the activity is managed, rather than the adverse effect.
- 11.1.3 The Panel recommends a minor correction to improve the grammar of GRUZ-O4 as outlined in paragraph 3.6.3.
- 11.1.4 The Panel recommends a minor amendment to the heading of SUB-S2 to make it clearer this applies to the Rural Production Zone and General Rural Zone.
- 11.1.5 As outlined in Key Issue 6 and 7, for consistency across zones, the Panel recommends that in making an amendment to RPROZ-S6 in response to Federated Farmers' submission S121.224 to exempt farm water tanks from the setbacks, the same amendment should be applied to GRUZ-S5.
- 11.1.6 In order to use consistent terminology across the zones, the Panel considers that a consequential amendment is required to Standard RLZ-S4 to use the term Accessory Buildings and Structures (Primary Production) consistent with the Panel's recommendation in Key Issue 1. This amendment is set out in Key Issue 6 paragraph 4.6.17.



