



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

**REPORT OF HEARING
PANEL**

Independent Hearing Commissioners:

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TOPIC 3D:

Rural Environment: Other Activities within Rural Zones

REPORT DATED:

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DATE OF HEARING:

15 to 16 June 2022

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List of Submitters and Further Submitters addressed in this Panel Report 3D: Other Activities within the Rural Zone

Submitter Name	Submission Number(s)
Ara Poutama Aotearoa the Department of Corrections (Department of Corrections)	S97
Centralines Limited (Centralines)	S90
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Heretaunga Tamatea Settlement Trust (HTST)	S120
Horticulture New Zealand (Hort NZ)	S81
Ministry of Education	S73
New Zealand Motor Caravan Association (NZMCA)	S101
New Zealand Pork Industry Board (Pork Industry Board)	S42
Te Mata Mushrooms Land Company Limited (Te Mata Mushrooms)	S102
Transpower New Zealand Limited (Transpower)	S79

Further Submitter Name	Further Submission Number(s)
Federated Farmers	FS25
First Gas	FS3
HTST	FS13
Hort NZ	FS17
Kāinga Ora – Homes and Communities (Kāinga Ora)	FS23
NZMCA	FS24
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms	FS8
Transpower	FS18

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 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 ‘Other Activities within the Rural Zone’ (Volume 4). This report addresses submissions received on the broader provisions for:

- Setbacks from the National Grid and gas transmission network in the Rural Zones;
- Camping grounds, community facilities, educational facilities and visitor accommodation in the Rural Zones; and
- Emergency services and firefighting water supply in the Rural Zones.

1.2 Statutory considerations

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

1.3 Submissions

1.3.1 Eleven submitters and 9 further submitters addressed provisions covered by this Panel Report, with 139 original submission points, and 145 further submission points being received on the provisions relating to this topic. Of the 139 original submission points, 16 submission points are 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 topics 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, we have structured this report according to the key issues identified in the s42A report Volume 4, rather

than present a submission point by submission point evaluation. This Panel Report (3D) addresses the following Key Issues:

- Key Issue 18: Setbacks from the National Grid & Gas Transmission Network in the Rural Zones;
- Key Issue 19: Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones; and
- Key Issue 20: Provision for Emergency Services & Firefighting Water Supply in 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. Our evaluation includes definitions as relevant.

1.6.3 We then turn our evaluation to the higher-level provisions of the District Plan relating to the topic: the objectives and policies and associated matters.

1.6.4 Thereafter we consider 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 against 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.

PART B – EVALUATION

2 Key Issue 18 – Setbacks from the National Grid & Gas Transmission Network in Rural Zones

2.1 Proposed plan provisions

- 2.1.1 This key issue addresses the submission raised in relation to the setback from the National Grid and Gas Transmission Network.

2.2 Submissions

- 2.2.1 There were 60 submission points in relation to this key issue and a number of further submissions, which mainly related to the rules and standards.

2.3 Reporting planner's recommendations

Setback from National Grid Yard

- 2.3.1 Transpower requested changes to the provisions relating to setback from the National Grid Yard in the GRUZ – General Rural Zone and RPROZ – Rural Production Zone chapters. They requested that the condition under Rules GRUZ/RPROZ-R1 to GRUZ/RPROZ-R3, GRUZ/RPROZ-R5 to GRUZ/RPROZ-R12, GRUZ/RPROZ-R14 and GRUZ/RPROZ-R19, that requires activities within the zones to comply with Standard GRUZ-S13 / RPROZ-S15 (Setbacks from the National Grid), be deleted from the rules. They requested that an introductory statement be added at the beginning of the Rules sections of the GRUZ/RPROZ chapters, and that a new Permitted Activity rule and new Non-Complying Activity rule be inserted into the NU – Network Utilities chapter. Transpower also requested that Standards GRUZ-S13 and RPROZ-S15 be amended and relocated to the NU – Network Utilities chapter.
- 2.3.2 The requested new permitted activity rules would require buildings, structures and activities within the National Grid Yard to comply with Standard GRUZ-S13/RPROZ-S15 (as amended), and where compliance with the standard is not achieved, they would be assessed as non-complying activities. Transpower considered that the proposed new rule framework in the NU – Network Utilities chapter would reduce duplication and provide an easy point of reference to plan users.
- 2.3.3 The reporting planner concurred with the further submitters, that it was appropriate that the rules relating to setbacks for activities in the GRUZ and RPROZ zones be retained within those chapters, as it would be easier for plan users to see all provisions in one chapter, and less likely to be missed.
- 2.3.4 The reporting planner did not support including the new rules in the NU – Network Utilities chapter or deleting the conditions referring to Standard GRUZ-S13/RPROZ-S15 in the rules in the GRUZ/RPROZ chapters.
- 2.3.5 In relation to amendments sought to Standard GRUZ-S13/RPROZ-S15, Transpower requested that the specific minimum 25m setback for buildings and structures associated with 'sensitive activities' from the designated boundary of a National Grid substation under clause (1) of the standard be deleted. This was because they considered that there were no existing sensitive activities in proximity to the National Grid in the zones, and so the setback was not efficient or effective. Transpower also requested that clause (3) of the standard be amended by deleting the reference to 'tower, or 8m from a pole', as an 8m setback from support structures is not considered sufficient to ensure the grid was not compromised. Transpower considered a 12m setback more appropriate.

- 2.3.6 Federated Farmers requested that clauses (1) and (2)(b) of the standards be deleted. They considered that clause (1) should be deleted because substations were located on property owned by Transpower and had an internal buffer within their property to manage reverse sensitivity. They also noted that NZECP34 already managed electrical risk to substations and the PDP should not be more onerous than what it requires. They also considered that clause (2)(b) should be deleted because farm fences, buildings and structures did not obstruct Transpower's ability to access or maintain the Grid, as Transpower could drive through gates or go around the structure; and access routes were a matter for negotiation between the landowner and Transpower, such as for the creation of easement agreements. They considered that the PDP must not undermine basic landowner property rights.
- 2.3.7 Transpower opposed (FS18.34) deletion of clause (2)(b), as reliance on NZECP34 alone to give effect to NPSET was not appropriate, as NZECP34 also applied to electricity lines and was not specific to, or recognises the significance of, the National Grid. Transpower advised that a clearance distance was a crucial component of the corridor approach, as infringements to the required clearance can endanger safety and affect the operation of the Grid. With regard to access, Transpower advised that access to support structures for operational and maintenance requirements, including responding to emergency faults, was important.
- 2.3.8 Hort NZ (FS17.113) supported deletion of clause (2)(b) on the basis that Standard GRUZ-S7/RPROZ-S8 already addresses electrical safe distances and did not need to be repeated in Standard GRUZ-S13/RPROZ-S15.
- 2.3.9 Hort NZ requested that the 8m setback for poles in clause (3)(b) be retained, to ensure that adequate provision was included for artificial crop protection structures in the National Grid Yard. They also requested that the reference to 'crop protection structure' be changed to 'crop support structure', which was supported by Transpower.
- 2.3.10 For the reasons given by Transpower, the reporting planner considered that it was appropriate to delete clause (1) of Standard GRUZ-S13/RPROZ-S15.
- 2.3.11 With regard to clause (2)(b) of the standard, the reporting planner concurred with Hort NZ that electrical safe distances were already addressed under Standard GRUZ-S7/RPROZ-S8 and there was no need to repeat it under clause (2)(b)(i) of Standard GRUZ-S13/RPROZ-S15. However, clause (2)(b)(ii) also required that all buildings or structures must not permanently physically impede existing vehicular access to a National Grid support structure. As it related to existing vehicular access, the reporting planner considered that it was reasonable to retain that part of clause (2)(b)(ii). With regard to clause (3) of the Standard, the reporting planner considered that deleting the reference to the setback of 8m from a pole forming part of the National Grid was appropriate (as requested by Transpower), as a 12m setback for all structures, including poles, was consistent with the definitions of 'National Grid Subdivision Corridor' and 'National Grid Yard'.
- 2.3.12 The reporting planner supported amending clause (3)(b) to refer to 'crop support structure', as requested by Hort NZ.

Electricity safety distance standard

- 2.3.13 Centralines supported retention of Standard GRUZ-S7 and RPROZ-S8, as well as Standard RLZ-S11 in the RLZ – Rural Living Zone. However, the submitter requested the inclusion of additional matters for discretion for breaching the standards in all relevant rules of the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and the RLZ – Rural Living Zone, to enable effects to be considered in relation to any non-compliance with the standard. Centralines also sought inclusion of a notification clause requiring written approval from the relevant electricity network utility provider in all relevant rules. Federated Farmers opposed this, and Hort NZ considered that only matters b) and c) (as requested by Centralines) would be appropriate as matters of discretion.

- 2.3.14 The reporting planner noted that there was a minor error in Standards GRUZ-S7, RPROZ-S8 and RLZ-S11, where the New Zealand Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001) was incorrectly referred to as 'NZECP 34:2001', instead of 'NZECP 34:2001'. The reporting planner considered that the standards could be amended pursuant to cl16(2), First Schedule of the RMA to correct this error.
- 2.3.15 In response to submission points made by Centralines on the Electricity Safety Distance Standard in the Urban Environment chapters of the PDP, the reporting planner, recommended that the additional matters of discretion be included as a new Assessment Matter in the SETZ – Settlement Zone and GIZ – General Industrial Zone chapters, and that the new Assessment Matter be referenced as a matter of discretion under the relevant rules of the zones. For consistency, the reporting planner considered that the same response was appropriate for the GRUZ - General Rural Zone, RPROZ - Rural Production Zone, and RLZ - Rural Lifestyle Zone chapters. The reporting planner therefore recommended that the following new Assessment Matter be added to these chapters, as follows:

GRUZ-AMX Electricity Safety Distances

RPROZ-AMX Electricity Safety Distances

RLZ-AMZ Electricity Safety Distances

- 1. Impacts on the operation, maintenance, upgrading and development of the electricity network.**
- 2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.**
- 3. The risk to the structural integrity of any support structures associated with the electricity network.**
- 4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).**

- 2.3.16 The reporting planner did not concur with Centralines' request to insert a notification clause requiring written approval from the relevant electricity network utility operator. She considered this was unnecessary and would inappropriately add a requirement for third party approval. She also considered it would effectively circumvent the process of determining notification and affected persons as set out in ss95 and 95B of the RMA.

Setback from Gas Transmission Network

- 2.3.17 Federated Farmers sought deletion of Standards GRUZ-S12 and RPROZ-S14 which required a minimum setback for buildings from a gas transmission pipeline forming part of the Gas Transmission Network of 20m, and a minimum setback of 30m for buildings from any above ground incidental equipment forming part of the Gas Transmission Network. Hort NZ supported Federated Farmers' submission.
- 2.3.18 First Gas opposed the submission of Federated Farmers, as they considered the PDP was the best way to manage reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures.
- 2.3.19 Hort NZ submitted that compliance with Standards GRUZ-S12 and RROZ-S14 (setback from gas transmission network) should only apply to residential activities, and they therefore sought deletion of reference to these standards as a condition under the following rules:
- GRUZ-R3 & RPROZ-R3 Primary production activities;
 - GRUZ-R6 & RPROZ-R6 Post-harvest facilities;
 - GRUZ-R9 & RPROZ-R9 Commercial activities not otherwise provided for;
 - GRUZ-R10 & RPROZ-R10 Community facilities;
 - GRUZ-R11 & RPROZ-R11 Educational facilities; and
 - GRUZ-R14 & RPROZ-R14 Intensive primary production activities.

- 2.3.20 Federated Farmers also considered that requiring compliance with Standard RPROZ-S14 under the above rules was redundant, for the same reasons given by Hort NZ. Federated Farmer's submission was supported by First Gas in part, supported by Silver Fern Farms, and opposed by Forest & Bird. First Gas concurred with Hort NZ and considered that the rules should be amended to remove the link to Standards GRUZ-S12 and RPROZ-S14.
- 2.3.21 On the basis of First Gas' confirmation, that the setbacks from the gas transmission network required under Standards GRUZ-S12 and RPROZ-S14 should only apply to residential activities, the reporting planner considered that it was appropriate to delete references to these standards in the rules listed above (which did not relate to residential activities).
- 2.3.22 The reporting planner did not support Federated Farmer's request to delete Standards GRUZ-S12 and RPROZ-S14, as the setbacks for new residential buildings (being sensitive activities) from the Gas Transmission Network were important to ensure there were no reverse sensitivity effects on the transmission network that could interfere with its ongoing operation as infrastructure of national, regional and local importance.
- 2.3.23 Te Mata Mushrooms sought clarification within Rules GRUZ-R14(3) and RPROZ-R6 (intensive primary production activities) and in the definition of the 'Gas Transmission Network', whether the gas transmission network included the high and low networks shown on the Planning Maps, or only the high. The standards GRUZ-S12 and RPROZ-S14 only related to the 'high' pressure gas or liquid petroleum pipeline that has a pressure greater than 2000 kilopascals.
- 2.3.24 The Proposed Planning Maps identified two gas pipelines. The 'Kapuni' pipeline was identified as the 'Kapuni Gas Line High Pressure' and it was the main pipeline running the length of the District. The second line, identified as the 'Takapau Pipeline – Low Pressure', branches off from the Kapuni pipeline at State Highway 2, Takapau, and runs to the Silver Fern Farms processing facility in Takapau. As the Takapau pipeline was less than 2000 kilopascals, it did not fall within the definition of the 'Gas Transmission Network'. The Panel notes that the Planning Maps Legend incorrectly named the 'Takapau Pipeline – Low Pressure' as being part of the Gas Transmission Network. This matter would be addressed as part of the consideration of related submission points in the s 42A report for Hearing Stream 7 – Network Utilities Topic.
- 2.3.25 However, in relation to Standards GRUZ-S12 and RPROZ-S14 and the definition of 'Gas Transmission Network', the reporting planner was satisfied that there was no need for any clarification or changes and they should be retained as notified.

Other matters

- 2.3.26 Hort NZ (S81.165) requested that the title of Rule RPROZ-R14 be amended to refer to 'intensive indoor primary production activities', instead of 'intensive primary production activities'. This submission point related to Hort NZ's submission opposing the definition of intensive primary production activities, which captured greenhouses, and which they requested be replaced with the definition of 'Intensive Indoor Primary Production' from the National Planning Standards.
- 2.3.27 Hort NZ's submission opposing the definition of 'intensive primary production activities' was addressed in Key Issue 13 in Panel Report 3C. The recommendation was for the definition of 'Intensive Primary Production' to be amended and for new definitions for 'Intensive Indoor Primary Production' and 'Intensive Outdoor Primary Production' to be added to the PDP. The reporting planner considered that it was appropriate to retain 'intensive primary production activities' in the title of Rule RPROZ-R14.

2.4 Evidence to the hearing

2.4.1 Pauline Whitney provided planning evidence on behalf of Transpower. Her evidence focused on the setback of buildings, structures and activities from the National Grid Yard and largely accepted the recommendations in the s42A Report. Ben Cartwright and Dougal Campbell provided further evidence for Transpower with respect to the activities undertaken within Central Hawke's Bay and the regulatory framework within which Transpower operates, including NZECP 34:2001 and the NPSET. Within his hearing statement and during questioning by the panel Ben Cartwright acknowledged that bar a few areas where towers were required to enable Transpower's power lines to cross rivers, the remainder of the network in Central Hawke's Bay is transported via single poles.

2.4.2 In response to the application of NZECP34:2001 with respect to setbacks to the National Grid Ben Cartwright noted that:

NZECP34:2001 serves an important purpose in prescribing minimum safe distances for the construction of buildings and structures, for the use of mobile plant, and for excavation near transmission line support structures and overhead lines. It does not address the wider third-party effects that compromise the National Grid, which are managed by the NPSET.

2.4.3 Dougal Campbell further elaborated:

Transpower's approach is to seek corridor and yard provisions in the District Plan, these go beyond compliance with NZECP34:2001. However, this Code of Practice made under the Electricity Act and Regulations, relates to electrical safe distances - it does not address the resource management matters in Policies 10 and 11 of the NPSET. Transpower does not support simple reliance upon NZECP34:2001. NZECP34:2001 will not ensure the National Grid infrastructure and surrounding land are proactively and sustainably managed for the future. prevent any instances arising.

2.4.4 Under questioning from the panel as to the possible need to amend the NZECP34:2001 to allow for larger setbacks (as sought by Transpower) the Transpower submitters noted that Transpower would support change to the standard to align with Transpower's proposed setbacks. However, it was noted that amendment of the NZECP34:2001 was not controlled by Transpower and therefore Transpower's recourse was through submissions to the PDP review process.

2.4.5 Finally, again in response to questioning, it was acknowledged that no changes to the current network of single poles with a few towers were anticipated by Transpower.

2.4.6 Lynette Wharfe provided evidence for Hort NZ and noted that the PDP provisions should be consistent with NZECP34:2001 and that there should also be consistency is where National Grid provisions were included in plans under the National Planning Standards framework.

2.4.7 Rhea Dasent provided evidence for Federated Farmers on the National Grid Yard, seeking that all rules for the National Grid Yard be consistent with the New Zealand Code of Practice for Electrical Safety Distances NZECP343 and the NPSET and not undermine landowners' rights awarded by their legal easement agreements and other legislation. Federated Farmers took the view that should Transpower consider that greater setbacks than those provided in the NZECP34:2001 be required, that the standard itself should be amended first.

2.4.8 Claire Price provided evidence on behalf of Te Mata Mushrooms and agreed with the recommendations in the s42A Report in relation to this key issue.

2.5 Post Hearing Information

- 2.5.1 In response to questioning supplementary evidence relating to other council plans and their approaches to setbacks to the National Grid Yard was provided by Transpower, Hort NZ and Federated Farmers.
- 2.5.2 Federated Farmers noted following review of other council plans that the National Grid Yard width for single poles appeared to be 10 metres, rather than the 8 metres sought in its evidence. Federated Farmers also accepted that pi-poles needed a wider setback to single poles. Federated Farmers therefore amended its relief sought for the distance from single poles to be 10 metres to be consistent with other districts and as an appropriate buffer distance to meet the obligations under the NPS-ET policy 11, without significantly reducing the ability of landowners to use and enjoy their property.
- 2.5.3 Ms Wharfe for Hort NZ also provided supplementary evidence setting out the comparative analysis of the economic impact of setbacks for a 50KV transmission line on horticultural sites in the Opotiki district.
- 2.5.4 The reporting planner's right-of-reply addressed the evidence (including supplementary evidence) from Federated Farmers, Transpower, Hort NZ and First Gas. The reporting planner did not change her recommendations in terms of the setback from the National Grid.

2.6 Evaluation and Findings

Setback from the National Grid Yard

- 2.6.1 The Panel considered the evidence provided to it on the matter of setbacks from the National Grid Yard. It considered the need to provide both for safe and appropriate distances from transmission lines, the poles and towers within CHB as well as the practicalities of rural landowners utilising their land on a daily basis with National Grid structures in place. The Panel therefore recommends amendments be made to the setback from the National Grid Yard, recommending a 10m setback from the centreline of single poles and a 12m setback from the outer visible edge of a tower as these setbacks are consistent with those used in other District Plans.
- 2.6.2 The Panel agrees with the reporting planner's right-of-reply that to give effect to NPSET, the NZECP 34:2001 clause should be retained in Standards GRUZ-S13(2)(b)/RPROZ-S15(2)(b).
- 2.6.3 The Panel agrees with the reporting planner and does not recommend amending Rules RPROZ-R13 /GRUZ-R13 Relocated Buildings, as the rules only relate to the relocation of a building itself, not the activity.

Electricity safety distance

- 2.6.4 The Panel agrees with the evaluation and recommendation of the reporting planner and recommend introducing a new assessment matter into the GRUZ, RPROZ and RLZ provisions as follows:

Electricity Safety Distances

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

Setback from Gas Transmission Network

- 2.6.5 The Panel agrees with the reporting planner and does not support any changes to the standard for the setback from the Gas Transmission Network.

Other matters

- 2.6.6 Hort NZ (S81.165) requested that the title of Rule RPROZ-R14 be amended to refer to 'intensive indoor primary production activities', instead of 'intensive primary production activities'.
- 2.6.7 Hort NZ's submission opposing the definition of 'intensive primary production activities' is addressed in Key Issue 13 in Panel Report 3C. The recommendation is for the definition of 'Intensive Primary Production' to be amended and for new definitions for 'Intensive Indoor Primary Production' and 'Intensive Outdoor Primary Production' to be added to the PDP. The Panel considers that it is appropriate to retain 'intensive primary production activities' in the title of Rule RPROZ-R14.

3 Key Issue 19 – Provision for camping grounds, community facilities, educational facilities & visitor accommodation in the rural zones

3.1 Proposed plan provisions

- 3.1.1 This key issue addresses the submissions made in relation to Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones.

3.2 Submissions

- 3.2.1 There were 26 submission points in relation to this issue, which mainly sought amendments to certain rules.

3.3 Reporting planner's recommendations

Camping grounds (Rules GRUZ-R16 & RPROZ-R16)

- 3.3.1 The NZMCA (S101.008) requested that freedom camping be explicitly excluded from the provisions of the PDP, which requires discretionary resource consent for camping grounds (under Rules GRUZ-R16 and RPROZ-R16) and 'any other activity not otherwise provided for' (under Rules GRUZ-R18 and RPROZ-R18). They considered that the 'catch-all' rules would include freedom camping, as defined by section 5 of the Freedom Camping Act 2011, which regulates where freedom camping can occur in the District, along with the Reserves Act 1977, reserve management plans and Council bylaws.
- 3.3.2 The reporting planner considered that it would be appropriate to add the following note after the definitions of 'camping ground' and 'visitor accommodation' to clarify that 'freedom camping was not managed by the PDP, and was managed through a CHBDC bylaw':

Note: Freedom camping (as defined in section 5 of the Freedom Camping Act 2011) is not managed by this District Plan, and is managed through a Central Hawke's Bay District Council bylaw.

- 3.3.3 The NZMCA (S101.003, S101.005) also requested that Rules GRUZ-R16 and RPROZ-R16 be amended to provide for camping grounds as a Permitted Activity in the GRUZ – General Rural Zone and the RPROZ – Rural Production Zone, in line with the ODP, rather than as a Discretionary Activity. Silver

Fern Farms (FS8.055) opposed the amendment sought by NZMCA, given potential reverse sensitivity effects of this sensitive activity establishing in the Rural Production Zone, which is focused on primary production and associated rural activities. Silver Fern also did not agree that the ODP framework was appropriate for management of camping grounds, as it did not have regard to reverse sensitivity effects. The Pork Industry Board (S42.054, S42.088) and Hort NZ (S81.122, S81.166) both supported retention of Rules GRUZ-R16 and RPROZ-R16 as notified. The Pork Industry Board considered that camping grounds were sensitive activities, likely to conflict with primary production activities, and providing for them as a permitted activity was not supported by an objective and policy structure in the PDP.

- 3.3.4 The reporting planner considered that camping grounds fell within the PDP definition of a 'sensitive activity', and noted that it was recommended in Volume 1 of this report, under Key Issue 1, that the definition be amended to include camping grounds (in response to S42.008 Pork Industry Board, S27.004 Egg Producers Federation, S81.028 Hort NZ). The reporting planner therefore concurred with Silver Fern Farms and the Pork Industry Board that camping grounds were likely to have reverse sensitivity effects on legally established activities within the General Rural Zone and Rural Production Zone, including primary production activities.
- 3.3.5 In the reporting planner's opinion, the objective and policy frameworks of the General Rural Zone and Rural Production Zone did not anticipate the establishment of camping grounds, being a sensitive activity that could potentially undermine or be inconsistent with the primary productive purpose and predominant character of the zones. Therefore, the reporting planner considered that a Permitted Activity status was not supported.
- 3.3.6 While the reporting planner did not support a Permitted Activity status for camping grounds in the General Rural and Rural Production Zones, the planner would support amending Rules GRUZ-R16 and RPROZ-R16 to provide for camping grounds as a Restricted Discretionary Activity, subject to compliance with the applicable zone standards, where the matters for discretion are restricted to applicable general assessment matters relevant to infringed standards. This would achieve Objectives GRUZ-O4 and RPROZ-O6, by ensuring that the primary purpose and predominant character of the General Rural Zone and Rural Production Zone are not compromised by potentially incompatible camping grounds establishing.

Community facilities (Rules GRUZ-R10 & RPROZ-R10)

- 3.3.7 The Pork Industry Board requested the deletion of Permitted Activity Rules GRUZ-R10 and RPROZ-R10, or have the activity status changed, as the Board considered community facilities were 'sensitive activities' that were likely to conflict with primary production activities, and they considered that they were not supported by the objective and policy structure of the PDP.
- 3.3.8 Hort NZ requested that the activity status of community facilities under the rules be changed to either Restricted Discretionary or Discretionary, as that would enable assessment against the policy framework. They also sought inclusion of Assessment Matter GRUZ-AM7 (meant to refer to GRUZ-AM8, which related to Community Facilities and Educational Facilities) and RPROZ-AM9 as matters for discretion in Rules GRUZ-R10 and PROZ-R10, respectively.
- 3.3.9 HTST supported provision for community facilities within the General Rural Zone, but requested that their activity status, where they exceed the 100m² gross floor area limit under Rule GRUZ-R10, be changed to a 'Controlled Activity', rather than 'Discretionary'.
- 3.3.10 The reporting planner noted that the intention of the standards under the rules for Community Facilities was to limit their scale and to ensure they were setback from boundaries and existing intensive primary production, to avoid or mitigate potential conflict between them (as sensitive activities) and rural activities.

- 3.3.11 The reporting planner did not support the requests from the Pork Industry Board and Hort NZ to make all community facilities Restricted Discretionary or Discretionary Activities, the reporting planner was satisfied that Rules GRUZ-R10 and RPROZ-R10, as notified, were appropriate to achieve the relevant objectives and policies of the PDP.
- 3.3.12 The reporting planner did not support HTST's request to amend the Rules GRUZ-R10(3) and RPROZ-R10(3), so that all community facilities with buildings over 100m² are a Controlled Activity instead of a Discretionary Activity, as she considered it important that the Council was able to consider applications for such activities against the objectives and policy framework of the PDP and to decline applications where proposals were inappropriate.
- 3.3.13 The reporting planner did not support Hort NZ's request for Rules GRUZ-R10(2) and RPROZ-R10(2) to be amended to include Assessment Matter GRUZ-AM8/RPROZ-AM9 as an additional matter over which discretion would be restricted where there was an infringement of the Standards under Rules GRUZ-R10(1)(a) and RPROZ-R10(1)(a). Rules GRUZ-R10(2) and RPROZ-R10(2) established the assessment matters over which discretion is restricted, as being those that were relevant to the infringed standard(s) only. Standards GRUZ-S2 to GRUZ-S10, and Standards RPROZ-S2 to RPROZ-S11, relate to standards such as total building coverage, height of buildings, height in relation to boundary, setbacks from roads and neighbours, shading, access, parking and loading, light, and noise. The reporting planner considered that Assessment Matters GRUZ-AM8 and RPROZ-AM9 were each a broader set of assessment matters for assessing the effects of community facilities and educational facilities in a more general sense (i.e., not responding to a specific infringed standard(s)). Therefore, adding these assessment matters to the list of matters in Rules GRUZ-R10 and RPROZ-R10 was not in keeping with the rule framework adopted in the PDP. On that basis, the reporting planner did not support Hort NZ's request to add the Assessment Matter to the list of matters to which discretion was restricted in these rules.

Education facilities (Policies RLZ-P3 and RLZ-P7, and Rules GRUZ-R11, RLZ-R7 and RPROZ-R11)

- 3.3.14 The Ministry of Education supported Policy RLZ-P3, but opposed Policy RLZ-P7, which referred to limiting the scale of Education Facilities (as well as Community Facilities) to maintain the character and amenity of the RLZ – Rural Lifestyle Zone. They requested that the policy be amended. They also opposed the 100m² gross floor area limit per site for Educational Facilities under condition (1)(a) of Rules GRUZ-R11, RLZ-R7 and RPROZ-R11, and requested that it be amended to permit Education Facilities with a gross floor area of 300m² in the General Rural Zone, and 200m² in the Rural Lifestyle and Rural Production Zones, instead of 100m². They also requested that in the General Rural Zone, Education Facilities with a gross floor area of 300-500m² be a Restricted Discretionary Activity, and a Discretionary Activity where they had a gross floor area over 500m². In the Rural Lifestyle and Rural Production Zones, Education Facilities with a gross floor area over 200m² would remain Discretionary Activities under Rules RLZ-R7 and RPROZ-R11.
- 3.3.15 HTST supported the amendments sought by the Ministry of Education, with respect to Rule GRUZ-R11. Silver Fern Farms opposed the Ministry's request to amend Rule RPROZ-R11, as they considered it would increase reverse sensitivity effects of concern. Hort NZ also opposed the amendments sought to Rules GRUZ-R11 and RPROZ-R11 as they considered it would not provide for an adequate assessment of effects of larger facilities.
- 3.3.16 The Pork Industry Board requested that Rules GRUZ-R11 and RPROZ-R11 be deleted, as the activities these rules cover (educational facilities) were 'sensitive activities' that were likely to conflict with all primary production activities, they were not supported by objectives and policies as permitted activities, and a designation process was available for them.
- 3.3.17 Hort NZ requested that Rule RPROZ-R11 be amended so Education Facilities were a Restricted Discretionary Activity or a Discretionary Activity. They also sought that Assessment Matters GRUZ-

AM8 and RPROZ-AM9 be added as matters for discretion under Rules GRUZ-R11 and RPROZ-R11, respectively.

- 3.3.18 The reporting planner supported the Ministry of Education' request to amend Policy RLZ-P7, as she considered that the revised wording better reflected the intention of the rules and standards it supported, while still being consistent with Objective RLZ-O2. However, the use of the term 'social infrastructure' was too narrow in the context of the wider definition of Community Facilities. The reporting planner therefore considered that it would be more appropriate to replace 'social infrastructure' with 'the social and cultural wellbeing and the health and safety of residents of the zone'.
- 3.3.19 With respect to the amendments to the rules sought by the Ministry of Education, the reporting planner noted that, in relation to GRZ – General Residential Zone Rule GRZ-R5 and SETZ – Settlement Zone Rule SETZ-R8 (addressed in the Urban Environment Topic report, Key Issue 7), they requested that the permitted gross floor area limit for Education Facilities be 200m² (S73.017 and S73.028). For the General Residential Zone, the Ministry requested that Education Facilities with a gross floor area of 200-400m² be provided for as a Restricted Discretionary Activity, and those with a gross floor area over 400m² be a Discretionary Activity. In relation to the Settlement Zone, the Ministry of Education requested that Education Facilities with a gross floor area over 200m² be a Discretionary Activity. In response to those submission points, the reporting planner recommended (in the Urban Environment Topic, Key Issue 7) that the requested amendments be accepted, after acknowledging that most education facilities are located in the General Residential Zone, and facilities up to 400m² gross floor area may be appropriate in that zone, subject to assessment against relevant standards and specified assessment matters.
- 3.3.20 As for community facilities (discussed above), the intention of the standards under the rules for Education Facilities was to limit their scale and ensured they were setback from boundaries and existing intensive primary production, to avoid or mitigate potential conflict between them and rural activities. In the reporting planner's opinion, this would be consistent with Objectives GRUZ/RPROZ-O1 to O6, and with Policies GRUZ-P2 and RPROZ-P2 which were recommended (under Rural Topic, Key Issue 5) to clarify that the PDP sought to provide for non-primary production related activities (including community facilities) that had a functional or operational need for a rural location, and where their scale, intensity and building form were in keeping with the character and amenity of the zone, reverse sensitivity effects on activities otherwise anticipated within the zones were minimised, and adverse effects avoided, remedied or mitigated.
- 3.3.21 The reporting planner did not support the requests from the Pork Industry Board and Hort NZs to make all education facilities Restricted Discretionary or Discretionary Activities, the reporting planner was satisfied that Rules GRUZ-R11 and RPROZ-R11, as notified, were appropriate to achieve the relevant objectives and policies of the PDP.
- 3.3.22 With regard to Hort NZ's request that Rules GRUZ-R11(2) and RPROZ-R11(2) be amended to include Assessment Matter GRUZ-AM8/RPROZ-AM9 as an additional matter over which discretion would be restricted where there was an infringement of the Standards listed under Rules GRUZ R11(1)(b) and RPROZ-R11(1)(b), Rules GRUZ-R11(2) and RPROZ-R11(2) established the assessment matters over which discretion was restricted, as being those that were relevant to the infringed standard(s) only. Standards GRUZ-S2 to GRUZ-S10, and Standards RPROZ-S2 to RPROZ-S11, related to standards such as total building coverage, height of buildings, height in relation to boundary, setbacks from roads and neighbours, shading, access, parking and loading, light, and noise. Assessment Matters GRUZ-AM8 and RPROZ-AM9 were each a broader set of assessment matters for assessing the effects of community facilities and educational facilities in a more general sense (not responding to an infringed standard(s)). Therefore, the reporting planner considered that adding these assessment matters to the list of matters in Rules GRUZ-R11 and RPROZ-R11 was not in keeping with the rule framework adopted in the PDP. On that basis, the reporting planner did

not support Hort NZ's request to add the Assessment Matter to the list of matters to which discretion was restricted in these rules.

3.3.23 The reporting planner considered that Rules GRUZ-R11, RLZ-R7 and RPROZ-R11 should be amended as follows:

GRUZ-R11 Educational facilities	
<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R11(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R11(1)(d) is not achieved: NC</p>
RLZ-R7 Educational facilities	
<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RLZ-S2; ii. RLZ-S3; iii. RLZ-S4; iv. RLZ-S5; v. RLZ-S6; vi. RLZ-S7; vii. RLZ-S8; viii. RLZ-S9; ix. RLZ-S10; x. RLZ-S11; xi. RLZ-S12; xii. RLZ-S13; xiii. RLZ-S14; and xiv. RLZ-S15. 	<p>2. Activity status where compliance with condition RLZ-R7(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. RLZ-AM1. ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition RLZ-R7(1)(a) is not achieved: DIS</p>
RPROZ-R11 Educational facilities	
<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S12 (setback from existing intensive primary production); ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and iii. RPROZ-S14 (setback from gas transmission network). 	<p>2. Activity status where compliance with condition RPROZ-R11(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition RPROZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R11(1)(d) is not achieved: NC</p>

Visitor accommodation (Rules GRUZ-R8 and RPROZ-R8)

- 3.3.24 For the same reasons given above, in relation to Community Facilities and Education Facilities, the Pork Industry Board requested the deletion of Rules GRUZ-R8 and RPROZ-R8.
- 3.3.25 Hort NZ sought to amend Condition (1)(a) of Rule GRUZ-R8, by deleting the requirement for the length of stay for any one guest to be no greater than 3 months in any 12-month period. They also requested that reference to Assessment Matter GRUZ-AM7 be added to Rule GRUZ-R8(2). Hort NZ considered that a 3-month duration of stay for guests in Visitor Accommodation was too long and they instead requested that it be replaced with a guest number threshold of 'no more than 4 guests at one time'.
- 3.3.26 Hort NZ requested that Rule RPROZ-R8 be amended to require consent for Visitor Accommodation in the Rural Production Zone, unless activity thresholds were amended to capture very small-scale accommodation that was unlikely to result in reverse sensitivity effects. They also requested a that reference to Assessment Matter GRUZ-AM7 be added to Rule GRUZ-R8(2). Silver Fern farms supported this submission point.
- 3.3.27 The reporting planner considered that deleting the requirement under Condition (1)(a)(i) of Rules GRUZ-R8 and RPROZ-R8, which limited the length of stay for any one guest to no more than 3 months in any 12 month period was inappropriate, as the intent of that condition was to ensure the temporary nature of the activity, so visitor accommodation did not provide permanent residency for people, akin to a residential activity. If that limit was deleted (as requested by Hort NZ), she stated that guests could stay in such accommodation indefinitely. The intention was for longer stays to be assessed as a residential activity.
- 3.3.28 While limiting the number of guests that can stay in visitor accommodation at any one time (as requested by Hort NZ) was a method used in the Napier District Plan, the reporting planner considered that the proposed activity thresholds for visitor accommodation in the PDP were sufficient to appropriately limit the scale of the activity in the General Rural Zone and the Rural Production Zone, and were commensurate with the approach taken to limit the scale of Community Facilities and Education Facilities in those zones. Rules GRUZ-R8 and RPROZ-R8 were also consistent with achieving Objectives GRUZ/RPROZ-O1 to O6, and with Policies GRUZ-P2 and RPROZ-P2, as discussed above.
- 3.3.29 The reporting planner did not support Hort NZ's request for Rule GRUZ-R8(2) and RPROZ-R8(2) to be amended to include Assessment Matter GRUZ-AM7/RPROZ-AM8 as an additional matter over which discretion would be restricted where there was an infringement of the Standards listed under Condition (1)(c) of the rule. As advised above in relation to Hort NZ's request to amend Rules GRUZ-R10(2), GRUZ-R11(2), RPROZ-R10(2) and RPROZ-R11(2) relating to community facilities and educational facilities, the reporting planner considered that adding the assessment matter to the list of matters in Rules GRUZ-R8(2) and RPROZ-R8(2) was not in keeping with the rule framework adopted in the PDP.
- 3.3.30 On the basis of the above, the reporting planner considered that Rules GRUZ-R8 and RPROZ-R8 should be retained as notified.

3.4 Evidence to the hearing

- 3.4.1 Lynette Wharfe provided evidence for Hort NZ and noted that the provisions for camping grounds, community facilities, educational facilities and visitor accommodation in the Rural Zones was not

consistent with the policy framework in the PDP and sought amendments to better reflect the potential for adverse effects on primary production activities.

3.5 Post hearing information

- 3.5.1 The reporting planner's right-of-reply addressed the evidence from Hort NZ on camping grounds. The reporting planner did not change her position in terms of the activity status of camping grounds as a restricted discretionary activity.
- 3.5.2 The reporting planner revised her recommendations on policies GRUZ-P2 and RPROZ-P2 to include reference to activities supporting the function and wellbeing of rural communities and/or enjoyment of the rural environment and contributing to the vitality and resilience of the District's economy.
- 3.5.3 The reporting planner's right-of-reply dated 9 December 2022 provided a response as to whether the NPS-HPL is relevant and in light of Policies 8 and 9 and clauses 3.9,3.20 and 3.11 of the NPS-HPL to reporting planner amended GRUZ 10 and RPROZ-R10, GRUZ-R11 and RPROZ-R11 and s GRUZ-R8 and RPROZ-R8 to differentiate between community facilities, educational facilities and visitor accommodation located on LUC 1-3 land and those that were not, such that any community facilities, educational facilities or visitor accommodation on LUC 1-3 land would require resource consent as Discretionary Activities regardless of scale.

3.6 Evaluation and findings

- 3.6.1 The Panel agrees with the reporting planner's right-of-reply that policies GRUZ-P2 and RPROZ-P2 include reference to activities supporting the function and wellbeing of rural communities and/or enjoyment of the rural environment and contributing to the vitality and resilience of the District's economy. The policies, as recommended to be amended in response to other submissions, would read:

GRUZ-P2To provide for non-primary production related activities that have a functional need or operational need for a rural location, **and/or that support the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy,** 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.

[with RPROZ-P2 amended in the same manner.]

Camping grounds (Rules GRUZ-R16 & RPROZ-R16)

- 3.6.2 The Panel agrees with the reporting planner in terms of amending the activity status of camping grounds to be a restricted discretionary activity.

Community facilities

- 3.6.3 The Panel agrees with the reporting planner and does not support the requests to change Rules GRUZ-R10 & RPROZ-R10 as notified, for the reasons she outlined. The Panel does, however, agree with the right-of-reply and amendments in light of the NPS-HPL.

Education facilities

- 3.6.4 The Panel agrees with the reporting planner on making amendments to Policies RLZ-P3 and RLZ-P7, and Rules GRUZ-R11, RLZ-R7 and RPROZ-R11 as notified, for the reasons she outlined. The Panel does, however, agree with the right-of-reply and amendments in light of the NPS-HPL.

Visitor accommodation

- 3.6.5 The Panel agrees with the reporting planner that Rules GRUZ-R8 and RPROZ-R8 should be retained as notified, for the reasons she outlined. The Panel does, however, agree with the right-of-reply and amendments in light of the NPS-HPL.

4 Key Issue 20 – Provision for emergency services & firefighting water supply in the rural zones

4.1 Proposed plan provisions

4.1.1 This key issue addresses the submission in relation to the provision for Emergency Services and Firefighting Water Supply in the Rural Zones.

4.2 Submissions

4.2.1 In summary, 52 submission points and 34 further submission points relate to provision of Emergency Services & Firefighting Water Supply in the Rural Zones (i.e., the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and RLZ – Rural Lifestyle Zone chapters).

4.3 Reporting planner’s recommendations

Policies

4.3.1 FENZ requested that a new policy be added to the GRUZ – General Rural Zone and to the RPROZ – Rural Production Zone to ensure all development and subdivisions in the zones are connected to a suitable on-site wastewater treatment and disposal system, stormwater system, and water supply unless an approved alternative system is available.

4.3.2 The reporting planner considered that the intention of the PDP was that all new development (and subdivision) provided a suitable, alternative water supply or method of wastewater disposal or stormwater disposal where sites were not connected to a public water supply, wastewater disposal or stormwater disposal system. The new policies requested by FENZ referred to a water supply in general (i.e., there was no specific reference to a firefighting water supply).

4.3.3 The reporting planner concurred with the submitter that it would be appropriate to include a new policy in the GRUZ-General Rural Zone and RPROZ – Rural Production Zone chapters, but with some amendments to achieve better consistency between the policies, as follows:

GRUZ-PXX	To ensure all development and subdivision provide <u>activities within the General Rural Zone are self-sufficient in the provision of</u> a suitable on-site wastewater treatment and disposal system, stormwater <u>disposal</u> systems, and water supply, unless an approved <u>appropriate</u> , alternative system is available <u>to connect to</u> .
RPROZ-PXX	To require <u>ensure</u> activities within the Rural Production Zone to be <u>are</u> self-sufficient in the provision of <u>a suitable</u> on-site water supply , wastewater <u>treatment and disposal system</u> , and stormwater disposal <u>system, and water supply</u> , unless a reticulated supply <u>an appropriate, alternative system</u> is available to connect to.

4.3.4 FENZ supported in part RLZ – Rural Lifestyle Zone Policy RLZ-P3 but requested that it be amended to specifically refer to ‘emergency service activities’, to acknowledge that fire stations were complementary to any rural residential community, providing for the health, safety and wellbeing of people in the community. The reporting planner considered that it would be appropriate to include ‘emergency service activities’ in Policy RLZ-P3 alongside these other permitted activities, as follows:

RLZ-P3	To provide for home businesses, rural commercial activities, <u>emergency service activities</u> , visitor accommodation and educational facilities which are complementary to the rural residential use of the <i>land and are compatible in scale with rural residential living in the zone.</i>
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Rules GRUZ-R12, RPROZ-R12 & RLZ-R8 Emergency Service Activities and Emergency Aviation Movements

- 4.3.5 FENZ supported provision for Emergency Services activities as a permitted activity under Rules GRZ-R12, RPROZ-R12 and RLZ-R8, subject to conditions and being limited to a gross floor area of 100m² in the General Rural Zone, Rural Production Zone and the Rural Lifestyle Zone. They also supported the requirement for discretionary activity resource consent where compliance with the gross floor area limit was exceeded. However, they requested that the title to each rule be amended to include ‘Emergency Aviation Movements’, so they matched the corresponding titles of these rules in the Rule Overview Table of each zone chapter.
- 4.3.6 The reporting planner concurred with FENZ that there was an error in the title of each of the rules, which should have included ‘Emergency Service Activities’. The reporting planner therefore supported amending the rule titles, was requested by the submitter.

Provision for emergency service activities

- 4.3.7 In relation to FENZ’s request to exempt ‘hose-drying towers up to 15m in height’ from Standards GRUZ-S2, GRUZ-S3, RPROZ-S3, RPROZ-S4, RLZ-S2 and RLZ-S3, relating to height of building and height in relation to boundary, the reporting planner understands that FENZ verbally advised the Hearing Panel during the Hearing Stream 1 hearing, that they were no longer seeking exemptions for hose-drying towers in the PDP provisions as modern hoses did not require drying. On that basis, it was considered that their submission points on this matter should be rejected.
- 4.3.8 FENZ sought an additional clause in Standard RLZ-S10 for Screening of Outdoor Storage and Service Areas, that ensured ‘screening does not obscure emergency or safety signage or obstruct access to emergency Panels, hydrants, shut-off valves, or other emergency response facilities. The reporting planner considered that this was reasonable, given the importance of emergency service activities in providing for the health and safety of people and communities and given their inherent operational and emergency-related requirements. The reporting planner therefore supported amending Standard RLZ-S10 as follows:

RLZ-S10 Screening of Outdoor Storage and Service Areas	
Non-Residential Activities	<ol style="list-style-type: none"> 1. Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by landscaping. 2. If using landscaping to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height. 3. <u>Screening shall not obscure emergency or safety signage or obstruct access to emergency Panels, hydrants, shut-off valves, or other emergency response facilities.</u>

- 4.3.9 **Water supply servicing requirements**
- 4.3.10 FENZ considered that activities not requiring subdivision should also be required to provide a firefighting water supply (such as for the construction of new dwellings), to give effect to the new policies GRUZ-PXX and RPROZ-PXX, they had requested (as outlined above in paragraph 4.3.3) and be consistent with the approach taken in Standard SUB-S5. They sought inclusion a new Standard (and associated references to relevant rules) in the General Rural Zone, Rural Production Zone and Rural Lifestyle Zone chapters. The new standard requested by FENZ would apply to ‘all new developments that require a water supply’ and not only to single family dwellings.
- 4.3.11 FENZ also sought inclusion of a new Assessment Matter in the rural zone chapters that would apply where the above new standard is not complied with.

- 4.3.12 The reporting planner agreed with FENZ, and recommended that the following standard and assessment matter be added to the General Rural, Rural Production and Rural Lifestyle chapters, and that the various relevant rules in these chapters be amended to reference the above new standard and related assessment matter:

<u>GRUZ-S15 Water supply for firefighting</u>	
<u>RPROZ-S17 Water supply for firefighting</u>	
<u>RLZ – S16 Water supply for firefighting</u>	
<u>All buildings (excluding accessory buildings that do not include a habitable room)</u>	<p>1. <u>Where water is not supplied to a site by Council or a private community supply, or water is supplied by Council but is a restricted supply flow, access to a water supply for firefighting purposes shall be made available to all buildings on a site that is or will be:</u></p> <ol style="list-style-type: none"> a. <u>accessible to firefighting equipment; and</u> b. <u>between 6 and 90 metres from the buildings on the site; and</u> c. <u>on the same site as the buildings (except where the specified volume or flow of water is in a pond, dam or river that is within the required distances); and</u> d. <u>either:</u> <ol style="list-style-type: none"> i. <u>stores at least 45,000 litres, in addition to a potable water supply on the site; or</u> ii. <u>provides at least 25 litres per second for a minimum of 30 minutes.</u> <p><u><i>Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</i></u></p> <p><u><i>Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.</i></u></p>

GRUZ-AM15/ RPROZ-AM16 / RLZ-AM12 Water supply for firefighting

1. The extent of compliance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice and health and safety of the community, including neighbouring properties.
2. Technical advice provided by Fire and Emergency New Zealand.

4.4 Evidence to the hearing

- 4.4.1 Paul McGimpsey provided planning evidence on behalf of FENZ. In his evidence, Mr McGimpsey supported the recommendation by the reporting officer to include a new policy as requested by FENZ. He also sought a new standard for the provision of a firefighting water supply for new developments across all zones within the PDP.
- 4.4.2 Rhea Dasent provided evidence on behalf of Federated Farmers and opposed FENZ’s submissions seeking a range of provisions that require rural zone properties to provide water for firefighting. In her evidence, Ms Dasent noted examples where she considered that these requirements would be unworkable in practice.
- 4.4.3 Lynette Wharfe on behalf of Hort NZ provided evidence, and agreed with the changes recommended in the s42A Report but sought that there be specific recognition where a sprinkler system was installed, thereby reducing the amount of water required for firefighting purposes.

4.5 Post hearing information

- 4.5.1 The reporting planner's right-of-reply addressed the proposed firefighting water supply standard and the reporting planner retained her position that standards should be included to ensure that FENZ has the water they needed available on site so they could put out a fire when they were called by a building owner/occupier during a fire emergency.

4.6 Evaluation and Findings

Policies

- 4.6.1 The Panel agrees with the reporting planner to adopt the new policies requested by FENZ, seeking to ensure all development and subdivisions in the zones are connected to a suitable on-site wastewater treatment and disposal system, stormwater system, and water supply unless an approved alternative system is available, but subject to minor wording changes for better consistency.

Rules GRUZ-R12, RPROZ-R12 & RLZ-R8 Emergency Service Activities and Emergency Aviation Movements

- 4.6.2 The Panel agrees with the reporting planner that there is an error in the title of each of the rules which should have included 'Emergency Service Activities'.

Provision for Emergency Service Activities

- 4.6.3 The Panel agrees with the reporting planner and FENZ that there should be an additional clause in Standard RLZ-S10 for Screening of Outdoor Storage and Service Areas, that ensures '*screening does not obscure emergency or safety signage or obstruct access to emergency Panels, hydrants, shut-off valves, or other emergency response facilities*'.

Water supply servicing requirements

- 4.6.4 The Panel does not agree with the reporting planner that there should be a new standard and assessment matter applying to all new developments in the rural area that requires the provisions of an additional water supply for firefighting purposes.
- 4.6.5 The Panel considers that installation of a 45,000-litre tank would be a significant cost, especially if landowners were not able to also use that tank for potable water supply. This condition would require rural landowners to have two separate water supplies, one for household supply and another for firefighting purposes.
- 4.6.6 The Panel recognises that there is no national standard for rural firefighting water supplies, but considers that the provision for rural firefighting water supply is more appropriately addressed as part of a national building code rather than an ad hoc standard that some Councils utilise and other do not.
- 4.6.7 The Panel understands that provision of a separate water supply on rural properties may reduce the extent of a vegetation fire but did not receive sufficient evidence to demonstrate it would make enough difference to life or property to justify the additional cost to property owners. In addition, these owners and other potentially interested persons have not had the opportunity to submit on the proposed standard. The Panel considers that many rural properties will already have some form of water supply available for firefighting if needed in an emergency.
- 4.6.8 The Panel supports having Council working with FENZ to provide advice on defensible setbacks, onsite storage of water, setting back planting from houses, and planting appropriate vegetation

types in proximity to habitable buildings. This advice could be through guidelines for rural property-owners and subdividers. The Panel have accordingly provided such recommendation at the end of this report under 'other matters'.

- 4.6.9 However, the Panel agrees that the provision for firefighting water supply should be an assessment matter when considering subdivision proposals in the rural area, which will give subdividers flexibility to propose alternative means of providing water supply for firefighting purposes, such as farm dams.

PART C – SUMMARY OF RECOMMENDATIONS

5 Summary of recommendations

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

6 Consequential amendments and minor errors

- 6.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan. No cl16 amendments are recommended for this topic.

Appendix A – Chapters as amended

Tracked changes chapters to be added into final version:

Part 2A – Strategic Direction – RLR – Rural Land Resource

Part 2G – General District Wide Matters – NOISE - Noise

Part 3C – Area Specific Matters – RURZ – Rural Zones – GRUZ – General Rural Zone

Part 3D – Area Specific Matters – RURZ – Rural Zones – RPROZ – Rural Production Zone

Part 3E – Area Specific Matters – RURZ – Rural Zones – RLZ – Rural Lifestyle Zone

Appendix B – Summary of Recommendations on submissions and further submissions

Refer separate table
