

Before the Hearings Panel

At Central Hawke's Bay District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**

Submitters

And **Central Hawke's Bay District Council**

Respondent

Council Reply on the 'Rural Environment' Topic – Hearing 3 – Rowena Macdonald and Janeen Kydd-Smith
On behalf of Central Hawke's Bay District Council

Date: 5 August 2022

Introduction

1. Our full names are Rowena Clare Macdonald and Janeen Anne Kydd-Smith. We are Principal Planners and Directors of Sage Planning (HB) Limited.
2. We prepared the Section 42A Reports on the Rural Environment for Hearing 3. We have read the evidence and statements provided by submitters, and the legal submissions, relevant to those reports. We also both attended the hearing on Wednesday 15 June and Thursday 16 June 2022 when relevant matters were discussed.
3. We have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing 3.
4. Specifically, this reply statement addresses matters raised in the Section 42A Report – Rural Environment (Volumes 1 to 4) and in the evidence and statements by submitters for the hearing. It also assesses and updates the Reporting Officers' recommendations from Hearing 1 (Coastal Environment Topic) and Hearing 2 (Urban Environment Topic) on submission points from Fire and Emergency New Zealand (FENZ) which relate to their request to add a new standard and assessment matter (and associated amendments to rules) requiring a water supply for firefighting purposes in the LLRZ – Large Lot Residential Zone and SETZ – Settlement Zone chapters.
5. We are authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

6. Our qualifications and experience are as set out in Section 1.1 of the relevant Section 42A Reports.
7. We can confirm that we are continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

8. Section 42A report authors were originally asked to submit a written reply by close-of-business on Friday, 29 July 2022. An extension was sought and granted to Friday 5 August 2022.
9. The structure of this right-of-reply follows the specific questions and directions from the Panel (being the bullet points set out in paragraph 4 of Minute 9), with cross-referencing to our comprehensive response to matters raised in tabular form in Appendix 4, where appropriate.
10. If we have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, we have nothing further to add to what we have set out in the Section 42A Reports or evidence given at the Hearing.
11. Appendix 1 of this Reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan (PDP) Hearings Portal on the Council website¹.
12. Appendix 2 contains recommended amendments to PDP chapter provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A Report (including those relevant to the FENZ submission points for Hearings 1 and 2, as referred to above).
13. Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the Section 42A Report (including updated recommended responses to submissions and further submissions in relation to fire-fighting water supply zone standards for the Settlement and Large Lot Residential Zones).
14. Appendix 4 has a comprehensive table containing those matters raised in evidence for which we wish to provide written response.
15. Appendix 5 contains a Memorandum from Marshall Day Acoustics responding to noise matters raised in evidence and forming part of this right-of-reply.

¹ <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>

‘Accessory Buildings’ / ‘Ancillary Buildings’

16. The Panel requested (paragraph 4, first bullet point) a response on ‘The different use of ‘accessory buildings’ and ‘ancillary buildings’ in the PDP, noting that the National Planning Standards only define ‘accessory buildings’ while both terms appear to be synonymous and appear to be used interchangeably’.
17. We are uncertain but assume this question relates to submissions from Hort NZ (S81.004 & S81.006, and S81.127 & S81.172) supporting the definitions of ‘Accessory Building’ and ‘Ancillary Buildings and Structures (Primary Production)’ but seeking clarification of the relationship between these two definitions and seeking amendments to Standards RPROZ-S6 and GRUZ-S5?
18. Whilst the National Planning Standards includes a definition of the term ‘accessory building’, which has been adopted in the PDP, there is no constraint under the Standards on the use of other terms within a district plan for other purposes. In our view, the terms are not synonymous and are not used interchangeably in the PDP.
19. The first matter is addressed in paragraphs 4.3.3 and 4.3.4, Key Issue 1 of Volume 1 of the s42A report, as follows:

4.3.3 The definitions of ‘Accessory Building’ and ‘Ancillary Buildings and Structures (Primary Production)’ in the PDP, are as follows:

ACCESSORY BUILDING	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)	means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.

4.3.4 In terms of the relationship between these two definitions, ‘ancillary buildings and structures’ are specifically related to the rules providing for primary production activities in the rural and settlement zones, being Rule LLRZ-R9, Rule GRUZ-R3, Rule RLZ-R2, RPROZ-R3 and SETZ-R11. ‘Accessory building’ is a term used more broadly in the PDP, and is not specific to a particular activity. In that sense, buildings ancillary to primary production activities are also ‘accessory buildings’, but ‘accessory buildings’ are not always ancillary to primary production.’

20. The second matter is addressed in paragraphs 4.3.34, 4.3.37 & 4.3.38 (Key Issue 6) and paragraphs 5.3.24, 5.3.27 & 5.3.28 (Key Issue 7), respectively, of Volume 2 of the s42A report (the latter paragraphs reproduced below):

5.3.24 On that basis, I recommend that the 20m setback for stockyards and loading ramps/races and the 5m setback from the rail corridor applying in Standard GRUZ-S4 be retained as notified, but that the terminology around accessory/ancillary buildings associated with primary production is amended...

...

5.3.27 I note 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’ on the basis that it would provide more clarity. In my view however, the reference to ‘Accessory Buildings’ is important to retain, as the buildings referred to in this standard are not just those that are ancillary to primary production activities, but accessory buildings for all activities (including those buildings accessory to residential activities) within the General Rural Zone.

5.3.28 Having said that, I do consider there is merit in clarifying that it includes ‘Ancillary Buildings and Structures (Primary Production)’ – as these are specifically defined in the PDP – but as an addition to, rather than as a replacement for, ‘Accessory Buildings’. I therefore recommend that Standard GRUZ-S5 be amended to include this reference accordingly (refer full set of recommended amendments below).

21. Our subsequent recommendations were to amend Standards RPROZ-S5 & RPROZ-S6 and equivalent Standards GRUZ-S54 & GRUZ-S5, as follows:

RPROZ-S5 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	3. Minimum distance of any building(s) from road boundaries is 15m.
Ancillary Buildings and Structures (Primary Production) Accessory Buildings	4. Minimum setback of any building(s) from road boundaries is 5m.

associated with Primary Production Activities	<ol style="list-style-type: none"> 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries. 8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. ...
All Other Activities (excluding Accessory Buildings and Ancillary Buildings and Structures (Primary Production))	2. ...
Accessory Buildings Ancillary Buildings and Structures (Primary Production)	3. ...

GRUZ-S4 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	3. Minimum distance of any building(s) from road boundaries is 15m.
Ancillary Buildings and Structures (Primary Production) Accessory Buildings associated with Primary Production Activities	<ol style="list-style-type: none"> 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> b. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries. 8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. ...
All Other Activities (excluding Accessory Buildings and Ancillary Buildings and Structures (Primary Production))	2. ...
Accessory Buildings Ancillary Buildings and Structures (Primary Production)	3. ...

22. We have not changed our position, and our recommendations in the s42A report with respect to the submissions from Hort NZ outlined above, still stand in this regard.

23. However, in considering this matter, we have noticed that the amendments above should similarly apply to aspects of Standard RLZ-S4 Setback from Roads and Rail Network which, although not specifically referred to in the submission of Hort NZ, we consider would constitute a consequential amendment and will ensure consistency of terminology across the PDP. We have made this change to the updated recommended amendments to the Rural Lifestyle Zone chapter in Appendix 2 (attached).

Airstrips and Aviation Activities

- 24. The Panel requested (paragraph 4, second bullet point) a response on ‘Any reconsideration of the rules relating to airstrips and aviation activities in response to submitter’s evidence’.
- 25. This matter relates to Key Issue 17 of Volume 3 of the s42A report.
- 26. In response to submitter evidence, we have reconsidered the rules relating to airstrips and aviation activities, and this is addressed comprehensively in Items 46 to 49 in Appendix 4 (attached).
- 27. As a result, we have changed our position from that set out in Key Issue 17 of the s42A report and recommend that various amendments are made to the PDP (as set out in Appendix 2 attached), and that the recommendations for the respective submissions are amended accordingly (as per updated recommendations provided in Appendix 3 attached).

Alternative Average Lot Size Calculations

- 28. The Panel requested (paragraph 4, third bullet point) a response on ‘the submissions from Surveying the Bay on behalf of Livingston Properties on average lot size calculations and requirements if different from that already included in the s42A report’.
- 29. We are uncertain, but this matter may relate to the Powerpoint presentation from Andrew Taylor of Surveying the Bay that was presented to the Panel at the Hearing in support of Livingston Properties submission to amend the minimum net site area for subdivision in the Rural Lifestyle Zone (S127.003).
- 30. This matter has been addressed in paragraphs 9.3.15-9.3.17, Key Issue 11 of Volume 2 of the s42A report, as follows:

9.3.15 Conversely, in terms of the submissions of Livingston Properties and Heretaunga Tamatea Settlement Trust, and supported by Ngā hapū me ngā marae o Tamatea, I consider there is some merit in considering 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. This reflects that there is a clear community desire to have rural lifestyle options available in the District.

9.3.16 In this respect, I concur 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 2,500m² is consistent with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal.

9.3.17 On that basis, I recommend 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. 2,500m², with a minimum 4000m² average.
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>

31. We have not changed our position, and our recommendation in the s42A report to accept the submission of Livingston Properties in this regard, still stands.

Number of Conservation Lots

32. The Panel requested (paragraph 4, fourth bullet point) *'A response to the request by The Surveying Company to provide for an increased number of conservation lots from what is already provided for by the PDP (as per the evidence of Nick Wakefield and Brian Foote).'*
33. The Surveying Company presented to the Panel in relation to their submissions on rural subdivision matters, but also expanded their presentation to discuss their submission requesting an increase in the number of lifestyle lots that can be created in association with the protection of an area of significant indigenous vegetation and/or significant habitats of indigenous, historic heritage items, and wāhi tapu, wāhi taonga or site or area of significance to Māori.
34. This matter relates to submission point S50.010 which was not addressed as part of the Rural Environment topic. This matter will be addressed in the General Subdivision topic as part of Hearing 5.

Rural Zone Setback Distances for Dwellings

35. The Panel requested (paragraph 4, fifth bullet point) a response to the following:
'In light of evidence from submitters including Mr Bridge, clarification on the proposed rural zone setback distances for dwellings, particularly in relation to –
 - *internal zone boundaries (boundaries between properties within the same zone) and external zone boundaries (boundaries with properties within other rural zones); and*
 - *whether the rural setback requirements should be partly based on the size of the lot (for example, 15m for larger lots, 5m for smaller lots).'*
36. This matter relates to 'Setbacks from Neighbours' in Key Issues 6, 7 & 8 of Volume 2 of the s42A report.
37. In response to submitter evidence, we have reconsidered the setbacks from neighbours, and this is addressed comprehensively in Items 21, 24 & 25 in Appendix 4 (attached).
38. As a result, we have changed our position slightly from that set out in Key Issues 6, 7 & 8 of the s42A report and recommend that various amendments are made to the PDP (as set out in Appendix 2 attached), and that the recommendations for the respective submissions be amended accordingly (as per updated recommendations provided in Appendix 3 attached).

Staggered Time Limit for Lifestyle Subdivision

39. The Panel requested (paragraph 4, sixth bullet point) a response *'to a more staggered time limit for lifestyle subdivision, rather than a single 3-year timeframe if different from the s 42A recommendation (as per the evidence for the Surveying Company by Nick Wakefield and Brian Foote).'*
40. This matter appears to relate to The Surveying Company's submission on Rule SUB-R5 Lifestyle Site Subdivision (S50.007), which seeks the possible option of amending the rule to allow the creation of 1 lifestyle lot per 20ha up to a maximum of 5 new sites, and retaining the 3 year period. They raise a concern that *'in order to bypass the three year stand down period, as a Controlled activity (SUB-R1), an applicant could subdivide a large lot into multiple 23ha (or thereabouts) Lot sizes, so that each Lot can then have a lifestyle lot subdivision under SUB-R5. This will result in a number of 20ha lots that are not amalgamated and the fracturing of the productive land that you wish to preserve'*.
41. This is addressed in paragraphs 9.3.22-9.3.25 of Volume 2 of the s42A report, as follows:

9.3.22 I also do 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 Co. Again, 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. In my view, allowing for one rural lifestyle lot per 3 year cycle, offers landowners in the General Rural Zone some limited ability to carve off such titles, whilst still ensuring the General Rural Zone retains its focus, providing for and supporting primary production in the District.

9.3.23 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 more 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). Any

move to make lifestyle subdivision more readily achievable in the General Rural Zone and Rural Production Zone, reduces the effectiveness of having a dedicated Rural Lifestyle Zone.

9.3.24 I accept that this 3-year aspect of the rule could result in unintended consequences, in that an applicant could theoretically subdivide a large lot into multiple 23ha (or thereabouts) lot sizes, so that each lot can then have a lifestyle lot subdivision under Rule SUB-R5, resulting in a number of 20ha lots that are not amalgamated and the fragmentation of the productive land that the PDP seeks to protect, as suggested by The Surveying Co. However, I am of the view that there is reasonable disincentive for this to occur in reality, with the substantial costs involved in applying for multiple subdivision consents and associated physical land survey costs. Therefore, I do not believe this is a significant risk and, having spoken to Hastings District Council planning staff, my understanding of Hastings District's experience in applying an almost identical approach suggests this issue is of limited concern, and that it can work effectively. Further, the LandVision Report indicates that a 20ha lot is productive in the context of the area covered by the General Rural Zone in this District, so multiple 20ha lots is less of a concern than a proliferation of rural lifestyle lots.

9.3.25 I also note that item 7 of Assessment Matter SUB-AM13 specifically anticipates this situation, as follows:

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

...

7. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.

42. We have not changed our position, and our recommendation in the s42A report to reject the submission of The Surveying Company in this regard, still stands.

Intensive Primary Production / Rural Industry / Commercial Activities

43. The Panel requested (paragraph 4, seventh bullet point) a response in terms of '*Clarification about the framework for managing various rural activities, particularly the various forms of intensive production activities and rural industry vs commercial activities*'.
44. This matter would appear to relate more broadly to Key Issues 13 & 14 Provision for Intensive Primary Production, and Key Issues 15 & 16 Provision for Rural Industry of Volume 3 of the s42A report.
45. In response to submitter evidence, we have reconsidered the recommendations for intensive primary production and rural industry provisions, and this is addressed comprehensively in Items 35 to 42 in Appendix 4 (attached).
46. As a result, we have not fundamentally changed our position from that set out in Key Issues 13, 14, 15 & 16 of the s42A report, but do recommend some minor amendments to the PDP (as set out in Appendix 2 attached), and that the recommendations for the respective submissions are amended accordingly (as per updated recommendations provided in Appendix 3 attached).

5m Setback for Sites Created before 28 May 2021

47. The Panel requested (paragraph 4, eighth bullet point) '*A response to the idea for retaining a 5m setback for sites created before 28 May 2021 (in the second part of paragraph 17 of the planner's evidence for Livingston Properties Ltd)*'.
48. The second part of paragraph 17 of the planner's evidence (Mr Philip McKay) for Livingston Properties (relating to their further submission FS27.5) states as follows:

'The reason for supporting Surveying the Bay Ltd submission S128.002 is that LPL has a recently approved subdivision under the current Operative District Plan which creates some 88 complying lifestyle sites (with the 4,000m2 minimum site area) on its land at 96 Mt Herbert Road, Waipukurau. It is LPL's preference to not give effect to this subdivision consent and to rather develop their land under the General Residential and Rural Lifestyle zone rules if its rezoning submission is accepted (to be heard in Stream 6). The approved subdivision however provides a fallback position for LPL. For the 4,000m2 sites to be developed with a dwelling, a 5m minimum building setback from internal boundaries is required under the currently Operative District Plan, this would increase to 15m under the PDP. In most instances, on sloping 4,000m2 sites at least (where it may not be practicable for the building platform to be in the centre of the site), it would not be possible to comply with the 15m building setback required under the PDP triggering the need for resource consent.'

I agree with paragraphs 4.3.44 – 4.3.47 of the S42A Report which sets out the reasons for recommending accepting submission point S128.002. I also note that if the Commissioners are concerned about potential reverse sensitivity effects arising from accepting this submission, that there could be an option of requiring a greater setback for the Rural Production Zone where rural production activities are likely to be more intensive. In my opinion however, enabling a 5m building setback to be retained for sites created before 28 May 2021 in the General Rural and Rural Lifestyle zones, will result in an appropriate rule for achieving the purpose of the Resource Management Act 1991 ('RMA') and the objectives of the PDP.'

49. As quoted above, Mr McKay agrees with paragraphs 4.3.44-4.3.47, Key Issue 6 of Volume 2 of the s42A report, which states as follows:

<u>Side Yard Setback in the RURZ – Rural Zones</u>	
4.3.44	<u>In addition to the above, Surveying the Bay raise 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 Operative District Plan (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, quite rightly, note that the alternative is that land use consent to reduce the 15m side yard is likely to be required for the majority of new residential buildings on such existing sites.</u>
4.3.45	<u>I accept that a 15m side yard setback represents a substantial change from the 5m setback in the Operative District Plan 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. I concur there is merit in acknowledging past approvals in this situation, and I agree 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.</u>
4.3.46	<u>While there may be reverse sensitivity issues, given such sites have already been lawfully applied for/approved before the provisions of the PDP have taken effect, those effects arise from the previous planning regime, and cannot be fully addressed by the new plan.</u>

50. We note that changes it is recommended to amend the setback from neighbours (Standards RPROZ-S6, GRUZ-S5 and RLZ-S5) in response to other evidence presented at the Hearing on this matter from Hort NZ (refer Items 21 & 25 in Appendix 4 (attached), as shown (in grey highlight) as follows:

RPROZ-S6 Setback from Neighbours	
...	1.
...	2.
...	3.
<u>Sites created before 28 May 2021 and less than 4000m² net site area</u>	4. <u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u>
<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>	5. <u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u>

GRUZ-S5 Setback from Neighbours	
...	1. ...
...	2. ...
...	3. ...
<u>Sites created before 28 May 2021 and less than 4000m² net site area</u>	4. <u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u>
<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>	5. <u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u>

RLZ-S5 Setback from Neighbours	
...	1. ...
...	2. ...
<p><u>Sites created before 28 May 2021 and less than 4000m² net site area</u></p> <p><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></p>	<p>3. <u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m, except where located on a boundary with the General Rural Zone or Rural Production Zone where 15m will apply.</u></p> <p>4. <u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</u></p>

51. As a result, we have not fundamentally changed our position from that set out in Key Issue 6 of the s42A report, but we recommend some minor amendments to the PDP (as set out in Appendix 2 attached), and amendments to our recommendations for the respective submissions, accordingly (as per updated recommendations provided in Appendix 3 attached).

Continuous Tree Planting (Shading of Land & Roads)

52. The Panel requested (paragraph 4, ninth bullet point) *'In light of the evidence from Federated Farmers and Horticulture New Zealand, any reconsideration of the rules relating to the management of effects from continuous tree planting along rural boundaries, with regard to the setback requirements of the NES for Plantation Forestry'*.

53. This relates to Key Issue 9 of Volume 2 of the s42A report.

54. In response to submitter evidence, we have reconsidered the recommendations for the provisions relating to the shading of land and roads, and this is addressed comprehensively in Items 26 & 27 in Appendix 4 (attached).

55. As a result, we have changed our position from that set out in Key Issue 9 of the s42A report and recommend that various amendments be made to the PDP (as set out in Appendix 2 attached), and that the recommendations for the respective submissions be amended accordingly (as per updated recommendations provided in Appendix 3 attached).

1m Setback for Artificial Crop Protection Structures

56. The Panel requested (paragraph 4, tenth bullet point) *'Further information on the rationale for a proposed 1m setback from side and rear yard for 'artificial crop protection structures': while the s42A report stated that such structures are less likely to cause issues for neighbours because of the use of permeable materials, the officers are invited to consider whether there may be effects not accounted for, such as if the permeable cloth is used both as a 'roof' and a 'side wall'*.

57. This relates to Hort NZ submissions (S81.114 & S81.157, and S81.127 & S81.172) to add specific rules and setbacks for artificial crop protection structures in the General Rural and Rural Production Zones – addressed in paragraph 2.3.2, Key Issue 12 of Volume 3 of the s42A report, as follows:

2.3.2 I accept the submission of Hort NZ that such structures are quite distinct from greenhouses and crop support structures, and I accept that the way the provisions are written in the PDP, they may unintentionally be caught by the definition of 'building'. If deemed a 'building', various bulk and location standards of the respective zone then apply (such as height in relation to boundary, building coverage, and setbacks from neighbours). Those zone standards are primarily intended to address potential adverse effects such as effects on privacy, shading and visual amenity, which I consider are less applicable to the unique nature of artificial crop protection structures. Artificial crop protection structures support primary production activities (to cover and protect crops) and are anticipated in the rural environment of Central Hawke's Bay, and their use of permeable materials allowing daylight and sunlight to pass through, means they are less likely to cause issues for adjoining properties in terms of effects on privacy, shading or visual amenity.

58. Hort NZ's original submission states (in section 3.4.2 of their submission) that *'due to the nature of these structures, we consider a specific approach to setbacks would be more suitable, as HortNZ considers they are different in nature to a 'building''*.

59. Hort NZ has provided no specific rationale or basis for determining a reduced setback of 1m as being appropriate for 'artificial crop protection structures' in their submission or in evidence. If a specific

setback is not provided for, then the 5m setback would apply (as 'ancillary buildings and structures associated with primary production').

60. Whilst not an expert in these matters, we consider it likely that there would be potential for some minor additional shading for adjoining land from reducing the setback from 5m to 1m if permeable cloth was used both as a 'roof' and a 'side wall', but not in the same way as a solid building, as it would still allow sunlight to penetrate. In terms of visual effects, we consider the 'roof' is unlikely to be visible from the ground unless the land is sloping upwards as it extends away from the adjoining land, and therefore reducing the setback from 5m to 1m is unlikely to have any significant additional visual impact in that regard.
61. We have not changed our position, and our recommendations in the s42A report to accept the submissions of Hort NZ on this matter, still stand.

Scope in relation to Rural Land Resource Policy

62. The Panel requested (paragraph 4, eleventh bullet point) a response as to *'Whether there is scope to change the wording of the additional Rural Land Resource policy sought by the Heretaunga Tamatea Settlement Trust in regard to access to stored water resources to ensure the productive capacity of the land (evidence of Stephen Daysh)'*.
63. I defer to the submissions from Council's legal counsel with regard to the scope matter (to be provided to the Panel separately), whose conclusion is that there is proper basis for the Panel to determine there is scope to consider the merits of the relief now sought, being the addition of a new policy in the RLR – Rural Land Resource chapter of the PDP as follows:

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

64. Further to this, in response to submitter evidence, we have reconsidered the merits of the relief sought, and this is addressed comprehensively in Item 9 in Appendix 4 (attached).
65. As a result, we have not changed our position, and our recommendation in the s42A report to reject the submission of Heretaunga Tamatea Settlement Trust on this matter, still stands. However, if the Panel is of a mind to include a policy, we have provided suggested alternative wording.

Setback Requirements in the Rural Area

66. The Panel requested (paragraph 6) that *'In response to issues raised during the hearing in regard to setback requirements in the Rural Area, it would be helpful for the Panel to have a summary of the various setback requirements when we deliberate'*.
67. Setback requirements applying in the rural zones in the PDP (as notified) are as follows:

Rules GRUZ-R5 / RPROZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas

1. Activity Status: PER

Where the following conditions are met:

- a. The rural airstrip or helicopter landing area is located a minimum distance of:
 - i. 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and
 - ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and
 - iii. 50m from a State Highway.

Rules GRUZ-R14 / RPROZ-R14 Intensive primary production activities

1. Activity Status: CON

Where the following conditions are met:

- a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:
 - i. any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m.
 - ii. from a property boundary is 200m.

Standards GRUZ-S4 / RPROZ-S5 Setback from Roads and Rail Network

Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	<ol style="list-style-type: none"> 3. Minimum distance of any building(s) from road boundaries is 15m.
Accessory Buildings associated with Primary Production Activities	<ol style="list-style-type: none"> 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries. 8. Minimum setback of any building(s) from the Rail Network Boundary is 5m. <p><i>Note: Under the Hawke's Bay Regional Resource Management Plan, there is also a requirement for setbacks from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.</i></p>

Standards GRUZ-S5 / RPROZ-S6 Setback from Neighbours

Residential Activities adjacent to an existing plantation forest on an adjoining site	<ol style="list-style-type: none"> 1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings)	<ol style="list-style-type: none"> 2. Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	<ol style="list-style-type: none"> 3. 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.

Standards GRUZ-S6(1)(a) & (b) / RPROZ-S7(1)(a) & (b) Shading of Land and Roads

Trees on boundaries	<ol style="list-style-type: none"> 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"> 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 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).
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Standards GRUZ-S11 / RPROZ-S12 Setback from Existing Intensive Primary Production

Sensitive Activities	1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
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Standards GRUZ-S12 / RPROZ-S14 Setback from Gas Transmission Network

Residential Activities	<p>1. Gas Transmission Pipeline:</p> <p>a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m.</p> <p>2. Incidental Equipment:</p> <p>a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.</p>
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Standards GRUZ-S13 / RPROZ-S15 Setback from National Grid Yard and National Grid Substation

Sensitive Activities	1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.
All Buildings and Structures	<p>2. Under the National Grid conductors (wires):</p> <p>a. on all sites within any part of the National Grid Yard, all buildings and structures must:</p> <p>i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or</p> <p>ii. be a fence less than 2.5m high; or</p> <p>iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or</p> <p>iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <p>a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or</p> <p>b. an artificial crop protection structure or crop protection structure between 8m and 12m from a pole support structure and any associated stay wire, that:</p> <p>i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor;</p> <p>ii. is no more than 2.5m high;</p> <p>iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</p> <p>iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</p> <p>c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.</p>

Note: amendments to a number of these provisions are recommended in response to submissions and evidence presented to the Panel at the Hearing – refer tracked changes version in Appendix 2 (attached).

Updated Recommendations for Settlement and Large Lot Residential Zone Chapters

68. As indicated in paragraph 75 of the right-of-reply for Hearing 1, it was proposed to revisit the respective recommendations made in relation to the Large Lot Residential Zone and in relation to the urban zones (being the Settlement Zone, as the other urban zones have reticulated supply).

List of Materials Provided by SubmittersSubmitter Evidence

- Benjamin Cartwright for Transpower New Zealand Limited [S79, FS18]
- Dougall Campbell for Transpower New Zealand Limited [S79, FS18]
- Pauline Whitney for Transpower New Zealand Limited [S79, FS18]
- Lynette Wharfe for Horticulture New Zealand [S81, FS17]
- Claire Price for Hatuma Lime [S98]
- Claire Price for Te Mata Mushrooms Land Company Limited [S102]
- Steven Tuck for Silver Fern Farms Limited [S116, FS8]
- Stephen Daysh for Heretaunga Tamatea Settlement Trust [S120, FS13]
- Rhea Dasent for Federated Farmers of New Zealand [S121, FS25]
- Philip McKay for Livingston Properties Limited [S127, FS27]
- Graeme Roberts for Firstgas Limited [FS3]

Submitter Legal Submissions

- Matthew Lawson for Josh & Suzie Calder [S58]
- Quentin A M Davies and Joshua S Marshall for James Bridge [S105, FS4]

Submitter Statements

- Bruce Peterson and Bill MacGregor (joint) for Aerospread Limited [S38, FS10] & New Zealand Agricultural Aviation Association [S43, FS14]
- Jordan Landers for Horticulture New Zealand [S81, FS17]
- Andrew Taylor for Surveying the Bay [S128]

Submitter Tabled Statements

- Paul McGimpsey for Fire and Emergency New Zealand [S57]
- Natasha Reid for Waka Kotahi NZ Transport Agency [S78, FS16]
- Tom Anderson for Chorus [S117], Spark [S118] & Vodafone [S119]

Submitter Presentations

- Speaking Notes – Bruce Peterson for Aerospread Limited [S38, FS10]
- Speaking Notes – Brian Foote for The Surveying Company (HB) Limited [S50]
- Speaking Notes – Nick Wakefield for The Surveying Company (HB) Limited [S50]
- Speaking Notes – Benjamin Cartwright for Transpower [S79, FS18]
- Speaking Notes – Dougall Campbell for Transpower [S79, FS18]
- Speaking Notes – Pauline Whitney for Transpower [S79, FS18]
- Speaking Notes – Rhea Dasent for Federated Farmers of New Zealand [S121]
- Submitter presentation – Andrew Taylor for Livingston Properties Limited [S127, FS27]

Supplementary Statements / Information Requested by the Panel

- Supplementary Information for the Panel – Aerospread Limited [S38, FS10] & New Zealand Agricultural Aviation Association [S43, FS14]
 - o 'Agricultural Aircraft Activity Examples'
 - o 'Aerospread Limited Safety Management System'
 - o 'AIRCARE™ NZAAA Audit Checklist Issue 9'
- Supplementary Information for the Panel – The Surveying Company (HB) Limited [S50]
 - o Subdivision provisions for creation of rural residential sites from the protection of indigenous vegetation or wetland areas from the Auckland Unitary Plan
- Supplementary Information for the Panel – Josh & Suzie Calder [S58]
 - o Example of Cresco ZK-LTK Aerial Topdressing (video)
 - o Example of ZK-SUZ Aerial Topdressing (video)
- Supplementary Information for the Panel – Pauline Whitney for Transpower New Zealand Limited [S79, FS18]

- Table summarising what other District Plans require across the country with respect to setbacks from poles and the Grid Yard
- Supplementary Information for the Panel – Jordan Landers for Horticulture New Zealand [S81, FS17]
 - District Plan primary production rule, setbacks, and audible bird scaring rule examples referred to in Lynette Wharfe's evidence
 - 'Response to questions in relation to the lost production from areas under poles' referred to in the context of the Opotiki District Plan
- Supplementary Information for the Panel – Lynette Wharfe for Horticulture New Zealand [S81, FS17]
 - Submitter tracked changes version of RLR, RPROZ, GRUZ, RLZ & NOISE chapters of the PDP
- Supplementary Information for the Panel – Claire Price for Te Mata Mushrooms Land Company Limited [S102]
 - Table identifying submission points to be 'discontinued' by the submitter
- Supplementary Information for the Panel – Steven Tuck for Silver Fern Farms Limited [S116, FS8]
 - Table of approach to 'Rural Industry' in District Plans
- Supplementary Information for the Panel – Stephen Daysh for Heretaunga Tamatea Settlement Trust [S120, FS13]
 - 'Tukituki Water Security Limited Re-scoping Report' (Lewis Tucker & Co)
 - 'Climate Change and its Implications for the Ruataniwha Water Storage Scheme' (Dr James A Renwick)
- Supplementary Information for the Panel – Rhea Dasent for Federated Farmers of New Zealand [S121, FS25]
 - Table of National Grid Yard definitions by District Council in the North Island
- Supplementary Information for the Panel – Nicola Hine for Firstgas Limited [FS3]
 - Information on 'Best Practice Gas Transmission Industry'

APPENDIX 2

Updated Recommended Amendments to Plan Provisions

PART 2 – DISTRICT-WIDE MATTERS

STRATEGIC DIRECTION

RLR – Rural Land Resource

Introduction

The Resource Management Act requires Council to manage the use, development and protection of natural resources, including the rural land resource, while sustaining the potential of such resources to meet the reasonably foreseeable needs of future generations and while safeguarding the life-supporting capacity of air, water, soil, and ecosystems.

Land-based primary production (including intensive primary production), underpins the economic, social, and cultural well-being of the Central Hawke's Bay District, and the District's rural land resource is important for sustaining this production. Rural production and processing/manufacturing together accounts for just over half of the District's total GDP and around half of the District's employment (based on Stats NZ 2012 figures). Central Hawke's Bay accounts for approximately 40% of the total pastoral and associated cropping land in the Hawke's Bay Region¹.

Commented [RM1]: S42.011 Pork Industry - Rural Topic, Key Issue 13

Of note is the significant concentration of highly productive land in the District. Highly productive land in the Central Hawke's Bay District covers 82,881 hectares, and comprises approximately 25% of the District's total land area². The District's highly productive land is centred in and around the Ruataniwha Plains and flat-to-rolling land surrounding the urban areas of Waipukurau, Waipawa and Ōtane.

Highly productive soils provide a high level of flexibility in terms of the types of crops that can be grown, and these qualities enable rapid response to changing technologies or crop types required in the future. Highly productive land in New Zealand is rare, and therefore of very high value for food and crop production. The Ministry for the Environment's 'Our Land 2018' and 'Environment Aotearoa 2019' reports have identified that many of New Zealand's productive areas have already been lost and that there are two key pressures facing highly productive land – being urban expansion and the accompanying loss of New Zealand's most versatile and productive land, and an increase in rural lifestyle developments, particularly on the fringes of urban areas.

The District's highly productive land is therefore a significant resource base for the District, and has been deemed to be of regional, if not national, significance warranting specific recognition in the District Plan for its finite characteristics and high value for primary

¹ 'Review of Central Hawke's Bay District District Plan, District Economic Assessment', Economic Solutions Limited, August 2013.

² 'Assessment on the need for a new rural zone for subdivision in the Central Hawke's Bay District – Report for the Central Hawke's Bay District Council', LandVision Limited, 24 January 2018.

production purposes³. It is also experiencing increasing pressure from rural lifestyle developments and for urban expansion to cater for projected household growth. If this continues to be left unchecked, fragmentation of this resource will have a cumulative impact, including direct loss of highly productive land for primary production and reverse sensitivity implications, which could collectively compromise its productive potential.

Providing for a range and flexibility of land use activities is important for the future in adding diversity and resilience to the rural economy, thereby providing additional employment and economic opportunities to the community. However, this needs to be consciously balanced against the need to protect and retain the rural land resource, in particular the concentration of highly productive land in the District, alongside the health and availability of water.

The establishment of an overall strategy for sustainable management of the District's rural land resource therefore underpins the strategic direction of this District Plan. For this reason, the District Plan has encompassed the concentration of highly productive land of Central Hawke's Bay centred in and around the Ruataniwha and Takapau Plains and flat-to-rolling land surrounding Waipukurau, Waipawa and Ōtane, within a separate zone – the Rural Production Zone (RPROZ).

At a national level, a National Policy Statement for Highly Productive Land (NPS-HPL) is anticipated to be gazetted and is expected to take effect mid 2021, which will likely require District Plans to:

- identify highly productive land;
- maintain the availability and productive capacity of highly productive land for primary production;
- consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community; and
- manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land.

It is anticipated that the approach in this District Plan will go a long way towards already giving effect to the likely future requirements of the NPS-HPL.

Issues

RLR-11 Incremental Loss of Highly Productive Land

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

Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or

³ 'Assessment on the need for a new rural zone for subdivision in the Central Hawke's Bay District – Report for the Central Hawke's Bay District Council', LandVision Limited, 24 January 2018.

more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land's versatility.

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

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

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.
5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established activities and primary production activities in the vicinity (reverse sensitivity).

Commented [RM2]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hatuma Lime (S98.006)

Commented [RM3]: S81.034 Hort NZ - Rural Topic, Key Issue 2

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

Objectives

- RLR-O1** **The productive capacity of the District's rural land resource, particularly the District's highly productive land, is maintained.**
- RLR-O2** **The primary production role and associated amenity of the District's rural land resource is retained, and is not-compromised-byprotected from inappropriate subdivision, use and development.**
- RLR-O3** **The District's highly productive land is protected from further fragmentation.**
- RLR-O4** **Residential living and other activities that are unrelated to primary production are directed to locations zoned for those purposes and that are not situated on highly productive land.**

Commented [RM4]: S116.006 Silver Fern Farms - Rural Topic, Key Issue 2

Policies

- RLR-P1** To identify the highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtane within a specific rural zone – the Rural Production Zone.
- RLR-P2** To avoid unplanned urban expansion onto the District's highly productive land ~~where other feasible options exist in the Rural Production Zone.~~
- RLR-P3** To limit ~~the amount of~~ further fragmentation of the District's rural land resource through ~~limiting restricting~~ lifestyle subdivision ~~in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone.~~
- RLR-P4** To provide for a wide range of activities to ~~establish in the rural area;~~
- ~~1. which complement the resources of the rural area;~~
 - ~~2. provided that they do not unduly compromise the primary production role and associated rural character and amenity of the rural land resource, particularly in the Rural Production Zone;~~
 - ~~3. while recognising that some non-primary production activities have an operational or functional need to locate in a rural area.~~
- RLR-P5** To enable primary production and related activities to operate in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.

Commented [RM5]: S116.010 Silver Fern Farms - Rural Topic, Key Issue 2

Commented [RM6]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording (to improve grammar) in response to evidence from Hort NZ (S81.041)

Commented [RM7]: S116.011 Silver Fern Farms - Rural Topic, Key Issue 2

Commented [RM8]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording and restructuring in response to evidence from Hort NZ (S81.042)

Commented [RM9]: S79.016 Transpower, S81.042 Hort NZ - Rural Topic, Key Issue 2

Methods

Methods for implementing the policies:

RLR-M1 Area-Specific Provisions

The use of zoning to direct activities to appropriate locations:

GRUZ – General Rural Zone:

The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of ~~primary production activities (including intensive primary production and related post-harvest facilities)~~ to occur, that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners.

Commented [RM10]: S42.014 Pork Industry - Rural Topic, Key Issue 13

Commented [RM11]: S102.021 Te Mata Mushrooms - Rural Topic, Key Issue 15

RPROZ – Rural Production Zone:

The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Ōtāne. Standards in this Zone reflect the more intensive nature of **primary production activities (including intensive primary production and related post-harvest facilities)**, the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource.

Commented [RM12]: S42.014 Pork Industry - Rural Topic, Key Issue 13

Commented [RM13]: S102.021 Te Mata Mushrooms - Rural Topic, Key Issue 15

RLZ – Rural Lifestyle Zone:

This Zone provides the main opportunity for low density residential development in the District, in close proximity to the main urban areas of Waipukurau and Waipawa.

RLR-M2 Proposed National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL will likely require District Plans to identify highly productive land in their District, and include provisions that maintain the availability and productive capacity of highly productive land for primary production and that manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land.

RLR-M3 Land Information Memorandum

When requested, people wishing to establish in the rural **area-zones** will be issued with a Land Information Memorandum advising them that they are establishing in a productive rural environment where amenity standards associated with the normal conduct of farming operations, **and related activities such as established rural industry**, in the Zone (that is, amenity standards that allow for fluctuating noise, odour and air quality levels resulting from accepted primary production management practices **and rural industry activities**) will be upheld by the Council. Provided that these activities are carried out within the provisions established by the District Plan **or in accordance with a resource consent(s)**, the effects **of the activities on amenity standards** will not be considered a nuisance.

Commented [RM14]: S116.014 Silver Fern Farms - Rural Topic, Key Issue 15

Principal Reasons

The principal reasons for adopting the policies and methods:

The traditional pastoral area of the District will continue to be an important component of the District's economy and must be safeguarded – particularly the regionally, if not nationally, significant concentration of highly productive land in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtāne (in line with the proposed NPS-HPL).

The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in

the rural environment, particularly on the highly productive land within the Rural Production Zone.

Commented [RM15]: S116.015 Silver Fern Farms - Rural Topic, Key Issue 15

The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector (including intensive primary production). There is a limit on the scale of commercial and industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.

Commented [RM16]: S42.015 Pork Industry - Rural Topic, Key Issue 13

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- RLR-AER1** **The safeguarding of the District's rural land resource and its life-supporting capacity for current and future generations.**
- RLR-AER2** **The area of land available for primary production purposes is not reduced by ad hoc and unplanned development.**
- RLR-AER3** **An attractive and economically sustainable rural environment that provides opportunity for a stable rural population.**
- RLR-AER4** Activities in the rural area are primarily primary production and related activities~~A diversity of activity in the rural area.~~
- RLR-AER5** **Maintaining and enhancing rural character and amenity including avoiding reverse sensitivity effects.**

Commented [RM17]: S81.045 Hort NZ - Rural Topic, Key Issue 2

GRUZ – General Rural Zone

Introduction

The General Rural Zone, which encompasses the largest proportion of the rural area of the District, is used primarily for primary production (including intensive primary production). It is the area of generally undulating-to-hilly land inland of the coast, and extending through to the Ruahine Range in the west, and has a diverse range of land uses. The predominant land use is pastoral (the backbone of the District's economy) although the zone includes production forestry blocks and the conservation estates of the Ruahine Range, which forms the backdrop to the District. The General Rural Zone also encompasses the coastal environment of the District, where this falls outside of the Large Lot Residential Zone (Coastal).

Commented [RM1]: S42.039 Pork Industry - Rural Topic, Key Issue 13

The rural environment is generally sparsely settled and is characterised by a predominance of open space. There are a small number of commercial or industrial activities within the rural environment that are of a small scale and largely service the primary production sector and rural communities.

The rural landscape also supports a range of recreational activities, such as hunting and fishing in the rural area focusing on the Tukituki, Waipawa, and Porangahau Rivers, the Ruahine Ranges and the coast.

The Central Hawke's Bay's rural land area also accommodates a range of indigenous plant communities, including mountain forests of the Ruahine Range, podocarp-broadleaf remnant forests on the plains and coastal ranges, and coastal wetland and dune ecosystems.

Issues

GRUZ-11 Protecting the Life-Supporting Capacity of the District's Soil Resource

The District's soil resource is finite, and inappropriate development or subdivision into smaller lots for activities that are not related to land-based primary production could cumulatively, and irreversibly, diminish the productive capacity of this finite resource for current and future generations.

Explanation

Land-based primary production underpins the economic, social, and cultural well-being of the District, and the District's rural land resource is important for sustaining this production. The soils within the rural environment are a significant resource base for the District.

The fragmentation of land holdings and new housing and other development which results from subdivision has a cumulative impact upon the rural environment, particularly on future options for the use of productive land. This includes direct loss of productive land for primary production, the cumulative effects of incremental loss over time, and the increasing incidence of reverse sensitivity arising.

The historical approach to subdivision within the rural area of the District has been to enable subdivision down to relatively small lots throughout the District, rather than to channel certain types of subdivision and development to particular locations. While each proposal may only have minor effects on its own, the cumulative effects over time can be very significant. The challenge is to ensure that subdivision under the District Plan rules, particularly those stipulating minimum lot sizes, does not compromise the productive potential of the District's rural land resource.

GRUZ-12 Protecting Rural Amenity and the Quality of the Rural Environment and Primary Production Capability

Land-based primary production, (including intensive primary production), and other complementary rural, residential, and recreation-based activities, underpin the social, economic, and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environmental, cultural, and amenity values or result in conflict that affects primary production capability.

Commented [RM2]: S42.040, S42.087 Pork Industry - Rural Topic, Key Issue 13

The establishment of incompatible activities within rural areas can:

1. result in the loss of productive land;
2. conflict with existing rural activities, including through reverse sensitivity; and
3. detract from rural character and amenity.

Explanation

The rural environment supports a variety of land based primary production activities including dry stock farming, cropping, dairying, horticulture, plantation forestry, small niche farming land uses, as well as intensive primary production activities and rural service activities. These activities typically have an associated assortment of buildings and equipment, such as packing and processing sheds, milking sheds, fertiliser depots and rural contractor's yards. Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility facilities (e.g. transmission lines), quarrying, aggregate processing, and gravel extraction, all of which are critical to the functioning of the District. Other complementary activities provide support services to land-based primary production or are themselves based on a natural resource (such as tourism/recreation).

The above activities also play a large role in the formation of a common rural character and amenity. Rural amenity values include landscape and scenic values, individual privacy, open rural outlook and open space, vegetation prevailing over built elements, openness, and ease of access, clean air, unique odours, overall quietness, water availability and the well-being of the community.

Productive working environments are common and may contain large utilitarian buildings associated with farming. In general, buildings or structures are typically relatively low and non-urban in density, with larger setbacks from external property boundaries, and with the height, scale, density, and number of buildings not dominating the landscape and open space qualities of the rural environment. Properties are self-serviced with respect to water supply, wastewater disposal and stormwater management.

While most of these activities are generally considered acceptable, practices associated with them have the potential to generate adverse effects on the rural environment, depending on their size and location, and the proximity and sensitivity of adjacent land uses. These practices include the use of agrichemicals, shading from shelter belts, general use of farm machinery both on- and off-farm, the harvesting of crops which may occur at various times including at night, the weekend, and public holidays. These practices have the potential to create noise, dust, and odour either of a temporary or intermittent nature beyond the boundary of the property concerned. These are legitimate farming practises which may nevertheless impact on the amenity of others. Because these practices are an accepted and integral part of land-based primary production, they should not be unreasonably constrained by other activities. Setbacks from primary production activities will assist in avoiding reverse sensitivity.

Some types of activities (such as un-related commercial, retail, and industrial activities) may be incompatible with rural character and amenity values or create conflict with other existing lawfully established activities. Furthermore, these other activities may introduce urban characteristics or features, and they lend themselves to be more appropriately located in an urban location, where the servicing, infrastructure and facilities are more suitable to assist in avoiding, remedying, or mitigating their potential adverse effects.

Avoidance of inappropriate and incompatible land uses that are inconsistent with the rural environment's location-specific values is important to maintain environmental quality and ensure that the productive use of land resources (for a resilient and diverse economy) is not compromised. There is a need to strike a balance between providing for a range of uses and development of natural and physical resources, and the preservation of that character, and those amenity values (such as vegetation prevailing over built elements, open space, privacy, ease of access and landscape and scenic values).

Rural-residential dwellers are often attracted to rural areas by the perceived quality of the rural environment, particularly its amenity values. Others choose to live in the country, as this is where their work is located, or because they were previously employed in the rural area. The rural environment is the residential location of necessity for farmers and other land users. Therefore, adequate rural living opportunities are required to support sustainable rural communities.

However, cumulative pressures and demands for rural living can generate tensions between those who opt for a rural lifestyle for open space, privacy, peace, and quiet, and scenic values, and those who rely on the productive capability of the rural land resource. Rural living can result in reverse sensitivity conflicts, as residents with higher expectations of amenity move into a rural environment, where previously, noise, dust and stock movements were generally considered a usual aspect of the rural environment.

If increasing density of rural subdivision is allowed in close proximity to existing intensive primary production activities, it can undermine the viability of such activities should complaints about heavy traffic or objectionable noise, dust or odour arise.

Increasing density of subdivision can also intensify pressure on the range of infrastructure servicing (roads and reticulated services), and conflicts with infrastructure services for intensive primary production activities (e.g. if rural roads are expected to be of a higher quality).

In response to this issue, and the reverse sensitivity issues of rural subdivision on land-based primary production activities, any rural-residential living opportunities within the rural zones should be of a size, intensity and scale that is consistent with productive land uses so that the wider rural environment and associated land use activities are not compromised.

Objectives

GRUZ-O1 The General Rural Zone is predominantly used for primary production activities (including intensive primary production) and ancillary activities.

Commented [RM3]: S42.042 Pork Industry - Rural Topic, Key Issue 13 and S102.037 Te Mata Mushrooms - Rural Topic, Key Issue 15

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; and
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).

Commented [RM4]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - fixed error to be consistent with recommendation (identified by Hort NZ (S81.105))

Commented [RM5]: S81.105 Hort NZ - Rural Topic, Key Issue 5

GRUZ-O3 Adverse effects of activities are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.

GRUZ-O4 The primary productive purpose and predominant character of the General Rural Zone are not compromised by potentially incompatible activities establishing.

Policies

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

Commented [RM6]: S42.043 Pork Industry - Rural Topic, Key Issue 13 and S102.041 Te Mata Mushrooms - Rural Topic, Key Issue 15

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/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:~~

Commented [RM7]: S121.178 Federated Farmers, S81.107 Hort NZ - Rural Topic, Key Issue 5

- ~~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~~
- ~~4.4. adverse effects are avoided, remedied or mitigated.~~

Commented [JKS8]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amendment to replace wording from the policy as notified, which was not intended to be omitted in the recommended amendments made in response to submission points.

GRUZ-P3 To manage the scale of post-harvest facilities and ~~rural~~ commercial activities ~~related to the primary productive purpose of the General Rural Zone,~~ to ensure that they remain compatible with ~~that purpose~~ the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.

Commented [RM9]: S27.022 Egg Producers, S121.179 Federated Farmers - Rural Topic, Key Issue 5

Commented [RM10]: S81.108 Hort NZ - Rural Topic, Key Issue 15

Commented [RM11]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.108)

GRUZ-P4 To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area and, where applicable, to protect the natural character and amenity of the coastal environment.

GRUZ-P5 To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.

GRUZ-P6 ~~To avoid adverse effects of shading from trees on adjoining public roads and properties~~ To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.

Commented [RM12]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.110) & Fed Farmers (S121.183)

- GRUZ-P7** To ensure incompatible activities do not locate in the General Rural Zone where the activity ~~will~~:
1. ~~will~~ undermine the primary productive purpose and predominant character of the General Rural Zone;
 2. ~~will~~ constrain the establishment and use of land for primary production; ~~and/or~~
 3. ~~will~~ result in reverse sensitivity and/or lead to land use conflict; ~~and/or~~;
 4. ~~does not have a functional or operational need for a rural location~~.

Commented [RM13]: S81.111 Hort NZ - Rural Topic, Key Issue 3

GRUZ-P8 To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.

GRUZ-P9 To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the General Rural Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.

GRUZ-P10 To ensure activities within the General Rural Zone are self-sufficient in the provision of a suitable on-site wastewater treatment and disposal system, stormwater disposal system, and water supply, unless an appropriate alternative system is available to connect to.

Commented [JKS14]: S57.139 FENZ – Rural Topic, Volume 4, Key Issue 20.

Rule Overview Table

Use/activity	Rule Number
Residential activities	GRUZ-R1
Seasonal workers accommodation	GRUZ-R2
Primary production activities	GRUZ-R3
Artificial crop protection structures	GRUZ-RXX
Agricultural aviation movements ancillary to primary production activities	GRUZ-R4
Rural airstrips and/or helicopter landing areas	GRUZ-R5
Post-harvest facilities	GRUZ-R6
Home businesses	GRUZ-R7
Visitor accommodation	GRUZ-R8

Commented [RM15]: consequential amendment as a result of S81.114 Hort NZ - Rural Topic, Key Issue 12

Commercial activities not otherwise provided for	GRUZ-R9
Community facilities	GRUZ-R10
Educational facilities	GRUZ-R11
Emergency service activities and emergency aviation movements	GRUZ-R12
Relocated buildings	GRUZ-R13
Intensive primary production activities	GRUZ-R14
<u>Rural industry (other than post-harvest facilities)</u>	<u>GRUZ-RXX</u>
<u>Airport / aerodrome (other than rural airstrip), and helicopter depot</u>	<u>GRUZ-RXX</u>
Commercial boarding and/or breeding of cats, dogs, and other domestic pets	GRUZ-R15
Camping grounds	GRUZ-R16
Relocatable building depots	GRUZ-R17
Any other activity not otherwise provided for	GRUZ-R18
<u>Industrial activities (other than post-harvest facilities and rural industry)</u>	GRUZ-R19

Commented [RM16]: consequential amendment as a result of S102.059 Te Mata Mushrooms - Rural Topic, Key Issue 16

Commented [RM17]: consequential amendment as a result of S58.001 Calder, FS25.100 Federated Farmers, FS10.22 Aerospread Ltd, FS14.27 Agricultural Aviation Association - Rural Topic, Key Issue 17

Commented [RM18]: consequential amendment as a result of S102.058 Te Mata Mushrooms - Rural Topic, Key Issue 16

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the General Rural Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).
- disturbance of the beds of rivers, lakes, or wetlands (i.e. earthworks in the bed, gravel extraction, culverts, and access structures).
- activities which impede access to rivers, lakes or wetlands, or artificial watercourse, within a land drainage or flood control scheme area.

GRUZ-R1 Residential activities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. one residential unit per site with an area less than 20 hectares, and
 - ii. one additional residential unit (i.e. a total of two) per site with an area of between 20 hectares and less than 50 hectares, and
 - iii. two additional residential units (i.e. a total of three) per site with an area of between 50 hectares and less than 100 hectares, and
 - iv. three additional residential units (i.e. a total of four) per site with an area of 100 hectares or greater, and
 - v. one minor residential unit per site:
 - a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and
 - b. must share vehicle access with the principal residential unit on the site; and
 - c. must be located no further than 50m from a principal residential unit on the site.
- b. Compliance with:
 - 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; **and**
 - x. **GRUZ-S15**.
- c. Compliance with:
 - i. GRUZ-S11 (setback from existing intensive primary production); and
 - ii. GRUZ-S12 (setback from gas transmission network).

2. Activity status where compliance with condition GRUZ-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM3.
 - iv. **GRUZ-AM14**.
 - v. **GRUZ-AM15**.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions GRUZ-R1(1)(a) and/or GRUZ-R1(1)(c) is not achieved: DIS

4. Activity status where compliance with condition GRUZ-R1(1)(d) is not achieved: NC

Commented [JKS20]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18

Commented [JKS21]: S57.140 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [RM19]: S57.140 FENZ - Rural Topic, Key Issue 20

d. Compliance with GRUZ-S13 (setbacks from National Grid).

Note 1: an existing principal residential unit may become the minor residential unit provided that all standards and terms are met.

Note 2: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

GRUZ-R2 Seasonal workers accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. A maximum gross floor area of 125m².
 - ii. ~~A maximum number of people to be accommodated on site of 24.~~
 - iii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production.
 - iv. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan).
- b. Compliance with:
 - 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; ~~and~~
 - x. GRUZ-S15.
- c. Compliance with:
 - i. GRUZ-S11 (setback from existing intensive primary production); and
 - ii. GRUZ-S12 (setback from gas transmission network).

2. Activity status where compliance with condition GRUZ-R2(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM3.
 - iv. GRUZ-AM14.
 - v. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition GRUZ-R2(1)(a) is not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities.
- b. Whether the scale and design of the proposed building complements the character of the area.

Commented [RM22]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation in response to evidence from Hort NZ (S81.113)

Commented [JKS24]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS25]: S57.141 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS23]: S57.156 FENZ – Rural Topic, Volume 4, Key Issue 20.

d. Compliance with GRUZ-S13 (setbacks from National Grid).

Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling established in an adjoining zone within 100m of the activity.

d. Whether soil values have been taken into account in selecting the site for the building.

e. Whether traffic generation associated with the number of occupants will adversely impact on the road network.

f. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design and appearance of buildings.

4. Activity status where compliance with condition GRUZ-R2(1)(c) is not achieved: DIS

5. Activity status where compliance with condition GRUZ-R2(1)(d) is not achieved: NC

GRUZ-R3 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - 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**
 - ~~GRUZ-S10; and~~
 - ix. **GRUZ-S15**.

2. Activity status where compliance with condition GRUZ-R3(1)(a) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. **GRUZ-AM14**.
 - iv. **GRUZ-AM15**.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.

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Commented [JKS29]: S57.142 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS26]: S57.142 FENZ – Rural Topic, Volume 4, Key Issue 20.

<p>b. <u>Compliance with GRUZ-S12 (setback from gas transmission network).</u></p> <p>c. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>ii. LIGHT – Light.</p> <p>iii. NOISE – Noise.</p>
<p><i>Note: The provisions of the Rural Production Zone in the District Plan do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which addresses such things as setbacks, earthworks management, land preparation, harvesting and replanting.</i></p>	<p>3. Activity status where compliance with condition GRUZ-R3(1)(b) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R3(1)(c) is not achieved: NC</p>

Commented [RM27]: S81.114 Hort NZ - Rural Topic, Key Issue 18

GRUZ-RXX Artificial Crop Protection Structures

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. <u>Limited to:</u></p> <p>i. <u>Use of green or black cloth on vertical faces within 30m of the site boundary;</u></p> <p>ii. <u>Use of green, black, or white cloth on horizontal surfaces.</u></p> <p>b. <u>Compliance with:</u></p> <p>i. <u>GRUZ-S2 Height of buildings;</u></p> <p>ii. <u>GRUZ-S5(4) Setback from neighbours;</u></p> <p>iii. <u>GRUZ-S7 Electrical safety distances; and</u></p> <p>iv. <u>GRUZ-S13 Setbacks from National Grid.</u></p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. <u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></p> <p>b. <u>The effects of not meeting setbacks from the National Grid.</u></p> <p>c. <u>Assessment Matter GRUZ-AM14 in relation to not meeting electricity safety distances.</u></p>
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Commented [RM31]: S81.114 Hort NZ - Rural Topic, Key Issue 12

Commented [RM30]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.114)

Commented [JKS32]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

GRUZ-R4 Agricultural aviation movements ancillary to primary production activities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>N/A</p> <p><i>Note: NOISE-S5(11) & (12) apply to noise associated with agricultural aviation activities.</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>
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Commented [RM33]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.115), Fed Farmers (S121.189), NZ Agricultural Aviation Assoc (S43.005) & Aerospread Ltd (S38.007)

GRUZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ul style="list-style-type: none"> i. 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and iii. 50m from a State Highway. <p>b. Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site).</p> <p>c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.</p> <p>d. 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>e. Compliance with GRUZ-S12 (gas transmission network).</p> <p>f. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R5(1)(d) is not achieved: RDIS</p> <p>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. <u>GRUZ-AM14.</u> <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-R5(1)(a), GRUZ-R5(1)(b), GRUZ-R5(1)(c) and/or GRUZ-R5(1)(e) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition GRUZ-R5(1)(f) is not achieved: NC</p>

GRUZ-R6 Post-harvest facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p>	<p>2. Activity status where compliance with condition GRUZ-R6(1)(b) is not achieved: RDIS</p>
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Commented [JKS36]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [RM37]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment in response to evidence from Hort NZ, Fed Farmers, NZ Agricultural Aviation Assoc, Aerospread Ltd, & J & S Calder

Commented [RM34]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.99, FS17.100), Fed Farmers (S121.190, FS25.100), NZ Agricultural Aviation Assoc (S43.006, FS14.25, FS14.26, FS14.27, FS14.28, FS14.29), Aerospread Ltd (S38.008, FS10.21, FS10.22, FS10.23, FS10.24) & J & S Calder (S58.001)

Commented [RM35]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from J & S Calder (S58.001)

<p>a. Limited to 2500m² gross floor area per site, or 200m² gross floor area per site where located within the Coastal Environment Area.</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 <u>GRUZ-S10; and</u> ix. <u>GRUZ-S15.</u> <p>c. Compliance with GRUZ-S12 (setback from gas transmission network);</p> <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>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. <u>GRUZ-AM14.</u> iv. <u>GRUZ-AM15.</u> <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-R6(1)(a) and/or GRUZ-R6(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R6(1)(d) is not achieved: NC</p>
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Commented [RM39]: S81.116 Hort NZ - Rural Topic, Key Issue 18

GRUZ-R7 Home businesses

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with GRUZ-S1 (the relevant activity thresholds).</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 <u>GRUZ-S10; and</u> ix. <u>GRUZ-S15.</u> x. <u>GRUZ-S15.</u> <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>2. Activity status where compliance with condition GRUZ-R7(1)(b) is not achieved: RDIS</p> <p>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. iv. <u>GRUZ-AM14.</u> v. <u>GRUZ-AM15.</u> <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-R7(1)(a) and/or GRUZ-R7(1)(c) is not achieved: DIS</p>
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Commented [JKS44]: S57.156 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS42]: S57.156 FENZ – Rural Topic, Volume 4, Key Issue 20.

d. Compliance with GRUZ-S13 (setbacks from National Grid).

4. Activity status where compliance with condition GRUZ-R7(1)(d) is not achieved: NC

GRUZ-R8 Visitor accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Length of stay for any one guest must be no greater than 3 months in any 12-month period.
Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.
- b. Compliance with GRUZ-S1 (the relevant activity thresholds).
- c. Compliance with:
 - 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; **and**
 - x. **GRUZ-S15**;
- d. Compliance with:
 - i. GRUZ-S11 (setback from existing primary production); and
 - ii. GRUZ-S12 (setback from gas transmission network).
- e. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-R8(1)(c) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM3.
 - iv. **GRUZ-AM14**.
 - v. **GRUZ-AM15**.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions GRUZ-R8(1)(a), GRUZ-R8(1)(b) and/or GRUZ-R8(1)(d) is not achieved: DIS

4. Activity status where compliance with condition GRUZ-R8(1)(e) is not achieved: NC

Commented [JKS46]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS47]: S57.144 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS45]: S57.144 FENZ – Rural Topic, Volume 4, Key Issue 20.

GRUZ-R9 Commercial activities not otherwise provided for

1. Activity Status: PER

Where the following conditions are met:

2. Activity status where compliance with condition GRUZ-R9(1)(c) is not achieved: RDIS

<p>a. Any retail sales are limited to produce reared or produced on the site.</p> <p>b. Compliance with GRUZ-S1 (the relevant activity thresholds).</p> <p>c. 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; and x. GRUZ-S15. <p>d. Compliance with GRUZ-S12 (setback from gas transmission network);</p> <p>e. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>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. iv. GRUZ-AM14. v. GRUZ-AM15. <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-R9(1)(a) and/or GRUZ-R9(1)(d) is not achieved: DIS</p> <p>4. Activity status where compliance with conditions GRUZ-R9(1)(b) and/or GRUZ-R9(1)(e) is not achieved: NC</p>
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Commented [JKS51]: S57.264 FENZ – Rural Topic, Volume 4, Key Issue 20.

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Commented [RM49]: S81.118 Hort NZ - Rural Topic, Key Issue 18

GRUZ-R10 Community facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to 100m² 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; and x. GRUZ-S15. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and 	<p>2. Activity status where compliance with condition GRUZ-R10(1)(b) is not achieved: RDIS</p> <p>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. iv. GRUZ-AM8. v. GRUZ-AM14. vi. GRUZ-AM15. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
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Commented [JKS55]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - accepted request by Hort NZ (S81.119) to include Assessment Matter RPROZ-AM9 as a matter over which discretion is restricted.

Commented [JKS56]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

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<ul style="list-style-type: none"> ii. GRUZ-S12 (setback from gas transmission network). d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<p>3. Activity status where compliance with conditions GRUZ-R10(1)(a) and/or GRUZ-R10(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R10(1)(d) is not achieved: NC</p>
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Commented [RM54]: S81.119 Hort NZ - Rural Topic, Key Issue 18

GRUZ-R11 Educational facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to 400m²200m² gross floor area per site. b. Compliance with: <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; and x. GRUZ-S15. c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). d. Compliance with GRUZ-S13 (setbacks from National Grid). 	<p>2. Activity status where compliance with condition GRUZ-R11(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. GRUZ-AM14. v. GRUZ-AM15. b. Assessment matters in the following chapters: <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>
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Commented [JKS61]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

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Commented [RM60]: S81.120 Hort NZ - Rural Topic, Key Issue 18

GRUZ-R12 Emergency service activities and emergency service activities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to 100m² gross floor area per site. 	<p>2. Activity status where compliance with condition GRUZ-R12(1)(b) is not achieved: RDIS</p>
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Commented [JKS63]: S57.148 FENZ – Rural Topic, Volume 4, Key Issue 20.

- b. Compliance with:
 - 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](#); **and**
 - x. [GRUZ-S15](#).
- c. Compliance with GRUZ-S12 (setback from gas transmission network).
- d. Compliance with GRUZ-S13 (setbacks from National Grid).

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. [GRUZ-AM14](#).
 - iv. [GRUZ-AM15](#).
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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3. Activity status where compliance with conditions GRUZ-R12(1)(a) and/or GRUZ-R12(1)(c) is not achieved: DIS

4. Activity status where compliance with condition GRUZ-R12(1)(d) is not achieved: NC

GRUZ-R13 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with GRUZ-S14.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
- c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.

- d. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

GRUZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

1. Activity Status: CON

Where the following conditions are met:

- a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:
 - i. any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m.
 - ii. from a property boundary is 200m.
- b. Compliance with:
 - 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; and
 - x. GRUZ-S15.
- c. ~~Compliance with GRUZ-S12 (setback from gas transmission network).~~
- d. Compliance with GRUZ-S13 (setbacks from National Grid).

Matters over which control is reserved:

- e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.

2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. GRUZ-AM1.
 - ii. GRUZ-AM2.
 - iii. GRUZ-AM14.
 - iv. GRUZ-AM15.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

2A. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment Matters:
 - i. GRUZ-AM9.

3. Activity status where compliance with condition GRUZ-R14(1)(c) is not achieved: DIS

4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i)

Commented [RM67]: consequential amendment S42.003 Pork Industry Board – Rural Topic, Key Issue 13

Commented [JKS70]: S90.043 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS71]: S57.149 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS68]: S57.149 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [RM69]: S81.121 Hort NZ - Rural Topic, Key Issue 18

Commented [RM72]: S102.055 Te Mata Mushrooms – Rural Topic, Key Issue 14

- f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary.
- g. Methods of disposal of stormwater and wastewater for the activity.
- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.

and/or GRUZ-R14(1)(d) is not achieved: NC

GRUZ-RXX Rural industry (other than post-harvest facilities)

1. Activity Status: DIS

Where the following conditions are met:
N/A

- a. Compliance with GRUZ-S13 (setbacks from National Grid).

Subject to (but not limited to) the following assessment matter:

- a. The necessity of a rural location.

2. Activity status where compliance with condition GRUZ-RXX(1)(a) is not achieved: N/AC

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Commented [JKS74]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amended in response to S79.095 Transpower, in relation to their submission requesting a Non-Complying Activity status where compliance with Standard GRUZ-S13 (setbacks from National Grid) is not achieved.

GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

1. Activity Status: DIS

Where the following conditions are met:
N/A

- b. Compliance with GRUZ-S13 (setbacks from National Grid).

2. Activity status where compliance with condition GRUZ-RXX(1)(a) is not achieved: N/AC

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Commented [RM75]: S58.001 Calder, FS25.100 Federated Farmers, FS10.22 Aerospread Ltd, FS14.27 Agricultural Aviation Association - Rural Topic, Key Issue 17

Commented [JKS76]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amended in response to S79.095 Transpower, in relation to their submission requesting a Non-Complying Activity status where compliance with Standard GRUZ-S13 (setbacks from National Grid) is not achieved.

GRUZ-R15 Commercial boarding and/or breeding of cats, dogs, and other domestic pets

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p><u>c. Compliance with GRUZ-S13 (setbacks from National Grid).</u></p> <p><u>N/A</u></p>	<p>2. Activity status where compliance with condition GRUZ-R15(1)(a) is not achieved: N/AC</p>
<p>GRUZ-R16 Camping grounds</p>	
<p>1. Activity Status: DISRDIS</p> <p>Where the following conditions are met:</p> <p><u>N/A</u></p> <p><u>a. Compliance with:</u></p> <ul style="list-style-type: none"> <u>i. GRUZ-S2;</u> <u>ii. GRUZ-S3;</u> <u>iii. GRUZ-S4;</u> <u>iv. GRUZ-S5;</u> <u>v. GRUZ-S6;</u> <u>vi. GRUZ-S7;</u> <u>vii. GRUZ-S8;</u> <u>viii. GRUZ-S9;</u> <u>ix. GRUZ-S10; and</u> <u>x. GRUZ-S15.</u> <p><u>b. Compliance with:</u></p> <ul style="list-style-type: none"> <u>i. GRUZ-S11 (setback from existing intensive primary production); and</u> <u>ii. GRUZ-S12 (setback from gas transmission network).</u> <p><u>c. Compliance with GRUZ-S13 (setbacks from National Grid).</u></p> <p>Matters over which discretion is restricted:</p> <p><u>d. Assessment matters (where relevant to the infringed standard(s):</u></p> <ul style="list-style-type: none"> <u>i. GRUZ-AM1.</u> <u>ii. GRUZ-AM2.</u> <u>iii. GRUZ-AM3.</u> <u>iv. GRUZ-AM11.</u> <u>v. GRUZ-AM14.</u> <u>vi. GRUZ-AM15.</u> 	<p>2. Activity status where compliance with conditions GRUZ-R16(1)(a) and/or GRUZ-R16(1)(b) is not achieved: N/ADIS</p>
<p><u>e. Assessment matters in the following chapters:</u></p> <ul style="list-style-type: none"> <u>i. TRAN – Transport.</u> <u>ii. LIGHT – Light.</u> <u>iii. NOISE – Noise.</u> 	<p>3. Activity status where compliance with condition GRUZ-R16(1)(c) is not achieved: NC</p>

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Commented [JKS79]: S101.003 NZ Motor Caravan Association, Rural Topic, Volume 4, Key Issue 19

Note: with change of activity status, this may need to be re-ordered to follow Rule GRUZ-R14, as per National Planning Standards

Commented [JKS80]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amended in response to S79.095 Transpower, in relation to their submission requesting a Non-Complying Activity status where compliance with Standard GRUZ-S13 (setbacks from National Grid) is not achieved.

Commented [JKS78]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amended to include Assessment Matter RPROZ-AM11 which relates specifically to Camping Grounds.

GRUZ-R17 Relocatable building depots	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p> <p>a. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R17(1)(a) is not achieved: N/AC</p>
GRUZ-R18 Any other activity not otherwise provided for	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: a. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R18(1)(a) is not achieved: N/AC</p>
GRUZ-R19 Industrial activities (other than post-harvest facilities and rural industry)	
<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

Commented [JKS81]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - amended in response to S79.095 Transpower, in relation to their submission requesting a Non-Complying Activity status where compliance with Standard GRUZ-S13 (setbacks from National Grid) is not achieved.

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Standards

GRUZ-S1 Activity Threshold	
<p>Commercial Activities</p> <p>Visitor Accommodation</p> <p>Home Businesses (excludes retail sales and restaurants)</p>	<p>1. Maximum gross floor area per site is 100m².</p> <p>2. Personnel limited to:</p> <ul style="list-style-type: none"> a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site). <p><i>Note: Visitor accommodation within an existing residential unit or existing minor residential unit will be exempt from the 100m² maximum floor area, provided the existing residential activity does not cease.</i></p>
<p>Retail Sales of produce reared or produced on the site</p>	<p>3. Maximum gross floor area per site is 100m².</p> <p>4. Limited to the following hours of operation:</p> <ul style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.

Restaurants	<ol style="list-style-type: none"> 5. Maximum gross floor area for serving customers per site is 100m² (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
Cumulative Limits	<ol style="list-style-type: none"> 8. Maximum combined gross floor area per site, for any of the above activities, is 100m². 9. Maximum combined outdoor display area per site, for any of the above activities, is 100m². <p><i>Note: Cumulative limits are calculated per site, not per activity.</i></p>
GRUZ-S2 Height of Buildings	
All (except frost fans)	<ol style="list-style-type: none"> 1. Maximum height of any building(s) is 10m.
Frost Fans	<ol style="list-style-type: none"> 2. Maximum height, measured to the tip of the blade at its highest point, is 15m.
	<i>Note: in all instances, height is measured from the natural ground level.</i>
GRUZ-S3 Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in

favour of that site, the height in relation to boundary is measured from the far side of the access.

Note: This does not apply to artificial crop protection structures.

Commented [RM84]: S81.125 Hort NZ - Rural Topic, Key Issue 12

GRUZ-S4 Setback from Roads and Rail Network

Residential Activities (including accessory buildings)

1. Minimum setback of any building(s) from road boundaries is 5m.
2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

Seasonal Workers Accommodation

3. Minimum distance of any building(s) from road boundaries is 15m.

Accessory Buildings associated with Primary Production Activities Ancillary Buildings and Structures (Primary Production)

4. Minimum setback of any building(s) from road boundaries is 5m.
5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m.
6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

Commented [RM85]: S81.126 Hort NZ - Rural Topic, Key Issue 7

All Other Buildings (including Post-Harvest Facilities)

7. Minimum setback of any building(s) from road boundaries is 20m, except that:
 - a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.
8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

Note: Under the Hawke's Bay Regional Resource Management Plan, there is also a requirement for setbacks from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.

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 and Ancillary Buildings)

2. Minimum setback of buildings for an activity from **internal side and rear** boundaries is 15m. **Farm and Domestic**

Commented [RM87]: Clause 16(2) of Schedule 1 of the RMA, S121.224 Federated Farmers - Rural Topic, Key Issue 7

and Structures (Primary Production)	water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	3. Minimum setback of buildings for an activity from internal side and rear boundaries is 5m. Farm and Domestic water storage tanks up to 2m in height are exempt from this standard.
Ancillary Buildings and Structures (Primary Production)	
Artificial Crop Protection Structures	4. Minimum setback from side and rear boundaries of 1m.
Sites created before 28 May 2021 and less than 4000m² net site area	5. Minimum setback of buildings for a residential activity from side and rear boundaries is 5m. 6. Minimum setback of buildings for all other activities from side and rear boundaries is 10m.
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	
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"> 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 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.

Commented [RM86]: S81.127 Hort NZ - Rural Topic, Key Issue 7

Commented [RM89]: Clause 16(2) of Schedule 1 of the RMA, S121.224 Federated Farmers - Rural Topic, Key Issue 7

Commented [RM88]: S81.127 Hort NZ - Rural Topic, Key Issue 7

Commented [RM90]: S81.127 Hort NZ - Rural Topic, Key Issue 12

Commented [RM91]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.77 opposing S128.002)

Commented [RM92]: S128.002 Surveying the Bay - Rural Topic, Key Issue 6

Commented [RM93]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revert to notified rule heading in response to evidence from Hort NZ (S81.128) & Fed Farmers (S121.195)

Commented [RM94]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation in response to evidence from Hort NZ (S81.128) & Fed Farmers (S121.195)

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.

GRUZ-S7 Electricity Safety Distances

All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZGEC 34:2001).
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Commented [JKS95]: Error corrected pursuant to clause 16(2), First Schedule of the RMA.

GRUZ-S8 Transport (Access, Parking, Loading)

All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
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GRUZ-S9 Light

All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
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GRUZ-S10 Noise

All	<p>1. Activities must comply with the provisions of the NOISE – Noise chapter.</p> <p><i>Note: There are exemptions and/or specific standards provided in NOISE-S5 for the use of agricultural machinery, audible bird scaring devices, hail cannons and frost protection fans.</i></p>
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GRUZ-S11 Setback from Existing Intensive Primary Production Activities

Sensitive Activities	1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
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GRUZ-S12 Setback from Gas Transmission Network

Residential Activities	<p>1. Gas Transmission Pipeline:</p> <ul style="list-style-type: none"> a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. <p>2. Incidental Equipment:</p>
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	a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.
GRUZ-S13 Setback from National Grid Yard and National Grid Substation	
Sensitive Activities	1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.
All Buildings and Structures	<p>2. Under the National Grid conductors (wires):</p> <p>a. on all sites within any part of the National Grid Yard, all buildings and structures must:</p> <ul style="list-style-type: none"> i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or ii. be a fence less than 2.5m high; or iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse). <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <ul style="list-style-type: none"> i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions. ii. not permanently physically impede existing vehicular access to a National Grid support structure. <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from the outer visible edge of a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <ul style="list-style-type: none"> a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or

Commented [JKS96]: S79.095 Transpower - Rural Topic, Volume 4, Key Issue 18

Commented [RM97]: S121.199 Federated Farmers - Rural Topic, Key Issue 18

Commented [JKS98]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - change of recommendation in s42A Rural Topic Volume 4, Key Issue 18, to retain clause (b)(i) and then to reject S121.200 Federated Farmers submission requesting deletion.

Commented [JKS99]: Hearing Stream 3 - Right of Reply dated 5 Aug 22 - minor amendment under Clause 16(2) of the First Schedule of the RMA.

Commented [JKS100]: S79.095 Transpower – Rural Topic, Volume 4, Key Issue 18.

- b. an artificial crop protection structure or crop protection support structure between 8m and 12m from a pole support structure and any associated stay wire, that:
 - i. meets the requirements of the *NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances* for separation distances from the conductor;
 - ii. is no more than 2.5m high;
 - iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and
 - iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
- c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of *NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances* to be located within 12m of a tower or 8m of a pole support structure.

Commented [JKS101]: S81.129 Horticulture NZ, Rural Topic, Volume 4, Key Issue 18.

GRUZ-S14 Relocated Buildings

All

1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation.
2. The relocated building must comply with all other relevant performance standards for the zone.
3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:
 - a. state whether the building is structurally sound;
 - b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;
 - c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;
 - d. provide clear photographs of the building in its current state; and
 - e. provide such plans and elevations of the building as are necessary to illustrate the new site location and

	<p>likely external design and appearance of the building as a result of the reinstatement work.</p> <ol style="list-style-type: none"> 4. The Building Pre-Inspection Report must be prepared by: <ol style="list-style-type: none"> a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District. 5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date. 6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site. 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site. 8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed. <p><i>Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.</i></p>
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GRUZ-S15 Water supply for firefighting	
<p><u>All buildings (excluding accessory buildings that do not</u></p>	<p><u>1. 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>

include a habitable room)

- a. accessible to firefighting equipment; and
- b. between 6 and 90 metres from the buildings on the site; and
- c. 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
- d. either:
 - i. stores at least 45,000 litres, in addition to a potable water supply on the site; or
 - ii. provides at least 25 litres per second for a minimum of 30 minutes.

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.

Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.

Commented [JKS102]: S57.155 FENZ – Rural Topic, Volume 4, Key Issue 20.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

GRUZ-AM1 Building Coverage, Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will adversely affect the life-supporting capacity of the rural soil resource, and any potential for reverse sensitivity effects to arise;
 - c. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - d. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - e. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - f. will diminish the openness and attractiveness of the street scene;
 - g. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - h. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
3. The ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
5. The degree to which alternative practical locations are available for the building.

GRUZ-AM2 **Shading of Land and Roads**

1. Trees on Boundaries
 - 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.~~
 - 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.
 - c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
 - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
 - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

Commented [RM103]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revert to notified rule heading in response to evidence from Hort NZ & Fed Farmers

Commented [RM104]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment as a result of revised recommended wording for Standard RPROZ-S7 in response to evidence from Hort NZ (S81.128, FS17.115 supporting S42.058)

GRUZ-AM3 **Setback for Sensitive Activities from Existing Intensive Primary Production Activities**

1. The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2. The extent to which alternative locations have been considered.

GRUZ-AM4 **Setback for New Residential Activities from Gas Transmission Network**

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

GRUZ-AM5 **Residential Activities**

1. Whether the additional residential activity will have an adverse effect on the sustainable management of the soil resource.
2. The impact of the residential activity on the character and amenity of adjoining activities and the surrounding rural environment and any potential for reverse sensitivity effects to arise.
3. Any cumulative effect of the residential activity.
4. The potential for the residential activity to have an adverse effect on road safety.
5. Whether the proposal will continue to allow for efficient use of the remaining undeveloped land for primary production activities.

6. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design, and appearance of buildings.

GRUZ-AM6 Post-Harvest Facilities exceeding the 2,500m² Gross Floor Area Threshold per site

1. Whether the activity is of such a scale that it is better to be located or, in the case of an existing operation, relocated in a General Industrial Zone where infrastructure and employment are more readily available and the receiving environment is less sensitive.
2. The effects of the proposal on the soil resource.
3. Whether the Post-Harvest Facility will utilise any existing building(s).
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
5. The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
6. Whether the activity will process, store and/or package agricultural, horticultural and/or viticultural crops and/or produce, the majority of which are grown from within the General Rural and/or Rural Production Zones.
7. Whether the proposal will significantly compromise the visual amenity value of the surrounding area, recognising that it is a rural working environment.
8. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, and road safety.

GRUZ-AM7 Commercial Activities, Visitor Accommodation, Home Businesses

1. Whether the proposal will maintain or enhance the character and amenity values of the surrounding area.
2. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities.
3. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, vibration, and road safety.
4. Whether the proposal will have an adverse effect on the sustainable management of the soil resource and any potential for reverse sensitivity effects to arise.
5. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design, and appearance of buildings.

GRUZ-AM8 Community Facilities and Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:

- a. the life-supporting capacity of the rural soil resource and any potential for reverse sensitivity effects to arise;
 - b. loss of privacy to neighbours through being over-looked, including by buildings;
 - c. loss of openness and attractiveness of the street scene;
 - d. noise, vibration, and glare; and
 - e. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.
 4. Whether the amenity of the rural environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the amenity of the area;
 - c. the proximity of the activity to adjacent activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on amenity.
 5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.
 6. The functional or operational need to locate in the General Rural Zone.

Commented [RM105]: S81.134 Hort NZ - Rural Topic, Key Issue 3

GRUZ-AM9 Intensive Primary Production Activities (located more than 500 metres from a General Residential, Large Lot Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary)

1. The traffic generated by the proposal.
2. Any noxious, offensive, or objectionable odour arising from the activity beyond the site boundary or any storage of materials associated with the operation of the activity.
3. The effects arising from the stormwater/wastewater management of the activity.
4. The hours of the operation of the activity and the potential for noise effects to arise.
5. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

GRUZ-AM10 Commercial Boarding and/or Breeding of Cats, Dogs or Other Domestic Pets

1. The degree to which the boarding premises will be compatible with the character of the surrounding rural area, including the density of and proximity to residential units in the area.
2. The degree to which the proposed boarding premises are likely to lead to any adverse odour, noise, health, or amenity effects beyond the boundary of the site,

and in particular, the building design and management systems proposed to mitigate noise or odour nuisance.

3. The degree to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

GRUZ-AM11 Camping Grounds

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is or will be located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on any outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

GRUZ-AM12 Expansion or Intensification of Existing Noise Sensitive Activities within the Outer Control Boundary

1. Conditions on building design to incorporate appropriate sound insulation, including provision of suitable ventilation system(s).

GRUZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Large Lot Residential (Coastal), Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.

3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

Commented [RM106]: clause 16(2) First Schedule RMA amendment as a result of S41.003 Jill Fraser - Rural Topic, Key Issue 17

GRUZ-AM13 General

1. Whether the activity is of a type or scale that means that it is better located in another zone (for example, where infrastructure and labour force are more readily available, and the receiving environment is less sensitive).
2. Effects on the visual amenity values of the surrounding area, recognising the rural character of the locality.
3. Whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructural needs of the development.
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities and wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, as well as any potential for reverse sensitivity effects on primary production to arise.
5. The potential for the activity to generate more than minor effects on the environment in relation to traffic, parking demand, or visitor numbers.
6. The ability of the roading hierarchy to accommodate any additional traffic generated by the activity, including effects on road safety.
7. The potential for the activity to generate more than minor adverse effects in terms of noise, dust, glare, or vibration, and the extent to which mitigation options have been considered and evaluated.
8. Where located within the coastal environment area, the degree to which the activity is located appropriately, and the degree to which the scale, design and appearance of any built form or land modification is compatible with the character and amenity of the coastal environment, having regard to the effects of the activity and:
 - a. integration with natural processes, landform and topography (including the use of naturally occurring building platforms);
 - b. the particular natural character, cultural, landscape, ecological, historical or recreational values of the area;
 - c. the extent to which the values of the area are sensitive or vulnerable to change;
 - d. the extent to which the values of the adjacent areas (including coastal marine area) are sensitive or vulnerable to the long-term effects of the activity, particularly from plantation forestry;
 - e. opportunities to restore, rehabilitate or enhance natural character, indigenous vegetation and habitats, cultural values, landscape features, dunes and other natural coastal features or processes;
 - f. the presence of any natural hazards and whether the activity will exacerbate the hazard and/or be vulnerable to it; and
 - g. opportunities for public access and recreation.

9. Where located within an area of high natural character, outstanding natural landscape or feature, or significant amenity feature, refer to the assessment matters in CE-AM1 and CE-AM2, NFL-AM1 and NFL-AM2.

GRUZ-AM14 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 \(Centralines Limited\).](#)

Commented [JKS107]: S90.043 Centralines Limited, Key Issue 18, Volume 4, Rural Topic

GRUZ-AM15 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.](#)

Commented [JKS108]: S57.156 FENZ – Rural Topic, Volume 4, Key Issue 20.

Methods

Methods, other than the above rules, for implementing the policies:

GRUZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the General Rural Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Biodiversity – includes rules applying specifically to significant indigenous vegetation and significant habitats of indigenous fauna.
9. NFL – Natural Features and Landscapes – includes rules applying specifically to identified outstanding natural features and landscapes.

10. SUB – Subdivision – includes rules and standards applying to subdivision, which will limit fragmentation of the rural land resource.
11. ASW – Activities on the Surface of Water – includes rules applying to certain activities on the surface of identified waterbodies.
12. CE – Coastal Environment – includes provisions applying specifically to the coastal environment area.
13. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
14. LIGHT – Light – includes rules and standards relating to light and glare.
15. NOISE – Noise – includes rules and standards relating to the emission of noise.
16. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
17. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
18. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

GRUZ-M2 Bylaws

The Central Hawke's Bay District Council Bylaws – Part 13: 2008 *The Keeping of Animals, Poultry and Bees*.

GRUZ-M3 Industry Codes of Practice and Management Plans

Promote the use of management plans and industry codes of practice as a means of self-regulation.

GRUZ-M4 National Standards

1. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
3. The New Zealand Standards NZS 6805:1992 Airport Noise Management and Land Use Planning, and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Principal Reasons

The principal reasons for adopting the policies and methods:

The General Rural Zone contains much of the District's rural land resource and exhibits land use that is predominantly in primary production. As such, this zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive

primary production) and for a level of associated residential, rural commercial and rural service activities where these actively support the primary productive purpose of these zones and the people who live and work in the various rural communities.

Some activities, however, such as larger-scale commercial and industrial activities, are not provided for in this zone, as they are generally not considered compatible with the zone's character and amenity values and have greater servicing needs, trade waste, traffic effects and the like. These activities are better located in other zones, particularly the Commercial and General Industrial Zones which are specifically for this purpose and more likely to be serviced accordingly.

At the interface between rural zones and other zones, and between intensive primary production activities and those activities which are more sensitive to noise, odour, dust and other nuisance effects, there is potential for conflicts to occur between different activities and different expectations about amenity. The District Plan, therefore, requires setbacks from roads, property boundaries, zone boundaries, and from intensive primary production activities, to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.

The District Plan also provides for larger subdivision lot sizes in the rural zones, and limits on the provision for residential and rural lifestyle subdivision, to avoid further fragmentation of the District's finite soil resource. Residential and rural lifestyle lots that are unrelated to primary production activities are better located in the General Residential Zone, Large Lot Residential Zone (Coastal), Settlement Zone, and Rural Lifestyle Zone, where amenity and servicing expectations are more likely to be met.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- GRUZ-AER1 The life-supporting capacity of the rural land resource is maintained.**
- GRUZ-AER2 The scale and form of development utilises and protects the rural land resource and maintains the range of potentially productive purposes.**
- GRUZ-AER3 Production activities continue to promote the sustainable management of the land resource and enhance the social, economic and cultural wellbeing of the rural community.**
- GRUZ-AER4 Recognition and acceptance of the effects associated with the management of primary production.**
- GRUZ-AER5 Land use and development of new activities is based on a legitimate need for a rural location.**
- GRUZ-AER6 An environment that has low scale commercial and industrial activities linked to produce grown and/or stock farmed on the site or nearby.**

- GRUZ-AER7** Commercial and industrial activities not directly related to primary production, or of a scale that is out of character with the rural environment, are directed to appropriate urban zones.
- GRUZ-AER8** The lawful operation of existing rural-based activities are not constrained by the introduction of new residential or rural residential land uses in the locality.
- GRUZ-AER9** Recognition of long-established infrastructure and community facilities.
- GRUZ-AER10** Rural activities appropriately manage their potential to create reverse sensitivity issues associated with odour, noise, dust and traffic affecting development in close proximity to them.
- GRUZ-AER11** Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.
- GRUZ-AER12** Retention of the open character and low scale of buildings that comprise the amenity of the General Rural Zone.

RPROZ – Rural Production Zone

Introduction

The Rural Production Zone represents the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtane.

The Zone encompasses the contiguous, flat to undulating terrain within the District that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:

- an exceptionally high proportion of Class 1-3 soils (comprising almost 25% of the District),
- Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2% of the District),
- its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region, and
- its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce.

The predominant land uses within this part of the rural area of the District are **primary production (including intensive primary production)**, cropping, livestock farming, and horticulture (including viticulture).

Commented [RM1]: S42.065 Pork Industry - Rural Topic, Key Issue 13

The rural landscape within the Rural Production Zone also supports a range of recreational activities, and areas of indigenous vegetation and habitat of indigenous fauna, particularly along the riparian margins of the incised river and streams that pass through the zone.

The Zone is generally sparsely settled and is characterised by a predominance of open space. There are a **small number of** commercial or industrial activities within the Zone that are of a small scale, and **a small number of larger established rural industries**, largely servicing the primary production sector and rural communities.

Commented [RM2]: S81.139 Hort NZ - Rural Topic, Key Issue 15

Issues

refer Issues RLR-I1, and GRUZ-I1 and GRUZ-I2.

Objectives

RPROZ-O1 The Rural Production Zone is predominantly used for primary production activities **(including intensive primary production)** and associated ancillary activities.

Commented [RM3]: S42.066 Pork Industry - Rural Topic, Key Issue 13 and S102.060 Te Mata Mushrooms - Rural Topic, Key Issue 15

RPROZ-O2 The rural land resource is protected from fragmentation, and from being compromised by inappropriate building and development, including from ad hoc urban expansion.

RPROZ-O3 Activities do not reduce the potential for the highly productive land of the District to be used in a productive and sustainable manner.

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, and established rural industries, 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).

Commented [RM4]: S116.031 Silver Fern Farms - Rural Topic, Key Issue 15

Commented [RM5]: S81.143 Hort NZ - Rural Topic, Key Issue 4

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

Commented [RM6]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation and wording in response to evidence from Hort NZ (S81.144)

RPROZ-O6 The primary productive purpose and predominant character of the Rural Production Zone are not compromised by potentially incompatible activities establishing.

RPROZ-O7 The Waipukurau Aerodrome is protected from noise sensitive activities establishing within the air noise boundary.

Policies

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

Commented [RM7]: S42.067 Pork Industry - Rural Topic, Key Issue 13 and S102.066 Te Mata Mushrooms - Rural Topic, Key Issue 15

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

Commented [RM8]: S121.207 Federated Farmers, S81.146 Hort NZ - Rural Topic, Key Issue 4

District's economy, where adverse effects are avoided, remedied or mitigated. To provide for non-primary production 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 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
- 4.4. adverse effects are avoided, remedied or mitigated

Commented [RM9]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording to delete 'related' in response to evidence of Silver Fern Farms (FS.047 in support of S81.147)

Commented [JKS10]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amendment to reinstate wording from the policy as notified, which was not intended to be omitted in the recommended amendments made in response to submission points

RPROZ-P3

To manage the scale of post-harvest facilities and rural commercial activities related to the primary productive purpose of the Rural Production Zone, to ensure that they remain compatible with that purpose the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.

Commented [RM11]: S81.147 Hort NZ - Rural Topic, Key Issue 4

Commented [RM13]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.148)

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.

Commented [RM14]: S81.149 Hort NZ - Rural Topic, Key Issue 4

RPROZ-P5

To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.

RPROZ-P6

To avoid adverse effects of shading from trees on adjoining public roads and properties To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.

Commented [RM15]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.151) & Fed Farmers (S121.212)

RPROZ-P7

To ensure activities do not locate in the Rural Productive Zone where the activity:

1. has no functional or operational need for a rural location and will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;
2. will constrain the establishment and use of land for primary production;

3. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or
4. will result in reverse sensitivity and/or lead to land use conflict.

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 **(including through the potential creation or exacerbation of reverse sensitivity effects).**

Commented [RM17]: S116.036 Silver Fern Farms - Rural Topic, Key Issue 4

RPROZ-P9 To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.

RPROZ-P10 To avoid the establishment or intensification of noise sensitive activities within the airnoise boundary of the Waipukurau Aerodrome, and to require appropriate sound insulation of noise sensitive activities between the airnoise boundary and outer control boundary.

GRUZ-P10 To ensure activities within the General Rural Zone are self-sufficient in the provision of a suitable on-site wastewater treatment and disposal system, stormwater disposal system, and water supply, unless an appropriate alternative system is available to connect to.

Commented [JKS18]: S57.177 FENZ – Rural Topic, Volume 4, Key Issue 20.

Rule Overview Table

Use/activity	Rule Number
Residential activities	RPROZ-R1
Seasonal workers accommodation	RPROZ-R2
Primary production activities	RPROZ-R3
Artificial Crop Protection Structures	RPROZ-RXX
Agricultural aviation movements ancillary to primary production activities	RPROZ-R4
Rural airstrips and/or helicopter landing areas	RPROZ-R5
Post-harvest facilities	RPROZ-R6
Home businesses	RPROZ-R7

Commented [RM19]: consequential amendment as a result of S81.157 Hort NZ - Rural Topic, Key Issue 12

Visitor accommodation	RPROZ-R8
Commercial activities not otherwise provided for	RPROZ-R9
Community facilities	RPROZ-R10
Educational facilities	RPROZ-R11
Emergency service activities and emergency aviation movements	RPROZ-R12
Relocated buildings	RPROZ-R13
Intensive primary production activities	RPROZ-R14
Rural industry (other than post-harvest facilities)	RPROZ-RXX
Airport / aerodrome (other than rural airstrip), and helicopter depot	RPROZ-RXX
Commercial boarding and/or breeding of cats, dogs, and other domestic pets	RPROZ-R15
Camping grounds	RPROZ-R16
Relocatable building depots	RPROZ-R17
Any other activity not otherwise provided for	RPROZ-R18
Industrial activities (other than post-harvest facilities and rural industry)	RPROZ-R19
Noise sensitive activities within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome	RPROZ-R20

Commented [RM20]: consequential amendment as a result of S102.084 Te Mata Mushrooms, S116.039 Silver Fern Farms - Rural Topic, Key Issue 16

Commented [RM21]: consequential amendment as a result of S58.002 Calder, FS10.29 Aerospread Ltd, FS14.35 Agricultural Aviation Association - Rural Topic, Key Issue 17

Commented [RM22]: consequential amendment as a result of S102.083 Te Mata Mushrooms - Rural Topic, Key Issue 16

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Rural Production Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).

- discharge of contaminants to air (e.g. spray drift, odour).
- disturbance of the beds of rivers, lakes, or wetlands (i.e. earthworks in the bed, gravel extraction, culverts, and access structures).
- activities which impede access to rivers, lakes or wetlands, or artificial watercourse, within a land drainage or flood control scheme area.

RPROZ-R1 Residential activities	
<p>2. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. one residential unit per site with an area less than 12 hectares, and ii. one additional residential unit (i.e. a total of two) per site within an area of 12 hectares or greater, and iii. one minor residential unit per site: <ul style="list-style-type: none"> a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and b. must share vehicle access with the principal residential unit on the site; and c. must be located no further than 25m from a principal residential unit on the site. <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; and xi. RPROZ-S17. <p>c. Compliance with:</p>	<p>2. Activity status where compliance with condition RPROZ-R1(1)(b) is not achieved: RDIS</p> <p>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. v. RPROZ-AM15 vi. RPROZ-AM16 <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 RPROZ-R1(1)(a) and/or RPROZ-R1(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition RPROZ-R1(1)(d) is not achieved: NC</p>

Commented [JKS24]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS25]: S57.178 FENZ – Rural Topic, Volume 4, Ky Issue 20.

Commented [RM23]: S57.178 FENZ – Rural Topic, Volume 4, Key Issue 20

- i. RPROZ-S12 (setback from existing intensive primary production).
- ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome).
- iii. RPROZ-S14 (setback from gas transmission network).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

Note 1: an existing principal residential unit may become the minor residential unit provided that all standards and terms are met.

Note 2: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).

RPROZ-R2 Seasonal workers accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. A maximum gross floor area of 125m².
 - ii. **A maximum number of people to be accommodated on site of 24.**
 - iii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production.
 - iv. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan).
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;

2. Activity status where compliance with condition RPROZ-R2(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. [RPROZ-AM15](#).
 - vi. [RPROZ-AM16](#).
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RPROZ-R2(1)(a) is not achieved: RDIS

Matters over which discretion is restricted:

Commented [RM26]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation in response to evidence from Hort NZ (S81.156)

Commented [JKS28]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS29]: S57.179 FENZ – Rural Topic, Volume 4, Key Issue 20

<ul style="list-style-type: none"> vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11; and xi. RPROZ-S17; <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>d. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<ul style="list-style-type: none"> a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities. b. Whether the scale and design of the proposed building complements the character of the area. c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling established in an adjoining zone within 100m of the activity. d. Whether soil values have been taken into account in selecting the site for the building. e. Whether traffic generation associated with the number of occupants will adversely impact on the road network.
<p><i>Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).</i></p>	<p>4. Activity status where compliance with condition RPROZ-R2(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition RPROZ-R2(1)(d) is not achieved: NC</p>

Commented [JKS27]: S57.179 FENZ – Rural Topic, Volume 4, Key Issue 20

RPROZ-R3 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <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; and xi. RPROZ-S17; b. Compliance with: 	<p>2. Activity status where compliance with condition RPROZ-R3(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM4. iv. RPROZ-AM15 v. RPROZ-AM16. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light.
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Commented [JKS32]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS33]: S57.180 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS30]: S57.180 FENZ – Rural Topic, Volume 4, Key Issue 20.

<p>i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and</p> <p>ii. RPROZ-S14 (setback from gas transmission network).</p>	<p>iii. NOISE – Noise.</p> <p>3. Activity status where compliance with condition RPROZ-R3(1)(b) is not achieved: DIS</p>
<p>c. Compliance with RPROZ-S15 (setbacks from National Grid).</p> <p><i>Note: The provisions of the Rural Production Zone in the District Plan do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which addresses such things as setbacks, earthworks management, land preparation, harvesting and replanting.</i></p>	<p>4. Activity status where compliance with condition RPROZ-R3(1)(c) is not achieved: NC</p>

Commented [RM31]: S81.157 Hort NZ - Rural Topic, Key Issue 18

RPROZ-RXX Artificial Crop Protection Structures

Commented [RM35]: S81.157 Hort NZ - Rural Topic, Key Issue 12

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Use of green or black cloth on vertical faces within 30m of the site boundary;</p> <p>ii. Use of green, black, or white cloth on horizontal surfaces.</p> <p>b. Compliance with:</p> <p>i. RPROZ-S3 Height of buildings;</p> <p>ii. RPROZ-S6(4) Setback from neighbours;</p> <p>iii. RPROZ-S8 Electrical safety distances; and</p> <p>iv. RPROZ-S15 Setbacks from National Grid.</p>	<p>2. Activity status where compliance with conditions RPROZ-RXX(1)(a) and/or RPROZ-RXX(b)(i) and/or RPROZ-RXX(1)(b)(ii) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The effects of not meeting the conditions in respect to cloth colour and building height.</p> <p>b. The effects of not meeting setbacks from the National Grid.</p> <p>c. Assessment Matter RPROZ-AM15 in relation to not meeting electricity safety distances.</p> <p>3. Activity status where compliance with condition RPROZ-RXX(1)(b)(iii) is not achieved: NC</p>
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Commented [JKS36]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [RM34]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.157)

Commented [JKS37]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-R4 Agricultural aviation movements ancillary to primary production activities

<p>1. Activity Status: PER</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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Commented [RM38]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (S81.158), Fed Farmers (S121.218), NZ Agricultural Aviation Assoc (S43.007) & Aerospread Ltd (S38.009)

<p>Where the following conditions are met: N/A</p> <p><i>Note: NOISE-S5(11) & (12) apply to noise associated with agricultural aviation activities.</i></p>	
<p>RPROZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas</p>	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ul style="list-style-type: none"> i. 2km from any General Residential, Settlement, or Rural Lifestyle Zone boundary, and ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and iii. 50m from a State Highway. <p>b. Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements ancillary to primary production activities undertaken on the same site).</p> <p>c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.</p> <p>d. 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 	<p>2. Activity status where compliance with condition RPROZ-R5(1)(d) is not achieved: RDIS</p> <p>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-AM4. iv. RPROZ-AM15. <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 RPROZ-R5(1)(a), RPROZ-R5(1)(b), RPROZ-R5(1)(c) and/or RPROZ-R5(1)(e) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition RPROZ-R5(1)(f) is not achieved: NC</p>

Commented [JKS41]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [RM42]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment in response to evidence from Hort NZ, Fed Farmers, NZ Agricultural Aviation Assoc, Aerospread Ltd, & J & S Calder

Commented [RM39]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.139), Fed Farmers (FS25.100), NZ Agricultural Aviation Assoc (S43.008, FS14.31, FS14.34, FS14.35, FS14.36), Aerospread Ltd (S38.010, FS10.28, FS10.29, FS10.30) & J & S Calder (S58.002)

- x. RPROZ-S11.
- e. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - ii. ~~RPROZ-S14 (setback from gas transmission network).~~
- f. Compliance with RPROZ-S15 (setbacks from National Grid).

Commented [RM40]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from J & S Calder (S58.002)

RPROZ-R6 Post-harvest facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 2500m² gross floor area per site.
- b. Compliance with:
 - 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; and~~
 - xi. ~~RPROZ-S17.~~
- c. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - ii. ~~RPROZ-S14 (setback from gas transmission network).~~
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R6(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. ~~RPROZ-AM15.~~
 - v. ~~RPROZ-AM16.~~
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Commented [JKS45]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS46]: S57.181 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS43]: S57.181 FENZ – Rural Topic, Volume 4, Key Issue 20

3. Activity status where compliance with conditions RPROZ-R6(1)(a) and/or RPROZ-R6(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R6(1)(d) is not achieved: NC

Commented [RM44]: S81.159 Hort NZ - Rural Topic, Key Issue 18

RPROZ-R7 Home businesses

1. Activity Status: PER

Where the following conditions are met:

2. Activity status where compliance with condition RPROZ-R7(1)(b) is not achieved: RDIS

<ul style="list-style-type: none"> a. Compliance with RPROZ-S1 (the relevant activity thresholds). b. Compliance with: <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; and xi. RPROZ-S17; c. Compliance with: <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). d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. RPROZ-AM15 vi. RPROZ-AM16 b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with conditions RPROZ-R7(1)(a) and/or RPROZ-R7(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition RPROZ-R7(1)(d) is not achieved: NC</p>

Commented [JKS48]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS49]: S57.195 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS47]: S57.195 FENZ – Rural Topic, Volume 4, Key Issue 20

RPROZ-R8 Visitor accommodation

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. Length of stay for any one guest must be no greater than 3 months in any 12-month period. <i>Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.</i> b. Compliance with RPROZ-S1 (the relevant activity thresholds). c. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; 	<p>2. Activity status where compliance with condition RPROZ-R8(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. RPROZ-AM15 vi. RPROZ-AM16 b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light.
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Commented [JKS51]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS52]: S57.182 FENZ – Rural Topic, Volume 4, Key Issue 20

<ul style="list-style-type: none"> iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; x. RPROZ-S11; and xi. RPROZ-S17. 	<ul style="list-style-type: none"> iii. NOISE – Noise.
<ul style="list-style-type: none"> d. Compliance with: <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). e. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>3. Activity status where compliance with conditions RPROZ-R8(1)(a), RPROZ-R8(1)(b) and/or RPROZ-R8(1)(d) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R8(1)(e) is not achieved: NC</p>

Commented [JKS50]: S57.182 FENZ – Rural Topic, Volume 4, Key Issue 20

RPROZ-R9 Commercial activities not otherwise provided for

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Any retail sales are limited to produce reared or produced on the site. b. Compliance with RPROZ-S1 (the relevant activity thresholds). c. Compliance with: <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; and xi. RPROZ-S17. d. Compliance with: 	<p>2. Activity status where compliance with condition RPROZ-R9(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. RPROZ-AM15. vi. RPROZ-AM16. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
<ul style="list-style-type: none"> d. Compliance with: 	<p>3. Activity status where compliance with conditions RPROZ-R9(1)(a) and/or RPROZ-R9(1)(d) is not achieved: DIS</p>

Commented [JKS55]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS56]: S57.183 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS53]: S57.183 FENZ – Rural Topic, Volume 4, Key Issue 20

<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>e. Compliance with RPROZ-S15 (setbacks from National Grid).</p>	<p>4. Activity status where compliance with conditions RPROZ-R9(1)(b) and/or RPROZ-R9(1)(e) is not achieved: NC</p>
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Commented [RM54]: S81.162 Hort NZ - Rural Topic, Key Issue 18

RPROZ-R10 Community facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to 100m² gross floor area per site. b. Compliance with: <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; and xi. RPROZ-S17. c. Compliance with: <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). d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>2. Activity status where compliance with condition RPROZ-R10(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v-vi. RPROZ-AM9. vii. RPROZ-AM15. viii. RPROZ-AM16. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with conditions RPROZ-R10(1)(a) and/or RPROZ-R10(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R10(1)(d) is not achieved: NC</p>

Commented [JKS60]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - accepted request by Hort NZ (S81.163) to include Assessment Matter RPROZ-AM9 as a matter over which discretion is restricted.

Commented [JKS61]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS57]: S57.184 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS62]: S57.184 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS58]: S81.119 Hort NZ - Rural Topic, Volume 4, Key Issue 19.

Commented [RM59]: S81.163 Hort NZ - Rural Topic, Key Issue 18

RPROZ-R11 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m²200m² gross floor area per site.
- b. Compliance with:
 - 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; and
 - xi. RPROZ-S17;
- c. Compliance with:
 - 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);
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

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)):

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
 - iv. RPROZ-AM4.
 - v. RPROZ-AM15;
 - vi. RPROZ-AM16;
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with conditions RPROZ-R11(1)(a) and/or RPROZ-R11(1)(c) is not achieved: DIS

4. Activity status where compliance with condition RPROZ-R11(1)(d) is not achieved: NC

Commented [JKS63]: S73.025 Ministry of Education – Rural Topic, Volume 4, Key Issue 19.

Commented [JKS66]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS67]: S57.185 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [JKS64]: S57.185 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [RM65]: S81.164 Hort NZ - Rural Topic, Key Issue 18

RPROZ-R12 Emergency service activities and emergency aviation movements

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area per site.
- b. Compliance with:
 - i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;

2. Activity status where compliance with condition RPROZ-R12(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM15;
 - v. RPROZ-AM16;

Commented [JKS68]: S57.187 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS70]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS71]: S57.186 FENZ – Rural Topic, Volume 4, Key Issue 20

<ul style="list-style-type: none"> vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11; and xi. RPROZ-S17; 	<ul style="list-style-type: none"> b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
<ul style="list-style-type: none"> c. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). d. Compliance with RPROZ-S15 (setbacks from National Grid). 	<p>3. Activity status where compliance with conditions RPROZ-R12(1)(a) and/or RPROZ-R12(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R12(1)(d) is not achieved: NC</p>

Commented [JKS69]: S57.186 FENZ – Rural Topic, Volume 4, Key Issue 20

RPROZ-R13 Relocated buildings

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. The building must be for the purpose of accommodating a permitted or consented activity on the site. b. Compliance with RPROZ-S16. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity. b. The bulk and location of the building in relation to the requirements of the zone. c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work. d. The imposition of a performance bond to ensure compliance with the consent conditions. <p><i>Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.</i></p>
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RPROZ-R14 Intensive primary production activities ~~(other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)~~

<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p>	<p>2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS</p>
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Commented [RM72]: consequential amendment S42.003 Pork Industry Board – Rural Topic, Key Issue 13

- a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:
 - i. any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m.
 - ii. from a property boundary is 200m.
- b. Compliance with:
 - 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; and
 - xi. RPROZ-S17.
- c. Compliance with:
 - i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - ii. RPROZ-S14 (setback from gas transmission network);
- d. Compliance with RPROZ-S15 (setbacks from National Grid).

Matters over which control is reserved:

- e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.
- f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM4.
 - iv. RPROZ-AM15.
 - v. RPROZ-AM16.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

2A. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment Matters:
 - i. RPROZ-AM10.

3. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS

4. Activity status where compliance with conditions RPROZ-R14(1)(a) and/or RPROZ-R14(1)(d) is not achieved: NC

Commented [JKS75]: S90.045 Centralines – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS76]: S57.188 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [RM77]: S102.080 Te Mata Mushrooms – Rural Topic, Key Issue 14

Commented [JKS73]: S57.188 FENZ – Rural Topic, Volume 4, Key Issue 20

Commented [RM74]: S81.165 Hort NZ - Rural Topic, Key Issue 18

- g. Methods of disposal of stormwater and wastewater for the activity.
- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.

RPROZ-RXX Rural Industry (other than post-harvest facilities)

1. Activity Status: DIS

Where the following conditions are met: N/A

- a. Compliance with GRUZ-S15 (setbacks from National Grid).

Subject to (but not limited to) the following assessment matter:

- a. The necessity of a rural location.

2. Activity status where compliance with condition RPROZ-RXX(1)(a) is not achieved: NC/A

Commented [RM78]: S102.084 Te Mata Mushrooms, S116.039 Silver Fern Farms - Rural Topic, Key Issue 16

Commented [JKS79]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121. S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

1. Activity Status: DIS

Where the following conditions are met: N/A

- a. Compliance with GRUZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-RXX(1)(a) is not achieved: NC/A

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Commented [RM80]: S58.002 Calder, FS10.29 Aerospread Ltd, FS14.35 Agricultural Aviation Association - Rural Topic, Key Issue 17

Commented [JKS81]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121. S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-R15 Commercial boarding and/or breeding of cats, dogs, and other domestic pets

1. Activity Status: DIS

Where the following conditions are met: N/A

- a. Compliance with GRUZ-S15 (setbacks from National Grid).

2. Activity status where compliance with condition RPROZ-R15(1)(a) is not achieved: NC/A

Commented [JKS82]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121. S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-R16 Camping grounds

Commented [JKS84]: S101.005 NZ Motor Caravan Association – Rural Topic, Volume 4, Key Issue 19

Note: with change of activity status, this may need to be re-ordered to follow Rule RPROZ-R14, as per National Planning Standards

1. Activity Status: RDIS

Where the following conditions are met:

a. Compliance with:

- 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;
- x. RPROZ-S11; and
- xi. RPROZ-S17.

b. Compliance with:

- i. RPROZ-S12 (setback from existing intensive primary production); and
- ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
- iii. RPROZ-S14 (setback from gas transmission network).

c. Compliance with RPROZ-S15 (setbacks from National Grid Yard).

Matters over which discretion is restricted:

d. Assessment matters (where relevant to the infringed standard(s):

- i. RPROZ-AM1.
- ii. RPROZ-AM2.
- iii. RPROZ-AM3.
- iv. RPROZ-AM4.
- v. RPROZ-AM12.
- vi. RPROZ-AM15.
- vii. RPROZ-AM16.

e. Assessment matters in the following chapters:

- i. TRAN – Transport.
- ii. LIGHT – Light.
- iii. NOISE – Noise.

2. Activity status where compliance with condition RPROZ-R16(1)(a) and/or RPROZ-R16(1)(b) is not achieved: DIS

3. Activity status where compliance with condition RPROZ-R16(1)(c) is not achieved: NC

Commented [JKS85]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

Commented [JKS83]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - amended to include Assessment Matter RPROZ-AM12 which relates specifically to Camping Grounds.

RPROZ-R17 Relocatable building depots

1. Activity Status: DIS Where the following conditions are met: N/A a. Compliance with GRUZ-S15 (setbacks from National Grid).	2. Activity status where compliance <u>with condition RPROZ-R17(1)(a) is not achieved:</u> NC/A
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Commented [JKS86]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-R18 Any other activity not otherwise provided for

1. Activity Status: DIS Where the following conditions are met: N/A a. Compliance with GRUZ-S15 (setbacks from National Grid).	2. Activity status where compliance <u>with condition RPROZ-R18(1)(a) is not achieved:</u> NC/A
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Commented [JKS87]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - consequential amendment to be consistent with other amendments made to the rules in response to S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124 and S79.125 Transpower, in relation to their submission points requesting a Non-Complying Activity status where compliance with Standard GRUZ-S15 (setbacks from National Grid) is not achieved.

RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)

1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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Commented [RM88]: S102.083 Te Mata Mushrooms - Rural Topic, Key Issue 16

RPROZ-R20 New noise sensitive activities within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome

1. Activity Status: PR Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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Standards

RPROZ-S1 Activity Threshold	
Commercial Activities Visitor Accommodation Home Businesses (excludes retail sales and restaurants)	1. Maximum gross floor area per site is 100m ² . 2. Personnel limited to: a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site). <i>Note: Visitor accommodation within an existing residential unit or existing minor residential unit will be exempt from the 100m²</i>

	<i>maximum floor area, provided the existing residential activity does not cease.</i>
Retail Sales of produce reared or produced on the site	<ol style="list-style-type: none"> 3. Maximum gross floor area per site is 100m². 4. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
Restaurants	<ol style="list-style-type: none"> 5. Maximum gross floor area for serving customers per site is 100m² (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0800 – 2200 hours, seven days a week.
Cumulative Limits	<ol style="list-style-type: none"> 8. Maximum combined gross floor area per site, for any of the above activities, is 100m². 9. Maximum combined outdoor display area per site, for any of the above activities, is 100m². <p><i>Note: Cumulative limits are calculated per site, not per activity.</i></p>
RPROZ-S2 Total Building Coverage	
All	<ol style="list-style-type: none"> 1. Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except: <ol style="list-style-type: none"> a. for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser. 2. Netting, structures <u>(including artificial crop protection structures)</u>, and greenhouses where crops are grown under or within those structures directly in the soil of the site, are excluded from total building coverage calculations.
RPROZ-S3 Height of Buildings	
All (except frost fans)	<ol style="list-style-type: none"> 1. Maximum height of any building(s) is 10m.
Frost Fans	<ol style="list-style-type: none"> 2. Maximum height, measured to the tip of the blade at its highest point, is 15m.
	<i>Note: in all instances, height is measured from the natural ground level.</i>
RPROZ-S4 Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the

Commented [RM89]: S81.168 - Rural Topic, Key Issue 12

building and the nearest site boundary, except for the following:

- a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;
- b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;
- c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.

2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.

Note: This does not apply to artificial crop protection structures.

Commented [RM90]: S81.170 Hort NZ - Rural Topic, Key Issue 12

RPROZ-S5 Setback from Roads and Rail Network

Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	<ol style="list-style-type: none"> 3. Minimum distance of any building(s) from road boundaries is 15m.
Accessory Buildings associated with Primary Production Activities Ancillary Buildings and Structures (Primary Production)	<ol style="list-style-type: none"> 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
All Other Buildings (including Post-Harvest Facilities)	<ol style="list-style-type: none"> 7. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may

Commented [RM91]: S81.171 - Rural Topic, Key Issue 6

	<p>be located within the above setbacks from road boundaries.</p> <p>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</p> <p><i>Note: Under the Hawke's Bay Regional Resource Management Plan, there is also a requirement for setbacks from the bed of a river, lake or artificial watercourse which is within a land drainage or flood control scheme area.</i></p>
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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 and Ancillary Buildings and Structures (Primary Production))	2. Minimum setback of buildings for an activity from <u>internal side and rear</u> boundaries is 15m. <u>Farm and D</u> domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings Ancillary Buildings and Structures (Primary Production)	3. Minimum setback of buildings for an activity from <u>internal side and rear</u> boundaries is 5m. <u>Farm and D</u> domestic water storage tanks up to 2m in height are exempt from this standard.
Artificial Crop Protection Structures	4. <u>Minimum setback from side and rear boundaries of 1m.</u>
Sites created before 28 May 2021 and less than 4000m² net site area	5. <u>Minimum setback of buildings for a residential activity from side and rear boundaries is 5m.</u> 6. <u>Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</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	

Commented [RM93]: S121.224 Federated Farmers - Rural Topic, Key Issue 6

Commented [RM92]: S81.172 Hort NZ - Rural Topic, Key Issue 6

Commented [RM95]: S121.224 Federated Farmers - Rural Topic, Key Issue 6

Commented [RM94]: S81.172 Hort NZ - Rural Topic, Key Issue 6

Commented [RM96]: S81.172 Hort NZ - Rural Topic, Key Issue 12

Commented [RM97]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.77 opposing S128.002)

Commented [RM98]: S128.002 Surveying the Bay - Rural Topic, Key Issue 6

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">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.;andb. 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.

Commented [RM99]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revert to notified rule heading in response to evidence from Hort NZ (S81.173) & Fed Farmers (S121.225)

Commented [RM100]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation in response to evidence from Hort NZ (S81.173) & Fed Farmers (S121.225)

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.

RPROZ-S8 Electricity Safety Distances

All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
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Commented [JKS101]: Error corrected pursuant to clause 16(2), First Schedule of the RMA.

RPROZ-S9 Transport (Access, Parking, Loading)

All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
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RPROZ-S10 Light

All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
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RPROZ-S11 Noise

All	<p>1. Activities must comply with the provisions of the NOISE – Noise chapter.</p> <p><i>Note: There are exemptions and/or specific standards provided in NOISE-S5 for the use of agricultural machinery, audible bird scaring devices, hail cannons and frost protection fans.</i></p>
RPROZ-S12 Setback from Existing Intensive Primary Production Activities	
Sensitive Activities	<p>1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.</p>
RPROZ-S13 Buildings and structures by Waipukurau Aerodrome	
All	<p>1. No building or structure in areas specified as 'Waipukurau Aerodrome - No Building' overlay.</p> <p>2. No building or structure exceeding heights specified in 'Waipukurau Aerodrome – Height Restriction of 6m' overlay or 'Waipukurau Aerodrome – Height Restriction of 10m' overlay.</p> <p>3. No building or structure exceeding a height restriction determined by a 1:20 approach and take-off gradient for aircraft using the runways identified for Waipukurau Aerodrome.</p>
RPROZ-S14 Setback from Gas Transmission Network	
Residential Activities	<p>1. Gas Transmission Pipeline:</p> <ul style="list-style-type: none"> a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. <p>2. Incidental Equipment:</p> <ul style="list-style-type: none"> a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.
RPROZ-S15 Setback from National Grid Yard and National Grid Substation	
Sensitive Activities	<p>1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.</p>
All Buildings and Structures	<p>2. Under the National Grid conductors (wires):</p> <ul style="list-style-type: none"> a. on all sites within any part of the National Grid Yard, all buildings and structures must:

Commented [JKS102]: S79.111 Transpower - Rural Topic, Volume 4, Key Issue 18.

Commented [RM103]: S121.229 Federated Farmers - Rural Topic, Key Issue 18

- i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or
 - ii. be a fence less than 2.5m high; or
 - iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or
 - iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).
 - b. all buildings or structures permitted by a. must comply with the following conditions:
 - i. demonstrate that safe electrical clearance distances required by *NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances* are maintained under all National Grid line operating conditions.
 - ii. not permanently physically impede existing vehicular access to a National Grid support structure.
- 3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from ~~the outer visible edge of a tower, or 8m from a pole, forming part of~~ a National Grid support structure, except where the building or structure is:
 - a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or
 - b. an artificial crop protection structure or crop protection support structure between 8m and 12m from a pole support structure and any associated stay wire, that:
 - i. meets the requirements of the *NZEC 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances* for separation distances from the conductor;
 - ii. is no more than 2.5m high;
 - iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and

Commented [JKS104]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - change of recommendation in s42A Rural Topic Volume 4, Key Issue 18, to retain clause (b)(i) and then to reject S121.230 Federated Farmers submission requesting deletion.

Commented [JKS105]: Hearing Stream 3 - Right of Reply dated 5 August 2022 - minor amendment under Clause 16(2) of the First Schedule of the RMA.

Commented [JKS106]: S79.111 Transpower – Rural Topic, Volume 4, Key Issue 18.

Commented [JKS107]: S81.174 Horticulture NZ, Rural Topic, Volume 4, Key Issue 18.

	<ul style="list-style-type: none"> iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of <i>NZIECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances</i> to be located within 12m of a tower or 8m of a pole support structure.
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RPROZ-S16 Relocated Buildings

All	<ol style="list-style-type: none"> 1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation. 2. The relocated building must comply with all other relevant performance standards for the zone. 3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must: <ul style="list-style-type: none"> a. state whether the building is structurally sound; b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity; c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site; d. provide clear photographs of the building in its current state; and e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work. 4. The Building Pre-Inspection Report must be prepared by: <ul style="list-style-type: none"> a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
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- d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.
- 5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
- 6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.
- 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.
- 8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

RPROZ-S17 Water supply for firefighting

All buildings (excluding accessory buildings that do not include a habitable room)

- 1. 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:
 - a. accessible to firefighting equipment; and
 - b. between 6 and 90 metres from the buildings on the site; and
 - c. 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
 - d. either:
 - i. stores at least 45,000 litres, in addition to a potable water supply on the site; or

ii. provides at least 25 litres per second for a minimum of 30 minutes.

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.

Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.

Commented [JKS108]: S57.194 FENZ – Rural Topic, Volume 4, Key Issue 20.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

RPROZ-AM1 Building Coverage, Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will adversely affect the life-supporting capacity of the rural soil resource, particularly the highly productive land of Central Hawke's Bay, and any potential for reverse sensitivity effects to arise;
 - c. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - d. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - e. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - f. will diminish the openness and attractiveness of the street scene;
 - g. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - h. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation

- distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
3. The ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
 4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
 5. The degree to which alternative practical locations are available for the building.

RPROZ-AM2 Shading of Land and Roads

1. Trees on Boundaries
 - 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.~~
 - 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.
 - c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
 - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
 - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

Commented [RM109]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revert to notified rule heading in response to evidence from Hort NZ & Fed Farmers

Commented [RM110]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment as a result of revised recommended wording for Standard RPROZ-S7 in response to evidence from Hort NZ (S81.173, FS17.154 supporting S42.082)

RPROZ-AM3 Setback for Sensitive Activities from Existing Intensive Primary Production Activities

1. The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2. The extent to which alternative locations have been considered.

RPROZ-AM4 Buildings within the Air Noise Boundary or Outer Control Boundary for the Waipukurau Aerodrome

1. The degree to which any building may compromise the safety of aircraft arriving or departing from Waipukurau Aerodrome.

RPROZ-AM5 Setback for New Residential Activities from Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

RPROZ-AM6 Residential Activities

1. Whether the additional residential activity will have an adverse effect on the sustainable management of the soil resource.
2. The impact of the residential activity on the character and amenity of adjoining activities and the surrounding rural environment and any potential for reverse sensitivity effects to arise.
3. Any cumulative effect of the residential activity.
4. The potential for the residential activity to have an adverse effect on road safety.
5. Whether the proposal will continue to allow for efficient use of the remaining undeveloped land for primary production activities.

RPROZ-AM7 Post-Harvest Facilities exceeding the 2,500m² Gross Floor Area Threshold per site

1. Whether the activity is of such a scale that it is better to be located or, in the case of an existing operation, relocated in a General Industrial Zone where infrastructure and employment are more readily available and the receiving environment is less sensitive.
2. The effects of the proposal on the soil resource.
3. Whether the Post-Harvest Facility will utilise any existing building(s).
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
5. The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
6. Whether the activity will process, store and/or package agricultural, horticultural and/or viticultural crops and/or produce, the majority of which are grown from within the Rural Production and/or General Rural Zones.
7. Whether the proposal will significantly compromise the visual amenity value of the surrounding area, recognising that it is a rural working environment.
8. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, and road safety.

RPROZ-AM8 Commercial Activities, Visitor Accommodation, Home Businesses

1. Whether the proposal will maintain or enhance the character and amenity values of the surrounding area.
2. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities.
3. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, vibration, and road safety.

4. Whether the proposal will have an adverse effect on the sustainable management of the soil resource and any potential for reverse sensitivity effects to arise.

RPROZ-AM9 Community Facilities and Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. the life-supporting capacity of the rural soil resource, particularly the highly productive land of Central Hawke's Bay and any potential for reverse sensitivity effects to arise;
 - b. loss of privacy to neighbours through being over-looked, including by buildings;
 - c. loss of openness and attractiveness of the street scene;
 - d. noise, vibration, and glare; and
 - e. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.
4. Whether the amenity of the rural environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the amenity of the area;
 - c. the proximity of the activity to adjacent activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.
6. The functional or operational need to locate in the Rural Production Zone.

Commented [RM111]: S81.178 Hort NZ - Rural Topic, Key Issue 3

RPROZ-AM10 Intensive Primary Production Activities (located more than 500 metres from a General Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary)

1. The traffic generated by the proposal.
2. Any noxious, offensive, or objectionable odour arising from the activity beyond the site boundary or any storage of materials associated with the operation of the activity.
3. The effects arising from the stormwater/wastewater management of the activity.
4. The hours of the operation of the activity and the potential for noise effects to arise.

5. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

RPROZ-AM11 Commercial Boarding and/or Breeding of Cats, Dogs or Other Domestic Pets

1. The degree to which the boarding premises will be compatible with the character of the surrounding rural area, including the density of and proximity to residential units in the area.
2. The degree to which the proposed boarding premises are likely to lead to any adverse odour, noise, health, or amenity effects beyond the boundary of the site, and in particular, the building design and management systems proposed to mitigate noise or odour nuisance.
3. The degree to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

RPROZ-AM12 Camping Grounds

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is or will be located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
8. The proximity to any wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
9. Effects on any outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

RPROZ-AM13 Expansion or Intensification of Existing Noise Sensitive Activities within the Outer Control Boundary

1. Conditions on building design to incorporate appropriate sound insulation, including provision of suitable ventilation system(s).

RPROZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Large Lot Residential (Coastal), Settlement or Rural

Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

Commented [RM112]: S41.003 Jill Fraser - Rural Topic, Key Issue 17

RPROZ-AM14 General

- Whether the activity is of a type or scale that means that it is better located in another zone (for example, where infrastructure and labour force are more readily available, and the receiving environment is less sensitive).
- Effects on the visual amenity values of the surrounding area, recognising the rural character of the locality.
- Whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructural needs of the development.
- The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities and wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, as well as any potential for reverse sensitivity effects on primary production to arise.
- The potential for the activity to generate more than minor effects on the environment in relation to traffic, parking demand, or visitor numbers.
- The ability of the roading hierarchy to accommodate any additional traffic generated by the activity, including effects on road safety.
- The potential for the activity to generate more than minor adverse effects in terms of noise, dust, glare, or vibration, and the extent to which mitigation options have been considered and evaluated.
- Where located within an outstanding natural landscape or feature, or significant amenity feature, refer to the assessment matters in NFL-AM1 and NFL-AM2.

RPROZ-AM15 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).

Commented [JKS113]: S90.045 Centralines Limited, Key Issue 18, Volume 4, Rural Topic

RPROZ-AM16 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.](#)

Commented [JKS114]: S57.195 – Rural Topic, Volume 4, Key Issue 20.

Methods

Methods, other than the above rules, for implementing the policies:

RPROZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the Rural Production Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Biodiversity – includes rules applying specifically to significant indigenous vegetation and significant habitats of indigenous fauna.
9. NFL – Natural Features and Landscapes – includes rules applying specifically to identified outstanding natural features and landscapes.
10. SUB – Subdivision – includes rules and standards applying to subdivision, which will control fragmentation of the District's highly productive land.
11. ASW – Activities on the Surface of Water – includes rules applying to certain activities on the surface of identified waterbodies.
12. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
13. LIGHT – Light – includes rules and standards relating to light and glare.
14. NOISE – Noise – includes rules and standards relating to the emission of noise.
15. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
16. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
17. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

RPROZ-M2 Bylaws

The Central Hawke's Bay District Council Bylaws – Part 13: 2008 *The Keeping of Animals, Poultry and Bees*.

RPROZ-M3 Industry Codes of Practice and Management Plans

Promote the use of management plans and industry codes of practice as a means of self-regulation.

RPROZ-M4 National Standards

1. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
3. The New Zealand Standards NZS 6805:1992 Airport Noise Management and Land Use Planning, and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Principal Reasons

The principal reasons for adopting the policies and methods:

The Rural Production Zone encompasses the District's concentration of highly productive land and is where the majority of the District's intensive cropping, horticulture and viticulture occurs, as well as traditional livestock farming. The zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production) and for a level of associated residential, rural commercial and rural service activities where these actively support the primary productive purpose of the zone and the people who live and work in the various rural communities.

Some activities, however, such as larger-scale commercial and industrial activities, are not provided for in this zone, as they are generally not considered compatible with the zone's character and amenity values and have greater servicing needs, trade waste, traffic effects and the like. These activities are better located in other zones, particularly the Commercial and General Industrial Zones which are specifically for this purpose and more likely to be serviced accordingly.

At the interface between rural zones and other zones, and between intensive primary production activities and those activities which are more sensitive to noise, odour, dust and other nuisance effects, there is potential for conflicts to occur between different activities and different expectations about amenity. The District Plan, therefore, requires setbacks from

roads, property boundaries, zone boundaries, and from intensive primary production activities, to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.

The District Plan also provides for larger subdivision lot sizes in the rural zones, and strictly controls the provision for residential and rural lifestyle subdivision in the Rural Production Zone, to avoid further fragmentation of the District's highly productive land. Residential and rural lifestyle lots that are unrelated to primary production activities are better located in the General Residential Zone, Large Lot Residential Zone (Coastal), Settlement Zone, and Rural Lifestyle Zone, where amenity and servicing expectations are more likely to be met.

In addition, the District Plan controls the establishment or intensification of noise sensitive activities within the air noise and outer control boundaries of the Waipukurau Aerodrome within the Rural Production Zone, to ensure that the ongoing efficient operation of the airport is not unreasonably constrained, whilst similarly protecting noise sensitive activities from the adverse effects of the airport.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- RPROZ-AER1** **The life-supporting capacity of the highly productive land of the District is protected.**
- RPROZ-AER2** **The scale and form of development utilises and protects the rural land resource and maintains the range of potentially productive purposes.**
- RPROZ-AER3** **Production activities continue to promote the sustainable management of the land resource and enhance the social, economic and cultural wellbeing of the rural community.**
- RPROZ-AER4** **Recognition and acceptance of the effects associated with the management of primary production.**
- RPROZ-AER5** **The area of land available for primary production purposes is not reduced by ad hoc and unplanned development.**
- RPROZ-AER6** **Land use and development of new activities is based on a legitimate need for a rural location.**
- RPROZ-AER7** **An environment that has low scale commercial and industrial activities linked to produce grown and/or stock farmed on the site or nearby.**
- RPROZ-AER8** **Commercial and industrial activities not directly related to primary production, or of a scale that is out of character with the rural environment, are directed to appropriate urban zones.**

- RPROZ-AER9** The lawful operation of existing rural-based activities are not constrained by the introduction of new residential or rural residential land uses in the locality.
- RPROZ-AER10** Recognition of long-established infrastructure and community facilities.
- RPROZ-AER11** Rural activities appropriately manage their potential to create reverse sensitivity issues associated with odour, noise, dust and traffic affecting development in close proximity to them.
- RPROZ-AER12** Avoidance or mitigation of adverse effects on adjoining activities, including reverse sensitivity effects.
- RPROZ-AER13** Retention of the open character and low scale of buildings that comprise the amenity of the Rural Production Zone.
- RPROZ-AER14** Retention of the ongoing operation of the Waipukurau Aerodrome as an important infrastructure asset for Central Hawke's Bay District.

RLZ – Rural Lifestyle Zone

Introduction

The Rural Lifestyle Zone is located on rolling to hilly land with soils of generally lower productivity on the outskirts of Waipukurau and Waipawa.

The Rural Lifestyle Zone provides a valuable residential choice for people wanting a lifestyle on larger sites, with the opportunity to carry out small scale productive activities in a semi-rural setting, in close commuting distance to Waipawa and Waipukurau for employment, education, shopping, entertainment and recreation activities, but without the responsibility of owning and maintaining a larger rural property.

In addition to addressing demand for low density residential development, the Rural Lifestyle Zone reduces pressure for urban expansion onto the highly productive land of the District and enables the avoidance or mitigation of potential reverse sensitivity effects and land use conflicts within the zone and at the rural interface.

Issues

RLZ-I1 Providing a Choice of Residential Environments

There is a need to provide for a choice of different residential environments to enable current and future residents to meet their lifestyle aspirations within the District.

Explanation

Providing a range of residential environments within the District is important to enable people to choose what best suits their particular lifestyle needs and aspirations. Historically, there has been no zone for rural residential living specifically provided in a planned manner, and rural-residential developments (with lots of 4000m² or more) have tended to be scattered across the rural area. It is now recognised that identifying appropriate locations for this type of large-lot residential development would provide for a more sustainable form of development into the future.

Locating Rural Lifestyle Zones immediately adjacent to the existing urban areas of Waipawa and Waipukurau enables the sustainable management of the District's natural and physical resources, including infrastructure.

RLZ-I2 Protecting the Productive and Finite Rural Land Resource from Future Ad Hoc Rural Residential Development

The subdivision and development of rural land for rural residential living can, over time, result in the irreversible loss of the District's finite rural soil resource (particularly the highly productive land of the Ruataniwha and Takapau Plains and areas around Waipukurau, Waipawa and Ōtane), and diminish the capacity of the resource to be used productively.

Explanation

The increasing pressure for rural residential subdivision or lifestyle uses in the District, including the associated development of buildings and hard stand surfaces, can cumulatively result in the productive potential of the District's rural and highly productive land resources being compromised. It is important that rural residential living be directed away from these finite resources to areas of lower productivity in the rural environment.

RLZ-I3 Managing Reverse Sensitivity

Rural residential activities establishing within, or at the interface of, the rural environment can create potential conflict with and compromise the effective and efficient operation of legitimate primary production activities, where rural residential activities have higher environmental expectations about amenity values than are reasonably achievable in terms of the working needs of rural activities.

Explanation

The Rural Zones include productive activities that can generate potential adverse effects from 24-hour harvesting operations, odour and noise associated with the use of farm machinery, heavy traffic, animals, cropping, frost protection and bird-scaring. The establishment of more sensitive rural residential activities within, or at the interface of, the rural environment can result in reverse sensitivity conflicts with legitimate rural activities and their ability to be effectively and efficiently carried out.

Objectives

- RLZ-O1 Low density residential needs are met within a Rural Lifestyle Zone located on land with soils of generally lower productivity in close proximity to the urban areas of Waipawa and Waipukurau.**
- RLZ-O2 Compatible land use activities within the Rural Lifestyle Zone which enable sufficient flexibility for rural residential living and/or small-scale primary production activities, and which avoid or mitigate adverse effects within the zone and at the interface with other zones.**

Policies

- RLZ-P1 To maintain and enhance the attractive open space character of the Rural Lifestyle Zone with larger section sizes that are sufficient to accommodate a residential unit, minor residential unit and accessory buildings and an area of open space for amenity and/or productive purposes.**
- RLZ-P2 To limit the number of residential units and minor residential units that can establish as of right on sites within the Rural Lifestyle Zone.**

- RLZ-P3** To provide for home businesses, rural commercial activities, emergency service activities, visitor accommodation and educational facilities which are complementary to the rural residential use of the land and are compatible in scale with rural residential living in the zone.
- RLZ-P4** To require activities within the Rural Lifestyle Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available to connect to.
- RLZ-P5** To require buildings within the Rural Lifestyle Zone to be setback a minimum distance from property boundaries to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.
- RLZ-P6** To manage the bulk, scale and location of buildings within the Rural Lifestyle Zone to ensure they are in keeping with the low density rural residential character and amenity of the Zone.
- RLZ-P7** To limit the scale of enable Community Facilities and Educational Facilities in the Rural Lifestyle Zone to in a way that maintains the character and amenity of the zone while providing for the social and cultural wellbeing and the health and safety of residents of the zone.
- RLZ-P8** To avoid adverse effects of shading from trees on adjoining public roads and properties.

Commented [JKS1]: S57.157 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS2]: S73.022 Ministry of Education – Rural Topic, Volume 4, Key Issue 19.

3. Rule Overview Table

Use/activity	Rule Number
Residential activities	RLZ-R1
Primary production activities	RLZ-R2
Home businesses	RLZ-R3
Visitor accommodation	RLZ-R4
Commercial activities not otherwise provided for	RLZ-R5
Community facilities	RLZ-R6
Educational facilities	RLZ-R7
Emergency service activities and emergency aviation movements	RLZ-R8

Relocated buildings	RLZ-R9
Commercial boarding and/or breeding of cats, dogs, and other domestic pets	RLZ-R10
Post-harvest facilities	RLZ-R11
Any other activity not otherwise provided for	RLZ-R12
Intensive primary production activities	RLZ-R13
Industrial activities	RLZ-R14

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Rural Lifestyle Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).
- disturbance of the beds of rivers, lakes, or wetlands (i.e. earthworks in the bed, gravel extraction, culverts, and access structures).
- activities which impede access to rivers, lakes or wetlands, or artificial watercourse, within a land drainage or flood control scheme area.

RLZ-R1 Residential activities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. one residential unit per site, and
 - ii. one minor residential unit per site:
 - a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and
 - b. must share vehicle access with the principal residential unit on the site; and

2. Activity status where compliance with condition RLZ-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RLZ-AM1.
 - ii. RLZ-AM2.
 - iii. RLZ-AM3.
 - iv. RLZ-AM4.
 - v. RLZ-AM5.
 - vi. **RLZ-AM11.**

Commented [JKS4]: S90.044 Centralines Limited – Rural Topic, Volume 4, Key Issue 18.

- c. must be located no further than 25m from the principal residential unit on the site.
- b. Compliance with:
 - 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; ~~and~~
 - xv. RLZ-S16;

- vii. RLZ-AM12;
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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3. Activity status where compliance with condition RLZ-R1(1)(a) is not achieved: DIS

Commented [JKS3]: S57.159 FENZ – Rural Topic, Volume 4, Key Issue 20.

RLZ-R2 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - 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; ~~and~~
 - xv. RLZ-S16;

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RLZ-AM1.
 - ii. RLZ-AM2.
 - iii. RLZ-AM3.
 - iv. RLZ-AM4.
 - v. RLZ-AM5.
 - vi. RLZ-AM11;
 - vii. RLZ-AM12;
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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RLZ-R3 Home businesses

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with the relevant activity thresholds in RLZ-S1.
- b. Compliance with:
 - 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; *and*
 - xv. RLZ-S15;

2. Activity status where compliance with condition RLZ-R3(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RLZ-AM1.
 - ii. RLZ-AM2.
 - iii. RLZ-AM3.
 - iv. RLZ-AM4.
 - v. RLZ-AM5.
 - vi. RLZ-AM11.
 - vii. RLZ-AM12.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RLZ-R3(1)(a) is not achieved: DIS

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Commented [JKS11]: S57.175 FENZ – Rural Topic, Volume 4, Key Issue 20.

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RLZ-R4 Visitor accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Length of stay for any one guest must be no greater than 3 months in any 12-month period.
Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.
- b. Compliance with the relevant activity thresholds in RLZ-S1.
- c. Compliance with:
 - i. RLZ-S2;
 - ii. RLZ-S3;
 - iii. RLZ-S4;
 - iv. RLZ-S5;
 - v. RLZ-S6;

2. Activity status where compliance with condition RLZ-R4(1)(c) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RLZ-AM1.
 - ii. RLZ-AM2.
 - iii. RLZ-AM3.
 - iv. RLZ-AM4.
 - v. RLZ-AM5.
 - vi. RLZ-AM11.
 - vii. RLZ-AM12.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.

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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; and xv. <u>RLZ-S16</u> ;	ii. LIGHT – Light. iii. NOISE – Noise.
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3. Activity status where compliance with conditions RLZ-R4(1)(a) and/or RLZ-R4(1)(b) is not achieved: DIS

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RLZ-R5 Commercial activities not otherwise provided for

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Any retail sales are limited to produce reared or produced on the site.</p> <p>b. Compliance with activity thresholds in RLZ-S1.</p> <p>c. Compliance with:</p> <p>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. <u>RLZ-S15</u>; and xv. <u>RLZ-S16</u>;</p>	<p>2. Activity status where compliance with condition RLZ-R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <p>i. RLZ-AM1. ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. vi. <u>RLZ-AM11</u>; vii. <u>RLZ-AM12</u>;</p> <p>b. Assessment matters in the following chapters:</p> <p>i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.</p>
	<p>3. Activity status where compliance with conditions RLZ-R5(1)(a) and/or RLZ-R5(1)(b) is not achieved: DIS</p>

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RLZ-R6 Community facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to 100m² gross floor area per site.</p> <p>b. Compliance with:</p> <p>i. RLZ-S2; ii. RLZ-S3;</p>	<p>2. Activity status where compliance with condition RLZ-R6(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p>
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<ul style="list-style-type: none"> 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; and xv. RLZ-S16. 	<ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RLZ-AM1. ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. vi. RLZ-AM11. vii. RLZ-AM12. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
<p>3. Activity status where compliance with condition RLZ-R6(1)(a) is not achieved: DIS</p>	

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RLZ-R7 Educational facilities

<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to 100m²200m² gross floor area per site. b. Compliance with: <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; and xv. RLZ-S16. 	<p>2. Activity status where compliance with condition RLZ-R7(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. RLZ-AM1. ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. vi. RLZ-AM11. vii. RLZ-AM12. b. Assessment matters in the following chapters: <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>	

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Commented [JKS23]: S90.044 Centralines Limited – Rural Topic, Volume 4, Key Issue 18.

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RLZ-R8 Emergency service activities and emergency aviation movements

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area per site.
- b. Compliance with:
 - 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; and
 - xv. RLZ-S16.

2. Activity status where compliance with condition RLZ-R8(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. RLZ-AM1.
 - ii. RLZ-AM2.
 - iii. RLZ-AM3.
 - iv. RLZ-AM4.
 - v. RLZ-AM5.
 - vi. RLZ-AM11.
 - vii. RLZ-AM12.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RLZ-R8(1)(a) is not achieved: DIS

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RLZ-R9 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with RLZ-S15.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
- b. The bulk and location of the building in relation to the requirements of the zone.
- c. The need for structural repairs and reinstatement of the building and

	<p>the length of time for completion of that work.</p> <p>d. The imposition of a performance bond to ensure compliance with the consent conditions.</p> <p><i>Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.</i></p>
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RLZ-R10 Commercial boarding and/or breeding of cats, dogs, and other domestic pets

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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RLZ-R11 Post-harvest facilities

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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RLZ-R12 Any other activity not otherwise provided for

<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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RLZ-R13 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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RLZ-R14 Industrial activities

<p>1. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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Standards

RLZ-S1 Activity Threshold	
Commercial Activities Visitor Accommodation Home Businesses (excludes retail sales)	1. Maximum gross floor area per site is 50m ² . 2. Personnel limited to: <ol style="list-style-type: none"> At least one person resident on the site must carry out the activity. A maximum of three additional employees (in addition to those resident on the site). <p><i>Note: Visitor accommodation within an existing residential unit or existing minor residential unit will be exempt from the 50m² maximum floor area, provided the existing residential activity does not cease.</i></p>
Retail Sales of produce reared or produced on the site	3. Maximum gross floor area per site is 50m ² . 4. Limited to the following hours of operation: <ol style="list-style-type: none"> 0800 – 2200 hours, seven days a week.
Cumulative Limits	5. Maximum combined gross floor area per site, for any of the above activities, is 75m ² . 6. Maximum combined outdoor display area per site, for any of the above activities, is 75m ² . <p><i>Note: Cumulative limits are calculated per site, not per activity.</i></p>
RLZ-S2 Height of Buildings	
All	1. Maximum height of any building(s) is 10m. <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
RLZ-S3 Height in Relation to Boundary	
All	1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; domestic water storage tanks, provided the maximum dimension of these structures measured

	<p>parallel to the boundary under consideration must not exceed 3m;</p> <p>c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.</p> <p>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</p>
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RLZ-S4 Setback from Roads and Rail Network

Residential Activities (including accessory buildings)	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
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Accessory Ancillary Buildings and Structures (associated with Primary Production Activities)	<ol style="list-style-type: none"> 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.
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All Other Buildings	<ol style="list-style-type: none"> 6. Minimum setback of any building(s) from road boundaries is 20m, except that: <ol style="list-style-type: none"> a. buildings less than 10m² in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries. 7. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
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RLZ-S5 Setback from Neighbours

All Buildings (excluding Accessory Buildings)	<ol style="list-style-type: none"> 1. Minimum setback of buildings for an activity from internal side and rear boundaries, or boundary with the General Rural Zone or Rural Production Zone, is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
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Accessory Buildings	<ol style="list-style-type: none"> 2. Minimum setback of buildings for an activity from internal side and rear boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.
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Commented [RM29]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment in response to S81.126, S81.171 Hort NZ

Commented [RM30]: S81.138 Hort NZ - Rural Topic, Key Issue 8

<p>Sites created before 28 May 2021 and less than 4000m² net site area</p>	<p>3. Minimum setback of buildings for a residential activity from side and rear boundaries is 5m, except where located on a boundary with the General Rural Zone or Rural Production Zone where 15m will apply.</p>
<p>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</p>	<p>4. Minimum setback of buildings for all other activities from side and rear boundaries is 10m.</p>

- Commented [RM31]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.77 opposing S128.002)
- Commented [RM32]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommended wording in response to evidence from Hort NZ (FS17.77 opposing S128.002)
- Commented [RM33]: S128.002 Surveying the Bay - Rural Topic, Key Issue 6

RLZ-S6 Setback from Existing Intensive Primary Production Activities

<p>Sensitive Activities</p>	<p>1. Minimum setback of buildings for sensitive activities from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.</p>
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RLZ-S7 Shading of Land and Roads

<p>Trees on boundaries</p>	<p>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:</p> <ul style="list-style-type: none"> 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 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).
<p>Trees adjoining public roads</p>	<p>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.</p>

RLZ-S8 Hours of Operation

<p>Community Facilities</p>	<p>1. Limited to the following hours of operation:</p> <ul style="list-style-type: none"> a. 0700 – 2200 hours, seven days a week; except where:
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	<ul style="list-style-type: none"> i. the entire activity is located within a building; and ii. each person engaged in the activity outside the above hours resides permanently on the site; and iii. there are no visitors, customers, or deliveries to the activity outside the above hours.
RLZ-S9 Heavy Vehicle Storage	
All	1. There must be no more than one heavy vehicle stored on a site.
RLZ-S10 Screening of Outdoor Storage and Service Areas	
Non-Residential Activities	<p>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.</p> <p>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.</p> <p>2.3. <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></p>
RLZ-S11 Electricity Safety Distances	
All	1. <u>Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCECP 34:2001).</u>
RLZ-S12 Transport (Access, Parking, Loading)	
All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
RLZ-S13 Light	
All	1. Activities must comply with the provisions of the LIGHT – Light chapter.

Commented [JKS34]: S57.172 FENZ – Rural Topic, Volume 4, Key Issue 20.

Commented [JKS35]: Error corrected pursuant to clause 16(2), First Schedule of the RMA.

RLZ-S14 Noise

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| All | 1. Activities must comply with the provisions of the NOISE – Noise chapter. |
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RLZ-S15 Relocated Buildings

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| All | <ol style="list-style-type: none">1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as a dwelling or for visitor accommodation.2. The relocated building must comply with all other relevant performance standards for the zone.3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:<ol style="list-style-type: none">a. state whether the building is structurally sound;b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;d. provide clear photographs of the building in its current state; ande. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.4. The Building Pre-Inspection Report must be prepared by:<ol style="list-style-type: none">a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); orb. A member of the New Zealand Institute of Building Surveyors; orc. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; ord. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council |
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- officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.
 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.
 8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

RLZ-S16 Water supply for firefighting

All buildings (excluding accessory buildings that do not include a habitable room)

1. 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:
 - a. accessible to firefighting equipment; and
 - b. between 6 and 90 metres from the buildings on the site; and
 - c. 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
 - d. either:
 - i. stores at least 45,000 litres, in addition to a potable water supply on the site; or
 - ii. provides at least 25 litres per second for a minimum of 30 minutes.

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.

Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.

Commented [JKS36]: S57.174 FENZ – Rural Topic, Volume 4, Key Issue 20.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

RLZ-AM1 Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - c. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - d. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - e. will diminish the openness and attractiveness of the street scene;
 - f. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - g. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
3. The ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.
4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
5. The degree to which alternative practical locations are available for the building.

RLZ-AM2 Setback for Sensitive Activities from Existing Intensive Primary Production Activities

1. The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2. The extent to which alternative locations have been considered.

RLZ-AM3 Shading of Land and Roads

1. Trees on Boundaries
 - 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.
 - 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.
 - c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
 - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
 - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

RLZ-AM4 Heavy Vehicle Storage

1. The degree to which the vehicles being stored can be viewed from adjoining sections, the road and public places and the degree to which screening (either by fences, buildings, or landscaping) may mitigate any adverse visual impact.
2. The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.
3. Where a heavy vehicle to be stored has been used for the cartage of animals the procedures to be adopted for the washing down of the vehicles and the disposal of the waste and wash water.

RLZ-AM5 Screening of Outdoor Storage and Service Areas

1. The degree to which the visual characteristics of the activity to be established are compatible with the character and amenity of the surrounding area and the degree to which screening or landscaping can mitigate any adverse impact.

RLZ-AM6 Residential Activities

1. The impact of the scale of the residential activity on the character and amenity values of adjoining activities and the surrounding rural lifestyle environment.

2. Any cumulative effects of the residential activity, including adverse effects on traffic and road safety.
3. Whether the activity can be adequately serviced.

RLZ-AM7 Commercial Activities, Visitor Accommodation and Home Businesses

1. Whether the proposal will maintain or enhance the character and amenity values of the surrounding area.
2. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities.
3. The potential for the activity to generate more than minor adverse effects on the environment in terms of noise, dust, glare, vibration, and road safety.
4. Whether the proposal will have any potential for reverse sensitivity effects to arise.

RLZ-AM8 Hours of Operation

1. The degree to which additional visitors, employees, customers, or suppliers to the site will result in traffic generation and pedestrian activity that is incompatible with the character of the surrounding area.
2. Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.

RLZ-AM9 Community Facilities and Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. any potential for reverse sensitivity effects to arise;
 - b. loss of privacy to neighbours through being over-looked, including by buildings;
 - c. loss of openness and attractiveness of the street scene;
 - d. noise, vibration, and glare; and
 - e. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.
4. Whether the amenity of the residential environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the amenity of the area;
 - c. the proximity of the activity to adjacent activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and

- e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.

RLZ-AM10 General

1. Whether the activity is of a type or scale that means that it is better located in another zone (for example, where infrastructure and labour force are more readily available, and the receiving environment is less sensitive).
2. Effects on the visual amenity values of the surrounding area, recognising the rural or rural residential character of the locality.
3. Whether the activity can be adequately serviced. The site must be capable of sustaining the infrastructural needs of the development.
4. The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities, including proximity to sensitive activities and wāhi tapu, wāhi taonga and sites of significance identified in SASM – SCHED3 Schedule of Sites and Areas of Significance to Māori, as well as any potential for reverse sensitivity effects on primary production to arise.
5. The potential for the activity to generate more than minor effects on the environment in relation to traffic, parking demand, or visitor numbers.
6. The ability of the roading hierarchy to accommodate any additional traffic generated by the activity, including effects on road safety.
7. The potential for the activity to generate more than minor adverse effects in terms of noise, dust, glare, odour or vibration, and the extent to which mitigation options have been considered and evaluated.

RLZ-AM11 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).

Commented [JKS37]: S90.044 Centralines Limited, Key Issue 18, Volume 4, Rural Topic.

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.

Commented [JKS38]: S57.175 – Rural Topic, Volume 4, Key Issue 20.

Methods

Methods, other than the above rules, for implementing the policies:

RLZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the Rural Lifestyle Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. SUB – Subdivision – includes rules and standards applying to subdivision.
9. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
10. NOISE – Noise – includes rules and standards relating to the emission of noise.
11. LIGHT – Light – includes rules and standards relating to light and glare.
12. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
13. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
14. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

RLZ-M2 Bylaws

The Central Hawke's Bay District Council Bylaws – Part 13: 2008 *The Keeping of Animals, Poultry and Bees*.

Principal Reasons

The principal reasons for adopting the policies and methods:

The Rural Lifestyle Zone provides areas for people to live in a semi-rural environment, in close proximity to the urban areas of Waipawa and Waipukurau on rolling-to-hilly land with soils of generally lower productivity.

In addition to providing for residential activities within the zone, the District Plan allows the establishment of a range of other activities (i.e. primary production activities, rural commercial activities, home businesses and visitor accommodation) to enable people in the zone to have sufficient flexibility to use their land in a way that enables them to fulfil their rural residential choice. Some activities, however, such as intensive primary production activities and industrial activities, are not provided for in the zone, as they are generally not compatible with the character and amenity values of the zone and, given the smaller size of the sites in the zone, there is less opportunity for them to be separated sufficiently from sensitive activities within the zone, or on land in adjoining zones.

In maintaining the open character and rural qualities of the Rural Lifestyle Zone, it is intended that multiple residential units will not be allowed to establish on the site. The District Plan permits a single residential unit plus one minor residential unit with a limited floor area on each site. The limitation on the floor area is to ensure that the minor residential unit is ancillary to the principal residential unit. The District Plan also limits the scale of permitted commercial activities, visitor accommodation, home businesses, and community facilities which have the potential to adversely affect the open character of the zone (due to the low density of residential activities) and the amenity of the zone with effects, such as noise, traffic generation and disturbance. Where these activities are larger than the permitted scale, they are better located in other zones, to maintain the character and amenity of the Rural Lifestyle Zone and to assist with the efficient and effective use of the Commercial and General Industrial Zones.

While the zone is located in close proximity to urban areas that are fully serviced, unless a reticulated service is available to connect to, activities establishing within the Rural Lifestyle Zone will be required to make independent provision for on-site water supply, wastewater and stormwater disposal.

At the interface of Rural Lifestyle Zone and other rural zone boundaries, and between Rural Lifestyle Zone activities and rural activities, there is potential for conflicts to occur between different activities and expectations about amenity. The District Plan, therefore, requires buildings within the Rural Lifestyle Zone to be setback a minimum distance from property boundaries to avoid or mitigate potential adverse cross-boundary effects and land use conflicts.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

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| RLZ-AER1 | Specific areas of low-density residential development and/or small-scale primary production activities on rolling to hilly land with soils of generally lower versatility, where potential interface effects with adjoining productive activities and urban activities can be managed. |
| RLZ-AER2 | Alternative residential choice in close proximity to the urban areas of Waipawa and Waipukurau. |

RLZ-AER3 **Retention of the low density rural residential character and amenity of the Rural Lifestyle Zone by way of:**

- **dominance of open space and plantings over buildings;**
- **dominance of low-density housing; and**
- **compatibility between activities within the zone, with residential use as the predominant activity.**

RLZ-AER4 **Diversity in building architecture, providing for individual and community expression.**

NOISE – Noise

Introduction

It is almost inevitable that any activity undertaken in the environment will produce some noise effects. The RMA defines 'noise' as including vibration. Often noise has minimal effects (e.g. everyday household noises) or are of limited duration (e.g. lawn mowing). But in some cases, the effects of noise can become more significant, causing annoyance and having an impact on physical well-being and appreciation of amenity (such as sleep disturbance and noise-induced stress). Noise is often identified as a nuisance and the major cause of complaints and ongoing conflicts between neighbouring property owners.

Sensitivity to noise and expectations around what is acceptable noise varies depending on the character of the area, the duration of the noise, the distance and other buffering between the noise and the receiver, as well as the sensitivities of the individual.

The District Plan can minimise the risks and consequences of excessive noise through controls on the activity source of noise or on development near inherently noisy activities. Noise standards in the District Plan are consistent with the types of daily activities which occur within each zoned area. For example, the noise limit for noise received in the General Residential Zone is consistent with the types of daily activities which occur in an urban backyard, and the need for uninterrupted sleep. Similarly, commercial and industrial zones require noise limits which allow intended activities to take place, but with appropriate control of noise effects on more sensitive surrounding zones. Limits are also placed on noise associated with the operation of the Waipukurau Aerodrome.

The purpose of the noise standards in the District Plan is therefore to enable those activities with noise associated with them to operate, while controlling noise to a reasonable level in order to protect the amenity of the receiving environment.

The primary duty relating to noise under the RMA is contained in section 16. Section 16 imposes an overarching general duty on every person to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Enforcement of the section 16 duty is generally through the issuing of an enforcement order or abatement notice.

Temporary noise issues are dealt with under sections 326 and 327 of the RMA, which provide for intervention through the issuing of an excessive noise direction. The meaning of 'excessive noise' does not apply to any noise emitted by any:

- Aircraft being operated during, or immediately before or after, flight; or
- Vehicle being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998); or
- Train, other than when being tested (when stationary), maintained, loaded, or unloaded.

Issues

NOISE-I1 Exposure to excessive noise can adversely affect amenity values and the health and wellbeing of people and communities.

Explanation

Excessive noise can unreasonably interfere with people's peace and comfort, and their health and well-being. It is therefore important that the emission of noise is appropriately controlled, and the effects of noise mitigated, and that excessive noise is avoided, where the noise is under human control.

Objectives

NOISE-O1 Ensure residents of the District are **not exposed to an appropriate unreasonable levels** of noise for the zone in which they reside/live/work

NOISE-O2 Activities generate noise effects that are compatible with the role, function and predominant character of each receiving zone

NOISE-O3 Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them.

NOISE-O4 Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards.

Policies

NOISE-P1 To maintain the predominant character and amenity of each zone by controlling the level of noise and vibration received in each zone, particularly at night.

NOISE-P2 To ensure that noise sensitive activities and the addition of habitable space to existing noise sensitive activities in the Commercial and General Industrial Zones, within 100m of state highways and the rail network, and within identified airnoise boundaries for the Waipukurau Aerodrome shown on the Planning Maps, are acoustically designed and constructed to mitigate noise arising from legitimately established activities.

NOISE-P3 To recognise that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment by exempting it from the noise limits. The operation of noisy equipment (in particular, rural airstrips, audible bird scaring

Commented [RM1]: Hearing Stream 2 - Right of Reply dated 6 May 2022 - change of recommendation in s42A Noise and Signs Topic Report, Issue 1, to accept in part S129.128 Kainga Ora submission

devices and frost fans) is provided for, subject to appropriate controls.

- NOISE-P4** To manage the emission of noise associated with the Waipukurau Aerodrome through identification of airnoise boundaries on the Planning Maps and accompanying noise limits.
- NOISE-P5** To allow noisy construction and demolition activities subject to ensuring the protection of the community from unreasonable noise.
- NOISE-P6** To allow noisy activities of limited duration and frequency which are of importance to the community, such as noise associated with the operation of emergency services and temporary military training activities, subject to appropriate controls.
- NOISE-P7** To allow noise arising from temporary events subject to controls in terms of frequency, duration, timing and maximum noise limits.
- NOISE-P8** To allow noise arising from recreational activities of a normal recreational nature, such as sporting events and playground activities, subject to the overarching duty to avoid unreasonable noise

Rule Overview Table

Use/activity	Rule Number
Emission of noise	NOISE-R1

Rules

Note: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses noise associated with plantation forest activities.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the emission of noise.

NOISE-R1 Emission of noise		
All Zones	1. Activity Status: PER	2. Activity status where compliance not achieved: RDIS
	Where the following conditions are met:	Matters over which discretion is restricted:
	a. Compliance with:	

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| <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; iii. NOISE-S3; iv. NOISE-S4; and v. NOISE-S5. | <ul style="list-style-type: none"> a. NOISE-AM1. b. NOISE-AM2. c. NOISE-AM3. d. NOISE-AM4. e. NOISE-AM5. f. NOISE-AM6. g. NOISE-AM7. h. NOISE-AM8. i. NOISE-AM9. j. NOISE-AM10. k. NOISE-AM11. |
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Standards

NOISE-S1 Measurement and Assessment of Noise

General

1. Noise will be measured and assessed using the following standards:
 - a. NZS 6801:2008 Acoustics – Measurement of Environmental Sound
 - b. NZS 6802:2008 Acoustics – Environmental Noise
 - c. NZS 6803:1999 Acoustics – Construction Noise
 - d. NZS 6805:1992 Airport Noise Management and Land Use Planning
 - e. NZS 6806: 2010 Acoustics – Road Traffic Noise: New and altered roads
 - f. NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas
 - g. NZS 6808: 2010 Acoustics – Wind farm noise
 - h. NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning
2. Noise levels will be measured and assessed within the site boundary of the noise receiver unless specified otherwise. The assessment position for houses, dwellings and habitable buildings in the General Rural Zone, ~~and~~ the Rural Production Zone, and the Rural Lifestyle Zone is within the notional boundary as defined in [NZS6801](#).

Note: When it becomes evident a measurement location is not suitable, Council may, through the resource consent process, agree to the use of an alternative measurement location.

Commented [SM2]: S81.098 Hort NZ - Noise & Signs Topic, Key Issue 1

NOISE-S2 Vibration

General	<ol style="list-style-type: none"> 1. Vibration from any activity will be measured and assessed as follows: <ol style="list-style-type: none"> a. Vibration received at a building with regard to building damage: <ol style="list-style-type: none"> i. ISO 4866:2010 Mechanical vibration and shock – vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures.
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NOISE-S3 Noise Sensitive Activities within 100m of State Highways and the Rail Network

General	<ol style="list-style-type: none"> 1. The following Minimum External Sound Insulation Level Standards applies to all habitable spaces-rooms within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either: <ol style="list-style-type: none"> a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spacesrooms, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable spacesrooms; or b. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spacesrooms, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior. 2. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary: <ol style="list-style-type: none"> a. Where new habitable spaces-rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.
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Commented [RM3]: Hearing Stream 2 - Right of Reply dated 27 May 2022 - change of recommendation in s42A Noise & Signs Topic Report to accept in part S78.012 Waka Kotahi

NOISE-S4 Noise Limits – Zone Specific

Receiving Zone(s):

General Residential Zone	<ol style="list-style-type: none"> 1. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:
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	<ul style="list-style-type: none"> a. 0700 - 2200 hours – 50 L_{Aeq} b. All other times – 40 L_{Aeq} / 70 L_{Amax}
Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ul style="list-style-type: none"> 2. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones: <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 50 L_{Aeq} ii. All other times – 40 L_{Aeq} / 70 L_{Amax}
General Rural Zone Rural Production Zone	<ul style="list-style-type: none"> 3. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones: <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 55 L_{Aeq} ii. All other times – 45 L_{Aeq} / 70 L_{Amax}
Commercial Zone	<ul style="list-style-type: none"> 4. Noise from any activity (other than residential units/ occupancies/ habitable rooms or those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone: <ul style="list-style-type: none"> a. 0700 – 2200 hours – 65 L_{Aeq} b. All other times – 60 L_{Aeq} / 75 L_{Amax} c. Octave band noise levels shall not exceed: <ul style="list-style-type: none"> i. 75dB $L_{eq(1\text{ minute})}$ at 63Hz ii. 65dB $L_{eq(1\text{ minute})}$ at 125Hz 5. Residential units/ occupancies/ habitable rooms: <ul style="list-style-type: none"> a. Internal noise level in any habitable room must not exceed 35 dB $L_{Aeq(24\text{ hours})}$ while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services. b. In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone. 6. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.
General Industrial Zone	<ul style="list-style-type: none"> 7. Noise from any activity (other than residential units/ occupancies/ habitable rooms or those specific activities

Commented [RM4]: Hearing Stream 2 - Right of Reply dated 27 May 2022 - change of recommendation in s42A Noise & Signs Topic Report to accept in part S129.141 Kainga Ora

	<p>in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:</p> <ol style="list-style-type: none"> a. 0700 – 2200 hours – 70 L_{Aeq} b. All other times – 60 L_{Aeq} / 75 L_{Amax} <p>8. Residential units/ occupancies/ habitable rooms:</p> <ol style="list-style-type: none"> a. <u>Internal noise level in any habitable room must not exceed 35 dB L_{Aeq(24 hours)} while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services.</u> b. <u>In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone.</u> c. <u>Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</u>
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Commented [RM5]: Hearing Stream 2 - Right of Reply dated 27 May 2022 - change of recommendation in s42A Noise & Signs Topic Report to accept in part S129.141 Kainga Ora

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.

All Specific Activities listed under this standard	1. Noise shall be measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings (where stated).
Construction	2. Must comply with the provisions of NZS6803:1999 – Construction Noise.
Emergency Service Activities	3. Exempt, provided the noise source is a warning device or siren (including their routine testing and maintenance), when measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings.
Generators for continued power supply	4. Exempt, provided it is for temporary emergency use.
Recreational Activities of an everyday recreational nature	5. Exempt, providing the activity does not involve motorised activities or amplified sound. Examples include sporting events and playground activities.
Activities within the grounds of an Educational Facility	6. Exempt, providing the noise generated is through use of grounds and facilities during events associated with the educational facility concerned, and by students who live

	<p>on site. Examples include use of school facilities for sport during term time and by student boarders who live on site.</p>
<p>Activities involving stock, vehicles and mobile machinery associated with primary production</p>	<p>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.</p>
<p>Prospecting and Exploration (quarrying) activities</p>	<p>8. Must comply with the relevant zone noise limits at the specified measurement and assessment position for those zone(s), except that blasting noise and associated vibration must comply with the following:</p> <ol style="list-style-type: none"> a. Occur only between 0700 hours and 1900 hours, and b. No more than 2 events per hour, with a maximum of 8 events per day, and c. All occupiers of dwellings or habitable buildings within a 2 kilometre range are advised in writing no less than 5 working days prior to the blasting occurring, and d. Overblast pressure incident on dwellings or habitable buildings does not exceed 115dB L_{Zpeak}, and e. Ground borne vibration does not exceed the limits specified in DIN4150-3 Part 3:2016 Vibrations in Buildings.
<p>Temporary events (other than temporary military training)</p>	<p>9. Must comply with the zone noise limits at the specified measurement and assessment position for those zone(s), except as follows (on a per site basis):</p> <ol style="list-style-type: none"> a. For 4 events in any 12 month period – a noise limit of 80dB $L_{Aeq(1\ hour)}$ within the respective adjacent zone(s) providing the event and pre event rehearsal do not individually exceed 3 hours in duration. Octave band noise levels at houses, dwellings or habitable buildings must not exceed: <ol style="list-style-type: none"> i. 95dB $L_{eq(1\ min)}$ at 63Hz ii. 85dB $L_{eq(1\ min)}$ at 125Hz iii. Secondary sub-clause iv. Secondary sub-clause b. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq(1\ hour)}$ within the respective

Commented [SM6]: S73.012 Ministry of Education - Noise & Signs Topic, Key Issue 1

	<p>adjacent zone(s) providing the event does not exceed 12 hours per day over a two day period. Octave band noise levels at dwellings or habitable buildings must not exceed:</p> <ul style="list-style-type: none"> i. 85dB L_{eq(1 min)} at 63Hz ii. 75dB L_{eq(1 min)} at 125Hz
Emergency Aviation Movements	10. Exempt.
Agricultural Aviation Activities Movements	<p>11. Exempt for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>
Rural Airstrips	<p>13. The day-night average sound level (L_{dn}) generated by aircraft movements (excluding emergency aviation, and agricultural aviation activities movements for up to 14 days in any calendar year) must not exceed 55 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, and Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p>
Helicopter Landing Areas (other than those for temporary military training activities)	<p>16. The day-night average sound level (L_{dn}) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation activities movements for up to 14 days in any calendar year) must not exceed 50 dB L_{dn} measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, and Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB L_{dn}, and in any case the limit must not be exceeded by 3 dB on any day.</p>

Commented [RM7]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment relating to revised terminology in response to evidence from Hort NZ, Fed Farmers, NZAAA, Aerospread, & J & S Calder in relation to the broader agricultural aviation provisions in the PDP

Commented [RM8]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment relating to revised terminology in response to evidence from Hort NZ, Fed Farmers, NZAAA, Aerospread, & J & S Calder in relation to the broader agricultural aviation provisions in the PDP

Commented [RM9]: S81.101 Hort NZ - Rural Topic, Key Issue 17

Commented [RM10]: S29.008 NZDF - Light & Temporary Activities Topic, Issue 2

Commented [RM11]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment relating to revised terminology in response to evidence from Hort NZ, Fed Farmers, NZAAA, Aerospread, & J & S Calder in relation to the broader agricultural aviation provisions in the PDP

Commented [RM12]: S81.102 - Rural Topic, Key Issue 17

	<p>18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas.</p>
<p>Waipukurau Aerodrome/ Airport</p>	<p>19. Must comply with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>20. The Waipukurau Aerodrome must be managed so that the noise from aircraft operations does not exceed 65 dB L_{dn} outside the Air Noise Boundary (ANB) or 55 dB L_{dn} outside the Outer Control Boundary (OCB) as shown on the Planning Maps.</p> <p>21. Compliance with the ANB and OCB will be determined on the basis of the following:</p> <ul style="list-style-type: none"> a. A log of annual aircraft movements will be provided to the Council by 1 February each year, detailing the total number of fixed-wing and helicopter movements for the previous calendar year. b. Where the total number of annual aircraft movements are less than 6500 per year no compliance contouring is required. c. Where the total number of annual aircraft movements is greater than 6500, the operators of Waipukurau Aerodrome must produce 55 dB, and 65 dB Annual Aircraft Noise Contours (AANC), using airport noise prediction software and records of actual aircraft movements for the busiest 3 consecutive months of the previous year. These AANC are to be submitted to the Council to show compliance or otherwise with the OCB and ANB. The preparation of AANC will be required every 2 years thereafter. d. Where the AANC show that the calculated noise level exceeds 64 dB at any point on the ANB, noise measurements using infield monitoring are required for a minimum of 1 month (at one measurement location) to demonstrate compliance with the noise limit of the ANB, as shown on the Planning Maps. <p>22. Exemptions to these noise rules are provided for:</p> <ul style="list-style-type: none"> a. Aircraft operating in an emergency for medical or national / civil defence reasons. b. Air shows. c. Military operations. d. Aircraft using the airfield as a necessary alternative to an airfield elsewhere.

	<ul style="list-style-type: none"> e. Aircraft taxiing. f. Aircraft engine testing.
Wind farm wind turbine generators	23. Must comply with NZS 6808: 2010 Acoustics – Wind farm noise.
Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones	<p>24. Provided the total internal noise level in any habitable room does not exceed 35 dB L_{Aeq(24 hours)}, while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services.</p> <p>25. In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone.</p> <p>26. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>
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_{Zpeak}, when measured 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 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_{AE} when assessed at 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.</p>
Frost fans	30. 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.

Commented [RM13]: Hearing Stream 2 - Right of Reply dated 27 May 2022 - change of recommendation in s42A Noise & Signs Topic Report to accept in part S129.141 Kainga Ora

Commented [RM14]: S81.103 Hort NZ - Rural Topic, Key Issue 10

Commented [RM15]: S81.104 Hort NZ - Rural Topic, Key Issue 10

Temporary military training activities

31. Weapons firing and/or the use of explosives:
- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
 - b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
 - i. 0700 – 1900 hours: 500m
 - ii. 1900 – 0700 hours: 1,250m
 - c. Where the minimum separation distances specified above cannot be met, then the activity must comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
 - i. 0700 – 1900 hours: 95 dBC
 - ii. 1900 – 0700 hours: 85 dBC

32. Mobile noise sources:
- a. Must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to mobile noise sources.
 - b. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

33. Fixed (stationary) noise sources:
- a. Must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AF} (max)
0700 – 1900 hours	55 dB	N/A
1900 – 2200 hours	50 dB	
2200 – 0700 hours	45 dB	75 dB

- b. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.
34. Helicopter landing areas:
- a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

	<p>b. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p> <p>35. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p>
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Commented [RM16]: S29.010 NZDF - Light & Temporary Activities Topic, Key Issue 2

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

NOISE-AM1 Compatibility

1. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone, including proximity of any existing noise sensitive activities.

NOISE-AM2 Ambient Noise Levels

1. Existing ambient noise levels.

NOISE-AM3 Vehicle Noise

1. If traffic generation during the night-time period is of concern, whether the noise level exceeds 55dB L_{Aeq (1 hour)} at the façade of a habitable space.
2. If it is likely that vehicles associated with an activity while travelling on public roads will generate more than 55dB L_{Aeq (1 hour)} at the façade of a habitable space.

NOISE-AM4 Degree of Exceedance of Noise Limits

1. The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused.

NOISE-AM5 Community Benefit of Entertainment Activities

1. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.

NOISE-AM6 Extent to which Achieving Relevant Limits is Practicable

1. The extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial, or recreational activities and whether the environment is subject to significant noise intrusion from road, rail or air transport activities.

NOISE-AM7 Assessment of Noise and Mitigation Options

1. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options to reduce noise emissions.

NOISE-AM8 Other Relevant Standards, Codes of Practice and Assessment Methods

1. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.

NOISE-AM9 Effects on Cultural Values

1. Effects of noise on cultural values associated with any sites and areas of significance to Maori identified in SASM-SCHED3 and on the Planning Maps, or marae.

NOISE-AM10 Waipukurau Aerodrome

1. In respect of noise associated with aircraft engines at the Waipukurau Aerodrome:
 - a. The degree to which excessive noise generation will affect the enjoyment of any public place or residential area in the vicinity.
 - b. The degree to which the noise contrasts with the characteristics of the existing noise environment in terms of level, duration and timing, and the impact of any cumulative increase.
 - c. The nature of measures to mitigate excessive noise levels and the degree to which they would be successful.

Methods

Methods, other than rules, for implementing the policies:

NOISE-M1 Noise Management Plans

Encouraging the establishment and operation of effective Noise Management Plans for specific sites or sector groups.

NOISE-M2 New Zealand Standards

Reference to various New Zealand Standards for measuring and assessing noise emission.

NOISE-M3 Industry Best Practice

Encouraging adoption of industry best practice e.g. Helicopter Association International's 'Fly Neighbourly' programme.

NOISE-M4 Section 16 RMA Unreasonable Noise

Control emission of unreasonable noise under section 16 of the RMA.

NOISE-M5 Monitoring and Enforcement

Monitoring and enforcement of noise as part of Council's functions under the RMA.

Principal Reasons

The principal reasons for adopting the policies and methods:

The District Plan seeks to control the level of noise and vibration received in each zone by setting noise limits that reflect the character and amenity of each zone, but also provides for those activities which are recognised as having different aural qualities associated with them, subject to specific noise standards. Activities such as construction, noise associated with normal agricultural, viticultural, and horticultural operations, emergency service activities and temporary events such as concerts are provided for, subject to specific standards and the overarching duty to ensure noise does not exceed a reasonable level.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- NOISE-AER1 Residents are exposed to an appropriate level of noise.**
- NOISE-AER2 The amenity of residential areas and established noise-sensitive activities is safeguarded.**
- NOISE-AER3 Sufficient flexibility for noise-generating activities in the Rural Production, Plains Production and Commercial and General Industrial Zones, as well as noise associated with the operation of the Waipukurau Aerodrome, is provided.**
- NOISE-AER4 Events and activities of limited duration or frequency that are inherently noisy are not unreasonably constrained.**
- NOISE-AER5 Noise-sensitive activities located out-of-zone have adequate sound insulation.**

PART 3 – AREA-SPECIFIC MATTERS

ZONES

LLRZ – Large Lot Residential Zone (Coastal)

Introduction

The coastal settlements covered by the Large Lot Residential Zone(Coastal) are:

- Kairakau Beach
- Mangakuri Beach
- Pourerere Beach
- Blackhead Beach
- Te Paerahi Beach.

These settlements are highly valued for their feeling of remoteness and they each have a special and distinct character. The key characteristics across all of the settlements include:

- single baches, mainly single or 2-storey in height, on large lots;
- the absence of kerb and channel, footpaths and street lighting;
- the absence of business activities; and
- large areas of public open space and associated small scale public facilities, particularly along the beach front.

The future of the coastal settlements depends on maintaining their small scale, sense of remoteness, and their ability to provide water supply and sewage disposal systems that can meet the demands of a seasonal population.

Additional characteristics of each coastal settlement are described below:

Kairakau Beach

The landscape of Kairakau Beach settlement is easily recognisable by the imposing limestone cliffs backdrop that provide a distinct 'sense of place'. It also features the only seawall protection along the Central Hawke's Bay coastline. Residential development is clustered between the base of the cliffs, the foreshore and the Mangakuri River estuary.

Mangakuri Beach

Mangakuri Beach settlement comprises a single row of baches/holiday homes discretely located above and on the landward side of the road, between the base of the hills and the foreshore dunes. Sites in this settlement are large in size (the average site size being just under 3,000m²), with only one dwelling on each site. The character of this settlement is therefore very open, small scale and has a feeling of remoteness.

Pourerere Beach

This settlement is comprised of two distinct parts, the northern area located where Pourerere Road first meets the beach; and the historic bach settlement area further along the coast to

the south. Development is small scale, particularly in the southern area, comprising single baches and dwellings on individual sites. A camping ground is also located centrally within the southern area.

While demand for coastal living peaked in the early 2000's, provision for future development at Pourerere Beach is constrained by on-site servicing issues, coastal natural hazards and limited suitable land for new development available within the Large Lot Residential Zone.

Blackhead Beach

Blackhead Beach settlement, located off a side road at the end of Long Range Road, comprises a small cluster of baches setback some distance from the beach in a small basin of land surrounded by hills. Te Angiangi Marine Reserve, managed by the Department of Conservation, is accessed via Blackhead Beach (and Aramoana). This reserve, established in 1997, protects 446 ha of coastline in this vicinity, and comprises a coastal and marine environment that is fully protected to help allow the coastal and marine ecosystems to return to their former natural state. It is an area highly valued by locals and visitors for educational and scientific reasons as well as for recreational pursuits. It is the only Marine Reserve in Hawke's Bay.

Te Paerahi Beach

Te Paerahi Beach settlement is the largest coastal settlement and is located on land between Porangahau River and the coast. Te Paerahi is the only settlement serviced by Council reticulated water and wastewater and therefore the potential for infill is greater in this settlement.

The coastal developments at Shoal Beach (between Pourerere and Blackhead) and Whangaehu on the southern coastline, have not been included within the Large Lot Residential Zone. These settlements have a complex set of resource consent conditions and covenants controlling their development. They retain an underlying General Rural zoning.

Issues

LLRZ-I1 Amenity and Character

Maintaining the special identity, character and heritage of the coastal settlements, including the 'remote' feel, characterised by a lack of urban kerb and channel on roadways, large sections with single dwellings, and absence of business activities.

LLRZ-I2 Coastal Hazards and Climate Change

The coastal fringe, including coastal settlements, is susceptible to natural hazards including coastal erosion and coastal inundation and the effects of storm surge, sea level rise and tsunamis. Refer CE – Coastal Environment and NH – Natural Hazards chapters.

LLRZ-I3 Access to the Coast

Public access to and along the Central Hawke’s Bay District Coast is highly valued for coastal recreation and camping opportunities and needs to be maintained and enhanced. Refer PA – Public Access chapter.

LLRZ-14 Servicing

Servicing of the coastal settlements varies. There is on-site servicing in some settlements, Council reticulated water and wastewater at Te Paerahi, Council non-potable water at Pourerere, and Council potable water supply at Kairakau. Kairakau also has a private community wastewater system which is not mandatory to join.

Explanation

The Large Lot Residential Zone (Coastal) within the coastal environment is important as it provides a place where people can live or holiday and relax in a coastal environment. The coastal settlements are valued for their sense of remoteness, small scale and lack of urban amenity and their easy access to beaches.

The zone provides for large-lot residential living in a distinctive coastal environment and land uses are managed in such a way to ensure that their effects are compatible with the amenity associated with these coastal settlements.

While there are areas within the zone where growth is possible, development is generally constrained by the need to provide on-site water supplies and wastewater services, and the limited amount of undeveloped land available.

Coastal settlements are located in dynamic natural environments and will require ongoing management and monitoring. While these are matters addressed by Hawke’s Bay Regional Council through the Hawke’s Bay Regional Coastal Environment Plan, the District Plan also needs to have regard to them.

New Zealanders place high value on being able to access and enjoy the coast. Much of the Central Hawke’s Bay District’s coast is not easily accessible to the public, and roads and public open space areas within coastal settlements provide important access points. It is important that these access points are maintained and enhanced in our coastal settlements.

Contamination of ground and surface water can result from septic tank failure and lead to subsequent health risks. Discharge to land from on-site wastewater disposal are subject to controls under the Hawke’s Bay Regional Coastal Environment Plan. Areas with known on-site sewage problems will require larger sites in order to provide adequate effluent disposal fields.

Objectives

LLRZ-01 To ensure that the identity, character, and heritage values of the coastal settlements are maintained and enhanced.

LLRZ-O2 To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities, **emergency service facilities** and network utilities, to be located in the coastal settlements in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.

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LLRZ-O3 To avoid the extension, alteration, and construction of buildings on those parts of the coastal environment which are most at risk from erosion and inundation.

LLRZ-O4 To facilitate public access to, and enjoyment of, the District's coast and its margins in a manner that protects the natural character values of the coastal environment.

Policies

LLRZ-P1 Through the Large Lot Residential Zone (Coastal), recognise and provide for existing coastal settlements that serve an important social and recreational function and have a distinct character related to their coastal location.

LLRZ-P2 Allow for use and development that maintains or enhances the identity, character and heritage values of the Large Lot Residential Zone (Coastal).

LLRZ-P3 Provide building density controls for coastal settlements which promote an open appearance.

LLRZ-P4 Provide for limited small-scale, non-residential activities within coastal settlements that directly support the well-being of the coastal communities and their visitors.

LLRZ-P5 Subdivision, use and development in the Large Lot Residential Zone (Coastal) will retain the existing built character of the coastal settlements including the building density, height and setbacks.

LLRZ-P6 Control land use and subdivision activities in the coastal settlements where coastal hazards may potentially put communities, resources, buildings and people at risk.

LLRZ-P7 Recognise and provide for existing recreational activities within existing coastal settlements that do not have detrimental effects on the coastal environment.

LLRZ-P8 Ensure use, subdivision and development within existing coastal settlements provides for, or enhances, public access to and along the coast. Access should only be restricted for the following reasons:

1. to protect natural habitats;
2. to protect historic heritage features and areas; or
3. to protect public health and safety.

LLRZ-P9 Ensure all land use activities, development and subdivision provide a suitable on-site wastewater treatment and disposal system, stormwater systems, and water supply unless an approved alternative system is available.

Note: refer also to the SUB – Subdivision chapter, and Hawke’s Bay Regional Coastal Environment Plan.

Rule Overview Table

Use/activity	Rule Number
Residential activities	LLRZ-R1
Home businesses	LLRZ-R2
Visitor accommodation	LLRZ-R3
Community facilities	LLRZ-R4
Educational facilities	LLRZ-R5
Emergency service activities and emergency aviation movements	LLRZ-R6
Community corrections activities	LLRZ-R7
Relocated buildings	LLRZ-R8
Primary production activities	LLRZ-R9
Commercial activities not otherwise provided for	LLRZ-R10
Camping grounds	LLRZ-R11
Any other activity not otherwise provided for	LLRZ-R12
Intensive primary production activities	LLRZ-R13
Industrial activities	LLRZ-R14

Service activities

LLRZ-R15

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Large Lot Residential Zone within the coastal environment.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- vegetation clearance and soil disturbance activities in the coastal environment.
- activities in identified Coastal Hazard Zones.

LLRZ-R1 Residential activities

1. Activity Status: PER

Where the following conditions are met:

a. Compliance with:

- LLRZ-S1;
- LLRZ-S2;
- LLRZ-S3;
- LLRZ-S4;
- LLRZ-S5;
- LLRZ-S6;
- LLRZ-S7;
- LLRZ-S8;
- LLRZ-S9;
- LLRZ-S10;
- LLRZ-S11;
- LLRZ-S12;
- LLRZ-S13; and
- LLRZ-S14; and
- LLRZ-S16.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

a. Assessment matters:

- LLRZ-AM1.
- LLRZ-AM2.
- LLRZ-AM3.
- LLRZ-AM4.
- LLRZ-AM5.

vi. [LLRZ-AM12](#);

vii. [LLRZ-AM13](#);

viii. [LLRZ-AM14](#).

b. Assessment matters in the following chapters:

- TRAN – Transport.
- LIGHT – Light.
- NOISE – Noise.

Commented [RM3]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM4]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [JKS5]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.103 FENZ

Commented [JKS2]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.103 FENZ

LLRZ-R2 Home businesses

1. Activity Status: PER

Where the following conditions are met:

a. Limited to:

2. Activity status where compliance with condition LLRZ-R2(1)(b) is not achieved: RDIS

<ul style="list-style-type: none"> i. Home businesses must occupy no more than 50m² of the gross floor area of the buildings on the site. ii. Goods, materials, or equipment associated with the home business must be stored within a building. iii. Manufacturing, altering, repairing, dismantling, or processing of any goods or articles associated with the home business must be carried out within a building. iv. Home businesses must be undertaken by a person(s) residing on the site and employ no more than one full-time equivalent person who does not reside on the site. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. LLRZ-S1; ii. LLRZ-S2; iii. LLRZ-S3; iv. LLRZ-S4; v. LLRZ-S5; vi. LLRZ-S6; vii. LLRZ-S7; viii. LLRZ-S8; ix. LLRZ-S9; x. LLRZ-S10; xi. LLRZ-S11; xii. LLRZ-S12; xiii. LLRZ-S13; and xiv. LLRZ-S14. 	<p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. LLRZ-AM1. ii. LLRZ-AM2. iii. LLRZ-AM3. iv. LLRZ-AM4. v. LLRZ-AM5. vi. LLRZ-AM12 vii. LLRZ-AM13 b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition LLRZ-R2(1)(a) is not achieved: DIS</p>
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Commented [RM6]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM7]: S57.117 FENZ - Coastal Topic, Issue 6

LLRZ-R3 Visitor accommodation	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. Accommodating no more than 5 guests at any one time. ii. Length of stay for any one guest must be no greater than 3 months in any 12-month period. <i>Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.</i> <p>b. Compliance with:</p>	<p>2. Activity status where compliance with condition LLRZ-R3(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment matters: <ul style="list-style-type: none"> i. LLRZ-AM1. ii. LLRZ-AM2. iii. LLRZ-AM3. iv. LLRZ-AM4. v. LLRZ-AM5.

- i. LLRZ-S1;
- ii. LLRZ-S2;
- iii. LLRZ-S3;
- iv. LLRZ-S4;
- v. LLRZ-S5;
- vi. LLRZ-S6;
- vii. LLRZ-S7;
- viii. LLRZ-S8;
- ix. LLRZ-S9;
- x. LLRZ-S10;
- xi. LLRZ-S11;
- xii. LLRZ-S12;
- xiii. LLRZ-S13; and
- xiv. LLRZ-S14; and
- xv. LLRZ-S16.

- vi. LLRZ-AM12.
- vii. LLRZ-AM13.
- viii. LLRZ-AM14.

- b. Assessment matters in the following chapters:
- i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition LLRZ-R3(1)(a) is not achieved: DIS

Commented [RM9]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM10]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [JKS11]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.104 FENZ

LLRZ-R4 Community facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area.
- b. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S6;
 - vi. LLRZ-S7;
 - vii. LLRZ-S8;
 - viii. LLRZ-S9;
 - ix. LLRZ-S10;
 - x. LLRZ-S11;
 - xi. LLRZ-S12;
 - xii. LLRZ-S13; and
 - xiii. LLRZ-S14; and
 - xiv. LLRZ-S16.

2. Activity status where compliance with condition LLRZ-R4(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. LLRZ-AM1.
 - ii. LLRZ-AM2.
 - iii. LLRZ-AM3.
 - iv. LLRZ-AM4.
 - v. LLRZ-AM5.
 - vi. LLRZ-AM12.
 - vii. LLRZ-AM13.
 - viii. LLRZ-AM14.

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition LLRZ-R4(1)(a) is not achieved: DIS

Commented [RM13]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM14]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [JKS15]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.105 FENZ

Commented [JKS12]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.105 FENZ

LLRZ-R5 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 1200m² gross floor area.
- b. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S6;
 - vi. LLRZ-S7;
 - vii. LLRZ-S8;
 - viii. LLRZ-S9;
 - ix. LLRZ-S10;
 - x. LLRZ-S11;
 - xi. LLRZ-S12;
 - xii. LLRZ-S13; and
 - xiii. LLRZ-S14; and
 - xiv. LLRZ-S16.

2. Activity status where compliance with condition LLRZ-R5(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. LLRZ-AM1.
 - ii. LLRZ-AM2.
 - iii. LLRZ-AM3.
 - iv. LLRZ-AM4.
 - v. LLRZ-AM5.

vi. LLRZ-AM12

vii. LLRZ-AM13

viii. LLRZ-AM14

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition LLRZ-R5(1)(a) is not achieved: DIS

LLRZ-R6 Emergency service activities and emergency aviation movements

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 100m² gross floor area.
- b. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S6;
 - vi. LLRZ-S7;
 - vii. LLRZ-S8;
 - viii. LLRZ-S9;
 - ix. LLRZ-S10;
 - x. LLRZ-S11;
 - xi. LLRZ-S12;
 - xii. LLRZ-S13; and
 - xiii. LLRZ-S14; and

2. Activity status where compliance with condition LLRZ-R6(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. LLRZ-AM1.
 - ii. LLRZ-AM2.
 - iii. LLRZ-AM3.
 - iv. LLRZ-AM4.
 - v. LLRZ-AM5.

vi. LLRZ-AM12

vii. LLRZ-AM13

viii. LLRZ-AM14

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.

Commented [RM16]: S73.014 MoE - Coastal Topic, Issue 7

Commented [RM18]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM19]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [JKS20]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.106 FENZ

Commented [JKS17]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.106 FENZ

Commented [RM21]: S57.108 FENZ - Coastal Topic, Issue 6

Commented [RM23]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM24]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [JKS25]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.107 FENZ

xiv. ~~LLRZ-S16.~~

- ii. ~~LIGHT – Light.~~
- iii. ~~NOISE – Noise.~~

3. Activity status where compliance with condition LLRZ-R6(1)(a) is not achieved: DIS

Commented [JKS22]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.107 FENZ

LLRZ-R7 Community corrections activities

1. Activity Status: PER

Where the following conditions are met:

- a. ~~Limited to 100m² gross floor area.~~
- b. ~~Compliance with:~~
 - i. ~~LLRZ-S2;~~
 - ii. ~~LLRZ-S3;~~
 - iii. ~~LLRZ-S4;~~
 - iv. ~~LLRZ-S5;~~
 - v. ~~LLRZ-S6;~~
 - vi. ~~LLRZ-S7;~~
 - vii. ~~LLRZ-S8;~~
 - viii. ~~LLRZ-S9;~~
 - ix. ~~LLRZ-S10;~~
 - x. ~~LLRZ-S11;~~
 - xi. ~~LLRZ-S12;~~
 - xii. ~~LLRZ-S13; and~~
 - xiii. ~~i. LLRZ-S14.~~

2. Activity status where compliance with condition LLRZ-R7(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. ~~Assessment matters:~~
 - i. ~~LLRZ-AM1.~~
 - ii. ~~LLRZ-AM2.~~
 - iii. ~~LLRZ-AM3.~~
 - iv. ~~LLRZ-AM4.~~
 - v. ~~LLRZ-AM5.~~
- b. ~~Assessment matters in the following chapters:~~
 - i. ~~TRAN – Transport.~~
 - ii. ~~LIGHT – Light.~~
 - iii. ~~i. NOISE – Noise.~~

3. Activity status where compliance with condition LLRZ-R7(1)(a) is not achieved: DIS

Commented [RM26]: S97.010 Corrections - Coastal Topic, Issue 7

LLRZ-R8 Relocated buildings

1. Activity Status: PER

Where the following conditions are met:

- a. The building must be for the purpose of accommodating a permitted or consented activity on the site.
- b. Compliance with LLRZ-S15.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. LLRZ-AM1.
- b. LLRZ-AM2.
- c. LLRZ-AM5.
- d. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of

appropriate standard, and compatible with other buildings in the vicinity.

- e. The bulk and location of the building in relation to the requirements of the zone.
- f. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
- g. The imposition of a performance bond to ensure compliance with the consent conditions.

Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.

LLRZ-R9 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S6;
 - vi. LLRZ-S7;
 - vii. LLRZ-S8;
 - viii. LLRZ-S9;
 - ix. LLRZ-S10;
 - x. LLRZ-S11;
 - xi. LLRZ-S12;
 - xii. LLRZ-S13; and
 - xiii. LLRZ-S14.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. LLRZ-AM1.
 - ii. LLRZ-AM2.
 - iii. LLRZ-AM3.
 - iv. LLRZ-AM4.
 - v. LLRZ-AM5.
 - vi. [LLRZ-AM12](#).
 - vii. [LLRZ-AM13](#).
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Commented [RM27]: S90.054 Centralines - Coastal Topic, Issue 7

Commented [RM28]: S57.117 FENZ - Coastal Topic, Issue 6

LLRZ-R10 Commercial activities not otherwise provided for

1. Activity Status: RDIS

Where the following conditions are met:

- a. Limited to:

2. Activity status where compliance not achieved: NC

- i. Commercial activities must occupy no more than 50m² gross floor area on the site.
- b. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S6;
 - vi. LLRZ-S7;
 - vii. LLRZ-S8;
 - viii. LLRZ-S9;
 - ix. LLRZ-S10;
 - x. LLRZ-S11;
 - xi. LLRZ-S12;
 - xii. LLRZ-S13; ~~and~~
 - xiii. LLRZ-S14; and
 - xiv. LLRZ-S16.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- c. Assessment matters:
 - i. LLRZ-AM1.
 - ii. LLRZ-AM2.
 - iii. LLRZ-AM3.
 - iv. LLRZ-AM4.
 - v. LLRZ-AM5.
 - vi. LLRZ-AM6.
 - vii. LLRZ-AM14.
- d. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Commented [JKS29]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.110 FENZ

Commented [JKS30]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.110 FENZ

LLRZ-R11 Camping grounds

1. Activity Status: RDIS

Where the following conditions are met:

- a. Compliance with:
 - i. LLRZ-S2;
 - ii. LLRZ-S3;
 - iii. LLRZ-S4;
 - iv. LLRZ-S5;
 - v. LLRZ-S8;
 - vi. LLRZ-S9;
 - vii. LLRZ-S10;

2. Activity status where compliance not achieved: DIS

- viii. [LLRZ-S11](#);
- ix. [LLRZ-S12](#);
- x. [LLRZ-S13](#); ~~and~~
- xi. [LLRZ-S14](#); and
- xii. [LLRZ-S16](#).

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

b. Assessment matters:

- i. [LLRZ-AM1](#).
- ii. [LLRZ-AM3](#).
- iii. [LLRZ-AM4](#).
- iv. [LLRZ-AM5](#).
- v. [LLRZ-AM7](#).
- vi. [LLRZ-AM12](#).
- vii. [LLRZ-AM13](#).
- viii. [LLRZ-AM14](#).

c. [LLRZ-AM11](#).

d. Assessment matters in the following chapters:

- i. [TRAN – Transport](#).
- ii. [LIGHT – Light](#).
- iii. [NOISE – Noise](#).

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

LLRZ-R12 Any other activity not otherwise provided for

1. Activity Status: DIS

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

LLRZ-R13 Intensive primary production activities

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

LLRZ-R14 Industrial activities

1. Activity Status: NC

Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

LLRZ-R15 Service activities

Commented [JKS31]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment in relation to S57.116 FENZ

Commented [JKS32]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - consequential amendment in relation to S57.117 FENZ

Commented [RM33]: S101.001 NZ Motor Caravan - Coastal Topic, Issue 7

1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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Standards

LLRZ-S1 Residential Density	
Mangakuri Beach Only	<ol style="list-style-type: none"> 1. There must be no more than: <ol style="list-style-type: none"> a. two residential units (including minor residential units) on any site; or b. one residential unit and one visitor accommodation unit on any site. 2. Minimum net site area for any site is 1500m² for each residential/visitor accommodation unit. <p><i>Note: Mangakuri Beach is not serviced by a reticulated wastewater disposal system. Resource consent may be required from the Hawke's Bay Regional Council for new or existing on-site wastewater disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and must remain free of permanent structures.</i></p>
All Other Settlements	<ol style="list-style-type: none"> 3. There must be no more than: <ol style="list-style-type: none"> a. two residential units (including minor residential units) on any site; or b. one residential unit and one visitor accommodation unit on any site. 4. Minimum net site area for any site is 800m² for each residential/visitor accommodation unit where the site is connected to a reticulated wastewater disposal system. 5. Minimum net site area for any site is 1000m² for each residential/visitor accommodation unit where it is not connected to a reticulated wastewater disposal system. <p><i>Note: Most of the coastal settlements are not serviced by reticulated wastewater disposal systems. Resource consent may be required from the Hawke's Bay Regional Council for new or existing on-site wastewater disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and must remain free of permanent structures.</i></p>
LLRZ-S2 Height of Buildings	

All	<p>1. Maximum height of any building(s) is 8m.</p> <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
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LLRZ-S3 Height in Relation to Boundary

All	<p>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:</p> <ul style="list-style-type: none"> a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. <p>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</p>
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LLRZ-S4 Setback from Roads

All	<p>1. Minimum setback of any building(s) is 3m.</p> <p>2. Where the vehicle access to garage faces a road boundary, the garage building must be setback at least 5m from the road boundary.</p>
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LLRZ-S5 Setback from Neighbours

Residential Activities	<p>1. Minimum setback of buildings for an activity from internal boundaries is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.</p>
All Other Activities	<p>2. Minimum setback of buildings for an activity from internal boundaries is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard.</p> <p>3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any internal boundary.</p>

LLRZ-S6 Outdoor Living Space

Residential Activities	<ol style="list-style-type: none"> 1. For each residential unit, there must be a minimum continuous area for outdoor living space, contained in one area within the net site area of the site, of 80m² with a minimum dimension of 5m, except that: <ol style="list-style-type: none"> a. For any residential unit with a gross floor area less than 65m², the minimum area may be reduced to 30m² with a minimum dimension of 3.5m. 2. The required minimum area of outdoor living space must be readily accessible from a living area of the residential unit, and may take the form of a deck, terrace or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated outdoor service space.
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LLRZ-S7 Outdoor Service Space

Residential Activities	<ol style="list-style-type: none"> 1. In addition to provision of outdoor living space, for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net site area of the site, of 15m² with a minimum dimension of 3m.
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LLRZ-S8 Hours of Operation

All (except for Residential Activities, Emergency Service Activities, or Visitor Accommodation)	<ol style="list-style-type: none"> 1. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0700 – 2200 hours, seven days a week; except where: <ol style="list-style-type: none"> i. the entire activity is located within a building; and ii. each person engaged in the activity outside the above hours resides permanently on the site; and iii. there are no visitors, customers, or deliveries to the activity outside the above hours.
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Commented [RM34]: S57.113 FENZ - Coastal Topic, Issue 6

LLRZ-S9 Heavy Vehicle Storage

All	<ol style="list-style-type: none"> 1. There must be no more than one heavy vehicle stored on a site.
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LLRZ-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.
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	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>
LLRZ-S11 Electricity Safety Distances	
All	1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).
LLRZ-S12 Transport (Access, Parking, Loading)	
All	1. Activities must comply with the provisions of the TRAN – Transport chapter.
LLRZ-S13 Light	
All	1. Activities must comply with the provisions of the LIGHT – Light chapter.
LLRZ-S14 Noise	
All	1. Activities must comply with the provisions of the NOISE – Noise chapter.
LLRZ-S15 Relocated Buildings	
All	<ol style="list-style-type: none"> 1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built, and used as a dwelling or for visitor accommodation. 2. The relocated building must comply with all other relevant performance standards for the zone. 3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must: <ol style="list-style-type: none"> a. state whether the building is structurally sound; b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity; c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site; d. provide clear photographs of the building in its current state; and

Commented [RM35]: S57.114 FENZ - Coastal Topic, Issue 6

- e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.
- 4. The Building Pre-Inspection Report must be prepared by:
 - a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
 - b. A member of the New Zealand Institute of Building Surveyors; or
 - c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
 - d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.
- 5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
- 6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.
- 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.
- 8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

LLRZ-S16 Water supply for firefighting

All buildings (excluding accessory buildings that do

- 1. 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:**
- a. accessible to firefighting equipment; and**

<p><u>not include a habitable room)</u></p>	<p>b. <u>between 6 and 90 metres from the buildings on the site; and</u></p> <p>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></p> <p>d. <u>either:</u></p> <p>i. <u>stores at least 45,000 litres, in addition to a potable water supply on the site; or</u></p> <p>ii. <u>provides at least 25 litres per second for a minimum of 30 minutes.</u></p> <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>
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Commented [JKS36]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.116 FENZ

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

LLRZ-AM1 Height of Buildings, Height in Relation to Boundary, Setback from Roads, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - c. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - d. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - e. will diminish the openness and attractiveness of the street scene;
 - f. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - g. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;

- d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
- e. mitigate any adverse effects on people affected by the proposal.

~~3.1. Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:~~

- ~~a. any potential contamination of groundwater;~~
- ~~b. any potential slope instability problems;~~
- ~~c. any potential odour, noise and vibration nuisance to neighbours; and~~
- ~~d. any potential seepage of effluent at ground surface.~~

~~4.3. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.~~

~~5.4. The degree to which alternative practical locations are available for the building.~~

Commented [RM37]: consequential amendment - S57.117 FENZ - Coastal Topic, Issue 6

LLRZ-AM2 Outdoor Living and Service Space

1. The degree to which the reduction in outdoor living or service space and/or its location will adversely affect the ability of the site to provide for the outdoor living or service needs of likely future residents of the site.
2. Any alternative provision on, or in close proximity to, the site for outdoor living or service space to meet the needs of likely future residents of the site.
3. The degree to which access to alternative outdoor living or service space (e.g. balconies or communal open space) is provided.

LLRZ-AM3 Hours of Operation

1. The degree to which additional visitors, employees, customers, or suppliers to the site will result in traffic generation and pedestrian activity that is incompatible with the character of the surrounding area.
2. Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.

LLRZ-AM4 Heavy Vehicle Storage

1. The degree to which the vehicles being stored can be viewed from adjoining sections, the road and public places and the degree to which screening (either by fences, buildings, or landscaping) may mitigate any adverse visual impact.
2. The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.
3. Where a heavy vehicle to be stored has been used for the cartage of animals the procedures to be adopted for the washing down of the vehicles and the disposal of the waste and wash water.

LLRZ-AM5 Screening of Outdoor Service Areas

1. The degree to which the visual characteristics of the activity to be established are compatible with the character and amenity of the surrounding area and the degree to which screening or landscaping can mitigate any adverse impact.

LLRZ-AM6 Home Businesses

1. The degree to which the character of the site will retain open space or tree and garden plantings rather than become dominated by buildings and areas of hard surfacing.
2. The degree to which the activities on the site remain dominated by residential activities, rather than by activities which are not associated with or incidental to residential activities on the site.
3. The degree to which additional employment is an integral and necessary part of other activities being undertaken on the site and contributes towards alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
4. The degree to which the activity fulfils a function at a local level by meeting the needs of residents principally within the surrounding environment.
5. Any adverse effects of the home business in terms of noise, vibration, glare, odour, dust, loss of privacy, traffic and/or parking congestion.

LLRZ-AM7 Outdoor Storage

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and
 - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
 - a. security;
 - b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.
3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

LLRZ-AM8 Visitor Accommodation

1. Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
 - a. Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density coastal residential environment;
 - b. Loss of privacy;

- c. Levels of traffic congestion, reduction in levels of traffic safety, or reduction in availability of on-street parking, which are inconsistent with the classification of the adjoining road; and
 - d. Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
2. The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening. (Other factors may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur).

LLRZ-AM9 Community Facilities and Educational Facilities

- 1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, and scale of buildings.
- 2. Any adverse effects from the proposed activity in terms of:
 - a. loss of privacy to neighbours through being over-looked, including by buildings;
 - b. loss of openness and attractiveness of the street scene;
 - c. noise, vibration, and glare; and
 - d. admission of sunlight and daylight to adjoining sites.
- 3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.
- 4. Whether the amenity of the residential environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the residential amenity of the area
 - c. the proximity of the activity to adjacent residential activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on residential amenity.
- 5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.

LLRZ-AM10 Commercial Activities

- 1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, location, and scale of buildings.
- 2. Any adverse effects from the proposed activity in terms of:
 - a. loss of privacy to neighbours, including being over-looked by buildings;
 - b. loss of openness and attractiveness of the street scene;

- c. noise, vibration, and glare; and
 - d. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network (including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design, as well as any necessary landscaping.

LLRZ-AM11 Camping Grounds

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is, or will be, located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

LLRZ-AM12 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).

Commented [RM38]: S90.054 Centralines - Coastal Topic, Issue 7

LLRZ-AM13 Servicing

1. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided.
2. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
3. Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and
 - d. any potential seepage of effluent at ground surface.

Commented [RM39]: S57.117 FENZ - Coastal Topic, Issue 6

Commented [RM40]: consequential amendment - S57.117 FENZ - Coastal Topic, Issue 6

LLRZ-AM14 Water Supply for firefighting

1. The extent of compliance 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.

Commented [JKS41]: Hearing Stream 3 Right of Reply, dated 5 Aug 2022 - S57.117 FENZ

Methods

Methods, other than the above rules, for implementing the policies:

LLRZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional policies, rules and standards applying to activities in the Large Lot Residential Zone within the coastal environment:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.

7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. ECO – Ecosystems and Indigenous Vegetation – includes rules applying to the trimming and modification of indigenous vegetation and natural wetlands.
9. NFL – Natural Features and Landscapes – includes rules applying to earthworks and buildings within identified outstanding natural features or landscapes.
10. SUB – Subdivision – includes rules and standards applying to subdivision.
11. CE – Coastal Environment – includes objectives and policies relating to the coastal environment, including public access to the coastal environment.
12. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
13. NOISE – Noise – includes rules and standards relating to the emission of noise.
14. LIGHT – Light – includes rules and standards relating to light and glare.
15. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
16. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
17. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

Principal Reasons

The principal reasons for adopting the policies and methods:

These provisions are designed to provide for activities appropriate to the low scale and low-density coastal residential environment. Limited future community activities are envisaged where they support the residential/ coastal access function of the Large Lot Residential Zone within the coastal environment. Other small-scale, non-residential activities may be appropriate in this zone but larger retail and commercial activities, industrial and service activities are not envisaged in this zone.

Providing for larger minimum site sizes also ensures that adequate land is available for servicing these sites appropriately.

Limiting residential development in the coastal environment to the coastal settlement areas will assist with reducing the effects of coastal hazards. Subdivision consent may also be refused under section 106 of the RMA, where land is subject to serious erosion or inundation. The administration of the Building Act in the Central Hawke's Bay District will take into account, but not be limited to, the natural hazards identified in the NH – Natural Hazards chapter of the District Plan.

The Council recognises that the public expect to be given free and unimpeded access to and along the coast for recreational or cultural reasons. Currently the community is able to enjoy such access from points within the coastal settlements and reserves.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- LLRZ-AER1** Coastal residential growth is consolidated and restricted to the existing Large Lot Residential Zone boundaries within the coastal environment.
- LLRZ-AER2** The open and natural landscape character of the coastal environment and amenity of the coastal settlements is retained and protected.
- LLRZ-AER3** Non-residential activities are limited to those necessary to support the coastal settlement community and are of a scale and design that is compatible with the surrounding residential environment and coastal landscapes.
- LLRZ-AER4** Public access is maintained, improved and enhanced where practicable.
- LLRZ-AER5** Residential development is appropriately serviced including the integrated management of stormwater, water, sewer and roading infrastructure. Low impact urban design solutions are used where practicable.
- LLRZ-AER6** Residential development that does not create adverse impacts in terms of overshadowing, excessive building scale, or loss of privacy.
- LLRZ-AER7** A residential environment free from excessive noise, odour, dust, glare and vibration nuisance.

SETZ – Settlement Zone

Introduction

The rural-based settlements covered by the Settlement Zone are:

- Elsthorpe
- Ongaonga
- Ōtane
- Porangahau
- Takapau
- Tikokino

Each settlement has its own special character that reflects its history and development over the years.

The future of these settlements is dependant on surrounding land uses, constraints due to natural hazards, provision for some increase in development and flexibility of development, including their ability to provide water supply and sewage disposal infrastructure (Ōtane, Takapau and Porangahau have reticulated water and wastewater systems, while Tikokino, Ongaonga and Elsthorpe have no reticulated systems).

Despite their small scale and low density, the rural settlements are important places providing residents with pleasant and affordable places to live. They enable those people who wish to work in the country but who do not own farm land or a rural enterprise to live close to their place of employment. The settlements also act as 'satellite towns' for commuters to other urban centres within and outside the District, particularly the settlements in the northern part of the District which are closer to Hastings and Napier.

The settlements also contain convenient social, recreational and retail services for their residents and for the population of the wider rural area.

Elsthorpe

Elsthorpe is an inland farming district whose history is linked to the establishment of various large sheep stations in the mid-late 1800s – one of these was named after Elsthorpe in Lincolnshire, England. The small area zoned as 'Settlement' centres around the intersection of Elsthorpe and Kenderdine Roads, largely encompassing a church (St Stephens – built in 1909), a community hall (built in 1907), the local rural fire station and a scattering of houses. The local school (Elsthorpe School – opened in 1898) is nearby on Kenderdine Road

Ongaonga

Ongaonga is a small settlement, 20 kilometres west of Waipawa, near State Highway 50, dating back to 1872 when sections were subdivided from the original Fairfield Run. The first house was built in 1874, the first store in 1899, followed by a flour mill, school and church, and further businesses. Since then, the town has developed in a linear fashion centring on the main street (Bridge Street), which has a collection of historic buildings all built at a similar time

(some of which were relocated there from the surrounding district), creating a picturesque historic village.

Ōtane

Originally known as Kaikora, Ōtane was officially founded in 1874 on part of a large pastoral estate known as 'Homewood', which had been subdivided into smaller farms. The settlement started with a few cottages providing homes for artisans and labourers who came to the district to provide the first labour force for the farming industry, and grew further with the arrival of the railway in 1876. Ōtane had a hotel, a general store, a boiling down works and a blacksmith, and residents could graze livestock on the roadside for a small weekly fee. The town reflects its heritage having retained a number of its older historic buildings and trees. Ōtane has had a resurgence in recent years, offering a desirable lifestyle with its village atmosphere and convenient location just off State Highway 2 between Waipawa and neighbouring Hastings. It has attracted some small cottage artisan operations, and offers a Sunday market, café and community facilities.

Porangahau

Porangahau township is a small rural settlement close to the mouth of the Porangahau River, near the coast, 45 kilometres south of Waipukurau. The area was an important site of Māori settlements, and still has a strong Māori presence with marae and coastal lands in the area. The settlement was founded in 1860, and grew to incorporate a general store, church, school and tavern, supporting surrounding farming and coastal activities. Along with nearby coastal settlements, it has become a summer holiday destination for bach owners and holiday-makers.

Takapau

Takapau is a small rural community located off State Highway 2, 20 kilometres west of Waipukurau. It has a long history of Māori settlement dating back to the 1500s. In the early 1870's there was still a large Māori community at Takapau, and an active marae remains there today. The settlement was surveyed in 1876 on part of Oruawharo Station, providing both quarter acre town sections and large suburban sections for small farms. It then developed to include a hotel and general store and continues as a traditional rural service town centred around a small but distinct commercial core.

Tikokino

Tikokino (originally named 'Hampden Town') on State Highway 50 north of Ongaonga, was founded by the government in 1860, and began as a little settlement of 86 sections. It became a sawmilling centre based on milling of tōtara and kahikatea (white pine) – about 20 sawmills were operating at one stage – and has since served the surrounding farms. It has a tavern, a community hall and school, and in the early days had a public library, post office and various stores and small businesses. Tikokino has a scattering of historic buildings and reflects a low density of development. The streets are wide and open, with plantings, and very little fencing.

Issues

SETZ-I1

Rural Township Amenity

The location, nature, and design of buildings, activities and their services vary considerably in the rural settlements reflecting the historical mix of activities that give these small townships their distinct character. However, this can, without suitable environmental management, lead to adverse effects on the amenity of those townships and their surrounding landscapes.

Explanation

The District's rural townships have developed over a long period of time. Ongaonga and Ōtane, particularly, have a strong heritage character which is valued by their communities. While predominantly residential, a range of local and community service activities are found in these settlements, and rural township residents generally accept an informal pattern of activities. Such non-residential activities are usually of a small scale, for example, primary schools, halls, and service stations. If such non-residential activities provide useful services or employment, many residents are willing to live beside them. Similarly, the effects of primary production activities (excluding mining and quarrying) near or within townships are more acceptable to rural township residents than those living in the larger urban areas. This reflects the close economic, social, and physical links between the townships and their surrounding rural land. Nevertheless, residential activities in the rural townships require a degree of amenity protection, for example, from potential adverse visual effects, traffic generation, noise, and odour of nearby non-residential activities.

Objectives

- SETZ-O1** **To maintain and enhance the attractive open space character of the rural settlements by ensuring that development is compatible in scale to surrounding activities and structures, and provides for generous on-site landscaping, screening and street frontage planting. This will be achieved through well-managed design, layout and intensity of land use activities.**

- SETZ-O2** **To maintain and enhance the historic character of the rural settlements of Ongaonga and Ōtane by encouraging development that is cognisant of and compatible with the historic buildings and landscape of these towns.**

- SETZ-O3** **To provide for non-residential activities, within limits, to locate in the settlements such that their amenity is maintained and enhanced, and to provide for the social, economic and cultural well-being of the people in these rural communities, and for their health and safety.**

Policies

- SETZ-P1** **Recognise and provide for existing rural settlements that serve an important local role and have a distinct character related to their rural location, through a Settlement Zone.**

- SETZ-P2** Provide for a mix of land-use activities and development which are complementary and compatible with the surrounding area, while ensuring an acceptable level of amenity for residents through the application of rules and standards.
- SETZ-P3** Provide controls for the rural settlements which promote an overall low built form and density of development.
- SETZ-P4** Minimise the adverse effects of developments created by inappropriate building scale, overshadowing, building bulk, high site coverage and/or loss of neighbourhood privacy.
- SETZ-P5** Provide for non-residential activities which are compatible with the existing scale, intensity and character of development within the Settlement Zone, including the historic character of Ōtane and Ongaonga.
- SETZ-P6** Provide for **existing and new commercial, industrial, community, emergency service activities** and educational facilities, while ensuring any changes or expansion of these activities do not adversely affect the qualities of the settlement.
- SETZ-P7** Ensure all land use activities, development and subdivision provide a suitable on-site wastewater treatment and disposal system, stormwater systems, and water supply unless an approved alternative system is available.

Commented [RM1]: S73.027 Ministry of Education - Urban Topic, Key Issue 7

Commented [RM2]: S57.198 FENZ - Urban Topic, Key Issue 2

Note: refer also to the SUB – Subdivision chapter, and Hawke’s Bay Regional Coastal Environment Plan.

Rule Overview Table

Use/activity	Rule Number
Residential activities and showhomes	SETZ-R1
Home businesses	SETZ-R2
Visitor accommodation	SETZ-R3
Day care facilities	SETZ-R4
Service activities	SETZ-R5
Commercial activities not otherwise provided for	SETZ-R6
Community facilities	SETZ-R7

Educational facilities	SETZ-R8
Emergency service activities and emergency aviation movements	SETZ-R9
Community corrections activities	SETZ-R10
Primary production activities	SETZ-R11
Extension of existing industrial activities	SETZ-R12
New industrial activities and post-harvest facilities	SETZ-R13
Relocated buildings	SETZ-R14
Retirement villages	SETZ-R15
Camping grounds	SETZ-R16
Relocatable building depots	SETZ-R17
Any other activity not otherwise provided for	SETZ-R18
Intensive primary production activities	SETZ-R19
Industrial activities involving offensive processes	SETZ-R20

Commented [RM3]: S57.208 FENZ - Urban Topic, Key Issue 2

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities undertaken in the Settlement Zone.

Also, check to see if consents are required from Hawke's Bay Regional Council, for instance in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).

SETZ-R1 Residential activities and showhomes	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. SETZ-S1;</p>	<p>2. Activity status where compliance not achieved: RDIS</p>

- ii. SETZ-S2;
- iii. SETZ-S3;
- iv. SETZ-S4;
- v. SETZ-S5;
- vi. SETZ-S6;
- vii. SETZ-S7;
- viii. SETZ-S8;
- ix. SETZ-S9;
- x. SETZ-S10;
- xi. SETZ-S11;
- xii. SETZ-S12;
- xiii. SETZ-S13; and
- xiv. SETZ-S14; and
- xv. SETZ-S16.

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Commented [JKS5]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.200 FENZ

Commented [RM6]: S90.046 Centralines - Urban Topic, Key Issue 5

Commented [JKS4]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.200 FENZ

SETZ-R2 Home businesses

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Home businesses must occupy no more than 50m² of the gross floor area of the buildings on the site.
 - ii. Goods, materials, or equipment associated with the home business must be stored within a building.
 - iii. Manufacturing, altering, repairing, dismantling, or processing of any goods or articles associated with the home business must be carried out within a building.
 - iv. Home businesses must be undertaken by a person(s) residing on the site and employ no more than one full-time equivalent person who does not reside on the site
- b. Compliance with:
 - i. SETZ-S1;
 - ii. SETZ-S2;
 - iii. SETZ-S3;
 - iv. SETZ-S4;
 - v. SETZ-S5;
 - vi. SETZ-S6;
 - vii. SETZ-S7;
 - viii. SETZ-S8;

2. Activity status where compliance with condition SETZ-R2(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

Commented [RM7]: S90.046 Centralines - Urban Topic, Key Issue 5

3. Activity status where compliance with condition SETZ-R2(1)(a) is not achieved: DIS

- ix. SETZ-S9;
- x. SETZ-S10;
- xi. SETZ-S11;
- xii. SETZ-S12;
- xiii. SETZ-S13; and
- xiv. SETZ-S14.

SETZ-R3 Visitor accommodation

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Accommodating no more than 5 guests at any one time.
 - ii. Length of stay for any one guest must be no greater than 3 months in any 12-month period.
Note: activities involving longer term tenancy within a residential unit are assessed as a 'Residential Activity'.
- b. Compliance with:
 - i. SETZ-S1;
 - ii. SETZ-S2;
 - iii. SETZ-S3;
 - iv. SETZ-S4;
 - v. SETZ-S5;
 - vi. SETZ-S6;
 - vii. SETZ-S7;
 - viii. SETZ-S8;
 - ix. SETZ-S9;
 - x. SETZ-S10;
 - xi. SETZ-S11;
 - xii. SETZ-S12;
 - xiii. SETZ-S13; and
 - xiv. SETZ-S14; and
 - xv. SETZ-S16.

2. Activity status where compliance with condition SETZ-R3(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition SETZ-R3(1)(a) is not achieved: DIS

SETZ-R4 Day care facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:

Commented [RM9]: S90.046 Centralines - Urban Topic, Key Issue 5

Commented [JKS10]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.201 FENZ

Commented [JKS8]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.201 FENZ

- iv. SETZ-S5;
- v. SETZ-S6;
- vi. SETZ-S7;
- vii. SETZ-S8;
- viii. SETZ-S9;
- ix. SETZ-S10;
- x. SETZ-S11;
- xi. SETZ-S12;
- xii. SETZ-S13; ~~and~~
- xiii. SETZ-S14; ~~and~~
- xiv. SETZ-S16;

- i. SETZ-AM1.
- ii. SETZ-AM2.
- iii. SETZ-AM3.
- iv. SETZ-AM4.
- v. SETZ-AM10.
- vi. SETZ-AM11.

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS11]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.202 FENZ

SETZ-R5 Service activities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;
 - viii. SETZ-S9;
 - ix. SETZ-S10;
 - x. SETZ-S11;
 - xi. SETZ-S12;
 - xii. SETZ-S13; ~~and~~
 - xiii. SETZ-S14; ~~and~~
 - xiv. SETZ-S16;

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS14]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.203 FENZ

SETZ-R6 Commercial activities not otherwise provided for

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Commercial activities must occupy no more than 250m² gross floor area on the site.
- b. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;

2. Activity status where compliance with condition SETZ-R6(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.

- v. SETZ-S6;
- vi. SETZ-S7;
- vii. SETZ-S8;
- viii. SETZ-S9;
- ix. SETZ-S10;
- x. SETZ-S11;
- xi. SETZ-S12;
- xii. SETZ-S13; ~~and~~
- xiii. SETZ-S14; ~~and~~
- xiv. SETZ-S16.

- v. SETZ-AM10.
- vi. SETZ-AM11.

- b. Assessment matters in the following chapters:
- i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition SETZ-R6(1)(a) is not achieved: DIS

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SETZ-R7 Community facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
- i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;
 - viii. SETZ-S9;
 - ix. SETZ-S10;
 - x. SETZ-S11;
 - xi. SETZ-S12;
 - xii. SETZ-S13; ~~and~~
 - xiii. SETZ-S14; ~~and~~
 - xiv. SETZ-S16.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
- i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
- i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS22]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.205 FENZ

Commented [JKS20]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.205 FENZ

SETZ-R8 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to 200m² gross floor area.
- b. Compliance with:
- i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;
 - viii. SETZ-S9;

2. Activity status where compliance with SETZ-R8(1)(b) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
- i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.

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- ix. SETZ-S10;
- x. SETZ-S11;
- xi. SETZ-S12;
- xii. SETZ-S13; ~~and~~
- xiii. SETZ-S14; ~~and~~
- xiv. SETZ-S16;

- vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS23]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.206 FENZ

3. Activity status where compliance with condition SETZ-R8(1)(a) is not achieved: DIS

Commented [RM26]: S73.028 Ministry of Education - Urban Topic, Key Issue 7

Commented [RM27]: S57.208 FENZ - Urban Topic, Key Issue 2

SETZ-R9 Emergency service activities and emergency aviation movements

- 1. Activity Status: PER**
- Where the following conditions are met:**
- a. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;
 - viii. SETZ-S9;
 - ix. SETZ-S10;
 - x. SETZ-S11;
 - xi. SETZ-S12;
 - xii. SETZ-S13; ~~and~~
 - xiii. SETZ-S14; ~~and~~
 - xiv. SETZ-S16.

- 2. Activity status where compliance not achieved: RDIS**
- Matters over which discretion is restricted (where relevant to the infringed standard(s)):**
- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
 - b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS28]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.207 FENZ

SETZ-R10 Community corrections activities

- 1. Activity Status: PER**
- Where the following conditions are met:**
- a. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;

- 2. Activity status where compliance not achieved: RDIS**
- Matters over which discretion is restricted (where relevant to the infringed standard(s)):**
- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.

- viii. SETZ-S9;
- ix. SETZ-S10;
- x. SETZ-S11;
- xi. SETZ-S12;
- xii. SETZ-S13; ~~and~~
- xiii. SETZ-S14; ~~and~~
- xiv. SETZ-S16.

- v. SETZ-AM10.
- vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS31]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.209 FENZ

SETZ-R11 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)

1. Activity Status: PER

Where the following conditions are met:

- a. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;
 - viii. SETZ-S9;
 - ix. SETZ-S10;
 - x. SETZ-S11;
 - xi. SETZ-S12;
 - xii. SETZ-S13; ~~and~~
 - xiii. SETZ-S14; ~~and~~
 - xiv. SETZ-S16.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

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Commented [JKS36]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.210 FENZ

Commented [JKS34]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.210 FENZ

SETZ-R12 Extension of existing industrial activities (existing as at the date of notification of the District Plan)

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. Existing industrial activities must occupy no more than 250m² net site area (land and buildings).
- b. The activity must not involve an offensive process.
- c. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;

2. Activity status where compliance with condition SETZ-R12(1)(c) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.

Commented [RM38]: S90.046 Centralines - Urban Topic, Key Issue 5

Commented [JKS39]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.211 FENZ

- v. SETZ-S6;
- vi. SETZ-S7;
- vii. SETZ-S8;
- viii. SETZ-S9;
- ix. SETZ-S10;
- x. SETZ-S11;
- xi. SETZ-S12;
- xii. SETZ-S13; ~~and~~
- xiii. SETZ-S14; ~~and~~
- xiv. SETZ-S16.

- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition SETZ-R12(1)(a) is not achieved: RDIS

Matters over which discretion is restricted:

- a. Effects on residential amenity.
- b. Effects on the overall character of the surrounding area.
- c. Shading impacts on the street or adjoining sites.
- d. Building bulk, access to sunlight, and impacts on amenity.
- e. Noise and vehicle movements.
- f. Location of additional storage and parking, if required.

4. Activity status where compliance with condition SETZ-R12(1)(b) is not achieved: NC

Commented [JKS37]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.211 FENZ

SETZ-R13 New industrial activities and post-harvest facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. New industrial activities and post-harvest facilities must occupy no more than 250m² net site area (land and buildings).
- b. The activity must not involve an offensive process.
- c. Compliance with:
 - i. SETZ-S2;
 - ii. SETZ-S3;
 - iii. SETZ-S4;
 - iv. SETZ-S5;
 - v. SETZ-S6;
 - vi. SETZ-S7;
 - vii. SETZ-S8;

2. Activity status where compliance with condition SETZ-R13(1)(c) is not achieved: RDIS

Matters over which discretion is restricted (where relevant to the infringed standard(s)):

- a. Assessment matters:
 - i. SETZ-AM1.
 - ii. SETZ-AM2.
 - iii. SETZ-AM3.
 - iv. SETZ-AM4.
 - v. SETZ-AM10.
 - vi. SETZ-AM11.
- b. Assessment matters in the following chapters:
 - i. TRAN – Transport.
 - ii. LIGHT – Light.

Commented [RM41]: S90.046 Centralines - Urban Topic, Key Issue 5

Commented [JKS42]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.212 FENZ

<ul style="list-style-type: none"> viii. SETZ-S9; ix. SETZ-S10; x. SETZ-S11; xi. SETZ-S12; xii. SETZ-S13; and xiii. SETZ-S14; and xiv. SETZ-S16. 	<p>iii. NOISE – Noise.</p> <p>3. Activity status where compliance with condition SETZ-R13(1)(a) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SETZ-R13(1)(b) is not achieved: NC</p>
<p>SETZ-R14 Relocated buildings</p>	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. The building must be for the purpose of accommodating a permitted or consented activity on the site. b. Compliance with SETZ-S15. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity. b. The bulk and location of the building in relation to the requirements of the zone. c. The need for structural repairs and reinstatement of the building and the length of time for completion of that work. d. The imposition of a performance bond to ensure compliance with the consent conditions. <p><i>Note: this rule applies to the building only. Any activities occurring within the building are subject to the District Plan rules relating to the activity itself.</i></p>
<p>SETZ-R15 Retirement villages</p>	
<p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>

Commented [JKS40]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.212 FENZ

SETZ-R16 Camping grounds	
1. Activity Status: DIS Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
SETZ-R17 Relocatable building depots	
1. Activity Status: DIS Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
SETZ-R18 Any other activity not otherwise provided for	
1. Activity Status: DIS Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
SETZ-R19 Intensive primary production activities	
1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
SETZ-R20 Industrial activities involving offensive processes	
1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A

Standards

SETZ-S1 Residential Density	
All	<ol style="list-style-type: none"> 1. There must be no more than two residential units (including minor residential units) on any site. 2. Minimum net site area for any site is 600m² for each residential unit contained within the site, where the site is connected to a reticulated wastewater disposal system, except that: <ol style="list-style-type: none"> a. for sites of 350m² – 600m² existing at the date of notification of this District Plan, the minimum net site area for any site is 350m² for each residential unit

	<p>contained within the site where it is connected to a reticulated sewerage system.</p> <p>3. Minimum net site area for any site is 1000m² for each residential unit where it is not connected to a reticulated wastewater disposal system.</p> <p><i>Note: The settlements of Tikokino, Ongaonga and Elsthorpe are not serviced by reticulated sewage disposal. Resource consent may be required from the Hawke's Bay Regional Council for new or existing on-site wastewater disposal and treatment systems. Any proposed on-site drainage fields and reserve areas will need to be identified on a site plan prior to any building consent being issued and must remain free of permanent structures.</i></p>
SETZ-S2 Building Coverage	
All (except Residential Activities)	1. Maximum building(s) coverage is 75%.
SETZ-S3 Height of Buildings	
All	<p>1. Maximum height of any building(s) is 8m.</p> <p><i>Note: in all instances, height is measured from the natural ground level.</i></p>
SETZ-S4 Height in Relation to Boundary	
All	<p>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:</p> <ul style="list-style-type: none"> a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. <p>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned</p>

	with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.
SETZ-S5 Setback from Roads and Rail Network	
From road boundaries	<ol style="list-style-type: none"> 1. Minimum setback of any building(s) is 3m. 2. Where the vehicle access to garage faces a road boundary, the garage building must be setback at least 5m from the road boundary.
From the Rail Network Boundary	<ol style="list-style-type: none"> 3. Minimum setback of any building(s) is 1.5m.
SETZ-S6 Setback from Neighbours	
Residential Activities	<ol style="list-style-type: none"> 1. Minimum setback of buildings for an activity from internal boundaries is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.
All Other Activities	<ol style="list-style-type: none"> 2. Minimum setback of buildings for an activity from internal boundaries is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard. 3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any internal boundary.
SETZ-S7 Outdoor Living Space	
Residential Activities	<ol style="list-style-type: none"> 1. For each residential unit, there must be a minimum continuous area for outdoor living space, contained in one area within the net site area of the site, of 80m² with a minimum dimension of 5m, except that: <ol style="list-style-type: none"> a. For any residential unit with a gross floor area less than 65m², the minimum area may be reduced to 30m² with a minimum dimension of 3.5m. 2. The required minimum area of outdoor living space must be readily accessible from a living area of the residential unit, and may take the form of a deck, terrace, or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated utility spaces.
SETZ-S8 Outdoor Service Space	
Residential Activities	<ol style="list-style-type: none"> 1. In addition to provision of outdoor living space, for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the

	net site area of the site, of 15m ² with a minimum dimension of 3m.
SETZ-S9 Hours of Operation	
All (except for Residential Activities, Emergency Service Activities, or Visitor Accommodation)	<ol style="list-style-type: none"> 1. Limited to the following hours of operation: <ol style="list-style-type: none"> a. 0700 – 2200 hours, seven days a week; except where: <ol style="list-style-type: none"> i. the entire activity is located within a building; and ii. each person engaged in the activity outside the above hours resides permanently on the site; and iii. there are no visitors, customers, or deliveries to the activity outside the above hours.
SETZ-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>
SETZ-S11 Electricity Safety Distances	
All	<ol style="list-style-type: none"> 1. Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECEP 34:2001).
SETZ-S12 Transport (Access, Parking, Loading)	
All	<ol style="list-style-type: none"> 1. Activities must comply with the provisions of the TRAN – Transport chapter.
SETZ-S13 Light	
All	<ol style="list-style-type: none"> 1. Activities must comply with the provisions of the LIGHT – Light chapter.

Commented [RM43]: S57.216 FENZ - Urban Topic, Key Issue 2

Commented [RM44]: S57.227 FENZ - Urban Topic, Key Issue 2

Commented [RM45]: minor change to correct error pursuant to clause 16(2) of Schedule 1 RMA

SETZ-S14 Noise

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| All | 1. Activities must comply with the provisions of the NOISE – Noise chapter. |
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SETZ-S15 Relocated Buildings

- | | |
|------------|---|
| All | <ol style="list-style-type: none">1. Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built, and used as a dwelling or for visitor accommodation.2. The relocated building must comply with all other relevant performance standards for the zone.3. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:<ol style="list-style-type: none">a. state whether the building is structurally sound;b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;d. provide clear photographs of the building in its current state; ande. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.4. The Building Pre-Inspection Report must be prepared by:<ol style="list-style-type: none">a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); orb. A member of the New Zealand Institute of Building Surveyors; orc. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; ord. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council |
|------------|---|

- officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
6. The building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site.
 7. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.
 8. The owner of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner will be responsible for ensuring this work is completed.

Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.

SETZ-S16 Water supply for firefighting

All buildings (excluding accessory buildings that do not include a habitable room)

1. 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:
 - a. accessible to firefighting equipment; and
 - b. between 6 and 90 metres from the buildings on the site; and
 - c. 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
 - d. either:
 - i. stores at least 45,000 litres, in addition to a potable water supply on the site; or
 - ii. provides at least 25 litres per second for a minimum of 30 minutes.

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.](#)

[Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.](#)

Commented [JKS46]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 - revised recommendation for S57.227 FENZ

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SETZ-AM1 Building Density, Building Coverage, Height of Buildings, Height in Relation to Boundary, Setback from Roads and Rail Network, Setback from Neighbours

1. The degree to which the proposed buildings:
 - a. will be compatible with the character and amenity of the area, including the nature and scale of other buildings in the surrounding area;
 - b. will overshadow adjoining sites and result in reduced sunlight and daylight;
 - c. will cause a loss of privacy through being over-looked from neighbouring buildings;
 - d. will block views from properties in the vicinity, or from roads or public open space in the surrounding area;
 - e. will diminish the openness and attractiveness of the street scene;
 - f. will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building; and
 - g. will adversely affect the safe and efficient operation of the land transport network.
2. The ability of the applicant to:
 - a. provide adequate opportunity for garden and tree planting around buildings;
 - b. provide adequate vehicle parking and manoeuvring space on site;
 - c. provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;
 - d. mitigate any adverse effects of increased height or exceedance of the height in relation to boundary, such as through increased separation distances between the building and adjoining sites or the provision of screening; and
 - e. mitigate any adverse effects on people affected by the proposal.
3. Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:
 - a. any potential contamination of groundwater;
 - b. any potential slope instability problems;
 - c. any potential odour, noise and vibration nuisance to neighbours; and

- d. any potential seepage of effluent at ground surface.
- 4. The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.
- 5. The degree to which alternative practical locations are available for the building.

SETZ-AM2 Outdoor Living and Service Space

- 1. The degree to which the reduction in outdoor living or service space and/or its location will adversely affect the ability of the site to provide for the outdoor living or service needs of likely future residents of the site.
- 2. Any alternative provision on, or in close proximity to, the site for outdoor living or service space to meet the needs of likely future residents of the site.
- 3. The degree to which access to alternative outdoor living or service space (e.g. balconies or communal open space) is provided.

SETZ-AM3 Hours of Operation

- 1. The degree to which additional visitors, employees, customers, or suppliers to the site will result in traffic generation and pedestrian activity that is incompatible with the character of the surrounding area.
- 2. Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.

SETZ-AM4 Screening of Outdoor Storage and Service Areas

- 1. The degree to which the visual characteristics of the activity to be established are compatible with the character and amenity of the surrounding area and the degree to which screening or landscaping can mitigate any adverse impact.

SETZ-AM5 Home Businesses

- 1. The degree to which the character of the site will retain open space or tree and garden plantings rather than become dominated by buildings and areas of hard surfacing.
- 2. The degree to which the activities on the site remain dominated by residential activities, rather than by activities which are not associated with or incidental to residential activities on the site.
- 3. The degree to which additional employment is an integral and necessary part of other activities being undertaken on the site and contributes towards alternative home-based employment and income-generating opportunities for residents or occupiers of the site.
- 4. The degree to which the activity fulfils a function at a local level by meeting the needs of residents principally within the surrounding environment.
- 5. Any adverse effects of the home business in terms of noise, vibration, glare, odour, dust, loss of privacy, traffic and/or parking congestion.

SETZ-AM6 Outdoor Storage

1. The degree to which materials or equipment associated with the activity need to be stored outside the building, taking account of:
 - a. the nature, coverage area and height of materials or equipment; and
 - b. the time period over which materials or equipment are intended to be outside a building.
2. The degree to which provisions would be needed for:
 - a. security;
 - b. control of litter and vermin; and
 - c. prevention or containment of fire hazard.
3. Where goods are not stored to the rear of a building or not screened from public view, the degree to which the outdoor storage will be compatible with the appearance, layout and functioning of other sites in the adjoining area, and the degree to which it will detract from the attractiveness of the site, as viewed from adjoining roads and sites.

SETZ-AM7 Visitor Accommodation

1. Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
 - a. Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density, mixed-use environment;
 - b. Loss of privacy;
 - c. Levels of traffic congestion, reduction in levels of traffic safety, or reduction in availability of on-street parking, which are inconsistent with the classification of the adjoining road; and
 - d. Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
2. The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening. (Other factors may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur).

SETZ-AM8 Community Facilities, Day Care Facilities, Educational Facilities

1. The degree to which the proposed buildings will be compatible and integrate with the character of the surrounding area, including the layout, height, bulk, and scale of buildings.
2. Any adverse effects from the proposed activity in terms of:
 - a. loss of privacy to neighbours through being over-looked, including by buildings;
 - b. loss of openness and attractiveness of the street scene;
 - c. noise, vibration, and glare; and
 - d. admission of sunlight and daylight to adjoining sites.
3. The volume and type of traffic which may be generated by the activity and the ability to avoid or mitigate any adverse effects on the function of the road network and/or the safety of pedestrians, cyclists and vehicles using the road network

(including cumulative effects) through the provision of appropriate on-site parking, vehicle queuing, loading, manoeuvring and access design.

4. Whether the amenity of the residential environment will be adversely affected by the scale and/or intensity of the activity. The following matters will be considered:
 - a. the number of patrons and/or staff on the site at any one time;
 - b. the hours of operation to maintain the residential amenity of the area
 - c. the proximity of the activity to adjacent residential activities;
 - d. the anticipated number of transportation movements (including pedestrians and vehicular traffic); and
 - e. whether the proposed activity is located in an area where there are already one or more non-residential activities in close proximity and the resultant cumulative effect on residential amenity.
5. Whether landscaping and/or screening is proposed to mitigate potential adverse visual effects of the activity.

SETZ-AM9 Camping Grounds

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is, or will be, located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
8. The proximity to any wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

SETZ-AM10 Electrical 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).

Commented [RM47]: S90.046 Centralines - Urban Topic, Key Issue 5

SETZ-AM11 Water Supply for firefighting

1. The extent of compliance 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.

Commented [JKS48]: Hearing Stream 3 Right of Reply, dated 5 Aug 2022 - S57.228 FENZ

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Methods

Methods, other than the above rules, for implementing the policies:

SETZ-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the Settlement Zone:

1. NU – Network Utilities – includes rules and standards relating to network utility operations.
2. TRAN – Transport – includes rules and standards relating to access, parking, and loading.
3. HAZS – Hazardous Substances – includes rules relating to the storage, handling and use of hazardous substances, and rules applying to major hazardous facilities.
4. NH – Natural Hazards – includes rules applying in areas specifically identified as subject to natural hazards.
5. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings.
6. TREE – Notable Trees – includes rules applying specifically to identified notable trees.
7. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified sites of significance.
8. SUB – Subdivision – includes rules and standards applying to subdivision.
9. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
10. NOISE – Noise – includes rules and standards relating to the emission of noise.
11. LIGHT – Light – includes rules and standards relating to light and glare.
12. PKH – Papakāinga and Kaumātua Housing, and associated Marae-based Development – includes rules and standards relating to papakāinga and kaumātua housing and marae-based developments on Māori land.
13. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
14. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.

Principal Reasons

The principal reasons for adopting the policies and methods:

The RMA requires that natural and physical resources in the District's rural settlements are protected and used in a way which provides for the well-being of the community. In addition, the Act requires councils to have regard to the maintenance and enhancement of an area's amenity values. For these reasons, the Council has policies to maintain the special character of all the District's rural townships, including the special historic character of Ōtane and Ongaonga, by providing for spacious development and a mixture of activities.

The informal relationship of different activities is maintained using a single Settlement Zone, and provision for a wider range of different land use activities than in the more concentrated urban residential areas of Waipukurau and Waipawa. The policies recognise the interrelationship of these rural settlements with the surrounding rural area. Performance standards are introduced to maintain and enhance the amenity of the rural settlements, and include standards on noise, building density and site coverage, setbacks from boundaries, outdoor living and service space and hours of operation which differ from those that apply in the main urban residential areas.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- SETZ-AER1** **Small rural settlements comprising a mixture of residential, business, rural and community activities and with a 'village' amenity.**
- SETZ-AER2** **The unique character and amenity of the rural settlements is retained and protected.**
- SETZ-AER3** **Development that does not create adverse impacts in terms of overshadowing, inappropriate building scale, or loss of privacy.**
- SETZ-AER4** **New development that relates positively to surrounding buildings and contributes positively to the quality of the collective streetscape.**
- SETZ-AER5** **An environment free from excessive noise, odour, dust, glare and vibration nuisance.**
- SETZ-AER6** **Development is appropriately serviced including through the integrated management of stormwater, water, sewer and roading infrastructure. Low impact urban design solutions are used where practicable.**

Updated Tables of Recommended Responses to Submissions and Further Submissions

Rural Environment

Updated Table: Summary of Recommended Responses to Submissions and Further Submissions

Note: where an Officer Recommendation in the table below is denoted with an asterisk (*), this reflects that there are two separate recommendations in different 'Key Issue' sections applying to that single submission point within the collated section 42A report. The respective recommendations in the table below reflect the overall outcome of the recommendations across both 'Key Issues' e.g. where one recommendation is to 'Accept' and the other is to 'Reject', the overall recommendation is to 'Accept in part'.

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S6.002	IA & PD Waldrom	SUB-R5	Do not limit frequency of subdivision (currently proposed as one every three years, also the number of sections that can be subdivided in that timeframe - Rule SUB-R5(1)(a)(i) & (ii)).	Reject	No
S11.001	Hawke's Bay Regional Council	RLR - Rural Land Resource	No changes	Accept in part	No
S11.034	Hawke's Bay Regional Council	GRUZ - General Rural Zone	No changes	Accept in part	No
S11.035	Hawke's Bay Regional Council	RPROZ - Introduction	No changes	Accept in part	No
S12.001	Kenneth (John) MacLennan	SUB-S1	Oppose going to 12.6ha. Stay at the existing subdivision size.	Reject	No
S13.001	Kevin Williams	SUB-S1	Allow existing Lots within the Rural Production Zone less than 20 hectares to be further subdivided to create 1 additional Lot every 3 year period, not less than 2 hectares.	Reject	No
S27.001	Egg Producers Federation of New Zealand	Definitions	Include the following definition: Free Range Poultry Farming means the primary production of poultry for commercial purposes, where: a. All of the birds farmed have access to open air runs; and b. Permanent vegetation around ground cover exists on the land where birds are permitted to range; and c. Weatherproof buildings are provided for birds to roost. Note: It is accepted that permanent vegetation ground cover is not practical in areas of regular foot traffic.	Reject	No
S27.002	Egg Producers Federation of New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend the definition of 'intensive primary production' as follows: Intensive Indoor Primary Production refers to any of the following: a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or free range poultry farming.		
S27.003	Egg Producers Federation of New Zealand	PRIMARY PRODUCTION (Definition)	Retain as proposed.	Accept	No
S27.004	Egg Producers Federation of New Zealand	SENSITIVE ACTIVITY (Definition)	Amend the definition as follows: Sensitive Activities Activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals, community facilities and commercial activities (but doesn't include post-harvest activities).	Accept in part	Yes
FS6.3	NZ Pork Industry Board		Allow	Accept in part	
S27.005	Egg Producers Federation of New Zealand	RPROZ-01	Retain as proposed.	Accept in part	No
S27.006	Egg Producers Federation of New Zealand	RPROZ-02	Retain as proposed.	Accept	No
S27.007	Egg Producers Federation of New Zealand	RPROZ-03	Retain as proposed.	Accept	No
S27.008	Egg Producers Federation of New Zealand	RPROZ-04	Retain as proposed.	Accept in part <i>(insofar as objective is retained, but amended in response to another submission)</i>	No
FS11.0010	The Ministry of Education		Allow	Accept in part	
S27.009	Egg Producers Federation of New Zealand	RPROZ-05	Retain as proposed.	Accept in part	No
S27.010	Egg Producers Federation of New Zealand	RPROZ-06	Retain as proposed.	Accept	No

Commented [RM1]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 12 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S27.011	Egg Producers Federation of New Zealand	RPROZ-07	Retain as proposed.	Accept	No
S27.012	Egg Producers Federation of New Zealand	RPROZ-P2	Amend RPROZ-P2 as follows: 'To only allow other non-production related 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 the activity does not constrain the operation and establishment of activities otherwise anticipated within the Rural Production Zone and only where adverse effects are avoided, remedied or mitigated.'	Accept in part (<i>insofar as policy is amended in response to another submission</i>)	No
FS17.127	Horticulture New Zealand		Allow in part Accept submission and amend as sought by HortNZ 81.147.	Accept in part	
S27.013	Egg Producers Federation of New Zealand	RPROZ-P5	Retain as proposed.	Accept	No
S27.014	Egg Producers Federation of New Zealand	RPROZ-R3	Amend RPROZ-R3 as follows: 'Primary production activities (including free-range poultry farming , ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)' ...	Reject	No
S27.015	Egg Producers Federation of New Zealand	RPROZ-R14	Amend RPROZ-R14 as follows: 'Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets) 1. Activity Status: CONPER Where the following conditions are met: ... Matters over which controlled discretion is reserved: ...'	Reject	No
S27.016	Egg Producers Federation of New Zealand	RPROZ-S6	Amend RPROZ-S6 as follows: 'Setback from Neighbours All Other Activities (excluding Accessory Buildings) 2. Minimum setback of buildings for an activity from internal boundaries is 15m and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m. Domestic water storage tanks up to 2m in height are exempt from this standard.'	Reject	No
S27.017	Egg Producers Federation of New Zealand	RPROZ-S12	Retain as proposed.	Accept	No
FS6.17	NZ Pork Industry Board		Allow	Accept	
S27.018	Egg Producers Federation of New Zealand	GRUZ-01	Retain as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S27.019	Egg Producers Federation of New Zealand	GRUZ-02	Retain as proposed.	Accept in part <i>(insofar as objective is retained, but amended in response to another submission)</i>	No
FS11.007	The Ministry of Education		Allow	Accept in part	
S27.020	Egg Producers Federation of New Zealand	GRUZ-03	Retain as proposed.	Accept	No
S27.021	Egg Producers Federation of New Zealand	GRUZ-04	Retain as proposed.	Accept	No
S27.022	Egg Producers Federation of New Zealand	GRUZ-P2	Amend GRUZ-P2 as follows: "To only allow other non-production related 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 the activity does not constrain the operation and establishment of activities otherwise anticipated within the General Rural Zone, and only where adverse effects are avoided, remedied or mitigated."	Accept in part <i>(insofar as policy is amended in response to another submission)</i>	Yes
FS17.89	Horticulture New Zealand		Allow	Accept in part	
S27.023	Egg Producers Federation of New Zealand	GRUZ-P5	Retain as proposed.	Accept	No
S27.024	Egg Producers Federation of New Zealand	GRUZ-R3	Amend GRUZ-R3 as follows: "Primary production activities and free-range poultry farming (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying) ..."	Reject	No
S27.025	Egg Producers Federation of New Zealand	GRUZ-R14	Amend GRUZ-R14 as follows: "Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets) 1. Activity Status: CONPER Where the following conditions are met: ... Matters over which control discretion is reserved: ..."	Reject	No
S27.026	Egg Producers Federation of New Zealand	GRUZ-S5	Amend as follows: GRUZ-S6 Setback from Neighbours All Other Activities (excluding Accessory Buildings) 2. Minimum setback of buildings for an activity from internal boundaries is 15m and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m. Domestic water storage tanks up to 2m in height are exempt from this standard.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S27.027	Egg Producers Federation of New Zealand	GRUZ-S11	Retain as proposed.	Accept	No
FS6.13	NZ Pork Industry Board		Allow	Accept	
S27.028	Egg Producers Federation of New Zealand	NOISE-S5	Retain as proposed	Accept	No
S28.001	Gerard Pain	SUB - Subdivision	Consideration should be allowed for exceptions.	Accept in part	No
S28.002	Gerard Pain	SUB - Subdivision	If not a rumour, the resource consent process for the 312-lot subdivision near Ongaonga needs to be open to the public for meaningful consultation.	Reject	No
S36.001	Karen Middelberg	NOISE-S5	Amend NOISE-S5(13) to enable some rural airstrips to have an exemption to exceed the '14-days in any calendar year' limit applying to 'agricultural aviation movements'.	Reject	No
FS10.11	Aerospread Ltd		Allow	Reject	
FS14.13	NZ Agricultural Aviation Association		Allow	Reject	
S38.001	Aerospread Ltd	NOISE-S5	Amend NOISE-S5(11) to unlimited days for agricultural aviation movements.	Reject	No
FS14.5	NZ Agricultural Aviation Association		Allow	Reject	
S38.002	Aerospread Ltd	NOISE-S5	Delete NOISE-S5(12).	Reject	No
FS14.11	NZ Agricultural Aviation Association		Allow	Reject	
S38.003	Aerospread Ltd	NOISE-S5	Amend Noise -S5(13) to delete reference to 14 days usage in any calendar year in relation to agricultural aviation movements.	Reject	No
FS14.14	NZ Agricultural Aviation Association		Allow	Reject	
S38.004	Aerospread Ltd	NOISE-S5	Amend Noise -S5(16) to delete reference to 14 days usage in any calendar year in relation to agricultural aviation movements.	Reject	No
FS14.19	NZ Agricultural Aviation Association		Allow	Reject	
S38.007	Aerospread Ltd	GRUZ-R4	Retain GRUZ-R4	Accept in part	No
S38.008	Aerospread Ltd	GRUZ-R5	Make clear that GRUZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Accept in part/Reject	No
FS14.25	NZ Agricultural Aviation Association		Allow	Accept in part/Reject	
S38.009	Aerospread Ltd	RPROZ-R4	Retain RPROZ-R4.	Accept in part	No

Commented [RM2]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM3]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM4]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S38.010	Aerospread Ltd	RPROZ-R5	Make clear that RPROZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Accept in part/Reject	No
FS14.31	NZ Agricultural Aviation Association		Allow	Accept in part/Reject	
S38.011	Aerospread Ltd	[General]	To be practical and to keep compliance simple, where covered by other regulatory bodies i.e CAA in the case of aviation, refer back to them.	Reject	No
S41.001	Jill Fraser	RPROZ-R1	Remove condition RPROZ-R1(a)(iii)(c) - the requirement for minor residential units to be located within 25m of the principal residential building on the site	Reject	No
S41.002	Jill Fraser	RPROZ-R5	I support the retention of this rule but seek some amendments to the description of the activity, the conditions for this permitted activity, and matters for discretion where rural airstrips are within 500m of the notional boundary of a noise sensitive activity. The description of the activity (RPROZ-R5 New, or expansion of existing, rural airstrips or helicopter landing areas) should include any increase in the intensity of aircraft movements on existing rural airstrips not just the physical extensions to a runway or buildings associated with the airstrip. Amend condition RPROZ-R5(1)(b) so that the frequency of flights is also considered along with the maximum of 1000 flight movements per calendar year. A suggestion to address this would be to have a daily or weekly maximum to avoid situations where flight movements are concentrated over a much shorter period of time and thereby creating a more intensive activity and effects on neighbouring noise sensitive activities. Add another condition so that flight movements occur within certain hours of operation and early morning (before 7am) and late night (after 10pm) flight movements are avoided for permitted activities.	Accept in part (insofar as rule is retained, but amended in response to another submission)	No
FS25.127	Federated Farmers of New Zealand		Disallow	Accept in part	
FS14.32	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
FS10.26	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
S41.003	Jill Fraser	RPROZ-R5	In assessing and evaluating resource consents for full discretionary activities (where a rural airstrip is within 500m of a noise sensitive activity, RPROZ-R5(1)(a)(ii)), the following matters should be highlighted for consideration: 1. The flight path for take-offs and landings - this should not be over the site(s) on which the noise sensitive activity is located. 2. The total number and frequency of flights (a maximum number per calendar year or an average across a calendar year does not address the frequency of flights on any given day (noting that agricultural aircraft movements on the same site as the airstrip are excluded from these maximums). 3. The hours of operation of the rural airstrips. 4. Where any lighting of the airstrip is proposed. And the consent of the property owners and/or tenants of noise sensitive activities located within 500m of a proposed rural airstrip or extensions to a rural airstrip should be required for the resource consent to be considered on a non-notified basis.	Accept in part	Yes
FS14.33	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
FS10.27	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	

Commented [RM5]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.128	Federated Farmers of New Zealand		Disallow	Accept in part	
S42.001	New Zealand Pork Industry Board	ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION) (Definition)	Provide a definition and rule structure that provides relief from the rules for buildings and structures as they might apply to mobile pig shelters. Add mobile pig shelters to the definition of 'Ancillary Buildings and Structures (Primary Production)'.	Accept in part	Yes
S42.003	New Zealand Pork Industry Board	INTENSIVE PRIMARY PRODUCTION (Definition)	Replace the definition of 'Intensive Primary Production' as follows: 'means any activity defined as intensive indoor primary production or intensive outdoor primary production.'	Accept	Yes
S42.004	New Zealand Pork Industry Board	Definitions	Add new definition of 'Intensive Indoor Primary Production' as follows (as per National Planning Standards): 'means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.'	Accept	Yes
FS17.1	Horticulture New Zealand		Allow in part Replace 'Intensive primary production' definition with 'Intensive Indoor Primary Production' as in the National Planning Standards.	Accept in part	Yes
S42.005	New Zealand Pork Industry Board	Definitions	Add new definition of 'Intensive Outdoor Primary Production' as follows: 'means any primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover. Excludes extensive pig farming.'	Accept in part	Yes
FS17.2	Horticulture New Zealand		Allow in part Replace 'Intensive primary production' definition with 'Intensive Indoor Primary Production' as in the National Planning Standards. Accept new definition of Intensive Outdoor primary production as sought by the submitter.	Accept	Yes
S42.006	New Zealand Pork Industry Board	Definitions	Add new definition for 'Extensive Pig Farming' as follows: 'means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.'	Reject	No
S42.007	New Zealand Pork Industry Board	REVERSE SENSITIVITY (Definition)	Retain definition as proposed.	Accept	Yes
S42.008	New Zealand Pork Industry Board	SENSITIVE ACTIVITY (Definition)	Amend the definition of 'Sensitive Activity' to cover other activities that are equally sensitive to the effects of primary production in the rural zones. e.g.: - Camping grounds - Community facilities - Commercial activities - Healthcare facilities	Accept in part	Yes
FS24.001	New Zealand Motor Caravan Association		Allow in part I seek that part of this submission is disallowed with camping grounds removed from the definition of "sensitive activity".	Reject	
FS17.147	Horticulture New Zealand		Allow	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.010	New Zealand Pork Industry Board	Definitions	Add new definition for 'Workers Accommodation' as follows: 'means a residential unit for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area. Includes farm managers, workers and staff.'	Reject	No
S42.011	New Zealand Pork Industry Board	RLR - Introduction	Amend the second paragraph of the Introduction as follows: Land-based Primary production, including intensive primary production , underpins the economic, social, and cultural well-being of the Central Hawke's Bay District...	Accept	Yes
S42.012	New Zealand Pork Industry Board	RLR-O2	Amend RLR-O2 as follows: 'The primary production role and associated amenity of the District's rural land resource environment is retained, and is not compromised by inappropriate subdivision, use and development.'	Reject	No
S42.013	New Zealand Pork Industry Board	RLR-P5	Retain RLR-P5 as proposed	Accept	No
S42.014	New Zealand Pork Industry Board	RLR-M1	Amend RLR-M1 Area-Specific Provisions as follows: GRUZ - General Rural Zone: The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of primary production activities (including intensive primary production) to occur, that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners. RPROZ - Rural Production Zone: The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Otane. Standards in this Zone reflect the more intensive nature of primary production activities (including intensive primary production), the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource.	Accept	Yes
S42.015	New Zealand Pork Industry Board	RLR - Principal Reasons	Amend the last paragraph of RLR-Principal Reasons as follows: 'The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector (including intensive primary production). There is a limit on the scale of commercial and industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.'	Accept	Yes
S42.016	New Zealand Pork Industry Board	RLR-AER4	Retain RLR-AER4 as proposed.	Reject	No
S42.024	New Zealand Pork Industry Board	SUB-S4	Amend SUB-S4 (General Rural Zone, Rural Production Zone, Rural Lifestyle Zone) as follows: 1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited)..... 2. The building platform shall be setback 400m from the closest outer edge of any paddocks, hardstand areas, structures, or buildings used to hold or house stock, and wastewater treatment systems used for intensive primary production. 3. The establishment of a building platform on the same site as the intensive primary production are exempt from this rule requirement.'	Reject	No
S42.025	New Zealand Pork Industry Board	SUB-AM11	Retain SUB-AM11 as proposed.	Accept in part (<i>insofar as matter is retained, but</i>	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
.				<i>amended in response to another submission)</i>	
S42.026	New Zealand Pork Industry Board	SUB-AM12	Retain SUB-AM12 as proposed.	Accept in part <i>(insofar as matter is retained, but amended in response to another submission)</i>	No
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S42.027	New Zealand Pork Industry Board	SUB-AM13	Amend SUB-AM13(2)(c) as follows: 'Any lifestyle site proposed within 400 metres of an existing rural production activity primary production activity including intensive primary production;	Accept in part	Yes
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S42.037	New Zealand Pork Industry Board	NOISE-P3	Retain NOISE-P3 as proposed.	Accept	No
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S42.038	New Zealand Pork Industry Board	NOISE-S5	Retain Noise-S5 as proposed	Accept	No
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S42.039	New Zealand Pork Industry Board	GRUZ - Introduction	Amend first sentence of GRUZ-Introduction as follows: 'The General Rural Zone, which encompasses the largest proportion of the rural area of the District is used primarily for primary production including intensive primary production. '	Accept	Yes
FS17.80	Horticulture New Zealand		Allow	Accept	
S42.040	New Zealand Pork Industry Board	GRUZ-I2	Amend GRUZ-I2 as follows: 'Protecting Rural Amenity, and the Quality of the Rural Environment, and Primary Production Capability. Land-based primary production, intensive primary production , and other complementary rural, residential, and recreation-based activities, underpin the social, economic, and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environmental, cultural, and amenity values or result in conflict that affects primary production capability. '	Accept in part	Yes
FS17.81	Horticulture New Zealand		Allow in part Accept submission but delete reference to 'land based' primary production.	Accept	
S42.041	New Zealand Pork Industry Board	GRUZ-I2	Retain the following in the explanation statement in GRUZ-I2 as proposed: para 1 - 'The rural environment supports a variety of land based primary production activities including dry stock farming, cropping, dairying, horticulture, plantation forestry, small niche farming land uses, as well as intensive primary production activities and rural service activities.' para 9 - 'If increasing density of rural subdivision is allowed in close proximity to existing intensive primary production activities, it can undermine the viability of such activities should complaints about heavy traffic or objectionable noise, dust or odour arise.' para 10 - 'Increasing density of subdivision can also intensify pressure on the range of infrastructure servicing (roads and reticulated services), and conflicts with infrastructure services for intensive primary production activities (e.g. if rural roads are expected to be of a higher quality).'	Accept	No
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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.042	New Zealand Pork Industry Board	GRUZ-01	Amend GRUZ-01 as follows: 'The General Rural Zone is predominantly used for primary production activities including intensive primary production and ancillary activities.'	Accept	Yes
S42.043	New Zealand Pork Industry Board	GRUZ-P1	Amend GRUZ-P1 as follows: 'To allow enable land-based primary production, intensive primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept in part	Yes
S42.044	New Zealand Pork Industry Board	GRUZ-P5	Retain GRUZ-P5 as proposed.	Accept	No
S42.045	New Zealand Pork Industry Board	GRUZ-P7	Retain GRUZ-P7 as proposed.	Accept	No
S42.046	New Zealand Pork Industry Board	GRUZ-R1	Amend GRUZ-R1(1)(a)(v) as follows: 'v. one minor residential unit or one workers' accommodation per site: In the case of a residential unit: a. limited to a maximum gross floor area of 100m2 (exclusive of garages, and verandahs less than 20m2); and b. must share vehicle access with the principal residential unit on the site; and c. must be located no further than 50m from a principal residential unit on the site. In the case of workers accommodation: a. limited to a maximum gross floor area of 120m2 (exclusive of garages, and decks); and b. must share vehicle access with the principal residential unit on the site.'	Reject	No
S42.047	New Zealand Pork Industry Board	GRUZ-R3	Retain GRUZ-R3 as proposed.	Accept	No
S42.048	New Zealand Pork Industry Board	GRUZ-R8	Delete GRUZ-R8 or change activity status.	Reject	No
S42.049	New Zealand Pork Industry Board	GRUZ-R9	Delete GRUZ-R9 or change activity status.	Reject	No
FS27.3	Livingston Properties Limited		Disallow	Accept	
S42.050	New Zealand Pork Industry Board	GRUZ-R10	Delete GRUZ-R10 or change activity status.	Reject	No
FS17.102	Horticulture New Zealand		Allow	Reject	
S42.051	New Zealand Pork Industry Board	GRUZ-R11	Delete GRUZ-R11 or change activity status.	Reject	No
FS17.104	Horticulture New Zealand		Allow	Reject	
FS13.044	Heretaunga Tamatea Settlement Trust		Disallow	Accept	
S42.052	New Zealand Pork Industry Board	GRUZ-R14	Retain GRUZ-R14(1) Activity Status: CON Amend Matters of Control.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.053	New Zealand Pork Industry Board	GRUZ-R14	Amend GRUZ-R14(3) as follows: '3. Activity status where compliance with condition GRUZ-R14(1)(c) and/or GRUZ-R14(1)(a) is not achieved: DIS' Amend GRUZ-R14(4) as follows: '4. Activity status where compliance with conditions GRUZ-R14(1)(a) and/or GRUZ-R14(1)(d) is not achieved: NC'	Reject	No
S42.054	New Zealand Pork Industry Board	GRUZ-R16	Retain GRUZ-R16 as proposed.	Accept in part <i>(insofar as rule is retained, but amended in response to another submission)</i>	No
FS24.002	New Zealand Motor Caravan Association		Disallow I seek that the whole of this submission is disallowed. We do not support the Discretionary Activity status for camping grounds in the General Rural Zone (GRUZ).	Reject	
S42.055	New Zealand Pork Industry Board	GRUZ-S1	Delete 'Restaurants' from GRUZ-S1.	Reject	No
S42.056	New Zealand Pork Industry Board	GRUZ-S6	Delete GRUZ-S6 Trees on Boundaries.	Accept in part/Reject	Yes – clause 16(2) amendment
FS17.110	Horticulture New Zealand		Allow	Accept in part/Reject	
S42.057	New Zealand Pork Industry Board	GRUZ-S11	Amend GRUZ-S11 as follows: 'Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.'	Reject	No
S42.058	New Zealand Pork Industry Board	GRUZ-AM2	Delete GRUZ-AM2.	Accept in part/Reject	Yes – clause 16(2) amendment
FS17.115	Horticulture New Zealand		Allow	Accept in part/Reject	
S42.059	New Zealand Pork Industry Board	GRUZ-AM3	Retain RPROZ-AM3 as notified.	Accept	No
S42.060	New Zealand Pork Industry Board	GRUZ-AM9	Amend the assessment matters for 'Intensive Primary Production'.	Reject	No
S42.061	New Zealand Pork Industry Board	GRUZ-M3	Retain GRUZ-M3 as proposed.	Accept	No
S42.062	New Zealand Pork Industry Board	GRUZ - Principal Reasons	Retain GRUZ-Principal Reasons as proposed.	Accept	No
S42.064	New Zealand Pork Industry Board	RLZ-S6	Amend RLZ-S6 as follows: 'Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.'	Reject	No

Commented [RM6]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Commented [RM7]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.065	New Zealand Pork Industry Board	RPROZ - Introduction	Amend paragraph 3 in RPROZ-Introduction as follows: 'The predominant land uses within this part of the rural area of the District are primary production including intensive primary production, cropping, livestock farming, and horticulture (including viticulture). '	Accept	Yes
FS17.118	Horticulture New Zealand		Allow	Accept	
S42.066	New Zealand Pork Industry Board	RPROZ-O1	Amend RPROZ-O1 as follows: 'The Rural Production Zone is predominantly used for primary production activities including intensive primary production and ancillary activities. '	Accept	Yes
S42.067	New Zealand Pork Industry Board	RPROZ-P1	Amend RPROZ -P1 as follows: 'To allow enable land-based primary production, intensive primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept	Yes
S42.068	New Zealand Pork Industry Board	RPROZ-P5	Retain RPROZ-P5 as proposed.	Accept	No
S42.069	New Zealand Pork Industry Board	RPROZ-P7	Retain RPROZ-P7 as proposed.	Accept	No
S42.070	New Zealand Pork Industry Board	RPROZ-R1	Amend RPROZ-R1(1)(a)(iii) as follows. 'iii. one minor residential unit or one workers accommodation per site: In the case of a residential unit: a. limited to a maximum gross floor area of 100m ² (exclusive of garages, and verandahs less than 20m ²); and b. must share vehicle access with the principal residential unit on the site; c. and must be located no further than 25m 50m from a principal residential unit on the site. In the case of workers accommodation: d. limited to a maximum gross floor area of 120m² (exclusive of garages, and decks); and e. must share vehicle access with the principal residential unit on the site.'	Reject	No
S42.071	New Zealand Pork Industry Board	RPROZ-R3	Retain RPROZ-R3 as proposed.	Accept	No
S42.072	New Zealand Pork Industry Board	RPROZ-R8	Delete RPROZ-R8 or change activity status.	Reject	No
FS17.141	Horticulture New Zealand		Allow	Reject	
S42.073	New Zealand Pork Industry Board	RPROZ-R9	Delete RPROZ-R9 or change activity status.	Reject	No
FS8.051	Silver Fern Farms Limited		Allow	Reject	
S42.074	New Zealand Pork Industry Board	RPROZ-R10	Delete RPROZ-R10 or change activity status.	Reject	No
FS8.052	Silver Fern Farms Limited		Allow	Reject	
FS17.142	Horticulture New Zealand		Allow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.075	New Zealand Pork Industry Board	RPROZ-R11	Delete RPROZ-R11 or change activity status.	Reject	No
FS8.053	Silver Fern Farms Limited		Allow	Reject	
FS17.144	Horticulture New Zealand		Allow	Reject	
S42.076	New Zealand Pork Industry Board	RPROZ-R14	Retain RPROZ-R14(1) Activity Status: CON Amend Matters of Control.	Reject	No
S42.077	New Zealand Pork Industry Board	RPROZ-R14	Amend RPROZ-R14(3) as follows: 3. Activity status where compliance with condition RPROZ-R14(1)(c) and/or RPROZ-R14(1)(a) is not achieved: DIS And amend RPROZ-R14(4) as follows: 4. Activity status where compliance with conditions RPROZ-R14(1)(a) and/or RPROZ-R14(1)(d) is not achieved: NC	Reject	No
S42.078	New Zealand Pork Industry Board	RPROZ-S1	Delete 'Restaurants' from RPROZ-S1.	Reject	No
FS8.056	Silver Fern Farms Limited		Allow	Reject	
S42.079	New Zealand Pork Industry Board	RPROZ-S2	Delete RPROZ-S2 as it relates to intensive primary production.	Reject	No
S42.080	New Zealand Pork Industry Board	RPROZ-S7	Delete RPROZ-S7 Trees on Boundaries.	Accept in part/Reject	Yes – clause 16(2) amendment
S42.081	New Zealand Pork Industry Board	RPROZ-S12	Amend RPROZ-S12 as follows: Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.	Reject	No
S42.082	New Zealand Pork Industry Board	RPROZ-AM2	Delete RPROZ-AM2 as notified.	Accept in part/Reject	Yes – clause 16(2) amendment
FS17.154	Horticulture New Zealand		Allow	Accept in part/Reject	
S42.083	New Zealand Pork Industry Board	RPROZ-AM3	Retain RPROZ-AM3 as notified.	Accept	No
S42.084	New Zealand Pork Industry Board	RPROZ-AM10	Amend the assessment matters for 'Intensive Primary Production'.	Reject	No
S42.085	New Zealand Pork Industry Board	RPROZ-M3	Retain RPROZ-M3 as proposed.	Accept	No
S42.086	New Zealand Pork Industry Board	RPROZ - Principal Reasons	Retain RPROZ-Principal Reasons as proposed.	Accept	No
FS17.155	Horticulture New Zealand		Allow	Accept	

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Commented [RM9]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.087	New Zealand Pork Industry Board	GRUZ-I2	Amend GRUZ-I2 as follows: "Protecting Rural Amenity, and the Quality of the Rural Environment, and Primary Production Capability Land-based primary production, intensive primary production , and other complementary rural, residential, and recreation-based activities, underpin the social, economic, and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environmental, cultural, and amenity values or result in conflict that affects primary production capability. "	Accept in part	Yes
S42.088	New Zealand Pork Industry Board	RPROZ-R16	Retain RPROZ-R16 as proposed.	Accept in part <i>(insofar as rule is retained, but amended in response to another submission)</i>	No
FS24.003	New Zealand Motor Caravan Association		Disallow I seek that the whole of this submission is disallowed, NZMCA do not support the Discretionary Activity status for camping grounds in the Rural Production Zone (RPROZ).	Reject	
S43.001	New Zealand Agricultural Aviation Association	NOISE-S5	Amend NOISE-S5(11) to unlimited days for agricultural aviation activity.	Reject	No
FS17.70	Horticulture New Zealand		Allow	Reject	
FS14.6	NZ Agricultural Aviation Association		Allow	Reject	
FS10.5	Aerospread Ltd		Allow	Reject	
S43.002	New Zealand Agricultural Aviation Association	NOISE-S5	Delete NOISE-S5(12).	Reject	No
FS14.12	NZ Agricultural Aviation Association		Allow	Reject	
FS10.10	Aerospread Ltd		Allow	Reject	
S43.003	New Zealand Agricultural Aviation Association	NOISE-S5	Amend NOISE-S5(13) as follows: "...and agricultural aviation movements for up to 14 days in any calendar year. "	Reject	No
FS14.15	NZ Agricultural Aviation Association		Allow	Reject	
FS17.72	Horticulture New Zealand		Allow	Reject	
FS10.12	Aerospread Ltd		Allow	Reject	
S43.004	New Zealand Agricultural Aviation Association	NOISE-S5	Amend NOISE-S5(16) as follows: "...and agricultural aviation movements for up to 14 days in any calendar year. "	Reject	No
FS14.20	NZ Agricultural Aviation Association		Allow	Reject	
FS17.73	Horticulture New Zealand		Allow	Reject	
FS10.16	Aerospread Ltd		Allow	Reject	
S43.005	New Zealand Agricultural Aviation Association	GRUZ-R4	Retain GRUZ-R4.	Accept in part	No
S43.006	New Zealand Agricultural Aviation Association	GRUZ-R5	Make clear that GRUZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Accept in part/Reject	No

Commented [RM10]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS10.21	Aerospread Ltd		Allow	Accept in part/Reject	
FS17.99	Horticulture New Zealand		Allow	Accept in part/Reject	
FS14.26	NZ Agricultural Aviation Association		Allow	Accept in part/Reject	
S43.007	New Zealand Agricultural Aviation Association	RPROZ-R4	Retain RPROZ-R4.	Accept in part	No
S43.008	New Zealand Agricultural Aviation Association	RPROZ-R5	Make clear that RPROZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Accept in part/Reject	No
FS14.34	NZ Agricultural Aviation Association		Allow	Accept in part/Reject	
FS17.139	Horticulture New Zealand		Allow	Accept in part/Reject	
FS10.28	Aerospread Ltd		Allow	Accept in part/Reject	
S43.009	New Zealand Agricultural Aviation Association	HELICOPTER LANDING AREA (Definition)	Adopt the definitions used by the Civil Aviation Authority for primary and secondary operating bases, and operating areas (main base, remote base, aerodrome, airstrip, heliport, and landing zone).	Reject	No
FS17.5	Horticulture New Zealand		Allow in part Amend the definition of helicopter landing area either as sought by HortNZ's submission or use CAA terms.	Reject	
FS14.1	NZ Agricultural Aviation Association		Not stated Amend the definition of helicopter landing area either as sought by HortNZ or use CAA terms.	Reject	
FS10.1	Aerospread Ltd		Not stated Amend the definition of helicopter landing area either as sought by HortNZ or use CAA terms.	Reject	
S43.010	New Zealand Agricultural Aviation Association	NOISE-S4	Adopt the CAA definition of Day from the CAA Rule Part 1 and the daylight tables published in the NZAIP as the guide for daylight operations for agricultural aircraft operation.	Reject	No
FS17.69	Horticulture New Zealand		Allow in part Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.	Accept in part	
FS14.4	NZ Agricultural Aviation Association		Not stated Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.	Accept in part	
FS10.4	Aerospread Ltd		Not stated Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.	Accept in part	
S50.007	The Surveying Company (HB) Ltd	SUB-R5	A possible option is to amend SUB-R5(1)(a) to allow the creation of 1 lifestyle lot per 20ha up to a maximum of 5 new sites. The time provision could remain.	Reject	No
S50.008	The Surveying Company (HB) Ltd	SUB-R5	Amend SUB-R5(5)(a)(ii) to remove the requirement to amalgamate a balance lot if the balance lot is more than 12ha.	Reject	No
S50.009	The Surveying Company (HB) Ltd	SUB - Rules	Inclusion of a Farm Park option within the rural zones, similar to the Hastings District Council rules.	Reject	No
FS4.4	James Bridge		Allow	Reject	
S50.013	The Surveying Company (HB) Ltd	SUB-S2	Amend SUB-S2(4) as follows: Rural Production Zone 3. ... 4. Maximum net site area for Lifestyle Lot - 4000m ² -1ha.'	Accept	Yes

Commented [RM11]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM12]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM13]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S50.014	The Surveying Company (HB) Ltd	GRUZ-S5	Amend GRUZ-S5 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject	No
FS17.108	Horticulture New Zealand		Disallow	Accept	
S50.015	The Surveying Company (HB) Ltd	RLZ-S5	Amend RLZ-S5 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject	No
S50.016	The Surveying Company (HB) Ltd	RPROZ-S6	Amend RPROZ-S6 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject	No
FS17.146	Horticulture New Zealand		Disallow	Accept	
S50.029	The Surveying Company (HB) Ltd	[General]	Retain general direction of the PDP to protect the District's highly productive soils. Retain the three distinct rural zones. Retain the provisions of the new Rural Lifestyle Zone.	Accept in part (insofar as provisions are retained, but amended in response to other submissions)	No
S50.030	The Surveying Company (HB) Ltd	SUB-S2	Retain minimum lot size for lifestyle lots at 2500m2.	Accept	No
S55.061	Heritage New Zealand Pouhere Taonga	SUB-R5	Retain SUB-R5 as notified.	Accept in part (insofar as rule is retained, but amended in response to another submission)	No
S57.013	Fire and Emergency New Zealand	RLR-P4	Retain RLR-P4 as notified.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S57.138	Fire and Emergency New Zealand	GRUZ-P2	Retain GRUZ-P2 as notified.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S57.139	Fire and Emergency New Zealand	GRUZ-PXX (new policy)	Add a new policy to the 'General Rural Zone' as follows:	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			'GRUZ-P10 Ensure all development and subdivision provide a suitable on-site wastewater treatment and disposal system, stormwater systems, and water supply unless an approved alternative system is available.'		
FS25.88	Federated Farmers of New Zealand		Disallow	Reject	
FS17.85	Horticulture New Zealand		Disallow Reject the submission or include as a condition of subdivision, not all rural development.	Reject	
S57.140	Fire and Emergency New Zealand	GRUZ-R1	Amend GRUZ-R1(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing... ' And amend GRUZ-R1(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
FS25.90	Federated Farmers of New Zealand		Disallow	Reject	
FS17.95	Horticulture New Zealand		Disallow	Reject	
S57.141	Fire and Emergency New Zealand	GRUZ-R2	Amend GRUZ-R2(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing. ' And amend GRUZ-R2(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
FS25.91	Federated Farmers of New Zealand		Disallow	Reject	
FS17.96	Horticulture New Zealand		Disallow	Reject	
S57.142	Fire and Emergency New Zealand	GRUZ-R3	Amend GRUZ-R3(1) as follows: '...Where the following conditions are met: a. Compliance with: i. x. GRUZ-S15 Servicing... ' And amend GRUZ-R3(2) as follows: '...Matters over which discretion is restricted:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			a. Assessment matters: i. x. GRUZ-AM13. ...		
FS25.92	Federated Farmers of New Zealand		Disallow	Reject	
FS17.97	Horticulture New Zealand		Disallow	Reject	
S57.143	Fire and Emergency New Zealand	GRUZ-R6	Amend GRUZ-R6(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing... And amend GRUZ-R6(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
FS17.101	Horticulture New Zealand		Disallow	Reject	
S57.144	Fire and Emergency New Zealand	GRUZ-R8	Amend GRUZ-R8(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. x. GRUZ-S15 Servicing... And amend GRUZ-R8(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
S57.145	Fire and Emergency New Zealand	GRUZ-R10	Amend GRUZ-R10(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing... And amend GRUZ-R10(2) as follows: '...Matters over which discretion is restricted:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			a. Assessment matters: i. x. GRUZ-AM13. ...		
FS25.93	Federated Farmers of New Zealand		Disallow	Reject	
S57.146	Fire and Emergency New Zealand	GRUZ-R11	Amend GRUZ-R11(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing....' And amend GRUZ-R11(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
S57.147	Fire and Emergency New Zealand	GRUZ-R12	Amend GRUZ-R12(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing....' And amend GRUZ-R12(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept	Yes
S57.148	Fire and Emergency New Zealand	GRUZ-R12	Amend GRUZ-R12, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept	Yes
S57.149	Fire and Emergency New Zealand	GRUZ-R14	Amend GRUZ-R14(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. GRUZ-S15 Servicing.' And amend GRUZ-R14(2) as follows:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
.			'...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...'		
S57.150	Fire and Emergency New Zealand	GRUZ-S2	Amend GRUZ-S2 as follows: 'All (except frost fans) 1. Maximum height of any building(s) is 10m. Note: Hose drying towers up to 15m in height are exempt from this rule...'	Reject	No
S57.151	Fire and Emergency New Zealand	GRUZ-S3	Amend GRUZ-S3 as follows: 'All 1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: a. d. Hose drying towers up to 15m in height...'	Reject	No
S57.152	Fire and Emergency New Zealand	GRUZ-S4	Retain GRUZ-S4 as notified.	Accept in part (insofar as standard is retained, but amended in response to another submission)	No
S57.153	Fire and Emergency New Zealand	GRUZ-S5	Retain GRUZ-S5 as notified.	Accept in part (insofar as standard is retained, but amended in response to another submission)	No
S57.154	Fire and Emergency New Zealand	GRUZ-S8	Retain GRUZ-S8 as notified.	Accept	No
S57.155	Fire and Emergency New Zealand	GRUZ-SXX (new standard)	Add a new standard in the 'General Rural Zone' chapter as follows: 'GRUZ-S15 Servicing 1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot. Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'		
FS17.107	Horticulture New Zealand		Disallow	Reject	
S57.156	Fire and Emergency New Zealand	GRUZ-AMXX (new assessment matter)	Add a new assessment matter in the 'General Rural Zone' chapter as follows: 'GRUZ-AM13 Servicing 1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part	Yes
FS17.114	Horticulture New Zealand		Disallow	Reject	
FS25.101	Federated Farmers of New Zealand		Disallow	Reject	
S57.157	Fire and Emergency New Zealand	RLZ-P3	Amend RLZ-P3 as follows: 'To provide for home businesses, rural commercial activities, emergency service activities, visitor accommodation and educational facilities which are complementary to the rural residential use of the land and are compatible in scale with rural residential living in the zone.'	Accept	Yes
S57.158	Fire and Emergency New Zealand	RLZ-P4	Retain RLZ-P4 as notified.	Accept	No
S57.159	Fire and Emergency New Zealand	RLZ-R1	Amend RLZ-R1(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RLZ-S16 Servicing. And amend RLZ-R1(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. '	Accept	Yes
S57.160	Fire and Emergency New Zealand	RLZ-R2	Amend RLZ-R2(1) as follows: '...Where the following conditions are met: a. Compliance with: i. x. RLZ-S16 Servicing. And amend RLZ-R2(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. '	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.164	Fire and Emergency New Zealand	RLZ-R7	Amend RLZ-R7(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RLZ-S16 Servicing.' And amend RLZ-R7(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. ...' ...'	Accept	Yes
S57.165	Fire and Emergency New Zealand	RLZ-R8	Amend RLZ-R8(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RLZ-S16 Servicing.' And amend RLZ-R8(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. ...' ...'	Accept	Yes
S57.166	Fire and Emergency New Zealand	RLZ-R8	Amend RLZ-R8, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept	Yes
S57.167	Fire and Emergency New Zealand	RLZ-S2	Amend RLZ-S2 as follows: 'All 1. Maximum height of any building(s) is 10m. Note: in all instances, height is measured from the natural ground level. Hose drying towers up to 15m in height are exempt from this rule.'	Reject	No
S57.168	Fire and Emergency New Zealand	RLZ-S3	Amend RLZ-S3 as follows: 'All 1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: ... d. Hose drying towers up to 15m in height... '	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.170	Fire and Emergency New Zealand	RLZ-S5	Retain RLZ-S5 as notified.	Accept in part <i>(insofar as standard is retained, but amended in response to another submission)</i>	No
S57.171	Fire and Emergency New Zealand	RLZ-S8	Retain RLZ-S8 as notified.	Accept	No
S57.172	Fire and Emergency New Zealand	RLZ-S10	Amend RLZ-S10 as follows: Non Residential Activities 1. ... 2. ... 3. Screening shall not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.	Accept	Yes
S57.173	Fire and Emergency New Zealand	RLZ-S12	Retain RLZ-S12 as notified.	Accept	No
S57.174	Fire and Emergency New Zealand	RLZ-SXX (new standard)	Add a new standard to the 'Rural Lifestyle Zone' chapter as follows: 'RLZ-S16 Servicing 1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot. Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part	Yes
S57.175	Fire and Emergency New Zealand	RLZ-AMXX (new assessment matter)	Add a new assessment matter to the 'Rural Lifestyle Zone' chapter as follows: 'RLZ-AM11 Servicing 1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part	Yes
S57.176	Fire and Emergency New Zealand	RPROZ-P2	Retain RPROZ-P2 as notified.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.177	Fire and Emergency New Zealand	RPROZ-PXX (new policy)	Add a new policy to the 'Rural Production Zone' chapter as follows: 'RPROZ-P11 To require activities within the Rural Production Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available to connect to.'	Accept in part	Yes
FS25.103	Federated Farmers of New Zealand		Disallow	Reject	
FS17.123	Horticulture New Zealand		Disallow Reject the submission or include as a condition of subdivision, not all rural development.	Reject	
S57.178	Fire and Emergency New Zealand	RPROZ-R1	Amend RPROZ-R1(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RPROZ-S17 Servicing....' And amend RPROZ-R1(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. '	Accept	Yes
FS17.135	Horticulture New Zealand		Disallow	Reject	
FS25.106	Federated Farmers of New Zealand		Disallow	Reject	
S57.179	Fire and Emergency New Zealand	RPROZ-R2	Amend RPROZ-R2(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RPROZ-S17 Servicing....' And amend RPROZ-R2(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. '	Accept	Yes
FS25.107	Federated Farmers of New Zealand		Disallow	Reject	
FS17.136	Horticulture New Zealand		Disallow	Reject	
S57.180	Fire and Emergency New Zealand	RPROZ-R3	Amend RPROZ-R3(1) as follows: '...Where the following conditions are met: a. Compliance with: i. x. RPROZ-S17 Servicing....' And amend RPROZ-R3(2) as follows:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			'...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. ... '		
FS25.108	Federated Farmers of New Zealand		Disallow	Reject	
FS17.137	Horticulture New Zealand		Disallow	Reject	
S57.181	Fire and Emergency New Zealand	RPROZ-R6	Amend RPROZ-R6(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RPROZ-S17 Servicing... And amend RPROZ-R6(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. ... '	Accept	Yes
FS25.109	Federated Farmers of New Zealand		Disallow	Reject	
FS17.140	Horticulture New Zealand		Disallow	Reject	
S57.182	Fire and Emergency New Zealand	RPROZ-R8	Amend RPROZ-R8(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. x. RPROZ-S17 Servicing... And amend RPROZ-R8(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. ... '	Accept	Yes
FS25.110	Federated Farmers of New Zealand		Disallow	Reject	
S57.183	Fire and Emergency New Zealand	RPROZ-R9	Amend RPROZ-R9(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>i. x. RPROZ-S17 Servicing....' And amend RPROZ-R9(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. '</p>		
FS25.111	Federated Farmers of New Zealand		Disallow	Reject	
S57.184	Fire and Emergency New Zealand	RPROZ-R10	<p>Amend RPROZ-R10(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RPROZ-S17 Servicing....' And amend RPROZ-R10(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. '</p>	Accept	Yes
FS25.112	Federated Farmers of New Zealand		Disallow	Reject	
S57.185	Fire and Emergency New Zealand	RPROZ-R11	<p>Amend RPROZ-R11(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RPROZ-S17 Servicing....' And amend RPROZ-R11(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. '</p>	Accept	Yes
FS25.113	Federated Farmers of New Zealand		Disallow	Reject	
S57.186	Fire and Emergency New Zealand	RPROZ-R12	<p>Amend RPROZ-R12(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i.'</p>	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>...</p> <p>x. RPROZ-S17 Servicing....'</p> <p>And amend RPROZ-R12(2) as follows:</p> <p>'...Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>....</p> <p>x. RPROZ-AM15.</p> <p>....</p>		
FS25.114	Federated Farmers of New Zealand		Disallow	Reject	
S57.187	Fire and Emergency New Zealand	RPROZ-R12	Amend RPROZ-R12, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept	Yes
S57.188	Fire and Emergency New Zealand	RPROZ-R14	<p>Amend RPROZ-R14(1) as follows:</p> <p>'...Where the following conditions are met:</p> <p>a. ...</p> <p>b. Compliance with:</p> <p>i. ...</p> <p>....</p> <p>x. RPROZ-S17 Servicing....'</p> <p>And amend RPROZ-R14(2) as follows:</p> <p>'...Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>....</p> <p>x. RPROZ-AM15.</p> <p>....</p>	Accept	Yes
FS25.115	Federated Farmers of New Zealand		Disallow	Reject	
S57.189	Fire and Emergency New Zealand	RPROZ-S3	<p>Amend RPROZ-S3 as follows:</p> <p>'All (except for frost fans)</p> <p>1. Maximum height of any building(s) is 10m.</p> <p>Note: Hose drying towers up to 15m in height are exempt from this rule....'</p>	Reject	No
S57.190	Fire and Emergency New Zealand	RPROZ-S4	<p>Amend RPROZ-S4 as follows:</p> <p>'All</p> <p>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following:</p> <p>a. ...</p> <p>....</p> <p>d. Hose drying towers up to 15m in height....'</p>	Reject	No
S57.191	Fire and Emergency New Zealand	RPROZ-S5	Retain RPROZ-S5 as notified.	Accept in part (insofar as standard is retained, but amended in	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>(response to another submission)</i>	Amendments to Proposed Plan?
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S57.192	Fire and Emergency New Zealand	RPROZ-S6	Retain RPROZ-S6 as notified.	Accept in part <i>(insofar as standard is retained, but amended in response to another submission)</i>	No
.					
S57.193	Fire and Emergency New Zealand	RPROZ-S9	Retain RPROZ-S9 as notified.	Accept	No
.					
S57.194	Fire and Emergency New Zealand	RPROZ-SXX (new standard)	Add a new standard to the 'Rural Production Zone' chapter as follows: 'RPROZ-S17 Servicing 1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot. Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part	Yes
FS17.145	Horticulture New Zealand		Disallow	Reject	
S57.195	Fire and Emergency New Zealand	RPROZ-AMXX (new assessment matter)	Add a new assessment matter to the 'Rural Production Zone' chapter as follows: 'RPROZ-AM15 Servicing 1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008'	Accept in part	Yes
FS25.129	Federated Farmers of New Zealand		Disallow	Reject	
FS17.153	Horticulture New Zealand		Disallow	Reject	
S57.264	Fire and Emergency New Zealand	GRUZ-R9	Amend GRUZ-R9(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. x. GRUZ-S15 Servicing... ' And amend GRUZ-R9(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i.'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			x. GRUZ-AM13. ...		
S58.001	Josh and Suzie Calder	GRUZ-R5	Delete all the permitted activity conditions (being conditions a - f) of GRUZ-R5(1). Make all other necessary adjustments to the Plan in order to give effect to this.	Accept in part/Reject	Yes/No
FS25.100	Federated Farmers of New Zealand		Allow in part	Accept in part	Yes
FS10.22	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	Yes
FS14.27	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	Yes
S58.002	Josh and Suzie Calder	RPROZ-R5	Delete all the permitted activity conditions (being conditions a - f) of RPROZ-R5(1). Make all other necessary adjustments to the Plan in order to give effect to this.	Accept in part/Reject	Yes/No
FS2.3	Jill Fraser		Disallow	Accept in part	No
FS14.35	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	Yes
FS10.29	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	Yes
S58.003	Josh and Suzie Calder	NOISE-S5	Remove NOISE-S5(11) & (12) and simply make 'Agricultural Aviation Movements' exempt. Make all other necessary adjustments to the Plan in order to give effect to this.	Reject	No
FS14.7	NZ Agricultural Aviation Association		Allow	Reject	
FS10.6	Aerospread Ltd		Allow	Reject	
S58.004	Josh and Suzie Calder	RURAL AIRSTRIP (Definition)	Amend definition to ensure that the definition of 'Rural Airstrip' includes airstrips from which aircraft involved in agricultural aviation fly from and to at the start and finish of each working day. Make all other necessary adjustments to the Plan in order to give effect to this.	Accept in part/Reject	Yes/No
FS14.2	NZ Agricultural Aviation Association		Disallow	Accept in part	
FS10.2	Aerospread Ltd		Disallow	Accept in part	
S73.005	Ministry of Education	NOISE SENSITIVE ACTIVITY (Definition)	Retain definition of 'Noise Sensitive Activity' as proposed.	Accept	No
S73.006	Ministry of Education	SENSITIVE ACTIVITY (Definition)	Retain definition of 'Sensitive Activity' as proposed.	Accept in part (insofar as definition is retained, but amended in response to another submission)	No

Commented [RM14]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM15]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM16]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS24.005	New Zealand Motor Caravan Association		Allow I seek that the whole of this submission be allowed and the definition of "sensitive activity" is retained as proposed.	Reject	
S73.018	Ministry of Education	GRUZ-O2	Retain GRUZ-O2 as proposed.	Accept in part (insofar as objective is retained, but amended in response to another submission)	No
S73.019	Ministry of Education	GRUZ-P2	Retain GRUZ-P2 as proposed.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S73.020	Ministry of Education	GRUZ-R11	Amend GRUZ-R11(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 300 300m ² gross floor area. b) ...' And amend GRUZ-R11(2) as follows: '2. Activity status where gross floor area is 300-500m² and/or compliance with condition GRUZ-R11(1)(b) is not achieved: RDIS ...' And amend GRUZ-R11(3) as follows: '3. Activity status where gross floor area is over 500m² and/or where compliance with condition GRUZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS'	Accept in part	Yes
FS13.045	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
FS17.105	Horticulture New Zealand		Disallow	Accept in part	
S73.021	Ministry of Education	RLZ-P3	Retain RLZ-P3 as proposed.	Accept (insofar as policy is retained, but amended in response to another submission)	No
S73.022	Ministry of Education	RLZ-P7	Amend RLZ-P7 as follows: 'To enable limit the scale of Community Facilities and Educational Facilities in the Rural Lifestyle Zone to in a way which that maintains the character and amenity of the zone while providing for social infrastructure. '	Accept in part	Yes
S73.023	Ministry of Education	RLZ-R7	Amend RLZ-R7(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 200 200m ² gross floor area. b) ...'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S73.024	Ministry of Education	RPROZ-O4	Retain RPROZ-O4 as proposed.	Accept in part <i>(insofar as objective is retained, but amended in response to another submission)</i>	No
S73.025	Ministry of Education	RPROZ-R11	Amend RPROZ-R11(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 200100m2 gross floor area. b) ...'	Accept	Yes
FS8.054	Silver Fern Farms Limited		Disallow	Reject	
FS17.143	Horticulture New Zealand		Disallow	Reject	
S73.035	Ministry of Education	GRUZ-AM8	Retain GRUZ-AM8 as proposed.	Accept in part <i>(insofar as matter is retained, but amended in response to another submission)</i>	No
FS17.116	Horticulture New Zealand		Allow in part Accept HortNZ submission to amend GRUZ-AM8 in the General Rural Zone.	Accept in part	
S73.036	Ministry of Education	RPROZ-AM9	Retain RPROZ-AM9 as proposed.	Accept in part <i>(insofar as matter is retained, but amended in response to another submission)</i>	No
S73.037	Ministry of Education	RLZ-AM9	Retain RLZ-AM9 as proposed.	Accept	No
S76.001	Ballance Agri-Nutrients Limited	NOISE-S5	Amend NOISE-S5(11) and (12) as follows: 'Agricultural Aviation Movements 11. Exempt for up to 14 days in any calendar year. 12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).'	Reject	No
FS14.8	NZ Agricultural Aviation Association		Allow	Reject	
FS10.7	Aerospread Ltd		Allow	Reject	
S76.002	Ballance Agri-Nutrients Limited	NOISE-S5	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55 dB Ldn, measured at the notional boundary	Reject	No

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			of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'		
FS10.13	Aerospread Ltd		Allow	Reject	
FS14.16	NZ Agricultural Aviation Association		Allow	Reject	
S76.003	Ballance Agri-Nutrients Limited	NOISE-S5	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB Ldn measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject	No
FS14.21	NZ Agricultural Aviation Association		Allow	Reject	
FS10.17	Aerospread Ltd		Allow	Reject	
S76.004	Ballance Agri-Nutrients Limited	GRUZ-R4	Retain GRUZ-R4.	Accept in part	No
S76.005	Ballance Agri-Nutrients Limited	GRUZ-R5	Amend GRUZ-R5 to clarify that the rule will not apply to facilities for agricultural aviation movements ancillary to primary production activities.	Accept in part/Reject	No
FS14.28	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
FS10.23	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
S76.006	Ballance Agri-Nutrients Limited	RPROZ-R4	Retain RPROZ-R4.	Accept in part	No
S76.007	Ballance Agri-Nutrients Limited	RPROZ-R5	Amend RPROZ-R5 to clarify that the rule will not apply to facilities for agricultural aviation movements ancillary to primary production activities.	Accept in part/Reject	No
FS14.36	NZ Agricultural Aviation Association		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
FS10.30	Aerospread Ltd		Not stated Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis	Accept in part	
S78.004	Waka Kotahi NZ Transport Agency	NOISE SENSITIVE ACTIVITY (Definition)	Retain definition of 'Noise Sensitive Activity' as written.	Accept	No
FS11.001	The Ministry of Education		Allow	Accept	
S79.013	Transpower New Zealand Ltd	SENSITIVE ACTIVITY (Definition)	Amend the definition of 'Sensitive Activity' as follows: 'activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, rest homes, retirement villages, day care facilities.'	Accept in part	Yes

Commented [RM17]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM18]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM19]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM20]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			educational facilities and hospitals. Alternately, Transpower would support a definition that is specific to the National Grid.		
FS6.4	NZ Pork Industry Board		Allow in part	Accept in part	
FS17.10	Horticulture New Zealand		Allow in part Amend the definition of sensitive activities and include a separate definition for sensitive activities in the National Grid Yard to be consistent with the NPSET.	Accept in part	No
FS23.114	Kāinga Ora - Homes and Communities		Allow in part	Accept in part	
S79.016	Transpower New Zealand Ltd	RLR-P4	Amend RLR-P4 as follows: 'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not unduly compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone, recognising that some non-primary production activities are more appropriately located within a rural location. '	Accept in part	Yes
FS17.16	Horticulture New Zealand		Allow in part Amend RLR-P4 as sought by HortNZ.	Accept in part	
S79.095	Transpower New Zealand Ltd	GRUZ - General Rural Zone	Merge, relocate and renumber the relevant National Grid rules contained in the 'GRUZ - General Rural Zone' chapter to the 'NU - Network Utilities' chapter, as follows: 'NU-xx National Grid Yard Buildings, structures and activities within the National Grid Yard – PER 1. Activity Status: PER Where the following conditions are met: a. Compliance with GRUZ-S13 (setbacks from National Grid). 2. Activity status where compliance with GRUZ-S13 (setbacks from National Grid) is not achieved: NC NU-xy National Grid Yard Buildings, structures, and activities within the National Grid Yard – NC 1. Activity Status: NC Where: a. Compliance is not achieved with GRUZ-S13 (setbacks from National Grid); or b. The building or structure is not provided for within NU-xx. c. Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard d. Any change of use of an existing building to a sensitive land use within the National Grid Yard e. The establishment of any new sensitive land use within the National Grid Yard f. Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line g. Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive primary production within the National Grid Yard.' And 'GRUZ-S13 Setback from National Grid Yard and National Grid Substation Sensitive Activities 1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m. All Buildings and Structures 2. Under the National Grid conductors (wires): a. on all sites within any part of the National Grid Yard, all buildings and structures must: i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or ii. be a fence less than 2.5m high; or iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from atower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <p>a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or</p> <p>b. an artificial crop protection structure or crop support structure between 8m and 12m from a pole support structure and any associated stay wire, that:</p> <p>i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor;</p> <p>ii. is no more than 2.5m high;</p> <p>iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</p> <p>iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</p> <p>c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.'</p>		
FS17.79	Horticulture New Zealand		Allow in part Retain rule and standards in the relevant zone sections of the Plan. Reject submission points to amend GRUZ-S13 to delete setback of 8m from a pole. Remove reference to PSA Structures in GRUZ-S13 (or its replacement)	Accept in part	
FS25.87	Federated Farmers of New Zealand		Disallow	Accept in part	
FS23.132	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S79.096	Transpower New Zealand Ltd	GRUZ-P2	Amend GRUZ-P2 as follows: 'To allow activities of a limited scale (such as Network Utilities) 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. '	Reject	No
FS17.90	Horticulture New Zealand		Disallow	Accept	
S79.097	Transpower New Zealand Ltd	GRUZ - Rules	Add to following to the 'GRUZ - Rules' introductory statement: '... Rules for activities within the National Grid Yard within the General Rural Zone are contained in the Network Utilities (NU) Chapter. '	Reject	No
FS17.92	Horticulture New Zealand		Allow in part Retain rule and standards in the relevant zone sections of the Plan.	Accept	
FS23.133	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.098	Transpower New Zealand Ltd	GRUZ-R1	Amend GRUZ-R1 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid); ...'	Reject	No
FS25.94	Federated Farmers of New Zealand		Disallow	Accept	
FS23.134	Kāinga Ora - Homes and Communities		Disallow	Accept	

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S79.099	Transpower New Zealand Ltd	GRUZ-R2	Amend GRUZ-R2 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS25.95	Federated Farmers of New Zealand		Disallow	Accept	
FS23.135	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.100	Transpower New Zealand Ltd	GRUZ-R3	Amend GRUZ-R3 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. e. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS25.96	Federated Farmers of New Zealand		Disallow	Accept	
FS23.136	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.101	Transpower New Zealand Ltd	GRUZ-R5	Amend GRUZ-R5 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. f. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS23.137	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.97	Federated Farmers of New Zealand		Disallow	Accept	
S79.102	Transpower New Zealand Ltd	GRUZ-R6	Amend GRUZ-R6 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS23.138	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.103	Transpower New Zealand Ltd	GRUZ-R7	Amend GRUZ-R7 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.139	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.104	Transpower New Zealand Ltd	GRUZ-R8	Amend GRUZ-R8 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. e. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS23.140	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.105	Transpower New Zealand Ltd	GRUZ-R9	Amend GRUZ-R9 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. e. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS25.98	Federated Farmers of New Zealand		Disallow	Accept	
FS23.141	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.106	Transpower New Zealand Ltd	GRUZ-R10	Amend GRUZ-R10 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS23.142	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.107	Transpower New Zealand Ltd	GRUZ-R11	Amend GRUZ-R11 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No
FS3.024	First Gas Limited		Allow	Accept	
FS23.143	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.108	Transpower New Zealand Ltd	GRUZ-R12	Amend GRUZ-R12 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.144	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.109	Transpower New Zealand Ltd	GRUZ-R14	Amend GRUZ-R14 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: CON Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...' ...	Reject	No
FS23.145	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.110	Transpower New Zealand Ltd	GRUZ-S13	Delete GRUZ-S13 (as part of relocating as a new amended standard in the 'NU - Network Utilities' chapter).	Reject	No
FS25.99	Federated Farmers of New Zealand		Disallow	Accept	
S79.111	Transpower New Zealand Ltd	RPROZ - Rural Production Zone	Merge, relocate and renumber the relevant National Grid rules contained in the 'RPROZ - Rural Production Zone' chapter to the 'NU - Network Utilities' chapter, as follows: 'NU-xx National Grid Yard Buildings, structures and activities within the National Grid Yard – PER 1. Activity Status: PER Where the following conditions are met: a. Compliance with RPROZ-S13 (setbacks from National Grid). 2. Activity status where compliance with RPROZ-S15 (setbacks from National Grid) is not achieved: NC NU-xy National Grid Yard Buildings, structures, and activities within the National Grid Yard – NC 1. Activity Status: NC Where: a. Compliance is not achieved with RPROZ-S15 (setbacks from National Grid); or b. The building or structure is not provided for within NU-xx. c. Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard d. Any change of use of an existing building to a sensitive land use within the National Grid Yard e. The establishment of any new sensitive land use within the National Grid Yard f. Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line g. Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive primary production within the National Grid Yard.' And 'RROZ-S15 Setback from National Grid Yard and National Grid Substation Sensitive Activities 1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m. All Buildings and Structures 2. Under the National Grid conductors (wires): a. on all sites within any part of the National Grid Yard, all buildings and structures must: i. if for an existing sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or ii. be a fence less than 2.5m high; or iii. be an uninhabitable farm building or structure for primary production activities (but not a milking/dairy shed (excluding ancillary structures), enclosed protective canopies made from impermeable material, commercial greenhouses, or intensive primary production buildings); or	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>iv. be an uninhabited horticultural building or structure (but not a commercial greenhouse).</p> <p>b. all buildings or structures permitted by a. must comply with the following conditions:</p> <p>i. demonstrate that safe electrical clearance distances required by NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are maintained under all National Grid line operating conditions.</p> <p>ii. not permanently physically impede existing vehicular access to a National Grid support structure.</p> <p>3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be set back at least 12m from atower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <p>a. a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or</p> <p>b. an artificial crop protection structure or crop support structure between 8m and 12m from a pole support structure and any associated stay wire, that:</p> <p>i. meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor;</p> <p>ii. is no more than 2.5m high;</p> <p>iii. is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</p> <p>iv. allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</p> <p>c. a horticultural structure for which Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.'</p>		
FS25.102	Federated Farmers of New Zealand		Allow in part	Accept in part	
FS17.117	Horticulture New Zealand		Allow in part Retain rule and standards in the relevant zone sections of the Plan. Reject submission points to amend RPROZ-S15 to delete setback of 8m from a pole. Remove reference to PSA Structures in RPROZ-S15 (or its replacement)	Accept in part	
FS23.146	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S79.112	Transpower New Zealand Ltd	RPROZ-P2	Amend RPROZ-P2 as follows: 'To allow activities of a limited scale (such as Network Utilities) 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. '	Reject	No
FS17.128	Horticulture New Zealand		Disallow	Accept	
FS23.147	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.113	Transpower New Zealand Ltd	RPROZ - Rules	Add to following to the 'RPROZ - Rules' introductory statement: '... Rules for activities within the National Grid Yard within the Rural Production Zone are contained in the Network Utilities (NU) Chapter. '	Reject	No
FS23.148	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.104	Federated Farmers of New Zealand		Allow in part	Accept	
S79.114	Transpower New Zealand Ltd	RPROZ-R1	Amend RPROZ-R1 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ...'	Reject	No
FS25.116	Federated Farmers of New Zealand		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS23.149	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.115	Transpower New Zealand Ltd	RPROZ-R2	Amend RPROZ-R2 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ... '	Reject	No
FS25.117	Federated Farmers of New Zealand		Disallow	Accept	
FS23.150	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.116	Transpower New Zealand Ltd	RPROZ-R3	Amend RPROZ-R3 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. e. Compliance with RPROZ-S15 (setbacks from National Grid). ... '	Reject	No
FS25.118	Federated Farmers of New Zealand		Disallow	Accept	
FS23.151	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.117	Transpower New Zealand Ltd	RPROZ-R5	Amend RPROZ-R5 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. f. Compliance with RPROZ-S15 (setbacks from National Grid). ... '	Reject	No
FS25.119	Federated Farmers of New Zealand		Disallow	Accept	
FS23.152	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.118	Transpower New Zealand Ltd	RPROZ-R6	Amend RPROZ-R6 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ... '	Reject	No
FS25.120	Federated Farmers of New Zealand		Disallow	Accept	
FS23.153	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.119	Transpower New Zealand Ltd	RPROZ-R7	Amend RPROZ-R7 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER Where the following conditions are met:	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ...		
FS25.121	Federated Farmers of New Zealand		Disallow	Accept	
S79.120	Transpower New Zealand Ltd	RPROZ-R8	Amend RPROZ-R8 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): "1. Activity Status: PER Where the following conditions are met: a. e. Compliance with RPROZ-S15 (setbacks from National Grid). ..."	Reject	No
FS25.122	Federated Farmers of New Zealand		Disallow	Accept	
S79.121	Transpower New Zealand Ltd	RPROZ-R9	Amend RPROZ-R9 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): "1. Activity Status: PER Where the following conditions are met: a. e. Compliance with RPROZ-S15 (setbacks from National Grid). ..."	Reject	No
FS25.123	Federated Farmers of New Zealand		Disallow	Accept	
FS23.154	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.122	Transpower New Zealand Ltd	RPROZ-R10	Amend RPROZ-R10 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): "1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ..."	Reject	No
FS23.155	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS25.124	Federated Farmers of New Zealand		Disallow	Accept	
S79.123	Transpower New Zealand Ltd	RPROZ-R11	Amend RPROZ-R11 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): "1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ..."	Reject	No
FS25.125	Federated Farmers of New Zealand		Disallow	Accept	
FS23.156	Kāinga Ora - Homes and Communities		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.124	Transpower New Zealand Ltd	RPROZ-R12	Amend RPROZ-R12 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): *1. Activity Status: PER Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ...	Reject	No
FS25.126	Federated Farmers of New Zealand		Disallow	Accept	
FS23.157	Kāinga Ora - Homes and Communities		Disallow	Accept	
S79.125	Transpower New Zealand Ltd	[General]	Amend RPROZ-R14 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): *1. Activity Status: CON Where the following conditions are met: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ...	Reject	No
FS23.131	Kāinga Ora - Homes and Communities		Disallow	Accept	
FS17.75	Horticulture New Zealand		Allow in part Ensure that provisions for the National Grid are clear, certain and accessible to plan users.	Accept	
S79.126	Transpower New Zealand Ltd	RPROZ-S15	Delete RPROZ-S15 (as part of relocating as a new amended standard in the 'NU - Network Utilities' chapter).	Reject	No
FS23.158	Kāinga Ora - Homes and Communities		Disallow	Accept	
S81.001	Horticulture New Zealand	RLR - Rural Land Resource	Retain 'RLR - Rural Land Resource' chapter, subject to submissions on specific provisions in this chapter.	Accept in part <i>(insofar as provisions are retained, but amended in response to other submissions)</i>	No
FS8.057	Silver Fern Farms Limited		Allow	Accept in part	
S81.002	Horticulture New Zealand	RPROZ - Rural Production Zone	Retain the 'RPROZ - Rural Production Zone', subject to submissions on specific provisions in this chapter.	Accept in part <i>(insofar as provisions are retained, but amended in response to other submissions)</i>	No
S81.003	Horticulture New Zealand	RLZ - Rural Lifestyle Zone	Retain the 'RLZ - Rural Lifestyle Zone', subject to submissions on specific provisions in this chapter.	Accept in part <i>(insofar as provisions are retained, but amended in</i>	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>response to other submissions</i>	Amendments to Proposed Plan?
S81.004	Horticulture New Zealand	ACCESSORY BUILDING (Definition)	Retain the definition of 'Accessory Building', but clarify relationship with 'Ancillary Buildings and Structures (Primary Production)'.	Accept	No
S81.005	Horticulture New Zealand	AGRICULTURAL AVIATION MOVEMENTS (Definition)	Retain the definition of 'Agricultural Aviation Movements'.	Accept <u>in part</u>	No
S81.006	Horticulture New Zealand	ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION) (Definition)	Retain the definition of 'Ancillary Buildings and Structures (Primary Production)'.	Accept	No
S81.008	Horticulture New Zealand	ARTIFICIAL CROP PROTECTION STRUCTURES (Definition)	Retain the definition of 'Artificial Crop Protection Structures'.	Accept	No
S81.009	Horticulture New Zealand	AUDIBLE BIRD SCARING DEVICE (Definition)	Retain the definition of 'Audible Bird Scaring Device'.	Accept	No
S81.011	Horticulture New Zealand	CROP SUPPORT STRUCTURES (Definition)	Retain the definition of 'Crop Support Structures'.	Accept	No
S81.013	Horticulture New Zealand	FROST FANS (Definition)	Retain the definition of 'Frost Fans'.	Accept	No
S81.014	Horticulture New Zealand	GREENHOUSE (Definition)	Retain the definition of 'Greenhouse'.	Accept	No
S81.015	Horticulture New Zealand	HELICOPTER LANDING AREA (Definition)	Amend the definition of 'Helicopter Landing Area' to exclude intermittent use for agricultural aviation movements OR Replace with the definition of 'Helicopter Depot' as in the Draft Plan ('a site regularly used as a base for the operation, servicing, refueling and storage of helicopters').	Reject	No

Commented [RM21]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.018	Horticulture New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Delete the definition of 'Intensive Primary Production'. And replace with the National Planning Standards definition 'Intensive Indoor Primary Production', being: 'INTENSIVE INDOOR PRIMARY PRODUCTION means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.'	Accept in part	Yes
S81.022	Horticulture New Zealand	NOISE SENSITIVE ACTIVITY (Definition)	Amend the definition of 'Noise Sensitive Activity' as follows: 'means any buildings used for the following activities: a. Residential activity b. ... c. ...	Reject	No
FS11.002	The Ministry of Education		Disallow	Accept	
FS16.2	Waka Kotahi NZ Transport Agency		Disallow Retain the standard Noise Sensitive Activity definition as notified in proposed plan.	Accept	
S81.023	Horticulture New Zealand	POST-HARVEST FACILITY (Definition)	Retain the definition of 'Post-Harvest Facility'.	Accept in part (insofar as definition is retained, but amended in response to another submission)	No
S81.024	Horticulture New Zealand	PRIMARY PRODUCTION (Definition)	Retain the definition of 'Primary Production'.	Accept	No
S81.025	Horticulture New Zealand	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity'.	Accept	No
S81.026	Horticulture New Zealand	Definitions	Add a new definition for 'Rural Industry' from the National Planning Standard, as follows: 'RURAL INDUSTRY means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.'	Accept	Yes
FS8.017	Silver Fern Farms Limited		Allow	Accept	
S81.027	Horticulture New Zealand	SEASONAL WORKERS ACCOMMODATION (Definition)	Retain the definition of 'Seasonal Workers Accommodation'.	Accept	No
S81.028	Horticulture New Zealand	SENSITIVE ACTIVITY (Definition)	Amend the definition of 'Sensitive Activity' as follows: 'activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, camping grounds , rest homes, retirement villages, day care facilities, educational facilities, community facilities , health care facilities and hospitals. And include a separate definition specifically in relation to the National Grid, as follows: 'SENSITIVITY[SENSITIVE?] ACTIVITY (NATIONAL GRID)	Accept in part	Yes

Commented [RM22]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 35 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			includes schools, residential buildings and hospitals.'		
FS6.5	NZ Pork Industry Board		Allow	Accept in part	
FS24.004	New Zealand Motor Caravan Association		Allow in part I seek that part of this submission be disallowed and camping grounds is not included in the definition of "sensitive activity".	Reject	
S81.029	Horticulture New Zealand	SHELTER BELT (Definition)	Amend the definition of 'Shelterbelt' as follows: 'a continuous line of trees or a hedge that exceeds 2m in height along all or part of a property boundary which has been planted for shelter purposes.'	Accept	Yes
S81.030	Horticulture New Zealand	Definitions	Add a new definition of 'Special Audible Characteristic' from the National Planning Standard, as follows: 'SPECIAL AUDIBLE CHARACTERISTIC has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics - Environmental Noise.'	Reject	No
S81.032	Horticulture New Zealand	Definitions	Add a new definition for 'Land-Based Primary Production' as follows: 'LAND-BASED PRIMARY PRODUCTION A subset of primary production, excluding aquaculture.' Or amend all references to 'land-based primary production' throughout the Plan.	Accept	Yes
S81.033	Horticulture New Zealand	Definitions	Add a new definition for 'Highly Productive Land', which should clarify the spatial scope and include LUC 1, 2 and 3.	Reject	No
S81.034	Horticulture New Zealand	RLR-11	Amend the third paragraph of the explanation in RLR-11 as follows: 'Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through: 1. 5. Reverse sensitivity can lead to constraints on established rural production operations.'	Accept in part	Yes
FS8.020	Silver Fern Farms Limited		Allow	Accept in part	
S81.035	Horticulture New Zealand	RLR-01	Retain RLR-01.	Accept	No
S81.036	Horticulture New Zealand	RLR-02	Retain RLR-02.	Accept in part (insofar as objective is retained, but amended in response to another submission)	No
S81.037	Horticulture New Zealand	RLR-03	Retain RLR-03.	Accept	No
S81.038	Horticulture New Zealand	RLR-04	Retain RLR-04.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.039	Horticulture New Zealand	RLR-P1	Retain RLR-P1.	Accept	No
S81.040	Horticulture New Zealand	RLR-P2	Retain RLR-P2, subject to retention of UFD-O2 as well, otherwise amend RLR-P2 to include reference to planned development as well.	Accept in part (insofar as RLR-P2 & UFD-O2 are retained)	No
FS8.022	Silver Fern Farms Limited		Allow in part Subject to retention of the amendments recommended by Silver Fern Farms' submission point S116.010.	Accept	
S81.041	Horticulture New Zealand	RLR-P3	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's rural land resource through limiting restricting lifestyle subdivision, particularly in the Rural Production Zone.'	Accept/Reject	Yes/No
S81.042	Horticulture New Zealand	RLR-P4	Amend RLR-P4 as follows: 'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone. To manage non-primary production activities that have an operational or functional need to locate in a rural location, provided they do not compromise primary production and the associated rural character.'	Accept in part	Yes
S81.043	Horticulture New Zealand	RLR-P5	Retain RLR-P5.	Accept	No
S81.044	Horticulture New Zealand	RLR - Principal Reasons	Amend paragraph 2 of 'RLR - Principal Reasons' as follows: '... The Plan aims to prevent large numbers of small holdings for non-primary productive purposes in the rural environment.'	Reject	No
S81.045	Horticulture New Zealand	RLR-AER4	Amend RLR-AER4 as follows: 'A diversity of activity in the rural area Activities in the rural area are primary production and related activities.'	Accept in part	Yes
FS8.023	Silver Fern Farms Limited		Allow in part Allow in part, as follows: 'A diversity of activity in the rural area Activities in the rural area are primary production and related activities (such as rural industry)'	Reject	
S81.081	Horticulture New Zealand	SUB-R5	Amend SUB-R5(1) as follows: 'General Rural Zone (outside of the Coastal Environment Area 1. Activity Status: CON Where the following conditions are met: a. Limited to: i. ... ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created. iii. ...' And amend SUB-R5(5) as follows: 'Rural Production Zone 5. Activity Status: CONRDIS '...'	Reject	No
FS8.038	Silver Fern Farms Limited		Allow	Reject	

Commented [RM23]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 5 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.082	Horticulture New Zealand	SUB-S4	Retain SUB-S4 (subject to amendments sought in zone setbacks). OR Amend SUB-S4 to require a 30m setback for a building platform from internal boundary in the RPROZ - Rural Production Zone.	Accept (insofar as the standard is retained)	No
S81.083	Horticulture New Zealand	SUB-AM11	Retain SUB-AM11.	Accept in part (insofar as matter is retained, but amended in response to another submission)	No
S81.084	Horticulture New Zealand	SUB-AM12	Retain SUB-AM12.	Accept in part (insofar as matter is retained, but amended in response to another submission)	No
S81.085	Horticulture New Zealand	SUB-AM13	Retain SUB-AM13, but make minor amendment to SUB-AM13(2)(c) as follows: ... c. Any lifestyle site proposed within 400 metres of an existing rural primary production activity;	Accept in part	Yes
S81.099	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(7) to include 'stock' in the exemption.	Reject	No
S81.100	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(11) to provide a total exemption for 'agricultural aviation movements'.	Reject	No
FS14.9	NZ Agricultural Aviation Association		Allow	Reject	
FS10.8	Aerospread Ltd		Allow	Reject	
S81.101	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55dBLdn, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, and Rural Production and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones. 14. ... 15. ...'	Accept in part	Yes
FS14.17	NZ Agricultural Aviation Association		Allow	Accept in part	
FS10.14	Aerospread Ltd		Allow	Accept in part	
S81.102	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55dB _{Ldn} , measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, and Rural Production and Rural Lifestyle Zones , or at the boundary of any site containing a noise sensitive activity in all other zones. 17. ... 18. ...'		
FS14.22	NZ Agricultural Aviation Association		Allow	Accept in part	
FS10.18	Aerospread Ltd		Allow	Accept in part	
S81.103	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(27) and NOISE-S5(29) as follows: 'Audible Bird Scaring Devices 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 _{Zpeak} , when measured 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 Settlements Zones. 28. ... 29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dB LA_E 65dB ASEL when assessed at 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.'	Accept in part	Yes
S81.104	Horticulture New Zealand	NOISE-S5	Amend NOISE-S5(30) as follows: 'Frost Fans 30. Noise generated by frost fans must not exceed 55dB LA_{eq} 10min 65dB LA_{eq} 15min 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.'	Accept in part	Yes
S81.105	Horticulture New Zealand	GRUZ-O2	Amend GRUZ-O2 as follows: 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 worker accommodation and artificial crop protection structures and crop support structures, which may vary across the district and seasonally; 3. sounds, and smells and traffic associated with legitimate primary production activities and anticipated from a working rural environment; 4. ...'	Accept in part	Yes
S81.106	Horticulture New Zealand	GRUZ-O4	Retain GRUZ-O4.	Accept	No
S81.107	Horticulture New Zealand	GRUZ-P1	Amend RPROZ-P1 as follows: ' To allow land-based Enable primary production and ancillary activities, recognising the which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept	Yes
S81.108	Horticulture New Zealand	GRUZ-P3	Amend GRUZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural commercial activities rural industry to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.'	Accept in part Reject	Yes No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS27.2	Livingston Properties Limited		Disallow	Accept in part	
FS8.044	Silver Fern Farms Limited		Disallow	Accept in part	
S81.109	Horticulture New Zealand	GRUZ-P5	Retain GRUZ-P5.	Accept	No
S81.110	Horticulture New Zealand	GRUZ-P6	Amend RPROZ-P6[GRUZ-P6?] as follows: To avoid adverse effects of shading from trees on Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.	Accept in part	Yes
S81.111	Horticulture New Zealand	GRUZ-P7	Amend GRUZ-P7 as follows: To ensure incompatible activities do not locate in the General Rural Zone where the activity will: 1. ... 2. ...; and/or 3. ...; or 4. Does not have a functional or operational need for a rural location.'	Accept in part	Yes
S81.112	Horticulture New Zealand	GRUZ-R1	Amend GRUZ-R1(2) as follows: 2. Activity status where compliance with condition GRUZ-R1(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. iv. GRUZ-AM5....'	Reject	No
S81.113	Horticulture New Zealand	GRUZ-R2	Amend GRUZ-R2(1) as follows: Delete either (1)(a)(i) i. A maximum gross floor area of 125m². or (1)(a)(ii) ii. A maximum number of people to be accommodated on site of 24. And include: 'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation.' And exclude the upgrading of existing facilities from new requirements.	Accept in part/Reject	Yes/No
S81.114	Horticulture New Zealand	GRUZ-R3	Amend GRUZ-R3 as follows: 1. Activity Status: PER Where the following conditions are met: a. Compliance with: ... b. Compliance with GRUZ-S12 (setback from gas transmission network). c. And include a specific permitted activity rule for 'Artificial Crop Protection Structures' as per alternative drafting for a standalone rule provided by the submitter, as follows: [GRUZ-RXX?] Artificial Crop Protection Structures 1. Activity Status - PER Where the following conditions are met: a. [Limited to:?]	Accept in part*	Yes

Commented [RM24]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Commented [RM25]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Commented [RM26]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 34 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.118	Horticulture New Zealand	GRUZ-R9	<p>Amend GRUZ-R9 as follows:</p> <p>Commercial activities not otherwise provided for Rural Industry</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. ...</p> <p>d. Compliance with GRUZ-S12 (setback from gas transmission network).</p> <p>...</p> <p>And add to GRUZ-R9(2) as follows:</p> <p>2. Activity status where compliance with condition GRUZ-R9(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>ii. ...</p> <p>iii. ...</p> <p>iv. GRUZ-AM7.</p> <p>...</p>	Accept in part*	Yes/No
FS3.022	First Gas Limited		Allow in part	Accept	
FS27.4	Livingston Properties Limited		Disallow	Accept	
S81.119	Horticulture New Zealand	GRUZ-R10	<p>Amend GRUZ-R10(1) as follows:</p> <p>*1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Compliance with:</p> <p>i. ...</p> <p>ii. GRUZ-S12 (setback from gas transmission network).</p> <p>...</p> <p>And add to GRUZ-R10(2) as follows:</p> <p>2. Activity status where compliance with condition GRUZ-R10(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>ii. ...</p> <p>iii. ...</p> <p>iv. GRUZ-AM7.</p> <p>...</p>	Accept in part*	Yes
FS3.023	First Gas Limited		Allow in part	Accept	
S81.120	Horticulture New Zealand	GRUZ-R11	<p>Amend GRUZ-R11(1) as follows:</p> <p>*1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Compliance with:</p> <p>i. ...</p>	Accept in part*	Yes/No

Commented [RM29]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Commented [RM30]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			ii. GRUZ-S12 (setback from gas transmission network). ... And add to GRUZ-R11(2) as follows: '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)): a. Assessment matters: i. ... ii. ... iii. ... iv. GRUZ-AM7. ...		
FS3.025	First Gas Limited		Allow in part	Accept	
S81.121	Horticulture New Zealand	GRUZ-R14	Amend GRUZ-R14 as follows: 'Intensive indoor primary production activities... 1. Activity Status: CON Where the following conditions are met: a. ... b. ... c. Compliance with GRUZ-S12 (setback from gas transmission network). ... And add to GRUZ-R14(2) as follows: '2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. GRUZ-AM9. ...	Accept in part*	Yes/No
FS3.026	First Gas Limited		Allow in part	Accept	
S81.122	Horticulture New Zealand	GRUZ-R16	Retain discretionary activity status in GRUZ-R16.	Accept in part (insofar as activity status is amended to restricted discretionary in response to another submission)	No
S81.123	Horticulture New Zealand	GRUZ-S1	Amend GRUZ-S1 to delete 'restaurants' as follows: 'Commercial Activities Visitor Accommodation Home Businesses (excludes retail sales and restaurants) 1. ... 2. ... Retail Sales of produce reared or produced on the site 3. ... 4. ... Restaurants	Reject	No

Commented [RM31]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			5. Maximum gross floor area for serving customers per site is 100m ² (excluding uncovered outdoor areas); 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: a. 0800 – 2200 hours, seven days a week. ...		
S81.124	Horticulture New Zealand	GRUZ-S2	Retain GRUZ-S2.	Accept	No
S81.125	Horticulture New Zealand	GRUZ-S3	Amend GRUZ-S3 as follows: 'Height in Relation to Boundary All 1. ... 2. ... This does not apply to artificial crop protection structures.'	Accept	Yes
S81.126	Horticulture New Zealand	GRUZ-S4	Amend GRUZ-S4 as follows: 'Setback from Roads and Rail Network ... Accessory Buildings Ancillary Buildings and Structures associated with Primary Production Activities 4. ... 5. ... 6.'	Accept	Yes
S81.127	Horticulture New Zealand	GRUZ-S5	Amend GRUZ-S6[S5?] as follows: 'Setback from Neighbours ... Accessory Buildings Ancillary Buildings and Structures associated with Primary Production Activities 3. ...' And include a new setback specific to 'artificial crop protection structures' as follows: 'Artificial Crop Protection Structures 4. Minimum setback from internal boundaries of 1m.'	Accept in part*	Yes
S81.128	Horticulture New Zealand	GRUZ-S6	Retain the Operative Central Hawke's Bay District Plan provision.	Reject	No
S81.129	Horticulture New Zealand	GRUZ-S13	Amend GRUZ-S13(3)(b) as follows: 'Setback from National Grid Yard and National Grid Substation ... 3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be setback at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is: a. ... b. an artificial crop protection structure or crop protection support structure between 8m and 12m from a pole support structure and any associated stay wire, that: i.'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS18.29	Transpower New Zealand Limited		Allow	Accept	
S81.130	Horticulture New Zealand	GRUZ-AM7	Amend GRUZ-AM7 as follows: ' Commercial Activities Rural Industry , Visitor Accommodation, Home Businesses...'	Reject	No
S81.131	Horticulture New Zealand	GRUZ-AM1	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM1(1)(b).	Accept	No
S81.132	Horticulture New Zealand	GRUZ-AM5	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM5(2).	Accept	No
S81.133	Horticulture New Zealand	GRUZ-AM7	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM7(4).	Accept	No
S81.134	Horticulture New Zealand	GRUZ-AM8	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM8(2)(a). And amend GRUZ-AM8 as follows: ... 6. The functional or operational need to locate in the Rural Production Zone[General Rural Zone?].'	Accept in part	Yes
S81.135	Horticulture New Zealand	GRUZ-AM11	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM11(3).	Accept	No
S81.136	Horticulture New Zealand	GRUZ-AM13	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM13(4).	Accept	No
S81.137	Horticulture New Zealand	GRUZ-AM9	Amend GRUZ-AM9 as follows: 'Intensive Indoor Primary Production Activities (located more than 500 metres from a General Residential, Large Lot Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary) ...'	Reject	No
S81.138	Horticulture New Zealand	RLZ-S5	Amend RLZ-S5 as follows: 'Minimum setback of buildings for an activity from internal boundaries, or boundary with the General Rural or Rural Productive[Production?] Zone is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.'	Accept	Yes
S81.139	Horticulture New Zealand	RPROZ - Introduction	Retain 'RPROZ - Introduction', but amend final paragraph to refer to 'rural industry' as follows: '... There are a small number of rural industries commercial or industrial activities within the Zone that are of small scale and largely servicing primary production and rural communities.'	Accept in part	Yes
S81.140	Horticulture New Zealand	RPROZ-01	Retain RPROZ-01.	Accept in part (<i>insofar as objective is retained, but amended in</i>)	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>(response to another submission)</i>	Amendments to Proposed Plan?
S81.141	Horticulture New Zealand	RPROZ-O2	Retain RPROZ-O2.	Accept	No
S81.142	Horticulture New Zealand	RPROZ-O3	Retain RPROZ-O3.	Accept	No
S81.143	Horticulture New Zealand	RPROZ-O4	Amend RPROZ-O4 as follows: 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 worker accommodation and artificial crop protection structures and crop support structures, which may vary across the district and seasonally ; 3. sounds, and smells and traffic associated with legitimate primary production activities and anticipated from a working rural environment ; 4.	Accept in part	Yes
FS8.046	Silver Fern Farms Limited		Allow in part	Accept	
S81.144	Horticulture New Zealand	RPROZ-O5	Amend RPROZ-O5 as follows: 'Adverse effects of activities are managed to maintain rural character and amenity. Non-primary production related activities are managed to ensure that adverse effects do not compromise rural character and amenity or create reverse sensitivity effects.'	Accept in part Reject	Yes No
S81.145	Horticulture New Zealand	RPROZ-O6	Retain RPROZ-O6.	Accept	No
S81.146	Horticulture New Zealand	RPROZ-P1	Amend RPROZ-P1 as follows: 'To allow land-based Enable primary production and ancillary activities, recognising the which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part	Yes
S81.147	Horticulture New Zealand	RPROZ-P2	Amend RPROZ-P2 as follows: '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-Provide for non- primary production activities that have a functional need or operational need for a rural location that are managed to ensure that: i. Their scale, intensity and built form are in keeping with rural character. ii. They maintain a level of amenity in keeping with the rural character of the rural environment. iii. They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities. iv. Adverse effects are avoided, remedied or mitigated.'	Accept in part	Yes
FS8.047	Silver Fern Farms Limited		Allow	Accept in part	
S81.148	Horticulture New Zealand	RPROZ-P3	Amend RPROZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural industry rural commercial activities to...	Accept in part Reject	Yes No

Commented [RM32]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 12 of Appendix 4) - consequential changes to recommendations

Commented [RM33]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.149	Horticulture New Zealand	RPROZ-P4	Amend RPROZ-P4 as follows: 'To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural areas, whilst recognising that it is a rural working environment. '	Accept	Yes
S81.150	Horticulture New Zealand	RPROZ-P5	Retain RPROZ-P5, but amend to refer to 'intensive indoor primary production'.	Accept in part (insofar as policy is retained, but not amended)	No
S81.151	Horticulture New Zealand	RPROZ-P6	Amend RPROZ-P6 as follows: To avoid adverse effects of shading from trees on Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.'	Accept in part	Yes
S81.152	Horticulture New Zealand	RPROZ-P7	Amend RPROZ-P7 as follows: 'To ensure activities do not locate in the Rural Productive Zone where the activity: 1. has no functional or operational need for a rural location and will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone; ...'	Accept	Yes
S81.153	Horticulture New Zealand	RPROZ-P8	Retain RPROZ-P8.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S81.154	Horticulture New Zealand	RPROZ-P9	Retain RPROZ-P9.	Accept	No
S81.155	Horticulture New Zealand	RPROZ-R1	Amend RPROZ-R1(2) as follows: '2. Activity status where compliance with condition RPROZ-R1(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s): a. Assessment matters: i. v. RPROZ-AM6. ...'	Reject	No
S81.156	Horticulture New Zealand	RPROZ-R2	Amend RPROZ-R2(1) as follows: Delete either (1)(a)(i) 'A maximum gross floor area of 125m ² ' or (1)(a)(ii) 'A maximum number of people to be accommodated on site of 24'. And include: 'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation.' And exclude the upgrading of existing facilities from new requirements.	Accept in part/Reject	Yes/No

Commented [RM34]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Commented [RM35]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 34 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S81.157	Horticulture New Zealand	RPROZ-R3	<p>Amend RPROZ-R3 as follows:</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>...</p> <p>b. Compliance with:</p> <p>i. ...</p> <p>ii. RPROZ-S12 (setback from gas transmission network).</p> <p>c. ...</p> <p>...</p> <p>And include a specific permitted activity rule for 'Artificial Crop Protection Structures' as per alternative drafting for a standalone rule provided by the submitter, as follows:</p> <p>RPROZ-RXX Artificial Crop Protection Structures</p> <p>1. Activity Status – PER</p> <p>Where the following conditions are met:</p> <p>a. [Limited to:?]</p> <p>i. Green or black cloth shall be used on vertical faces within 30m of the site boundary;</p> <p>ii. Green, black or white cloth shall be used on horizontal surfaces.</p> <p>b. Compliance with:</p> <p>i. RPROZ-S3 Height of buildings</p> <p>ii. RPROZ-S8 Electricity safe distances</p> <p>iii. RPROZ-S15 National Grid Yard</p> <p>2. Activity status where compliance with conditions RPROZ-RXX(1) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The effects of not meeting the conditions in RPROZ-RXX(1) in respect to cloth colour and building height.</p> <p>b. The effects of not meeting setbacks to electricity lines and the National Grid.'</p>	Accept in part*	Yes
FS3.028	First Gas Limited		Allow in part	Accept	
S81.158	Horticulture New Zealand	RPROZ-R4	Retain RPROZ-R4.	Accept in part	No
S81.159	Horticulture New Zealand	RPROZ-R6	<p>Amend RPROZ-R6(1) as follows:</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Compliance with:</p> <p>i. ...</p> <p>ii. RPROZ-S14 (setback from gas transmission network).</p> <p>...</p> <p>...</p> <p>And add to RPROZ-R6(2) as follows:</p> <p>2. Activity status where compliance with condition RPROZ-R6(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>ii. ...</p> <p>iii. RPROZ-AM7.</p> <p>...</p> <p>...</p>	Accept in part*	Yes/No

Commented [RM36]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Commented [RM37]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS3.030	First Gas Limited		Allow in part	Accept	
S81.160	Horticulture New Zealand	RPROZ-R7	Amend RPROZ-R7(2) as follows: 2. Activity status where compliance with condition RPROZ-R7(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM8. ...	Reject	No
S81.161	Horticulture New Zealand	RPROZ-R8	Amend activity status for RPROZ-R8 to require consent - unless activity thresholds are amended so as to capture very small scale accommodation that is unlikely to result in reverse sensitivity effects. And amend RPROZ-R8(2) as follows: 2. Activity status where compliance with condition RPROZ-R8(1)(c) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM8. ...	Reject	No
FS8.050	Silver Fern Farms Limited		Allow	Reject	
S81.162	Horticulture New Zealand	RPROZ-R9	Amend RPROZ-R9 as follows: Commercial activities not otherwise provided for Rural Industry 1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. ... d. Compliance with: i. ... ii. ... iii. RPROZ-S14 (setback from gas transmission network). ... And add to RPROZ-R9(2) as follows: 2. Activity status where compliance with condition RPROZ-R9(1)(c) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM8. ...	Accept in part*	Yes/No
FS3.031	First Gas Limited		Allow in part	Accept	
S81.163	Horticulture New Zealand	RPROZ-R10	Amend RPROZ-R10(1) as follows: Community Facilities	Accept in part*	Yes/No

Commented [RM38]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Commented [RM39]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>1. Activity Status: PERRDIS [or DIS] Where the following conditions are met:</p> <p>a. ... b. ... c. Compliance with: i. ... ii. ... iii. RPROZ-S14 (setback from gas transmission network). d. ...</p> <p>And amend RPROZ-R10(2) as follows: 2. Activity status where compliance with condition RPROZ-R10(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard): a. Assessment matters: i. v. RPROZ-AM9. .</p>		
FS3.032	First Gas Limited		Allow in part	Accept	
S81.164	Horticulture New Zealand	RPROZ-R11	<p>Amend RPROZ-R11(1) as follows: Educational facilities 1. Activity Status: PERRDIS [or DIS] Where the following conditions are met:</p> <p>a. ... b. ... c. Compliance with: i. ... ii. ... iii. RPROZ-S14 (setback from gas transmission network). d. ...</p> <p>And amend RPROZ-R11(2) as follows: 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): a. Assessment matters: i. v. RPROZ-AM9. .</p>	Accept in part*	Yes/No
FS3.033	First Gas Limited		Allow in part	Accept	
S81.165	Horticulture New Zealand	RPROZ-R14	<p>Amend RPROZ-R14 as follows: Intensive indoor primary production activities... 1. Activity Status: CON Where the following conditions are met:</p> <p>a. ... b. ... c. Compliance with: i. ... ii. RPROZ-S14 (setback from gas transmission network). ...</p>	Accept in part*	Yes/No

Commented [RM40]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Commented [RM41]: Hearing 3 - correction to reflect recommendation results in deletion of condition requiring compliance with RPROZ-S14 (setback from gas transmission network) as per section 2.3.30 of Volume 4 of s42A Rural Environment report

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			And add to RPROZ-R14(2) as follows: 2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM10.		
FS3.034	First Gas Limited		Allow in part	Accept	
S81.166	Horticulture New Zealand	RPROZ-R16	Retain discretionary activity status for RPROZ-R16.	Accept in part <i>(insofar as activity status is amended to restricted discretionary in response to another submission)</i>	No
S81.167	Horticulture New Zealand	RPROZ-S1	Amend RPROZ-S1 to delete 'restaurants' as follows: 'Commercial Activities Visitor Accommodation Home Businesses (excludes retail sales and restaurants) 1. ... 2. ... Retail Sales of produce reared or produced on the site 3. ... 4. ... Restaurants 5. Maximum gross floor area for serving customers per site is 100m2 (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: a. 0800 – 2200 hours, seven days a week.	Reject	No
S81.168	Horticulture New Zealand	RPROZ-S2	Amend RPROZ-S2(2) as follows: '2. Netting, structures (including artificial crop protection structures and crop support structures) , and greenhouses where crops are grown under or within these structures directly in the soil of the site, are excluded from total building coverage calculations.'	Accept in part	Yes
S81.169	Horticulture New Zealand	RPROZ-S3	Retain RPROZ-S3.	Accept	No
S81.170	Horticulture New Zealand	RPROZ-S4	Amend RPROZ-S4 as follows: 'Height in Relation to Boundary All 1. ...	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
.			2. ... This does not apply to artificial crop protection structures.'		
S81.171	Horticulture New Zealand	RPROZ-S5	Amend RPROZ-S4 as follows: 'Setback from Roads and Rail Network ... Accessary Buildings Ancillary Buildings and Structures associated with Primary Production Activities 4. ... 5. ... 6.'	Accept in part	Yes
S81.172	Horticulture New Zealand	RPROZ-S6	Amend RPROZ-S6 as follows: 'Setback from Neighbours ... Accessary Buildings Ancillary Buildings and Structures associated with Primary Production Activities 3. ...' And include a new setback specific to 'residential activities' as follows: Residential Activities 4. Minimum setback of buildings for an activity from internal boundaries is 30m. Domestic water storage tanks up to 2m in height are exempt from this standard.' And include a new setback specific to 'artificial crop protection structures' as follows: Artificial Crop Protection Structures 5. Minimum setback from internal boundaries of 1m.'	Accept in part	Yes
S81.173	Horticulture New Zealand	RPROZ-S7	Retain the Operative Central Hawke's Bay District Plan provision.	Reject	No
S81.174	Horticulture New Zealand	RPROZ-S15	Amend RPROZ-S15(3)(b) as follows: 'Setback from National Grid Yard and National Grid Substation ... 3. Around National Grid support structures: buildings and structures permitted under clause 2 above must be setback at least 12m from a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is: a. ... b. an artificial crop protection structure or crop protection support structure between 8m and 12m from a pole support structure and any associated stay wire, that: i.'	Accept	Yes
FS18.32	Transpower New Zealand Limited		Allow	Accept	
S81.175	Horticulture New Zealand	RPROZ-AM1	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM1(1)(b).	Accept	No
S81.176	Horticulture New Zealand	RPROZ-AM6	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM6(2).	Accept	No
S81.177	Horticulture New Zealand	RPROZ-AM8	Amend RPROZ-AM8 as follows: Commercial Activities Rural Industry , Visitor Accommodation, Home Businesses	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			... And retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM8(4).		
FS8.058	Silver Fern Farms Limited		Disallow	Accept	
S81.178	Horticulture New Zealand	RPROZ-AM9	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM9(2)(a). And amend RPROZ-AM9 as follows: ... 6. The functional or operational need to locate in the Rural Production Zone.'	Accept	Yes
S81.179	Horticulture New Zealand	RPROZ-AM12	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM12(3).	Accept	No
S81.180	Horticulture New Zealand	RPROZ-AM14	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM14(4).	Accept	No
S90.043	Centralines Limited	GRUZ - Rules	Insert new matters for discretion for RDIS activities which relate to a breach of the Electricity Safety Distance standard (GRUZ-S7) in all relevant rules in the 'GRUZ - General Rural Zone' to include: a. Impacts on the operation, maintenance, upgrading and development of the electricity network. b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage. c. The risk to the structural integrity of any support structures associated with the electricity network. d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).' And insert a notification clause requiring written approval.	Accept in part	Yes
FS25.89	Federated Farmers of New Zealand		Disallow	Accept in part	
FS17.93	Horticulture New Zealand		Allow in part If Matters of discretion are included for GRUZ-S7 they should relate to the specific non-compliance with NZECP34.2001.	Reject	
S90.044	Centralines Limited	RLZ - Rules	Insert new matters for discretion for RDIS activities which relate to a breach of the Electricity Safety Distance standard (RLZ-S11) in all relevant rules in the 'RLZ - Rural Lifestyle Zone' to include: a. Impacts on the operation, maintenance, upgrading and development of the electricity network. b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage. c. The risk to the structural integrity of any support structures associated with the electricity network. d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).' And insert a notification clause requiring written approval.	Accept in part	Yes
S90.045	Centralines Limited	RPROZ - Rules	Insert new matters for discretion for RDIS activities which relate to a breach of the Electricity Safety Distance standard (RPROZ-S8) in all relevant rules in the 'RPROZ - Rural Production Zone' to include: a. Impacts on the operation, maintenance, upgrading and development of the electricity network. b. The risk of electrical hazards affecting public or individual safety, and the risk of property damage. c. The risk to the structural integrity of any support structures associated with the electricity network. d. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).' And insert a notification clause requiring written approval.	Accept in part	Yes
FS25.105	Federated Farmers of New Zealand		Disallow	Accept in part	
FS17.132	Horticulture New Zealand		Allow in part	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			If Matters of discretion are included for RPROZ-S8 they should relate to the specific non-compliance with NZECP34:2001.		
S90.056	Centralines Limited	GRUZ-S7	Retain GRUZ-S7.	Accept	No
S90.057	Centralines Limited	RLZ-S11	Retain RLZ-S11.	Accept	No
S90.058	Centralines Limited	RPROZ-S8	Retain RPROZ-S8.	Accept	No
S94.003	Surveying the Bay Ltd	SUB-R5	Amend SUB-R5(1)(a) to clarify that the commencement of the three year period only applies to titles from which lifestyle sites were previously created.	Accept	Yes
S94.005	Surveying the Bay Ltd	SUB - Rules	Include provision for 'Farm Parks' in the 'General Rural Zone'.	Reject	No
S97.004	Ara Poutama Aotearoa the Department of Corrections	GRUZ-R18	Retain GRUZ-R18.	Accept	No
S97.005	Ara Poutama Aotearoa the Department of Corrections	RLZ-R12	Retain RLZ-R12.	Accept	No
S97.006	Ara Poutama Aotearoa the Department of Corrections	RPROZ-R18	Retain RPROZ-R18.	Accept	No
S97.014	Ara Poutama Aotearoa the Department of Corrections	GRUZ-R1	Retain GRUZ-R1.	Accept	No
S97.015	Ara Poutama Aotearoa the Department of Corrections	RLZ-R1	Retain RLZ-R1.	Accept in part (insofar as rule is retained, but amended in response to another submission)	No
S97.016	Ara Poutama Aotearoa the Department of Corrections	RPROZ-R1	Retain RPROZ-R1.	Accept in part (insofar as rule is retained, but amended in	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>(response to another submission)</i>	Amendments to Proposed Plan?
S98.004	Hatuma Lime Co Ltd	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept	No
S98.005	Hatuma Lime Co Ltd	SENSITIVE ACTIVITY (Definition)	Retain the definition of 'Sensitive Activity' as proposed.	Accept in part <i>(insofar as definition is retained, but amended in response to another submission)</i>	No
S98.006	Hatuma Lime Co Ltd	RLR-11	Retain RLR-11 as proposed.	Accept in part <i>(insofar as issue is retained, but amended in response to another submission)</i>	No
S98.007	Hatuma Lime Co Ltd	RLR-02	Amend RLR-02 as follows: 'The primary production role, lawfully established activities (such as quarries) and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'	Reject	No
S98.008	Hatuma Lime Co Ltd	RLR-03	Retain RLR-03 as proposed.	Accept	No
S98.009	Hatuma Lime Co Ltd	RLR-04	Retain RLR-04 as proposed.	Accept	No
S98.010	Hatuma Lime Co Ltd	RLR-P5	Amend RLR-P5 as follows: 'To enable primary production and related activities to operate in rural areas provided in the General Rural Zone and Rural Zone Production[Rural Production Zone?] in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.'	Reject	No
S98.011	Hatuma Lime Co Ltd	GRUZ-11	Retain GRUZ-11 as proposed.	Accept	No
S98.012	Hatuma Lime Co Ltd	GRUZ-01	Retain GRUZ-01 as proposed.	Accept	No
S98.013	Hatuma Lime Co Ltd	GRUZ-04	Amend GRUZ-04 to provide more explanation as to what are incompatible activities.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S98.014	Hatuma Lime Co Ltd	GRUZ-P1	Retain GRUZ-P1 as proposed.	Accept	No
S98.015	Hatuma Lime Co Ltd	GRUZ-P5	Retain GRUZ-P5 as proposed.	Accept	No
S98.016	Hatuma Lime Co Ltd	GRUZ-P7	Retain GRUZ-P7 as proposed.	Accept	No
S98.017	Hatuma Lime Co Ltd	GRUZ-P8	Retain GRUZ-P8 as proposed.	Accept	No
S101.003	New Zealand Motor Caravan Association	GRUZ-R16	Amend GRUZ-R16 to provide for 'camping grounds' as a Permitted Activity, subject to permitted activity conditions.	Accept in part	Yes
S101.005	New Zealand Motor Caravan Association	RPROZ-R16	Amend RPROZ-R16 to provide for 'camping grounds' as a Permitted Activity, subject to permitted activity conditions.	Accept in part	Yes
FS8.055	Silver Fern Farms Limited		Disallow	Accept in part	
S101.008	New Zealand Motor Caravan Association	[General]	Explicitly exclude 'freedom camping' from the Proposed Plan, and avoid the need for a land use consent in areas where Council bylaw or Reserve Management Plan permits freedom camping.	Accept	Yes
S102.005	Te Mata Mushrooms Land Company Limited	PRIMARY PRODUCTION (Definition)	Retain the definition of 'Primary Production' as proposed.	Accept	No
S102.006	Te Mata Mushrooms Land Company Limited	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend the definition of 'Intensive Primary Production' as follows: refers to any of the following: a. ... b. ... c. farming of mushrooms or other fungi and the production of compost d. ...	Reject	No
S102.007	Te Mata Mushrooms Land Company Limited	SERVICE ACTIVITY (Definition)	Retain the definition of 'Service Activity' as proposed.	Accept	No
S102.008	Te Mata Mushrooms Land Company Limited	POST-HARVEST FACILITY (Definition)	Amend the definition of 'Post-Harvest Facility' to clarify wording. And add a new definition of 'Rural Service Activities' as follows: 'RURAL SERVICE ACTIVITIES	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			means activities that are related to primary production activities, forestry harvesting and intensive primary production including but not limited to seed cleaning, rural contractors, rural engineering or repair services, rural transport, fuel and machinery hire, stock transportation and grain drying, ancillary retail activities to support the rural workforce. And add in a new definition of 'Rural Industrial Activity' as follows: 'RURAL INDUSTRIAL ACTIVITY means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials derived from the rural environment and (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the rural industrial activity.'		
FS17.8	Horticulture New Zealand		Disallow	Accept in part	
S102.011	Te Mata Mushrooms Land Company Limited	RLR-11	Retain RLR-11 as proposed.	Accept in part <i>(insofar as issue is retained, but amended in response to another submission)</i>	No
S102.012	Te Mata Mushrooms Land Company Limited	RLR-01	Retain RLR-01, and/or amend if a 'Future Development Area' overlay for land near Takapau is adopted.	Accept <i>(insofar as the objective is retained)</i>	No
FS8.003	Silver Fern Farms Limited		Disallow	Accept <i>(insofar as the objective is retained)</i>	
S102.013	Te Mata Mushrooms Land Company Limited	RLR-02	Amend RLR-02 as follows: 'The primary production role, lawfully established rural industries and intensive rural production activities and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'	Reject	No
FS8.001	Silver Fern Farms Limited		Allow	Reject	
FS17.14	Horticulture New Zealand		Allow in part Include 'related rural industry' in RLR-02	Reject	
S102.014	Te Mata Mushrooms Land Company Limited	RLR-03	Retain RLR-03 as proposed.	Accept	No
S102.015	Te Mata Mushrooms Land Company Limited	RLR-04	Retain RLR-04 as proposed.	Accept	No
S102.016	Te Mata Mushrooms Land Company Limited	RLR-P1	Retain RLR-P1 as proposed.	Accept	No
S102.017	Te Mata Mushrooms Land Company Limited	RLR-P2	Retain RLR-P2 and/or amend if a 'Future Development Area' overlay for land near Takapau is adopted.	Accept <i>(insofar as policy is retained)</i>	No
FS8.004	Silver Fern Farms Limited		Disallow	Accept <i>(insofar as policy is retained)</i>	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.018	Te Mata Mushrooms Land Company Limited	RLR-P3	Retain RLR-P3 as proposed.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S102.019	Te Mata Mushrooms Land Company Limited	RLR-P4	Amend RLR-P4 as follows: To provide for a wide range of activities to establish in the General Rural Zone and Rural Zone Production[Rural Production Zone?] , which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone.	Reject	No
FS8.005	Silver Fern Farms Limited		Disallow	Accept in part	
S102.020	Te Mata Mushrooms Land Company Limited	RLR-P5	Amend RLR-P5 as follows: To enable primary production and related activities to operate in rural areas provided in the General Rural Zone and Rural Zone Production[Rural Production Zone?] in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.	Reject	No
S102.021	Te Mata Mushrooms Land Company Limited	RLR-M1	Amend RLR-M1 as follows: The use of zoning to direct activities to appropriate locations: GRUZ - General Rural Zone The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of activities to occur such as primary production activities, including intensive indoor primary production, associated rural industry, and other activities that require a rural location , that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners. RPROZ - Rural Production Zone The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Otane. The Rural Production Zone is to provide for land uses that are predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone enables a range of activities that support primary production activities, including associated rural industry and other activities that require a rural location. Standards in this Zone reflect the more intensive nature of activities, the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource. To provide for a planned and coordinated area of greenfield business land, an area east of Takapau settlement is identified as a Future Development Area whereby a Structure Plan or Development Plan will be developed to integrate the various land uses, servicing, access and infrastructure, and boundary treatments.	Accept in part	Yes
FS8.006	Silver Fern Farms Limited		Disallow	Accept in part	
FS17.18	Horticulture New Zealand		Allow in part Amend to clarify that the Rural zones may include rural industry or other activities that require a rural location.	Accept in part	
S102.035	Te Mata Mushrooms Land Company Limited	GRUZ-I1	Retain GRUZ-I1 as proposed.	Accept	No
S102.036	Te Mata Mushrooms Land Company Limited	GRUZ-I2	Amend GRUZ-I2 as follows: Protecting Rural Amenity and the Quality of the Rural Environment Land-based primary production, and other complementary rural, rural industry and service activities, residential, and recreation-based activities, underpin the social, economic, and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environmental, cultural, and amenity values.	Reject (Note: The proposed Future Development Area aspect of this submission will be	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>... Explanation ...</p> <p>Avoidance of inappropriate and incompatible land uses that are inconsistent with the rural environment's location specific values is important to maintain environmental quality and ensure that the productive use of land resources (for a resilient and diverse economy) is not compromised. There is a need to strike a balance between providing for a range of uses and development of natural and physical resources, and the preservation of that character, and those amenity values (such as vegetation prevailing over built elements, open space, privacy, ease of access and landscape and scenic values).</p> <p>A Future Development Area east of Takapau settlement is to provide for intensive primary production activities, rural industrial activities, general industrial activities, dairy processing plant and renewable energy (solar farm), and commercial activities.</p> <p>To activate the Future Development Area for this range of activities, a structure plan or Development Plan shall be prepared in order to coordinate servicing, access and the various land use activities anticipated, to provide amenity along the stream and connect with the surrounding area, including the nearby Takapau settlement. In the interim, the area would continue to operate with the Rural Production Zone rules, albeit with some greater recognition rural industry and service activities.</p> <p>...</p>	addressed in Hearing Stream 6)	
FS8.008	Silver Fern Farms Limited		Disallow	Pending (Note: The proposed Future Development Area aspect of this submission will be addressed in Hearing Stream 6)	
S102.037	Te Mata Mushrooms Land Company Limited	GRUZ-01	Amend GRUZ-01 as follows (and any consequential amendments): 'The General Rural Zone [is?]is predominantly used] to enable for primary production activities, intensive primary production, rural industry and service activities, and ancillary activities that require a rural location.'	Accept in part	Yes
FS17.83	Horticulture New Zealand		Allow in part Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the GRUZ.	Accept	
S102.038	Te Mata Mushrooms Land Company Limited	GRUZ-OXX (new objective)	Add a new objective in the 'General Rural Zone' chapter of the Proposed Plan (after GRUZ-02) as follows: 'Recognise that the character of the General Rural Zone may change in areas where the land supports the following activities: a. primary production activities, b. intensive primary production activities, c. rural industry and service activities, d. ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that different[differ?] to those captured in Objective GRUZ-02.'	Reject	No
FS17.82	Horticulture New Zealand		Allow in part Ensure that any changes to the objectives have a clear focus on providing for primary production activities in the GRUZ.	Accept in part	
S102.039	Te Mata Mushrooms Land Company Limited	GRUZ-03	Retain GRUZ-03 as proposed.	Accept	No
S102.040	Te Mata Mushrooms Land Company Limited	GRUZ-04	Amend GRUZ-04, to provide more explanation as to what are incompatible activities.	Reject	No
S102.041	Te Mata Mushrooms Land Company Limited	GRUZ-P1	Amend GRUZ-P1 as follows: 'To allow land-based primary production, intensive primary production, rural industry and service activities, and ancillary activities that require a rural location which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS17.88	Horticulture New Zealand		Disallow Reject the submission to amend GRUZ-P1	Accept in part	
S102.042	Te Mata Mushrooms Land Company Limited	GRUZ-P2	Retain GRUZ-P2 as proposed.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No
S102.043	Te Mata Mushrooms Land Company Limited	GRUZ-P3	Retain GRUZ-P3 as proposed.	Accept in part	No
S102.044	Te Mata Mushrooms Land Company Limited	GRUZ-P4	Retain GRUZ-P4 as proposed.	Accept	No
S102.045	Te Mata Mushrooms Land Company Limited	GRUZ-P5	Amend GRUZ-P5 as follows: To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for.	Reject	No
S102.046	Te Mata Mushrooms Land Company Limited	GRUZ-P6	Retain GRUZ-P6 as proposed.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No
S102.047	Te Mata Mushrooms Land Company Limited	GRUZ-P7	Retain GRUZ-P7 as proposed.	Accept	No
S102.048	Te Mata Mushrooms Land Company Limited	GRUZ-P8	Retain GRUZ-P8 as proposed.	Accept	No
S102.049	Te Mata Mushrooms Land Company Limited	GRUZ-P9	Retain GRUZ-P9 as proposed.	Accept	No
S102.050	Te Mata Mushrooms Land Company Limited	GRUZ-PXX (new policy)	Add a new policy in the 'General Rural Zone' chapter of the Proposed Plan as follows: To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the General Rural Zone.'	Reject	No
FS17.86	Horticulture New Zealand		Allow in part Accept need to recognise rural industry in the policy framework.	Reject	
FS8.009	Silver Fern Farms Limited		Disallow	Accept in part	

Commented [RM42]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.051	Te Mata Mushrooms Land Company Limited	GRUZ-PXX (new policy)	Add a new policy in the 'General Rural Zone' chapter of the Proposed Plan as follows: 'Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, rural industry, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.'	Reject	No
FS8.0010	Silver Fern Farms Limited		Disallow	Accept	
FS17.87	Horticulture New Zealand		Allow in part Ensure recognition of the economic benefits of primary production.	Reject	
S102.052	Te Mata Mushrooms Land Company Limited	GRUZ-R3	Clarify what 'initial processing' as set out in the definition of 'Primary Production' is permitted by GRUZ-R3, and what is considered to be post-harvest facilities.	Accept <i>(insofar as clarification is provided in s42A report)</i>	No
S102.053	Te Mata Mushrooms Land Company Limited	GRUZ-R3	Retain GRUZ-R3(2) and 'Restricted Discretionary' activity status.	Accept	No
S102.054	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Retain GRUZ-R14(1) and 'Controlled' activity status.	Accept	No
S102.055	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Amend GRUZ-R14(2) as follows: '2. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) and/or GRUZ-R14(1)(b) is not achieved: RDIS	Accept in part	Yes
FS6.10	NZ Pork Industry Board		Allow in part	Accept in part	
S102.056	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Clarify within GRUZ-R14(3) and in the definition of the 'Gas Transmission Network' if the gas transmission network includes the high and low networks shown on the Planning Maps.	Reject	No
S102.057	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Amend GRUZ-R14(4) as follows: '4. Activity status where compliance with conditions GRUZ-R14(1)(a)(f) and/or GRUZ-R14(1)(d) is not achieved: NC'	Accept	Yes
FS6.11	NZ Pork Industry Board		Allow in part	Reject	
S102.058	Te Mata Mushrooms Land Company Limited	GRUZ-R19	Amend GRUZ-R19 as follows (or similar wording): 'Industrial activities (other than post-harvest facilities, and rural industrial activities) ...' And add a new definition of 'Rural Industrial Activity' (refer submission point S102.008).	Accept in part	Yes
FS17.106	Horticulture New Zealand		Allow in part It should be clear that rural industry is not included in GRUZ-R19.	Accept	
S102.059	Te Mata Mushrooms Land Company Limited	GRUZ-RXX (new rule)	Add a new rule in the 'General Rural Zone' chapter of the Proposed Plan as follows: 'Rural Industrial Activities and Rural Service Activities 1. Activity Status: Permitted Where the following conditions are met: a. Limited to 2500m2 gross floor area per site. b. Compliance with: i. GRUZ-S2 (Height of Buildings); ii. GRUZ-S3 (Height in Relation to Boundary); iii. GRUZ-S4 (Setback from Roads and Rail Network); iv. GRUZ-S5 (Setback from Neighbours);	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>v. GRUZ-S6 (Shading of Land and Roads); vi. GRUZ-S7 (Electricity Safety Distances); vii. GRUZ-S8 (Transport); viii. GRUZ-S9 (Light); and ix. GRUZ-S10 (Noise). c. Compliance with GRUZ-S12 (setback from gas transmission network). d. Compliance with GRUZ-S13 (setbacks from National Grid).Matters over which control is reserved: e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary. g. Methods of disposal of stormwater and wastewater for the activity. h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM SCHED3 that are located within the site of the activity. 2. Activity status where compliance with condition GRUZ-R20(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. b. Assessment matters in the following chapters: i. TRAN - Transport. ii. LIGHT - Light. iii. NOISE - Noise. 3. Activity status where compliance with condition GRUZ-R20(1)(c) is not achieved: DIS 4. Activity status where compliance with condition GRUZ-R20(1)(d) is not achieved: NC'</p>		
FS17.94	Horticulture New Zealand		Allow in part Provide for rural industry in the rule framework.	Accept	
S102.060	Te Mata Mushrooms Land Company Limited	RPROZ-O1	Amend RPROZ-O1 as follows: The Rural Production Zone [is?]is-predominantly-used to enable for primary production activities, intensive primary production and intensive indoor primary production and ancillary activities. The zone enables a range of activities that support primary production activities, including associated rural industry, unless an urban zone is more suitable, and other activities that require a rural location. And make any consequential amendments.	Accept in part	Yes
FS8.014	Silver Fern Farms Limited		Allow in part	Accept in part	
FS17.120	Horticulture New Zealand		Allow in part Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the RPROZ. Include a separate objective for rural industry.	Accept in part	
S102.062	Te Mata Mushrooms Land Company Limited	RPROZ-O3	Retain RPROZ-O3 as proposed.	Accept	No
S102.063	Te Mata Mushrooms Land Company Limited	RPROZ-OXX (new objective)	Add a new objective in the 'Rural Production Zone' chapter of the Proposed Plan (after RPROZ-O4) as follows: The character of the Rural Production Zone may change in areas where the land supports the following activities: a. primary production activities, b. intensive primary production activities, c. rural industry and service activities, d. ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that differ?different to those captured in Objective RPROZ -O4.'	Reject	No
FS8.011	Silver Fern Farms Limited		Disallow	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS17.119	Horticulture New Zealand		Allow in part Ensure that any changes to the objectives have a clear focus on providing for primary production activities in the RPROZ	Accept in part	
S102.064	Te Mata Mushrooms Land Company Limited	RPROZ-O5	Retain RPROZ-O5 as proposed.	Accept <u>in part</u>	No
S102.065	Te Mata Mushrooms Land Company Limited	RPROZ-O6	Amend RPROZ-O6, to provide more explanation as to what are incompatible activities.	Reject	No
S102.066	Te Mata Mushrooms Land Company Limited	RPROZ-P1	Amend RPROZ-P1 as follows: 'To allow land-based primary production, intensive primary production and intensive indoor primary production and ancillary activities. A range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part (<i>insofar as policy is amended in response to another submission</i>)	No
FS17.126	Horticulture New Zealand		Disallow Reject the submission to amend RPROZ-P1	Accept in part	
S102.067	Te Mata Mushrooms Land Company Limited	RPROZ-P2	Clarify what type of activities are envisaged with RPROZ-P2.	Accept in part (<i>insofar as clarification is provided in s42A report</i>)	No
S102.068	Te Mata Mushrooms Land Company Limited	RPROZ-P3	Retain RPROZ-P3 as proposed.	Accept <u>in part</u>	No
S102.069	Te Mata Mushrooms Land Company Limited	RPROZ-P4	Retain RPROZ-P4 as proposed.	Accept in part (<i>insofar as policy is retained, but amended in response to another submission</i>)	No
S102.070	Te Mata Mushrooms Land Company Limited	RPROZ-P5	Amend RPROZ-P5 as follows: 'To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for. '	Reject	No
FS17.129	Horticulture New Zealand		Disallow	Accept	
S102.071	Te Mata Mushrooms Land Company Limited	RPROZ-P7	Retain RPROZ-P7 as proposed.	Accept	No
S102.072	Te Mata Mushrooms Land Company Limited	RPROZ-P8	Retain RPROZ-P8 as proposed.	Accept in part (<i>insofar as policy is retained, but amended in</i>	No

Commented [RM43]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 12 of Appendix 4) - consequential changes to recommendations

Commented [RM44]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>(response to another submission)</i>	Amendments to Proposed Plan?
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S102.074	Te Mata Mushrooms Land Company Limited	RPROZ-PXX (new policy)	Add a new policy in the 'Rural Production Zone' chapter in the Proposed Plan as follows: 'To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the Rural Production Zone.' And make any consequential amendments.	Reject	No
FS8.012	Silver Fern Farms Limited		Disallow	Accept in part	
FS17.124	Horticulture New Zealand		Allow in part Accept need to recognise rural industry in the policy framework.	Reject	
S102.075	Te Mata Mushrooms Land Company Limited	RPROZ-PXX (new policy)	Add a new policy in the 'Rural Production Zone' chapter in the Proposed Plan as follows: 'Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.'	Reject	No
FS8.013	Silver Fern Farms Limited		Disallow	Accept	
FS17.125	Horticulture New Zealand		Allow in part Ensure recognition of the economic benefits of primary production.	Reject	
S102.076	Te Mata Mushrooms Land Company Limited	RPROZ-R3	Clarify what 'initial processing' as set out in the definition of 'Primary Production' is permitted by RPROZ-R3, and what is considered to be post-harvest facilities.	Accept <i>(insofar as clarification is provided in s42A report)</i>	No
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S102.077	Te Mata Mushrooms Land Company Limited	RPROZ-R3	Retain RPROZ-R3(2), (3), and (4).	Accept	No
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S102.078	Te Mata Mushrooms Land Company Limited	RPROZ-R6	Retain RPROZ-R6, and the activity status applied in RPROZ-R6(1), (2) and (3).	Accept	No
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S102.079	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Retain RPROZ- R14(1), and 'Controlled' activity status.	Accept	No
.					
S102.080	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Amend RPROZ- R14(2) as follows: '2. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) and/or RPROZ-R14(1)(b) is not achieved: RDIS'	Accept in part	Yes
FS6.14	NZ Pork Industry Board		Allow in part	Accept in part	
S102.081	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Clarify within RPROZ-R14(3) and in the definition of the 'Gas Transmission Network' if the gas transmission network includes the high and low networks shown on the Planning Maps.	Reject	No
.					
S102.082	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Amend RPROZ-R14(4) as follows: '4. Activity status where compliance with conditions RPROZ -R14(1)(a)(f) and/or RPROZ -R14(1)(d) is not achieved: NC'	Accept	Yes
FS6.15	NZ Pork Industry Board		Allow in part	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.083	Te Mata Mushrooms Land Company Limited	RPROZ-R19	Amend RPROZ-R19 as follows (or similar wording): RPROZ -R19 Industrial activities (other than post-harvest facilities, rural industrial activities)	Accept in part	Yes
S102.084	Te Mata Mushrooms Land Company Limited	RPROZ-RXX (new rule)	Add a new rule in the 'Rural Production Zone' chapter in the Proposed Plan as follows: 'Rural Industrial Activities and Rural Service Activities 1. Activity Status: Permitted Where the following conditions are met: a. Limited to 2500m ² gross floor area per site, b. Compliance with: i. RPROZ -S2 [Total Building Coverage]; ii. RPROZ -S3 (Height of buildings); iii. RPROZ -S4 (Height in Relation to Boundary); iv. RPROZ -S5 (Setback from Roads and Rail Network); v. RPROZ -S6 (Setback from Neighbours); vi. RPROZ -S7 (Shading of Land and Roads); vii. RPROZ -S8 (Electricity Safety Distances); viii. RPROZ -S9 (Transport); ix. RPROZ -S10 (Light); and x. RPROZ -S11 (Noise). c. Compliance with i. RPROZ -S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ -S14 (setback from gas transmission network). d. Compliance with RPROZ -S15 (setbacks from National Grid). Matters over which control is reserved: e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary. g. Methods of disposal of stormwater and wastewater for the activity. h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASMSCHED3 that are located within the site of the activity. 2. Activity status where compliance with condition RPROZ-R20(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters:i. RPROZ -AM1.ii. RPROZ -AM2.iii. RPROZ -AM3.b. Assessment matters in the following chapters: i. TRAN - Transport ii. LIGHT - Light iii. NOISE - Noise. 3. Activity status where compliance with condition RPROZ-R20(1)(c) is not achieved: DIS 4. Activity status where compliance with condition RPROZ -R20(1)(d) is not achieved: NC'	Accept in part	Yes
FS17.133	Horticulture New Zealand		Allow in part Provide for rural industry in the rule framework.	Accept	
S102.086	Te Mata Mushrooms Land Company Limited	RPROZ-S12	Amend RPROZ-R12[S12?] as follows: 'Sensitive Activities 1. Minimum setback of buildings from a property boundary with an from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities[activity?] , is 200 metres.'	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S102.087	Te Mata Mushrooms Land Company Limited	GRUZ-02	Retain GRUZ-02.	Accept in part (insofar as objective is retained, but amended in response to another submission)	No
FS11.008	The Ministry of Education		Allow	Accept in part	
S102.088	Te Mata Mushrooms Land Company Limited	RPROZ-04	Retain RPROZ-04.	Accept in part (insofar as objective is retained, but amended in response to another submission)	No
FS11.011	The Ministry of Education		Allow	Accept in part	
S105.003	James Bridge	RLR-P3	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's highly productive rural land resource through limiting lifestyle subdivision, particularly within the Rural Production Zone.'	Reject	No
S105.004	James Bridge	RLR-P4	Amend RLR-P4 as follows: 'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the highly productive rural land resource, particularly within the Rural Production Zone.'	Reject	No
FS17.17	Horticulture New Zealand		Disallow	Accept	
S105.022	James Bridge	SUB-S2	Amend SUB-S2(1) as follows: 'General Rural Zone 1. Minimum net site area for Lifestyle Lot - 4000 2500 m². 2. ...'	Accept	Yes
S105.023	James Bridge	GRUZ-S5	Amend GRUZ-S5(2) as follows: 'All Other Activities (excluding Accessory Buildings) 2. Minimum setback of building for an activity from internal boundaries is 15m except as between sites of 2.5ha or less where the minimum setback is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.'	Reject	No
FS17.109	Horticulture New Zealand		Allow in part Ensure reverse sensitivity issues adjacent to primary production sites are addressed	Accept in part	
S107.002	Thomas Collier	SUB-R5	Reject SUB-R5, and revert to the current subdivision rules in the Operative District Plan.	Reject	No
FS8.039	Silver Fern Farms Limited		Disallow	Accept	
FS4.2	James Bridge		Allow	Reject	
S116.003	Silver Fern Farms Limited	REVERSE SENSITIVITY (Definition)	Amend the definition of 'Reverse Sensitivity' as follows: 'the potential for the operation, maintenance, upgrade, or expansion of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity.'	Reject	No
S116.004	Silver Fern Farms Limited	Definitions	Introduce a new definition for 'Rural Industry' as follows: 'RURAL INDUSTRY	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.'		
S116.005	Silver Fern Farms Limited	RLR-01	Retain RLR-01.	Accept	No
S116.006	Silver Fern Farms Limited	RLR-02	Amend RLR-02 as follows: 'The primary production role and associated amenity of the District's rural land resource is retained, and is protected from not compromised by inappropriate subdivision, use and development.'	Accept	Yes
S116.007	Silver Fern Farms Limited	RLR-03	Retain RLR-03.	Accept	No
S116.008	Silver Fern Farms Limited	RLR-04	Amend RLR-04 as follows: 'Residential activities living and other activities that are unrelated to primary production or rural industry are directed to locations zoned for those purposes and that are not situated on highly productive land.'	Reject	No
S116.009	Silver Fern Farms Limited	RLR-P1	Retain RLR-P1.	Accept	No
S116.010	Silver Fern Farms Limited	RLR-P2	Amend RLR-P2 as follows: 'To avoid unplanned urban expansion onto the District's highly productive land in the Rural Production Zone where other feasible options exist.'	Accept	Yes
S116.011	Silver Fern Farms Limited	RLR-P3	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's rural land resource by through limiting lifestyle site subdivision in the General Rural Zone , and, particularly in the Rural Production Zone, and directing lifestyle site subdivision to locate primarily in the Rural Living Zone. '	Accept in part	Yes
S116.012	Silver Fern Farms Limited	RLR-P4	Retain RLR-P4.	Accept in part (insofar as policy is retained, but amended in response to another submission)	No
S116.013	Silver Fern Farms Limited	RLR-P5	Amend RLR-P5 as follows: 'To enable primary production and related activities, such as rural industry , to operate, upgrade and expand in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity, particularly in the Rural Production Zone. '	Reject	No
S116.014	Silver Fern Farms Limited	RLR-M3	Amend RLR-M3 as follows: 'Land Information Memorandum	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
.			When requested, people wishing to establish in the rural zones area will be issued with a Land Information Memorandum advising them that they are establishing in a productive rural environment where amenity standards associated with the normal conduct of farming operations and related activities such as rural industry , in the Zone (that is, amenity standards that allow for fluctuating noise, odour and air quality levels resulting from accepted primary production management practices and rural industry activities) will be upheld by the Council. Provided that these activities are carried out within the provisions established by the District Plan or a resource consent(s) , the effects of the activities on amenity standards will not be considered a nuisance.'		
S116.015	Silver Fern Farms Limited	RLR - Principal Reasons	Amend 'RLR - Principal Reasons' as follows: ... The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in the rural environment, particularly on the highly productive land within the Rural Production Zone . The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector and related activities such as rural industry . There is a limit on the scale of commercial and urban industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.'	Accept in part	Yes
S116.023	Silver Fern Farms Limited	SUB-R5	Amend SUB-R5 as follows: 'Rural Production Zone 5. Activity Status: CON Where the following conditions are met: a. Limited to: i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares. ii. No additional sites are created (amalgamation of the balance lot is required). iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares. b. ... c. ... d. ... e. 6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS ... 7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS 8. Activity status where compliance with conditions SUB-R5(5)(a) , SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC'	Reject	No
S116.024	Silver Fern Farms Limited	SUB-AM11	Amend SUB-AM11 as follows: '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. ... b. ... c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated-experienced . d. ...'	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S116.025	Silver Fern Farms Limited	SUB-AM12	Amend SUB-AM12 as follows: 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 4000m2 for a lifestyle site is appropriate: a. 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. ... 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. ... 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 precluded by the registration of restrictive covenants and/or consent notices (where these are offered) against the certificate of title(s) for all sites being amalgamated low!	Accept in part	Yes
S116.026	Silver Fern Farms Limited	SUB-AM13	Amend SUB-AM13 as follows: 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. ... b. ... c. Any lifestyle site proposed within 400 metres of an existing rural industry or primary production activity; d. ... e. ... 3.	Accept in part	Yes
S116.028	Silver Fern Farms Limited	RPROZ-O1	Amend RPROZ-O1 as follows: The Rural Production Zone is predominantly used for primary production activities, ancillary activities and associated rural activities including rural industry ancillary activities.	Reject	No
FS17.121	Horticulture New Zealand		Allow in part Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the RPROZ. Include a separate objective for rural industry.	Accept in part	
S116.029	Silver Fern Farms Limited	RPROZ-O2	Retain RPROZ-O2.	Accept	No
S116.030	Silver Fern Farms Limited	RPROZ-O3	Retain RPROZ-O3.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S116.031	Silver Fern Farms Limited	RPROZ-O4	Amend RPROZ-O4 as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: 1. ... 2. ... 3. sounds and smells associated with legitimate primary production and rural industry activities; 4. ... 5. ... 6. ...'	Accept in part	Yes
S116.032	Silver Fern Farms Limited	RPROZ-O6	Amend RPROZ-O6 as follows: 'The primary productive purpose and predominant character of the Rural Production Zone are protectednot-compromised by preventing potentially incompatible activities from establishing.'	Reject	No
S116.033	Silver Fern Farms Limited	RPROZ-P1	Amend RPROZ-P1 as follows: 'To allow land-based primary production, rural industry , and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Reject	No
S116.034	Silver Fern Farms Limited	RPROZ-P5	Amend RPROZ-P5 as follows: 'To require sufficient separation between sensitive activities and existing primary production, and-intensive primary production, and rural industry activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject	No
S116.035	Silver Fern Farms Limited	RPROZ-P7	Amend RPROZ-P7 as follows: 'To ensure activities do not locate in the Rural Productive Zone where the activity: 1. ... 2. will constrain the establishment and use of land for primary production or rural industry ; 3. ... 4. ...'	Reject	No
S116.036	Silver Fern Farms Limited	RPROZ-P8	Amend RPROZ-P8 as follows: '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, (including through the creation or exacerbation of potential adverse reverse sensitivity effects) .'	Accept in part	Yes
FS17.130	Horticulture New Zealand		Allow in part Accept submission	Accept in part	
S116.037	Silver Fern Farms Limited	RPROZ-P9	Amend RPROZ-P9 as follows: 'To avoid the establishment of commercial or industrial activities (excluding rural industry) that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.'	Reject	No
S116.038	Silver Fern Farms Limited	RPROZ-R2	Retain RPROZ-R2.	Accept <u>in part</u>	No

Commented [RM45]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 34 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S116.039	Silver Fern Farms Limited	RPROZ-RXX (new rule)	Add a new rule in the 'Rural Production Zone' chapter in the Proposed Plan as follows (or amendments that achieve a similar outcome): 'RPROZ-R21 Rural industry 1. Activity Status: PER Where the following conditions are met: a. RPROZ-S2(1)(a) - RPROZ-S11 inclusive. b. RPROZ-S13 - RPROZ-S15 inclusive. Matters over which control is reserved: c. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary. d. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. e. RPROZ-AM14 General.2. Activity status where compliance with condition RPROZ-R21(1) is not achieved: RDIS.' And make a consequential amendment to the 'RPROZ - Rule Overview Table' to include this new rule.	Accept in part	Yes
FS8.059	Silver Fern Farms Limited		Allow As shown below with underlining and strikethrough: RPROZ-R21 Rural industry 1. Activity Status: PERCON Where the following conditions are met: a. RPROZ-S2(1)(a) - RPROZ-S11 inclusive. b. RPROZ-S13 - RPROZ-S15 inclusive.	Accept in part	
FS17.134	Horticulture New Zealand		Allow in part Provide for rural industry in the rule framework.	Accept	
S116.040	Silver Fern Farms Limited	RPROZ-AMXX (new assessment matter)	A new assessment matter in the 'Rural Production Zone' chapter in the Proposed Plan as follows (or amendments that achieve a similar outcome): 'RPROZ-AM15 Rural industry 1. The functional and operational needs of rural industry which include: a. To establish and operate in rural locations where potential adverse reverse sensitivity issues can be avoided or mitigated and where primary production activities and / or other rural resources are located. b. To establish large buildings, structures and supporting infrastructure to enable large scale processing and manufacturing to occur. c. To emit odours, noise and light on a 24-hour 7-day basis. d. To use heavy vehicles and machinery to transport livestock, goods, materials and equipment to, from, and within, sites.'	Reject	No
S117.017	Chorus New Zealand Limited	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept	No
FS9.445	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S118.017	Spark New Zealand Trading Limited	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept	No
S119.017	Vodafone New Zealand Limited	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S120.010	Heretaunga Tamatea Settlement Trust	RLR-PXX (new policy)	Add a new policy in the 'RLR - Rural Land Resource' chapter in the Proposed Plan as follows: 'Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.'	Reject	No
FS29.1	Water Holdings Hawke's Bay		Allow	Reject	
FS8.021	Silver Fern Farms Limited		Allow	Reject	
FS1.1	Tukituki Water Security Project		Allow	Reject	
S120.023	Heretaunga Tamatea Settlement Trust	SUB-S1	Amend SUB-S1(8) as follows: 'Rural Lifestyle Zone 8.A 2,500m2 minimum lot size where a 4,000m2 average is achieved.'	Accept in part	Yes
FS27.6	Livingston Properties Limited		Allow	Accept in part	
FS5.089	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
S120.025	Heretaunga Tamatea Settlement Trust	GRUZ-R10	Amend GRUZ-R10 to provide for 'Community Facilities' that exceed 100m2 gross floor area per site as Controlled Activities.	Reject	No
FS17.103	Horticulture New Zealand		Disallow	Accept	
S121.001	Federated Farmers of New Zealand	RLR-I1	Retain RLR-I1 as proposed.	Accept in part <i>(insofar as issue is retained, but amended in response to another submission)</i>	No
FS9.1	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.002	Federated Farmers of New Zealand	RLR-O1	Retain RLR-O1 as proposed.	Accept	No
FS9.2	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.003	Federated Farmers of New Zealand	RLR-O2	Retain RLR-O2 as proposed.	Accept in part <i>(insofar as objective is retained, but amended in response to another submission)</i>	No
FS9.3	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.004	Federated Farmers of New Zealand	RLR-O3	Retain RLR-O3 as proposed.	Accept	No
FS9.4	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.005	Federated Farmers of New Zealand	RLR-O4	Retain RLR-O4 as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.5	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.006	Federated Farmers of New Zealand	RLR-P1	Retain RLR-P1 as proposed.	Accept	No
FS9.6	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.007	Federated Farmers of New Zealand	RLR-P2	Retain RLR-P2 as proposed.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No
FS9.7	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.008	Federated Farmers of New Zealand	RLR-P3	Retain RLR-P3 as proposed.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No
FS9.8	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.009	Federated Farmers of New Zealand	RLR-P4	Retain RLR-P4 as proposed.	Accept in part <i>(insofar as policy is retained, but amended in response to another submission)</i>	No
FS9.9	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.010	Federated Farmers of New Zealand	RLR-P5	Retain RLR-P5 as proposed.	Accept	No
FS9.10	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.107	Federated Farmers of New Zealand	NOISE-P3	Retain NOISE-P3 as proposed.	Accept	No
FS9.107	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.108	Federated Farmers of New Zealand	NOISE-S5	Retain NOISE-S5(7) as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.108	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.109	Federated Farmers of New Zealand	NOISE-S5	Delete NOISE-S5(11) & (12).	Reject	No
FS9.109	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS14.10	NZ Agricultural Aviation Association		Allow	Reject	
FS17.71	Horticulture New Zealand		Allow	Reject	
FS10.9	Aerospread Ltd		Allow	Reject	
S121.110	Federated Farmers of New Zealand	NOISE-S5	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55 dB Ldn, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject	No
FS14.18	NZ Agricultural Aviation Association		Allow	Reject	
FS9.110	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS10.15	Aerospread Ltd		Allow	Reject	
S121.111	Federated Farmers of New Zealand	NOISE-S5	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB Ldn measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject	No
FS10.19	Aerospread Ltd		Allow	Reject	
FS9.111	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	No
FS14.23	NZ Agricultural Aviation Association		Allow	Reject	
S121.174	Federated Farmers of New Zealand	GRUZ-01	Retain GRUZ-01 as proposed.	Accept	No
FS9.174	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.175	Federated Farmers of New Zealand	GRUZ-02	Retain GRUZ-02 as proposed.	Accept in part (<i>insofar as objective is retained, but amended in response to another submission</i>)	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.175	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS11.009	The Ministry of Education		Allow	Accept in part	
S121.176	Federated Farmers of New Zealand	GRUZ-03	Amend GRUZ-03 as follows: 'Adverse effects of activities that exceed limits are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.'	Reject	No
FS9.176	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.84	Horticulture New Zealand		Allow	Reject	
S121.177	Federated Farmers of New Zealand	GRUZ-04	Retain GRUZ-04 as proposed.	Accept	No
FS9.177	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.178	Federated Farmers of New Zealand	GRUZ-P1	Amend GRUZ-P1 as follows: 'To allowenable land-based primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept in part	Yes
FS9.178	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.179	Federated Farmers of New Zealand	GRUZ-P2	Amend GRUZ-P2 as follows: 'To allowenable 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.'	Accept in part	Yes
FS9.179	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.180	Federated Farmers of New Zealand	GRUZ-P3	Amend GRUZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural commercial and rural industry activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.'	Accept in partReject	No
FS9.180	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS8.045	Silver Fern Farms Limited		Disallow	Accept	
S121.181	Federated Farmers of New Zealand	GRUZ-P4	Retain GRUZ-P4 as proposed.	Accept	No
FS9.181	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.182	Federated Farmers of New Zealand	GRUZ-P5	Amend GRUZ-P5 as follows: 'To require sufficient separation between sensitive activities sensitive to nuisance effects and existing primary production and intensive primary production activities , and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject	No

Commented [RM46]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.182	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.183	Federated Farmers of New Zealand	GRUZ-P6	Amend GRUZ-P6 as follows: 'To avoid manage adverse effects of shading from trees on adjoining public roads and properties.'	Accept in part	Yes
FS9.183	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.184	Federated Farmers of New Zealand	GRUZ-P7	Retain GRUZ-P7 as proposed.	Accept	No
FS9.184	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.185	Federated Farmers of New Zealand	GRUZ-P8	Amend GRUZ-P8 as follows: 'To limit manage residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.'	Reject	No
FS9.185	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.91	Horticulture New Zealand		Disallow	Accept	
S121.186	Federated Farmers of New Zealand	GRUZ-P9	Retain GRUZ-P9 as proposed.	Accept	No
FS9.186	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.187	Federated Farmers of New Zealand	GRUZ-R1	Retain GRUZ-R1(1)(a)(i) to (iv) as proposed.	Accept	No
FS9.187	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.188	Federated Farmers of New Zealand	GRUZ-R3	Retain GRUZ-R3 as proposed.	Accept	No
FS9.188	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.189	Federated Farmers of New Zealand	GRUZ-R4	Amend GRUZ-R4 as follows: 'Agricultural aviation movements and landing areas , ancillary to primary production activities ...'	Accept in part/Reject	Yes/No
FS10.20	Aerospread Ltd		Allow	Accept in part/Reject	
FS14.24	NZ Agricultural Aviation Association		Allow	Accept in part/Reject	
FS17.98	Horticulture New Zealand		Allow	Accept in part/Reject	
FS9.189	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
S121.190	Federated Farmers of New Zealand	GRUZ-R5	Amend GRUZ-R5 as follows: 'New, or expansion of existing, rural airstrips and/or helicopter landing areas	Accept in part/Reject	No

Commented [RM47]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Commented [RM48]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. Limited to 100m2 gross floor area of buildings ancillary to the activity per site. Exclusion: emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site are excluded from the above. d. And amend the definition of 'Rural Airstrips' to exclude those ancillary to primary production.	(Note: rule already excludes these movements)	
FS10.24	Aerospread Ltd		Not stated Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Accept in part/Reject	
FS9.190	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
FS14.29	NZ Agricultural Aviation Association		Not stated Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Accept in part/Reject	
FS17.100	Horticulture New Zealand		Allow Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Accept in part/Reject	
S121.191	Federated Farmers of New Zealand	GRUZ-R9	Retain GRUZ-R9(1)(a) as proposed.	Accept	No
FS9.191	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.192	Federated Farmers of New Zealand	GRUZ-R14	Retain GRUZ-R14 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming).	Accept	No
FS9.192	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.193	Federated Farmers of New Zealand	GRUZ-S2	Retain GRUZ-S2(1) as proposed.	Accept	No
FS9.193	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.194	Federated Farmers of New Zealand	GRUZ-S4	Amend GRUZ-S4 as follows: ... Accessory Buildings associated with Primary Production Activities 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m. ...	Reject	No
FS9.194	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Commented [RM49]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.195	Federated Farmers of New Zealand	GRUZ-S6	Delete GRUZ-S6.	Accept in part/Reject	No
FS9.195	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
FS6.12	NZ Pork Industry Board		Allow	Accept in part/Reject	
S121.196	Federated Farmers of New Zealand	GRUZ-S7	Retain GRUZ-S7 as proposed.	Accept	No
FS17.111	Horticulture New Zealand		Allow	Accept	
FS9.196	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.197	Federated Farmers of New Zealand	GRUZ-S11	Retain GRUZ-S11 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming) with the following amendment: "Setback from Existing Intensive Primary Production Activities Activities Sensitive to nuisance effects Activities 1.	Accept in part (insofar as standard is retained)	No
FS9.197	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.198	Federated Farmers of New Zealand	GRUZ-S12	Delete GRUZ-S12.	Reject	No
FS17.112	Horticulture New Zealand		Allow	Reject	
FS3.027	First Gas Limited		Disallow	Accept	
FS9.198	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.199	Federated Farmers of New Zealand	GRUZ-S13	Delete GRUZ-S13(1).	Accept	Yes
FS9.199	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS18.30	Transpower New Zealand Limited		Allow	Accept	
S121.200	Federated Farmers of New Zealand	GRUZ-S13	Delete GRUZ-S13(2)(b).	Accept in part/reject	Yes/No
FS18.034	Transpower New Zealand Limited		Disallow	Reject/Accept	
FS9.200	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
FS17.113	Horticulture New Zealand		Allow	Accept in part/Reject	
S121.201	Federated Farmers of New Zealand	RPROZ-O1	Retain RPROZ-O1 as proposed.	Accept in part (insofar as objective is retained, but	No

Commented [RM50]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Commented [JK51]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 52 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
				<i>amended in response to another submission)</i>	
FS9.201	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.202	Federated Farmers of New Zealand	RPROZ-02	Retain RPROZ-02 as proposed.	Accept	No
FS9.202	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.203	Federated Farmers of New Zealand	RPROZ-03	Retain RPROZ-03 as proposed.	Accept	No
FS9.203	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.204	Federated Farmers of New Zealand	RPROZ-04	Retain RPROZ-04 as proposed.	Accept in part <i>(insofar as objective is retained, but amended in response to another submission)</i>	No
FS9.204	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS11.012	The Ministry of Education		Allow	Accept in part	
S121.205	Federated Farmers of New Zealand	RPROZ-05	Amend RPROZ-05 as follows: 'Adverse effects of activities that are inconsistent with the existing primary production land uses and rural character are managed to maintain rural character and amenity. '	Reject	No
FS9.205	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.206	Federated Farmers of New Zealand	RPROZ-06	Retain RPROZ-06 as proposed.	Accept	No
FS9.206	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.207	Federated Farmers of New Zealand	RPROZ-P1	Amend RPROZ-P1 as follows: 'To allowenable land-based primary production and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part	Yes
FS9.207	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.208	Federated Farmers of New Zealand	RPROZ-P2	Amend RPROZ-P2 as follows: 'To allowenable 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.'	Accept in part <i>(insofar as policy is amended in response to another submission)</i>	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.208	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.209	Federated Farmers of New Zealand	RPROZ-P3	Amend RPROZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural commercial and rural industry activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.'	Accept in part/Reject	No
FS8.048	Silver Fern Farms Limited		Disallow	Accept	
FS9.209	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.210	Federated Farmers of New Zealand	RPROZ-P4	Retain RPROZ-P4 as proposed.	Accept in part (<i>insofar as policy is retained, but amended in response to another submission</i>)	No
FS9.210	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.211	Federated Farmers of New Zealand	RPROZ-P5	Amend RPROZ-P5 as proposed: 'To require sufficient separation between sensitive activities sensitive to nuisance effects and existing primary production and intensive primary production activities, and between new-intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject	No
FS9.211	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.212	Federated Farmers of New Zealand	RPROZ-P6	Amend RPROZ-P6 as follows: 'To avoid manage adverse effects of shading from trees on adjoining public roads and properties.'	Accept in part	Yes
FS9.212	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.213	Federated Farmers of New Zealand	RPROZ-P7	Retain RPROZ-P7 as proposed.	Accept	No
FS9.213	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.214	Federated Farmers of New Zealand	RPROZ-P8	Amend RPROZ-P8 as follows: 'To limit manage residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.'	Reject	No
FS9.214	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.131	Horticulture New Zealand		Disallow. Reject submission.	Accept	
S121.215	Federated Farmers of New Zealand	RPROZ-P9	Retain RPROZ-P9 as proposed.	Accept	No

Commented [RM52]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 42 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.215	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.216	Federated Farmers of New Zealand	RPROZ-R1	Retain RPROZ-R1 as proposed.	Accept	No
FS9.216	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.217	Federated Farmers of New Zealand	RPROZ-R3	Amend RPROZ-R3 as follows: Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying) 1. Activity Status: PER Where the following conditions are met: a. ... b. Compliance with: i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). c.	Accept	Yes
FS3.029	First Gas Limited		Allow in part	Accept	
FS9.217	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS8.049	Silver Fern Farms Limited		Allow	Accept	
S121.218	Federated Farmers of New Zealand	RPROZ-R4	Amend RPROZ-R4 as follows: Agricultural aviation movements and landing areas , ancillary to primary production activities ...	Accept in part Reject	Yes No
FS10.25	Aerospread Ltd		Allow	Accept in part Reject	
FS9.218	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject Accept	
FS14.30	NZ Agricultural Aviation Association		Allow	Accept in part Reject	
FS17.138	Horticulture New Zealand		Allow	Accept in part Reject	
S121.219	Federated Farmers of New Zealand	RPROZ-R14	Retain RPROZ-R14 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming).	Accept	No
FS9.219	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.220	Federated Farmers of New Zealand	RPROZ-S1	Retain RPROZ-S1(3) & (4) as proposed.	Accept	No
FS9.220	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.221	Federated Farmers of New Zealand	RPROZ-S2	Retain RPROZ-S2 as proposed.	Accept in part (insofar as standard is retained, but amended in	No

Commented [RM53]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation <i>(response to another submission)</i>	Amendments to Proposed Plan?
FS9.221	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.222	Federated Farmers of New Zealand	RPROZ-S3	Retain RPROZ-S3(1) as proposed.	Accept	No
FS9.222	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.223	Federated Farmers of New Zealand	RPROZ-S5	Amend RPROZ-S5 as follows: ... Accessory Buildings associated with Primary Production Activities 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/faces fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m. ...	Reject	No
FS9.223	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.224	Federated Farmers of New Zealand	RPROZ-S6	Amend RPROZ-S6 as follows: '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) 2. Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic and farm water storage tanks up to 2m in height are exempt from this standard. Accessory Buildings 3. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic and farm water storage tanks up to 2m in height are exempt from this standard.'	Accept	Yes
FS9.224	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.225	Federated Farmers of New Zealand	RPROZ-S7	Delete RPROZ-S7.	Accept in part Reject	No
FS17.148	Horticulture New Zealand		Allow	Accept in part Reject	
FS9.225	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
FS6.16	NZ Pork Industry Board		Allow	Accept in part Reject	
S121.226	Federated Farmers of New Zealand	RPROZ-S8	Retain RPROZ-S8 as proposed.	Accept	No
FS9.226	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS17.149	Horticulture New Zealand		Allow	Accept	

Commented [RM54]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 26 & 27 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.227	Federated Farmers of New Zealand	RPROZ-S12	Retain RPROZ-S12 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming) with the following amendment: Activities Sensitive to nuisance effects 1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.'	Accept in part (insofar as standard is retained)	No
FS9.227	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.228	Federated Farmers of New Zealand	RPROZ-S14	Delete RPROZ-S14.	Reject	No
FS3.035	First Gas Limited		Disallow	Accept	
FS9.228	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.150	Horticulture New Zealand		Allow	Reject	
S121.229	Federated Farmers of New Zealand	RPROZ-S15	Delete RPROZ-S15(1).	Accept	Yes
FS9.229	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS17.151	Horticulture New Zealand		Allow	Accept in part	
FS18.33	Transpower New Zealand Limited		Allow	Accept	
S121.230	Federated Farmers of New Zealand	RPROZ-S15	Delete RPROZ-S15(2)(b).	Accept in partReject	NoYes
FS17.152	Horticulture New Zealand		Allow	Accept in partReject	
FS9.230	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	RejectAccept	
FS18.31	Transpower New Zealand Limited		Disallow	RejectAccept	
S121.234	Federated Farmers of New Zealand	FERTILISER (Definition)	Delete the definition of 'Fertiliser'.	Reject	No
FS9.234	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.238	Federated Farmers of New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend the definition of 'Intensive Primary Production' as follows: 'refers to any of the following: a. commercial livestock (excluding the farming of mustelids) kept and fed permanently in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.'	Accept in partReject	YesNo
FS8.019	Silver Fern Farms Limited		Allow	Accept in partReject	

Commented [JK55]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 52 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.238	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
FS17.7	Horticulture New Zealand		Disallow	Accept in part	
S121.243	Federated Farmers of New Zealand	PLANTATION FOREST / PLANTATION FORESTRY (Definition)	Amend the definition of 'Plantation Forest/Plantation Forestry' as follows: 'as defined in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 (as set out in the box below) means a forest deliberately established for commercial purposes, being-- a. at least 4- ha 50ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. ... c. ...'	Reject	No
FS9.243	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.244	Federated Farmers of New Zealand	FARM QUARRY (Definition)	Retain the definition of 'Farm Quarry' as proposed.	Accept	No
FS9.244	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.247	Federated Farmers of New Zealand	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept	No
FS9.247	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.248	Federated Farmers of New Zealand	RURAL AIRSTRIP (Definition)	Amend the definition of 'Rural Airstrip' as follows: 'means any area of land, building or structure intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, including excluding agricultural aviation movements ancillary to primary production activities.'	Accept in part/Reject	Yes/No
FS9.248	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject/Accept	
FS10.3	Aerospread Ltd		Not stated Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.	Accept in part/Reject	
FS17.9	Horticulture New Zealand		Allow in part Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.	Accept in part/Reject	
FS14.3	NZ Agricultural Aviation Association		Not stated Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.	Accept in part/Reject	
S121.249	Federated Farmers of New Zealand	SENSITIVE ACTIVITY (Definition)	Amend the definition of 'Sensitive Activity' as follows: 'activities sensitive to nuisance effects which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.' And add a new definition specific to National Grid as follows: 'Sensitive Activities has the same meaning as the National Policy Statement for Electricity Transmission, including schools, residential buildings and hospitals.'	Accept in part	Yes
FS9.249	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS6.6	NZ Pork Industry Board		Allow	Accept in part	

Commented [RM56]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (item 35 of Appendix 4) - consequential changes to recommendations

Commented [RM57]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 46-49 of Appendix 4) - consequential changes to recommendations

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S123.001	Riverfield Holdings Ltd	SUB-S1	Reduce minimum lot sizes.	Reject	No
S124.001	Regeneration Holdings Ltd	SUB-S1	Amend SUB-S1(9) and SUB-S1(10) as follows: 'General Rural Zone 9. 20 hectares 10,000m2 Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below. Rural Production Zone 10. 42 hectares 4,000m2 Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.'	Reject	No
FS17.60	Horticulture New Zealand		Disallow	Accept	
S124.002	Regeneration Holdings Ltd	SUB-R5	Maintain the frequency at 'one application every three years' but increase the maximum quantity to five lots per application per property rather than one.	Reject	No
S124.003	Regeneration Holdings Ltd	SUB-AM13	Amend SUB-AM13(6) to reflect increasing scale of development to 5 lots per development [as per submission point S124.002]. Delete SUB-AM13(7).	Reject	No
S127.003	Livingston Properties Limited	SUB-S1	Amend SUB-S1 as follows: 'Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots) ... Rural Lifestyle Zone 8. 4000m2 9. 2500m2 where an average Net Site Area of 4,000m2 is achieved per lot over the subdivision. ... And make any consequential amendments to the Proposed Plan to support the provision of an average minimum net site area as for the Rural Lifestyle Zone as requested above.	Accept in part	Yes
S128.001	Surveying the Bay Ltd	SUB - Subdivision	Adopt the Hastings District Plan framework for 'Farm Park' lifestyle developments, into the 'SUB - Subdivision' section of the Proposed Plan for the corresponding zones of Central Hawkes Bay (but not the 'Rural Production Zone') [ie. 'General Rural' and 'Rural Lifestyle' zones?].	Reject	No
FS4.3	James Bridge		Allow	Reject	
S128.002	Surveying the Bay Ltd	[General]	Include exceptions in the 'RURZ - Rural Zones' section of the Proposed Plan to allow small sites created under the previous (currently operative) District Plan to apply a side yard setback of 5 metres.	Accept	Yes
FS27.5	Livingston Properties Limited		Allow	Accept	
FS17.77	Horticulture New Zealand		Disallow	Accept in part	Reject
S129.006	Kāinga Ora - Homes and Communities (Kainga Ora)	REVERSE SENSITIVITY (Definition)	Retain the definition of 'Reverse Sensitivity' as notified.	Accept	No

Commented [RM58]: Hearing Stream 3 - Right of Reply dated 5 Aug 2022 (items 21 & 25 of Appendix 4) - consequential changes to recommendations

Coastal Environment (including Coastal Settlements)

Updated Table: Summary of Recommended Responses to FENZ Submission Points – LLRZ – Large Lot Residential Zone (refer discussion in Item 69 of Appendix 4 to this Right of Reply)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.103	Fire and Emergency New Zealand	LLRZ-R1	Amend LLRZ-R1(1) as follows: '...Where the following conditions are met: a. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R1(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. LLRZ-AM12 Servicing.'	Accept in part Reject	Yes No
S57.104	Fire and Emergency New Zealand	LLRZ-R3	Amend LLRZ-R3(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R3(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. LLRZ-AM12 Servicing.'	Accept in part Reject	Yes No
S57.105	Fire and Emergency New Zealand	LLRZ-R4	Amend LLRZ-R4(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R4(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i.'	Accept in part Reject	Yes No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			x. LLRZ-AM12 Servicing. ...		
S57.106	Fire and Emergency New Zealand	LLRZ-R5	Amend LLRZ-R5(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R5(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. LLRZ-AM12 Servicing. ...'	Accept in partReject	YesNo
S57.107	Fire and Emergency New Zealand	LLRZ-R6	Amend LLRZ-R6(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R6(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. LLRZ-AM12 Servicing. ...'	Accept in partReject	YesNo
S57.109	Fire and Emergency New Zealand	LLRZ-R7	Amend LLRZ-R7(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15.' And amend LLRZ-R7(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. LLRZ-AM12 Servicing. ...'	Reject Insofar as it is recommended that Rule LLRZ-R7 be deleted in response to other submission points	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.110	Fire and Emergency New Zealand	LLRZ-R10	Amend LLRZ-R10(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. LLRZ-S15. Matters over which discretion is restricted (where relevant to the infringed standard(s)): c. Assessment matters: i. x. LLRZ-AM12 Servicing. ...' ...'	Accept in part Reject	Yes No
S57.116	Fire and Emergency New Zealand	LLRZ-SXX (new standard)	Add a new standard in the 'Large Lot Residential Zone' as follows: 'LLRZ-S15 Servicing 1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot. Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part Reject	Yes No
S57.117	Fire and Emergency New Zealand	LLRZ-AMXX (new assessment matter)	Add a new assessment matter in the 'Large Lot Residential Zone' as follows: 'LLRZ-AM12 Servicing 1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part Reject	Yes No

Urban Environment

Updated Table: Summary of Recommended Responses to FENZ Submission Points – SETZ – Settlement Zone (refer discussion in Item 69 of Appendix 4 to this Right of Reply)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.200	Fire and Emergency New Zealand	SETZ-R1	Amend SETZ-R1(1) as follows: '... Where the following conditions are met: a. Compliance with: i. x. SETZ-S16 Servicing.' And amend SETZ-R1(2) as follows: '... Matters over which discretion is restricted: a. Assessment matters: i. x. SETZ-AM10 Servicing. '... ...'	Accept in part Reject	Yes No
S57.201	Fire and Emergency New Zealand	SETZ-R3	Amend SETZ-R3(1) as follows: '... Where the following conditions are met: a. ... b. Compliance with: i. x. SETZ-S16 Servicing.' And amend SETZ-R3(2) as follows: '... Matters over which discretion is restricted: a. Assessment matters: i. x. SETZ-AM10 Servicing. '... ...'	Accept in part Reject	Yes No
S57.202	Fire and Emergency New Zealand	SETZ-R4	Amend SETZ-R4(1) as follows: '... Where the following conditions are met: a. Compliance with: i. x. SETZ-S16 Servicing.'	Accept in part Reject	Yes No

			<p>And amend SETZ-R4(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>		
S57.203	Fire and Emergency New Zealand	SETZ-R5	<p>Amend SETZ-R5(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R5(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>	Accept in part Reject	Yes No
S57.204	Fire and Emergency New Zealand	SETZ-R6	<p>Amend SETZ-R6(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R6(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>	Accept in part Reject	Yes No
S57.205	Fire and Emergency New Zealand	SETZ-R7	<p>Amend SETZ-R7(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p>	Accept in part Reject	Yes No

			<p>And amend SETZ-R7(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>		
S57.206	Fire and Emergency New Zealand	SETZ-R8	<p>Amend SETZ-R8(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R8(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>	Accept in part	Reject Yes No
S57.207	Fire and Emergency New Zealand	SETZ-R9	<p>Amend SETZ-R9(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R9(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>' ...</p>	Accept in part	Reject Yes No
S57.209	Fire and Emergency New Zealand	SETZ-R10	<p>Amend SETZ-R10(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R10(2) as follows:</p> <p>' ...</p>	Accept in part	Reject Yes No

			<p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>...</p>		
S57.210	Fire and Emergency New Zealand	SETZ-R11	<p>Amend SETZ-R11(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R11(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>...</p>	Accept in part	Reject Yes No
S57.211	Fire and Emergency New Zealand	SETZ-R12	<p>Amend SETZ-R12(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p> <p>And amend SETZ-R12(2) as follows:</p> <p>' ...</p> <p>Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-AM10 Servicing.</p> <p>...</p>	Accept in part	Reject Yes No
S57.212	Fire and Emergency New Zealand	SETZ-R13	<p>Amend SETZ-R13(1) as follows:</p> <p>' ...</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Compliance with:</p> <p>i. ...</p> <p>...</p> <p>x. SETZ-S16 Servicing.'</p>	Accept in part	Reject Yes No

			And amend SETZ-R13(2) as follows: f. ... Matters over which discretion is restricted: a. Assessment matters: i. x. SETZ-AM10 Servicing. ...		
S57.227	Fire and Emergency New Zealand	SETZ-SXX (new standard)	Add a new standard in the 'Settlement Zone' chapter as follows: 'SETZ-S16 Servicing 1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply can be provided to each lot. Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding. Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to a development can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part Reject	Yes No
S57.228	Fire and Emergency New Zealand	SETZ-AMXX (new assessment matter)	Add a new assessment matter in the 'Settlement Zone' chapter as follows: 'SETZ-AM10 Servicing 1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	Accept in part Reject	Yes No

APPENDIX 4

Reporting Officer Responses to Specific Matters Raised in Evidence

Response to Submitter Evidence/Statements where there is Disagreement

Key Issue 1 – Rural Definitions

Issue/Plan Provision	Submitter Evidence	Response
<p>1. 'Highly Productive Land'</p>	<p>Hort NZ (S81.033) [Evidence of Lynette Wharfe, paras 6.11-6.15, p11] Hort NZ original submission sought inclusion of a definition for 'highly productive land'.</p> <p>Section 42A Report recommendation was to reject the submission.</p> <p>Ms Wharfe considers a definition be included 'given the extent to which the term is used in the Plan' (para 6.11)</p> <p>'It is likely that the Plan will need to include a definition of highly productive land once the NPS for Highly Productive Land (NPSHPL) is gazetted. Inclusion of a definition at this stage would anticipate such a change, albeit that it may need to be amended when implementing the NPSHPL.</p> <p>The components of highly productive land are clear, as described in the Introduction of the RPROZ chapter and I would support a definition based on these criteria:</p> <p><i>Highly productive land includes Land Use Capability Class 1-3 soils and Class 7 soils that have a high value for viticultural production'</i> (paras 6.14 & 6.15)</p>	<p>I have not changed my position, as set out in paras 4.3.22 & 4.3.23 Vol 1 of Section 42A Report:</p> <p><i>'For the PDP, the decision was made to remove the definition, on the basis that the land deemed 'versatile' (now referred to as 'highly productive land') has been effectively contained within its own purpose-built spatial layer (being the RPROZ – Rural Production Zone). The essence of the definition from the Draft Plan now forms part of the description for that zone in the PDP. The Introduction to the RPROZ – Rural Production Zone chapter in the PDP includes the following text:</i></p> <p>RPROZ – Rural Production Zone</p> <p>Introduction</p> <p>The Rural Production Zone represents the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Ōtane.</p> <p>The Zone encompasses the contiguous, flat to undulating terrain within the District that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:</p> <ul style="list-style-type: none"> - an exceptionally high proportion of Class 1-3 soils (comprising almost 25% of the District), - Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2% of the District), - its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region, and - its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce. <p><i>I consider the above text provides sufficient clarity around what is deemed 'highly productive land' in respect of the PDP, and I do not consider there is any benefit in also inserting a definition for 'Highly Productive Land'. Having a specific definition suggests that the provisions of the Rural Production Zone are only intended to apply to pieces of land which individually meet the definition, which is not the case. The protections applied by the Rural Production Zone apply to the resource as a whole, including pieces within it that may not, of themselves, meet that definition.'</i></p> <p>From my reading of the Discussion Document on the proposed NPS-HPL, the only expectation I can infer from it (as outlined in Policy 1 of the Discussion Document), is that the proposed NPS-HPL will require HPL to be identified/mapped. The responsibility for this is proposed to lie with Regional Councils through the RPS, but Policy 1 also indicates that the proposed NPS-HPL could also allow district plans to identify HPL before it is identified in the RPS.</p>

		<p>Even the 'Interpretation' (section 5.5 of the Discussion Document) outlining what HPL means, focuses on identification and mapping of HPL, as opposed to 'defining' it... however it does also propose an interim definition that would apply until such time as HPL has been identified/mapped in a specific region/district.</p> <p>CHBDC has mapped the HPL for the District and incorporated that into the PDP (RPROZ). I do not concur with Ms Wharfe that the Discussion Document for the proposed NPS-HPL signals that the PDP will also need to include a 'definition' for it.</p>
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Key Issue 2 – Strategic Direction – RLR chapter

Issue/Plan Provision	Submitter Evidence	Response
<p>2. RLR-I1 Explanation</p>	<p>Hort NZ (S81.034) [Evidence of Lynette Wharfe, paras 6.20-6.23, p12/13] Hort NZ submission originally sought adding to the list of effects of land fragmentation in the explanation, as follows: <u>'5. Reverse sensitivity can lead to constraints on established rural production operations'</u></p> <p>Section 42A Report (para 5.3.4 Vol 1) recommendation was: <u>'5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established primary production activities in the vicinity'</u></p> <p>Ms Wharfe considers that 'While reverse sensitivity generally arises from 'sensitive activities' it can also arise from activities that may be incompatible within the rural location – such as a quarry establishing next to an orchard with dust constraining the orchard operation' (para 6.22), and offers the following alternative wording: <u>'5. New sensitive a-Activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established primary production activities in the vicinity'</u> (para 6.23)</p>	<p>In my view, the example given by Ms Wharfe of a new quarry establishing next to an existing orchard operation which creates a dust nuisance for the orchard, is not a reverse sensitivity situation – as it would be the orchard complaining, not the new quarry. A new quarry (other than a farm quarry) would require a consent to establish in any case under the provisions of the PDP as notified.</p> <p>I have not changed my position regarding the recommended additional wording for the explanation supporting Issue RLR-I1, as set out in paras 5.3.3 & 5.3.4 Vol 1 of Section 42A Report:</p> <p><i>'I concur with the submitter that land fragmentation can contribute to increasing reverse sensitivity issues, whereby existing primary production activities can become more and more compromised or constrained by new activities which may be sensitive to the environmental effects generated by those existing primary production activities. The reverse sensitivity implications of land fragmentation is already acknowledged in the Introduction to the RLR – Rural Land Resource chapter.</i></p> <p><i>Therefore, the amendment to the explanation for Issue RLR-I1, sought by Hort NZ, is appropriate in my view, and would further acknowledge this relationship. I recommend the explanation be amended accordingly, but worded slightly differently to the wording proposed by Hort NZ...'</i></p> <p>(subject to the further minor amendment recommended in response to Ms Price evidence for Hatuma Lime & Te Mata Mushrooms, set out below)</p>
<p>3. RLR-I1</p>	<p>Hatuma Lime (S98.006) [Evidence of Claire Price, Section 6.0, p8] Hatuma Lime submission originally submitted in support of retention of Issue RLR-I1 as notified.</p> <p>Section 42A Report recommendation was to add a further item to the explanation in response to Hort NZ submission (refer above).</p> <p>Ms Price considers the intent of s42A recommended amendment to Issue RLR-I1 is appropriate, but requests further amendment to clarify both primary</p>	<p>I am comfortable with the minor amendment sought, as it is more reflective of the types of existing activities in the rural environment that could generate issues of reverse sensitivity.</p> <p>I therefore revise my recommendation and recommend the additional wording for the Explanation of Issue RLR-I1, as suggested by Ms Price, as follows (highlighted grey):</p> <p><u>5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established</u></p>

	<p>production activities and existing lawfully established activities to be protected from reverse sensitivity would be more appropriate and would read as follows:</p> <p><i>'5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established <u>activities and primary production activities in the vicinity (reverse sensitivity).</u>'</i></p>	<p><u>activities and primary production activities in the vicinity (reverse sensitivity).</u></p>
4. RLR-I1	<p>Te Mata Mushrooms (S102.011) [Evidence of Claire Price, Section 6.0, p8]</p> <p>Te Mata Mushrooms submission originally in support of retention of Issue RLR-I1 as notified.</p> <p>Ms Price considers the intent of s42A recommended amendment to Issue RLR-I1 is appropriate, but requests further amendment to clarify both primary production activities and existing lawfully established activities to be protected from reverse sensitivity would be more appropriate and would read as follows”</p> <p><i>“5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established <u>activities and primary production activities in the vicinity (reverse sensitivity).</u>”</i></p>	As above.
5. RLR-P3	<p>Hort NZ (S81.041) [Evidence of Lynette Wharfe, paras 6.26-6.32, p13/14]</p> <p>Hort NZ submission originally sought amendment to Policy RLR-P3 as follows:</p> <p><i>'To limit the amount of further fragmentation of the District's rural land resource through limiting-restricting lifestyle subdivision, particularly in the Rural Production Zone'</i></p> <p>In response to various submissions, the Section 42A Report recommendation favoured the wording of the amendment sought by Silver Fern Farms (para 5.3.18 Vol 1), and recommended as follows:</p> <p><i>'To limit the amount of further fragmentation of the District's rural land resource through limiting restricting lifestyle subdivision <u>in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone'</u></i></p> <p>Ms Wharfe considers that ‘...how the direction is achieved should build on the direction, rather than replicating the same word. The policy would then be:</p> <p><i>'To limit the amount of further fragmentation of the District's rural land resource through limiting-restricting lifestyle subdivision <u>in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone'</u></i></p> <p>'Restricting' provides a clearer direction as to how the policy will be achieved and avoids duplication of the same word within the sentence, which is grammatically preferable' (paras 6.31 & 6.32)</p>	<p>This relates to use of the term 'limit' and 'limiting' in the same policy wording. In para 5.3.19 Vol 1 of Section 42A Report, I had stated:</p> <p><i>'In my view, I do not consider that there is much distinction between using the word 'limiting' or 'restricting' (as sought by Hort NZ), and I do not have a firm preference. It would be helpful if the submitter could provide further planning or legal reasons why one term should be preferred over the other. In the meantime, I recommend retaining the word 'limiting'.'</i></p> <p>I now understand this matter to be solely a grammatical issue, and therefore I revise my recommendation and am comfortable recommending the word 'limiting' be replaced with 'restricting' in the policy, as proposed by the submitter, to make the policy more grammatically correct, as follows (highlighted grey):</p> <p><i>'To limit the amount of further fragmentation of the District's rural land resource through limiting-restricting lifestyle subdivision <u>in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone'</u></i></p>
6. RLR-P3	<p>James Bridge (S105.003) [Legal Submissions from Gascoigne Wicks Lawyers, paras 3-15]</p> <p>James Bridge submission originally sought amendment to Policy RLR-P3 as follows:</p> <p><i>'To limit the amount of further fragmentation of the District's <u>highly productive rural land resource through limiting lifestyle subdivision, particularly within the Rural Production Zone'</u></i></p>	<p>I acknowledge that 'the proposed rules in the plan are an irrelevant consideration when determining a policy since the rules need to reflect the policy, not the other way around', and therefore accept that the 'key thing' as referred in para 5.3.17 Vol 1 of the Section 42A Report is not correct.</p> <p>However, I do not concur that Policy RLR-P3 is solely to implement or give effect to Objective RLR-O3 and that it therefore should be limited to the 'highly productive rural land resource' as sought by the submitter. I disagree that the policy exists in the plan without an objective justifying it.</p>

	<p>In response to various submissions, the Section 42A Report recommendation favoured the wording of the amendment sought by Silver Fern Farms (para 5.3.18 Vol 1), and recommended as follows:</p> <p><i>'To limit the amount of further fragmentation of the District's rural land resource through limiting restricting lifestyle subdivision in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone'</i></p> <p>The legal submissions for James Bridge consider that the s42A report author has failed to give effect to Objective RLR-O3, which they consider is the key thing which must be considered when determining the appropriate policy:</p> <p>'Policy RLR-P3 must implement or give effect to RLR-O3: that is, the protection of "highly productive land". However, the policy as drafted goes beyond this. This effectively means the policy exists in the plan without an objective justifying it. This is both unlawful and inconsistent with good planning practice.</p> <p>Mr Bridge's submission seeks only to limit the application of the policy to the scope of the relevant objective' (paras 10 & 11).</p> <p>'The submissions in the s42A report are legally problematic.</p> <p>The author states "The key thing is that the wording used in the policy most accurately reflects the rules and standards that flow from it."2 With respect, this statement puts the cart before the horse. As noted above, when conducting a planning exercise, the Council must set objective and then set policies which implement or give effect to those objectives. The purpose of the rules is to determine activity status. The rules should reflect the objectives and policies in the plan. As a matter of law, the proposed rules in the plan are an irrelevant consideration when determining a policy since the rules need to reflect the policy, not the other way around.' (paras 12 & 13)</p>	<p>As I see it, Policy RLR-P3 implements both Objective RLR-O3 <u>and</u> Objective RLR-O2. Objective RLR-O2 refers to the rural land resource not being compromised by inappropriate subdivision, which is then implemented by the policy requiring limiting further fragmentation. Objective RLR-O3, which places a higher order of 'protection' on highly productive land, is reflected in the policy by the last part of the sentence which refers to this applying 'particularly' (i.e. having increased importance) in the RPROZ.</p> <p>In the absence of RLR-P3 referring to the rural land resource, there is no policy which then gives effect to the 'subdivision' aspect of RLR-O2 – I think the use and development aspect is covered by RLR-P4.</p> <p>Therefore, I have not changed my position and remain of the view that the amendment sought by the submitter should be rejected, and that the amendments recommended in response to other submissions are appropriate (including the recommendation above in response to Ms Wharfe's evidence, to make the policy more 'grammatically correct').</p>
<p>7. RLR-P4</p>	<p>Hort NZ (S81.042) [Evidence of Lynette Wharfe, paras 6.33-6.37, p14]</p> <p>Proposed Plan as notified:</p> <p><i>'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone'</i></p> <p>Hort NZ submission originally sought to replace the policy wording with the following:</p> <p><i>'To manage non-primary production activities that have an operational or functional need to locate in a rural location, provided they do not compromise primary production and the associated rural character'</i></p> <p>In response to various submissions, the Section 42A Report recommendation favoured the wording of the amendment sought by Transpower (para 5.3.23 Vol 1), and recommended as follows:</p> <p><i>'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not <u>unduly</u> compromise the primary production role and associated rural character and amenity of the rural land resource, particularly in the Rural Production Zone, recognising that some</i></p>	<p>Policy RLR-P4 as notified, and as retained in the amended version recommended in the Section 42A Report, addresses 'a wide range of activities' and hence covers both primary production and non-primary production activities. Therefore, I remain of the view that limiting the policy to address only 'non-primary production activities' is inconsistent with the intent of the policy as notified.</p> <p>Otherwise, I am comfortable with restructuring the policy along the lines suggested by Ms Wharfe, and I revise my recommendation and recommend that Policy RLR-P4 be amended as follows (essentially retaining the wording as recommended in the Section 42A Report):</p> <p><i>'To provide for a wide range of activities to establish, in the rural area:</i></p> <ol style="list-style-type: none"> <i>1. which complement the resources of the rural area;</i> <i>2. provided that they do not <u>unduly</u> compromise the primary production role and associated rural character and amenity of the rural land resource, particularly in the Rural Production Zone,</i> <i>3. while recognising that some non-primary production activities have an operational or functional need to locate in a rural area'</i>

	<p><u>non-primary production activities have an operational or functional need to locate in a rural area</u></p> <p>Ms Wharfe considers a slightly restructured version would provide a clearer direction (para 6.37), as follows:</p> <p><u>'To provide for a wide range of non-primary production activities to establish, in the rural area:</u></p> <ol style="list-style-type: none"> <u>1. which complement the resources of the rural area;</u> <u>2. provided that they do not unduly compromise the primary production role and associated rural character and amenity of the rural land resource, particularly in the Rural Production Zone;</u> <u>3. while recognising that some non-primary production activities have an operational or functional need to locate in a rural area'</u> 	
8. RLR-P4	<p>James Bridge (105.004) [Legal Submissions from Gascoigne Wicks Lawyers, paras 16-23]</p> <p>James Bridge submission originally sought amendment to Policy RLR-P4 as follows:</p> <p><u>'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the highly productive rural land resource, particularly within the Rural Production Zone'</u></p> <p>In response to various submissions, the Section 42A Report recommendation favoured the wording of the amendment sought by Transpower (para 5.3.23 Vol 1), and recommended as follows:</p> <p><u>'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not unduly compromise the primary production role and associated rural character and amenity of the rural land resource, particularly in the Rural Production Zone, recognising that some non-primary production activities have an operational or functional need to locate in a rural area'</u></p> <p>The legal submissions for James Bridge considers the s42A report does not refer to the relevant issues or objectives. It also does not explain why they policy is relevant to all "rural land":</p> <p>'In hindsight, it is now apparent that the deletion of "of the rural area," creates a grammatical error. The operative change sought is at the end of the policy so Mr Bridge no longer seeks that deletion.' (para 19)</p>	<p>I acknowledge that the submitter is no longer seeking deletion of the words 'of the rural area' from the policy.</p> <p>Again, I do not concur that Policy RLR-P4 is solely to implement or give effect to Objective RLR-O3 and therefore should be limited to the 'highly productive rural land resource' as sought by the submitter. I disagree that the policy exists in the plan without an objective justifying it.</p> <p>As I see it, Policy RLR-P4 implements both Objective RLR-O3 and Objective RLR-O2. Objective RLR-O2 (as recommended to be amended in response to submissions) seeks that the primary production role and associated amenity of the District's rural land resource is retained and protected from inappropriate subdivision, 'use and development'. The changes sought by the submitter would mean RLR-O2 would not be given effect to at all.</p> <p>Therefore, I have not changed my position and remain of the view that the amendment sought by the submitter should be rejected, and that amendments recommended in response to other submissions are appropriate (including with the recommended amendment above in response to Ms Wharfe's evidence, to restructure the policy).</p>
9. New Policy RLR-PX	<p>Heretaunga Tamatea Settlement Trust (S120.010) [Evidence of Stephen Daysh, paras 3.1-3.21]</p> <p>HTST submission originally sought the following additional policy:</p> <p><u>RLR-PX Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.</u></p> <p>The Section 42A Report (paras 5.3.27 & 5.3.28 Vol 1 of Section 42A Report), stated:</p>	<p>I note the legal submissions of Council's legal counsel that there is proper basis for the Panel to determine there is scope to consider the merits of the relief now sought, being the addition of a new policy in the RLR – Rural Land Resource chapter of the PDP as follows:</p> <p><u>RLR-PX To provide for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.</u></p>

'It is unclear from the submission what resource management issue this is addressing, and the linkages between issue, objectives, policies, and methods in the PDP are unclear to me. In my view, this is more a position statement than a District Plan policy, and does not flow through into any meaningful rules or other methods in support of the policy in the PDP.'

It may be helpful if the submitter could provide further basis for inclusion of such a policy, and an accompanying section 32AA assessment, for the Hearings Panel to consider. In the absence of this, my recommendation is to reject this submission.'

Mr Daysh considers that the policy has very clear linkages to both a resource management issue (RLR-I1) and the objectives (RLR-O1), policies and methods of the Rural Environment:

'The ability for highly productive land to have access to a reliable water source is an essential and critical resource management issue which is of particular concern to mana whenua and all rural landowners involved in rural production across Central Hawke's Bay. The key issue of the Rural Environment states:

RLR-I1 Incremental Loss of Highly Productive Land

The focus of the PDP is on land fragmentation however, with reducing access to water into the future, it is my opinion that the productive output from the rural land resource across the District over time will diminish if there are no infrastructure interventions to store rainfall in the future.

Objective 1 seeks to maintain the productive capacity of the District's rural land resource but there is no consideration in the objectives or policies for how this is to be maintained other than through limiting fragmentation.

The introduction to the Strategic Direction 2 states:

"Providing for a range and flexibility of land use activities is important for the future in adding diversity and resilience to the rural economy, thereby providing additional employment and economic opportunities to the community. However, this needs to be consciously balanced against the need to protect and retain the rural land resource, in particular the concentration of highly productive land in the District, alongside the health and availability of water".

HTST consider that the matters identified in the introduction to the Rural Environment Chapter are not adequately reflected in the objectives and policies of the PDP. As noted above there is a balance between the health and availability of water and resilience of the highly productive rural environment' (paras 3.3-3.7)

'RLR-O1 seeks to maintain the productive capacity of the rural land resource. With restrictions on water taken implemented by the HBRC Plan Change 6 in combination with clear evidence of a drying climate on the East coast of the North Island, this "maintain" objective relies on the ability to have ongoing access to water for growing' (para 3.16)

Section 32AA Evaluation appended to Mr Daysh's evidence:

'Effectiveness and efficiency

The recommended new policy RLR-PX fills a critical gap in the policy regime of the PDP associated with the active policy support for water storage activities to

Turning now to the merits of the relief sought, while recognising the importance of access to water resources is a resource management issue for Central Hawke's Bay, I do not share the view that maintaining the productive capacity of the District's rural land resource (Objective RLR-O1) requires access to water.

In the rural environment of the District, there is land identified as highly productive that has little or no access to water at this time. However, maintenance of productive capacity of this land does not rely on access to water, stored or otherwise – rather, access to water would 'enhance' the productive capacity of the rural land resource.

On that basis, I do not consider it necessary to have the policy requested by the submitter in order to achieve Objective RLR-O1, and I have concern that such a policy (as currently worded) could inadvertently be used to claim that highly productive land is not highly productive due to having a lack of reliable stored water. This could then be offered up as an argument in support of fragmentation via subdivision, or loss of productive land through covering it with inappropriate development.

Further, water storage itself, and the allocation of water, are functions of the Hawke's Bay Regional Council, and are not matters required to be addressed by the PDP. In that respect, I remain of the view that the submission of Heretaunga Tamatea Settlement Trust on this matter should be rejected and, to this extent, **I have not changed my position.**

However, as mentioned above, I accept that reliable stored water resources and associated infrastructure do enable the productive capacity of land to be enhanced. Therefore, if the Panel is of a mind to include a policy of this nature, I suggest alternative wording to avoid some of the issues I have identified above (and better reflecting Policy POL LW1 of the Hawke's Bay Regional Policy Statement), as follows:

'RLR-PX To provide for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained To recognise the value of reliable stored water resources and associated water storage infrastructure, where it provides increased water availability and security for water users, in enhancing the productive capacity of the rural land resource, while avoiding, remedying or mitigating adverse effects on freshwater values.'

Note: Policy POL LW1 of the RPS is reproduced below, to assist the Panel:

enable the maintenance of primary production from the District's land resource and is therefore its inclusion will be more effective than the notified PDP that js no reference to the important nexus between water storage activities and productive land use.

Policy RLR-PX better promotes the efficient use and development of natural and physical resources as set out in Section 7b) of the RMA through actively acknowledging that, with future predicted climate change leading to a drier Central Hawke's Bay District in the future coupled with substantial restrictions in primary producers access to surface and groundwater to support growing food and other crops codified in HBRC Plan Change 6, than the notified PDP.

Costs/Benefits

Through providing for an economically sustainable rural environment linking stored water with productive rural land use, Policy PLR-PX recognises the substantial economic costs that will accrue to the District if secure water supply can not be accessed for today's community and future generations to support their economic wellbeing. In comparison, the PDP as notified has no direct policy support for this critical issue.

Risk of acting or not acting

If recommended Policy RLR-PX is not included in the PDP there is clearly a risk that existing and future resource consents seeking to capture and store rainwater, that would otherwise pass through the District, are not supported by a directive policy in the Central Hawke's Bay District Plan.

Decision about most appropriate action

The hearings panel has a choice between no policy support linking stored water resources to the objective of the maintenance of the productive use of the District's land resource (in the notified PDP) and the inclusion of Policy PLR-PX as recommended in my client's submission. In planning terms, it is my opinion that the inclusion of Policy RLR-PX fills a significant policy void in the PDP as notified, and its inclusion in the PDP is the most appropriate option in terms of these two choices.'

In verbal submissions to the Panel at the Hearing, Mr Daysh referred the Panel to sub-clause (k) of Policy POL-LW1 of the Hawke's Bay Regional Policy Statement, as being the key RPS policy of relevance, and that the PDP must give effect to.

Mr Daysh offered the following revised wording for the new policy (highlighted grey):

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

In response to a question from the Chair as to whether there is scope to widen the policy, Mr Daysh verbally indicated that he considered the revised wording of the policy to be within scope of the original submission, stating that the issue is a 'whole of community' one, and tangata whenua are advocating that position on behalf of the whole community.

- POL LW1 Problem solving approach - Catchment-based integrated management**
1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:²
 - b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
 - c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
 - cA) recognises and provides for the need to protect the integrity of aquifer recharge systems;
 - cB) recognises and manages the co-existing values of wetland habitat and agricultural production;
 - d) gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A;
 - dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
 - e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
 - f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
 - g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
 - gA) involves working collaboratively with the catchment communities and their nominated representatives;
 - h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
 - iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
 - iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;
 - iE) recognises and provides for existing use and investment;
 - j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives; and
 - k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.

Key Issue 3 – Functional Need for Rural Location

Issue/Plan Provision	Submitter Evidence	Response
10. RPROZ-P7	<p>Hort NZ (S81.152) [Evidence of Lynette Wharfe, paras 6.38-6.44, p15] Hort NZ submission originally sought, and Section 42A Report recommended, the following amendment: <i>RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:</i> 1. <i>has no functional or operational need for a rural location and will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</i> 2. <i>will constrain the establishment and use of land for primary production;</i> 3. <i>exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</i> 4. <i>will result in reverse sensitivity and/or lead to land use conflict</i></p> <p>Ms Wharfe considers 'that it would be more appropriate for the new clause recommended to be added to RPROZ-P7 be a standalone clause rather than inserting it into the proposed clause 1' (as originally sought), and offers the following revised wording (highlighted grey) (para 6.43): '<i>RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:</i> 1. <i>has no functional or operational need for a rural location, and</i> 2. <i>will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</i> 3. <i>will constrain the establishment and use of land for primary production;</i> 4. <i>exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</i> 5. <i>will result in reverse sensitivity and/or lead to land use conflict'</i></p> <p>'This would be consistent with the recommended change to GRUZ-P7 in a similar policy where the functional or operational need is a separate clause' (para 6.44)</p>	<p>The 'and/or' used in the policy means an activity needs to only meet one of the listed criterion to mean decision makers must 'ensure' they do not locate in the zone. 'Ensure' is a strong directive term, in line with 'avoid', so adding a new category of activities to the list should, in my view, be done cautiously.</p> <p>The separation of (1) in the s42A recommendation will make no difference where an activity:</p> <ul style="list-style-type: none"> - Has a functional need and is consistent with the purpose and character of the RPZ (consistent with policy); - Has neither a functional need nor is consistent with the purpose and character of the RPZ (inconsistent with policy); <p>However, the following activities would be assessed differently if (1) is separated:</p> <ul style="list-style-type: none"> - an activity which has a functional need for a rural location but is inconsistent with the purpose and character of the RPZ (consistent with s 42A version but inconsistent with current suggestion); - an activity which has no functional need for a rural location but which is consistent with the purpose and character of the RPZ (consistent with s 42A version but inconsistent with current suggestion). <p>I am unclear whether Hort NZ intended to create an exception in the policy where an activity that might be inconsistent with rural character nevertheless had a functional need to locate there, but that is the effect of their relief sought. It did not actually seek to create a new category of inappropriate activities, and no person had the opportunity to oppose that possibility. Therefore, I consider splitting the recommended criterion (1) into two separate criteria expands the scope of the policy beyond what was sought in the Hort NZ submission and it would be inappropriate to agree with the change now sought.</p> <p>On that basis, I have not changed my position from that outlined in para 6.3.3 Vol 1 of Section 42A Report, as follows: <i>RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:</i> 1. <i>has no functional or operational need for a rural location and will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</i> 2. <i>will constrain the establishment and use of land for primary production;</i> 3. <i>exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</i> 4. <i>will result in reverse sensitivity and/or lead to land use conflict.</i></p>

Key Issue 4 – RPROZ Objectives & Policies

Issue/Plan Provision	Submitter Evidence	Response
11. RPROZ-O5	<p>Federated Farmers (S121.205) [Evidence of Rhea Dasent, paras 18-21, p3/4] Federated Farmers submission originally sought the following amendment: <u>RPROZ-O5 Adverse effects of activities that are inconsistent with the existing primary production land uses and rural character are managed to maintain rural character and amenity</u></p> <p>Section 42A Report recommendation was to reject and retain as notified.</p> <p>Ms Dasent considers 'concern is that seeking to manage any and all effects that are part of farming will send the message that farming effects are intolerable or unacceptable' (para 18)</p> <p>Remain concerned that the objective will inadvertently perpetuate reverse sensitivity against normal farming activities and undermines the 'right to farm' strategic direction of the rural zones' (para 20)</p> <p>Still want following: <u>'RPROZ-O5 Adverse effects of activities that are inconsistent with the existing primary production land uses and rural character are managed to maintain rural character and amenity'</u></p>	<p>I have not changed my position, as set out in para 2.3.7 Vol 2 of Section 42A Report:</p> <p><i>'I do not accept Federated Farmers' position that the focus of the objective should be on those adverse effects that are not consistent with the rural character and farming land uses, as adverse effects are potentially generated by any activity. The subsequent rule framework includes Permitted Activity standards that apply to all activities, as well as standards that apply to specific activities, including activities associated with primary production.'</i></p>
12. RPROZ-O5	<p>Hort NZ (S81.144) [Evidence of Lynette Wharfe, paras 7.3-7.8, p16/17] Hort NZ submission originally sought following amendment: <u>'RPROZ-O5 Adverse effects of activities that are inconsistent with the existing primary production land uses and rural character Non-primary production related activities are managed to maintain ensure that adverse effects do not compromise rural character and amenity or create reverse sensitivity effects'</u></p> <p>Section 42A recommended reject and retain as notified.</p> <p>Ms Wharfe considers 'While RPROZ-O6 does address reverse sensitivity I consider that RPROZ-O5 is very broad in terms of application, as identified in the submission of Federated Farmers and that adverse effects may be managed for a range of purposes – not necessarily exclusively for maintaining rural character and amenity.</p> <p>In my opinion, it is the activity, not the adverse effects, that are managed so the objective could be better worded to reflect this intent' (paras 7.7 & 7.8): <u>'Adverse effects of Activities are managed to ensure that adverse effects do not compromise maintain rural character and amenity'</u></p>	<p>I have not changed my position, as set out in para 2.3.8 Vol 2 of Section 42A Report:</p> <p><i>'I do not accept Hort NZ's position that the focus of the objective should be on non-primary production activities and avoiding reverse sensitivity effects – in any case, this matter is sufficiently addressed in Objective RPROZ-O6'</i></p> <p>However, I am comfortable with the revised wording provided by the Ms Wharfe, as I concur that it is the activity, not the adverse effects, that are to be managed, and recommend the following amendment: <u>RPROZ-O5 Adverse effects of Activities are managed to ensure that adverse effects do not compromise maintain rural character and amenity</u></p>
13. RPROZ-P2	<p>Silver Fern Farms (FS8.047 in support of Hort NZ (S81.147)) [Evidence of Steven Tuck, paras 4.2-4.4, p6/7] Silver Fern Farms supported the submission of Hort NZ, which originally sought to replace the policy as follows: <u>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</u></p>	<p>I concur that the requested further amendment is appropriate to clarify that the policy is intended to apply to all non-primary production activities with a functional or operational need for a rural location.</p> <p>Therefore, I revise my recommendation, and recommend the following amendment (highlighted grey): <u>'To provide for non-primary production related activities...'</u></p>

	<p><u>effects are avoided, remedied or mitigated Provide for non-primary production activities that have a functional need or operational need for a rural location that are managed to ensure that:</u></p> <ol style="list-style-type: none"> <u>1. Their scale, intensity and built form are in keeping with the rural character of the rural environment.</u> <u>2. They maintain a level of amenity in keeping with the rural character of the rural environment.</u> <u>3. They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities.</u> <u>4. Adverse effects are avoided, remedied or mitigated.</u> <p>In response to various submissions, Section 42A Report recommended the following amendment (paras 2.3.16 – 2.3.20 Vol 2):</p> <p>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 <u>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:</u></p> <ol style="list-style-type: none"> <u>1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;</u> <u>2. they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;</u> <u>3. they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and</u> <u>4. adverse effects are avoided, remedied or mitigated.</u> <p>Mr Tuck generally supports the recommended amendment, but considers that 'the first clause should be further refined to delete the term "related" from the phrase "...non-primary production related activities". It seems to indicate an intent to only 'provide for' non-primary production activities that have no connection with primary production (e.g. a network utility). My concern in this regard is that in providing for "...non-primary production related activities", the policy omits to provide for primary production related activities, such as rural industry. No other provisions provide for non-primary production activities that do relate to primary production' (para 4.3 of Mr Tuck's evidence)</p>	<p>Note: refer also to revised recommended amendments in respect of this policy in response to matters arising in Key Issue 19 below.</p>
<p>14. RPROZ-P2</p>	<p>Te Mata Mushrooms (S102.067) [Evidence of Claire Price, para 8.1-8.5, p10/11]</p> <p>Te Mata Mushrooms submission originally sought clarification as to what type of activities are envisaged in this policy. They consider that it is 'Unclear as to whether this policy is referring to tourism, recreation and educational type land uses, or commercial and industrial activities'.</p> <p>In response to various submissions, Section 42A Report recommended the following amendment (paras 2.3.16 – 2.3.20 Vol 2):</p> <p>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</p>	<p>I am unsure whether there is scope within the original submission from Te Mata Mushrooms to make the amendment requested.</p> <p>Irrespective, I consider the policy wording recommended in the Section 42A Report is appropriate, and I have not changed my position.</p> <p>Note: refer also to revised recommended amendments in respect of this policy in response to matters arising in Key Issue 19 below.</p>

	<p>contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated <u>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:</u></p> <p><u>1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;</u></p> <p><u>2. they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;</u></p> <p><u>3. they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and</u></p> <p><u>4. adverse effects are avoided, remedied or mitigated.</u></p> <p>Ms Price considers 'Building in reverse sensitivity matters to Policy 2 is considered appropriate. However, I consider the wording use could be better aligned with RLR-AER5 and RPROZ-P7(4) so it reads...' (para 8.2 of Ms Price's evidence) as follows:</p> <p><u>3. they minimise potential reverse sensitivity effects on activities otherwise anticipated within the are managed and land use conflict avoided Rural Production Zone; and</u></p>	
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Key Issue 5 – GRUZ Issues, Objectives & Policies

Issue/Plan Provision	Submitter Evidence	Response
15. GRUZ-O2	<p>Hort NZ (S81.105) [Evidence of Lynette Wharfe, para 7.11, p17]</p> <p>Ms Wharfe notes that the tracked change version of this objective is not consistent with the recommendation in the Section 42A Report. 'For completeness, the words 'rural and land based' should be deleted from GRUZ-O2(2)'</p>	<p>I agree this is in error – the tracked change GRUZ chapter requires correction accordingly, to delete the words 'rural and land based' from Objective GRUZ-O2(2), to be consistent with the recommendation in para 3.3.6 Vol 2 of Section 42A Report.</p>
16. GRUZ-O3	<p>Federated Farmers (S121.176) [Evidence of Rhea Dasent, para 24, p4]</p> <p>Ms Dasent advises that Federated Farmers are still pursuing the following amendment:</p> <p>'GRUZ-O3 Adverse effects of activities <u>that exceed limits</u> are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values within the coastal environment'</p>	<p>I have not changed my position, as outlined in para 3.3.7 & 3.3.8 Vol 2 of Section 42A Report:</p> <p>'Objective GRUZ-O3 addresses the adverse effects of activities on rural character and amenity, and I note the level of support for its retention.</p> <p>I concur with Federated Farmers' position to the extent that some effects that might be considered adverse in other environments are acceptable and consistent with farming land uses. However, I do not agree that those effects are properly described as 'adverse' in the context of this zone. The subsequent rule framework includes Permitted Activity thresholds and standards that apply and these represent levels of effect that are not considered sufficiently adverse as to warrant control. I do not consider it correct for the Objective to refer to 'adverse effects that exceed limits', because that suggests that effects below those limits might be 'adverse' which I do not consider to be correct. On that basis, I do not support the change requested.'</p>

<p>17. GRUZ-O3</p>	<p>Hort NZ (FS17.84 in support of Federated Farmers (S121.176)) [Evidence of Lynette Wharfe, paras 7.12 & 7.13, p17/18]</p> <p>Federated Farmers submission originally sought the following amendment, and Hort NZ further submitted in support:</p> <p><i>'GRUZ-O3 Adverse effects of activities that exceed limits are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values within the coastal environment'</i></p> <p>Ms Wharfe considers 'GRUZ-O3 is similar to RPROZ-O5 discussed above in that it should be the activity being managed, not the adverse effects', and would be better worded as follows (paras 7.12 & 7.13):</p> <p><i>'Adverse effects of Activities are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values within the coastal environment'</i></p>	<p>I have not changed my position, as set out in paras 3.3.7 & 3.3.8 Vol 2 of Section 42A Report (outlined above).</p> <p>Hort NZ are a further submitter to Federated Farmers in this regard, and I do not consider there is scope to amend the wording as suggested in the evidence of Ms Wharfe.</p> <p>However, if the Panel is of a mind to carry the same wording across as recommended above for the equivalent Objective RPROZ-O5, this may be able to be done as a clause 16 RMA amendment.</p>
<p>18. GRUZ-P7</p>	<p>Hatuma Lime (S98.016) [Evidence of Claire Price, paras 7., p8/9]</p> <p>Hatuma Lime submission originally supported retention of GRUZ-P7 as notified.</p> <p>Hatuma Lime submission also originally sought amendment of Objective RLR-O2, as follows:</p> <p><i>'The primary production role, lawfully established activities (such as quarries) and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'</i></p> <p>Ms Price considers 'in the General Rural Zone Chapter there are no references to protect lawfully established land uses in the zone. Activities that may not be categorised entirely as primary production activities, yet are operating within consented or authorised parameters, are still vulnerable to reverse sensitivity from new sensitive activities.</p> <p>To that end, I consider further amendments to GRUZ Policy 7 would pull through the explanation in RLR Issue 1 (subclause 5) into a policy format that gives plan uses direction on matters arising between lawfully established activities and potential reverse sensitivity effects and reads:</p> <p><i>GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity will:</i></p> <ol style="list-style-type: none"> 1. <u>will</u> undermine the primary productive purpose and predominant character of the General Rural Zone; 2. <u>will</u> constrain the establishment and use of land for primary production; and/or <u>2a. will, or potentially, undermine the effective operation of lawfully established activities;</u> 3. <u>will</u> result in reverse sensitivity and/or lead to land use conflict; and/or 4. <u>does not have a functional or operational need for a rural location.'</u> <p>Ms Price considers these amendments are within scope of submission points S98.007 and S98.016. (paras 7.2 & 7.3 of Ms Price's evidence)</p>	<p>The s42A report rejected the submission in relation to Objective RLR-O2, as outlined in para 5.3.8 Vol 1 of Section 42A Report, as follows:</p> <p><i>'I do not agree with Hatuma Lime that the objective should be broadened to reference 'lawfully established activities (such as quarries)'. In my view, the focus of the RLR – Rural Land Resource objectives is on protecting the productive capacity of the District's rural land resource and its primary production role. To broaden the objective to cover all lawfully established activities would significantly dilute that strategic direction, in my view. In any case, the relief sought is unnecessary because lawfully established activities have existing use rights pursuant to section 10 of the RMA. Further, I do not consider there is any reason to single out quarries.'</i></p> <p>In response to another submission from Hort NZ, the s42A report recommended the following amendment to Policy GRUZ-P7 (para 6.3.3 Vol 1 of Section 42A Report):</p> <p><i>GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity will:</i></p> <ol style="list-style-type: none"> 1. <u>will</u> undermine the primary productive purpose and predominant character of the General Rural Zone; 2. <u>will</u> constrain the establishment and use of land for primary production; and/or 3. <u>will</u> result in reverse sensitivity and/or lead to land use conflict; and/or 4. <u>does not have a functional or operational need for a rural location.</u> <p>I do not consider that a submission specifically on Objective RLR-O2, can somehow be alternatively achieved through revised wording of a policy in the GRUZ chapter (Policy GRUZ-P7) that the submitter originally sought be retained as notified.</p> <p>Therefore, I do not consider there is scope within the original submission from Hatuma Lime to add new clause 2a as requested (or, indeed, scope within any other submissions relating to this policy), and I have not changed my position.</p>

Key Issue 6 – RPROZ Rules, Standards, Assessment Matters etc

Issue/Plan Provision	Submitter Evidence	Response
<p>19. RPROZ-R1 (RPROZ-AM6) RPROZ-R7 (RPROZ-AM7)</p>	<p>Hort NZ (S81.155, S81.160) [Evidence of Lynette Wharfe, paras 7.18-7.22, p18/19]</p> <p>Hort NZ submissions originally sought that the assessment matters for a number of specific activities be included in the rules where consent would be required such as RPROZ-R1 Residential Activity, R7 Home Business.</p> <p>The Section 42A Report recommendation was to reject these submissions.</p> <p>Ms Wharfe considers that 'the assessment matters are valuable to assist in ensuring that an activity complies with the objectives and policies of the Plan and that it should be clear that the assessment matters will be considered. At present they are not even referenced where an activity defaults to a discretionary activity – such as RPROZ-R1 2) 3) or RPROZ-R7 2) 3).</p> <p>To provide clarity in the Plan I consider that the relevant assessment matters should be listed where they may be considered as part of a discretionary activity.' (paras 7.21 & 7.22)</p>	<p>I have not changed my position, as set out in paras 4.3.9 & 4.3.10 Vol 2 of Section 42A Report (and similar in paras 4.3.16 & 4.3.17 Vol 2):</p> <p><i>'Assessment Matter RPROZ-AM6 is 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). Therefore, adding Assessment Matter RPROZ-AM6 to the list of matters in Rule RPROZ-R1(2) is not in keeping with the rule framework adopted in the PDP.</i></p> <p><i>On that basis, I do not recommend adding Assessment Matter RPROZ-AM6 to the list of matters to which discretion is restricted in Rule RPROZ-R1(2).'</i></p> <p>Further, I consider the most recent request may not be within scope of Hort NZ's original submission.</p> <p>In any case, the Proposed Plan addresses this at the beginning of the Assessment Matters section with an all-encompassing note stating <i>'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).'</i></p> <p>Otherwise, a similar 'qualifier' would have to be inserted in each and every one of the affected rules in the PDP when referencing those Assessment Matters in clause 3 of the rules.</p>
<p>20. RPROZ-S1 Activity Thresholds</p>	<p>Hort NZ (S81.167) [Evidence of Lynette Wharfe, paras 7.29-7.36, p19/20]</p> <p>Hort NZ submission seeks deletion of aspects of Standard RPROZ-S1 Activity Thresholds relating to 'restaurants'.</p> <p>Ms Wharfe considers 'Restaurants are a 'commercial activity' and RPROZ-P9 applies – to avoid establishment of commercial activities that are unrelated to the primary productive purpose of the zone.</p> <p>In my opinion providing for restaurants as a permitted activity does not meet the objectives and policies of the Plan and is an inappropriate activity to be provided for as a permitted activity – even with limitations as set out in RPROZ-S1.</p> <p>Requiring a resource consent will ensure an adequate assessment of effects on the productive land resource, effects on rural character, and potential reverse sensitivity effects from incompatible activities' (paras 7.33-7.35)</p>	<p>I note that 'Restaurant' is defined in the PDP as <i>'any land and/or buildings, or part of a building, in which meals are regularly supplied for sale to the general public for consumption on the premises, including such premises for which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012'</i>.</p> <p>I have not changed my position, as set out in paras 4.3.27-4.3.29 Vol 2 of Section 42A Report:</p> <p><i>'In my view, provision for small-scale restaurants with a gross floor area limited to 100m2 and maximum capacity of 40 customers, is 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 RPROZ-S6). This would allow for small cafés, coffee stops, and perhaps small-scale dining experiences associated with vineyards/wineries or other primary production activities, to serve and add to the vibrancy of rural communities.</i></p> <p><i>If the separate threshold for restaurants is deleted from Standard RPROZ-S1, then the default threshold for commercial activities would apply in any case – which also imposes a 100m2 gross floor area limit, but also personnel limits. However, the commercial activity threshold does not impose customer capacity or hours of operation thresholds. Retention of</i></p>

		<p><i>the 'restaurants' activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities. On that basis, I recommend that Standard RPROZ-S1(5), (6) and (7) relating to 'restaurants' be retained, as notified.'</i></p>
<p>21. RPROZ-S6 Setback from Neighbours</p>	<p>Hort NZ (S81.172, and FS17.77 opposing Surveying the Bay submission (S128.002) – refer Key Issue 6, para 4.3.44-4.3.47 Vol 2 of Section 42A Report) [Evidence of Lynette Wharfe, paras 7.37-7.56, p20-22]</p> <p>Firstly, Hort NZ submission (S81.172) sought a 30m setback for residential activities from internal boundaries in the RPROZ.</p> <p>Ms Wharfe considers 'Examples of plans with larger setbacks for residential activity are Western Bay of Plenty District and Tasman District which have setbacks of 30m and Central Otago has 25m. These are all horticultural growing areas that have recognised that a large setback assists in addressing potential conflicts and incompatibilities' (para 7.39)</p> <p>'It is the separation from the primary production activity that HortNZ is seeking to better manage through the application of a larger setback.</p> <p>The s42A Report contends that a 30m setback for residential activities would result in substantially more land being lost from production but does not produce any evidence to support this contention.</p> <p>The land surrounding a residential activity is still available for primary production use. In fact, more productive land could be lost by locating a residential activity adjacent to a boundary, thereby sterilising the neighbouring property from productive use in an effort to avoid reverse sensitivity effects, which is contrary to the objectives and policies of the zone.</p> <p>I note that the larger setback is only sought in the Rural Production Zone, not the General Rural Zone, because of the need to protect highly productive land for primary production activities.</p> <p>There is clear policy direction in the plan to enable primary production without being compromised by other activities such as RLR-P4, RLR-P5 and RPROZ-P5.</p> <p>In my opinion, providing a 30m setback for residential activities from the boundary would assist in achieving the policy direction in the Plan.' (paras 7.39-7.47 of Ms Wharfe's evidence)</p> <p>Secondly, Hort NZ (FS17.77) also further submitted in opposition to Surveying the Bay submission to include exceptions to the setback from boundaries, to allow small sites created under the Operative District Plan to apply a 5m side yard setback (instead of 15m as proposed in the PDP).</p> <p>'The s42A Report (4.3.42) concurs that a 5m setback is not conducive to avoiding sensitive activities location close to and potential compromising primary production activities.</p> <p>Yet in 4.3.44-4.3.46 the writer recommends that a 5m setback apply to sites that were created prior to 28 May 2021.</p>	<p>In relation to the request for a 30m setback from internal boundaries in the Rural Production Zone for residential activities, I have not changed my position as set out in paras 4.3.39-4.3.40 Vol 2 of Section 42A Report:</p> <p><i>'Hort NZ also seeks 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. I accept that the PDP has a clear policy direction around enabling primary production in rural areas without being compromised by other activities demanding higher levels of amenity (refer Policies RLR-P4 & RLR-P5 and Policy RPROZ-P5). However, in my view, the current 15m setback requirement is appropriate, and I note that a 30m separation is achieved when applied on both sides of a shared boundary – which is the approach adopted in the adjacent Hastings District.</i></p> <p><i>I consider that imposing 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, especially if applied on both sides of a shared boundary which could result in a 60m separation between. This would be inconsistent with the overarching strategic direction in the PDP to protect the District's highly productive land for primary production and minimise its loss (Objectives RLR-O1 & RLR-O2). Therefore, I do not support the amendment sought by Hort NZ in this respect.'</i></p> <p>However, I do concur with the submitter that the recommendation in response to the Surveying the Bay submission to include exceptions to the setback from boundaries, to allow small sites created under the Operative District Plan to apply a 5m side yard setback (instead of 15m as proposed in the PDP) should relate to those site <u>'less than' 4000m²</u> (rather than those 'greater than' 4000m², as had been recommended in para 4.3.47 Vol 2 of Section 42A Report). Therefore, I revise my recommendation, as follows (highlighted grey):</p> <p><u>'Sites created before 28 May 2021 and greaterless than 4000m² net site area</u></p> <p><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></p> <p>This would apply similarly to applicable Standards RPROZ-S6, GRUZ-S5 & RLZ-S5.</p> <p>I consider this would then be a recommendation to 'Accept in part' the further submission of Hort NZ in this regard (rather than outright 'Reject').</p>

	<p>While there may be issues relating to the ability to meet an enlarged setback, a 5m setback is likely to lead to the types of effects that the Plan is seeking to manage and minimise.</p> <p>It is recognised that there is an issue for sites that were created when the Plan provided for a lesser setback.</p> <p>Tasman District has a provision that if the site was created prior to the current plan and is less than 2500m2 then a lesser setback of 5m can apply.</p> <p>...The recommended change to RPROZ-S6 is for sites created before 28 May 2021 and greater than 4000m2 net site area.</p> <p>I consider that it would be more appropriate that the change was limited to sites <u>less</u> than 4000m2 as those of a greater size would have the ability to accommodate a larger setback under the new plan.</p> <p>Therefore I support a setback for residential activities of 30m and a more focused set of provisions for sites created before May 2021' (paras 7.43-7.56)</p>	
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Key Issue 7 – GRUZ Rules, Standards, Assessment Matters etc

Issue/Plan Provision	Submitter Evidence	Response
22. GRUZ-R1 (GRUZ-AM5)	<p>Hort NZ (S81.112) [Evidence of Lynette Wharfe, para 7.59, p23]</p> <p>Hort NZ submissions originally sought that the assessment matters for a number of specific activities be included in the rules where consent would be required such as GRUZ-R1 Residential Activity.</p> <p>The s42A report rejected these submissions</p> <p>Ms Wharfe refers back to para 7.18 of her evidence, considers that the assessment matters are valuable to assist in ensuring that an activity complies with the objectives and policies of the Plan and that it should be clear that the assessment matters will be considered. At present they are not even referenced where an activity defaults to a discretionary activity.</p> <p>To provide clarity in the Plan, considers that the relevant assessment matters should alternatively be listed where they may be considered as part of a discretionary activity.</p>	<p>I have not changed my position, as set out in paras 5.3.3-5.3.5 Vol 2 of Section 42A Report:</p> <p><i>'Assessment Matter GRUZ-AM5 is 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). Therefore, adding Assessment Matter GRUZ-AM5 to the list of matters in Rule GRUZ-R1(2) is not in keeping with the rule framework adopted in the PDP.</i></p> <p><i>On that basis, I do not recommend adding Assessment Matter GRUZ-AM5 to the list of matters to which discretion is restricted in Rule GRUZ-R1(2).</i></p> <p><i>For clarification, where the assessment matters in GRUZ-AM5 do act as a useful list for consideration is in the assessment of residential activities that do not comply with the conditions in Rule GRUZ-R1(1)(a) as a Discretionary Activity (Rule GRUZ-R1(3)). This is acknowledged and anticipated in the 'Note' that sits at the front of the Assessment Matters sections in the various chapters across the PDP, which states as follows: 'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors)'</i></p> <p>I am also unconvinced that the most recent request is within scope in terms of Hort NZ's original submission.</p> <p>In any case, the Proposed Plan addresses this at the beginning of the Assessment Matters section with an all-encompassing note stating <i>'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).'</i></p>

		<p>Otherwise, a similar 'qualifier' would have to be inserted in each and every one of the affected rules in the PDP when referencing those Assessment Matters in clause 3 of the rules.</p>
<p>23. GRUZ-S1 Activity Thresholds</p>	<p>Hort NZ (S81.123) [Evidence of Lynette Wharfe, para 7.60, p23] Hort NZ submission seeks deletion of aspects of Standard GRUZ-S1 Activity Thresholds relating to 'restaurants'. Ms Wharfe refers back to paras 7.33-7.35 of her evidence, considers 'Restaurants are a 'commercial activity' and GRUZ-P9 applies – to avoid establishment of commercial activities that are unrelated to the primary productive purpose of the zone. In my opinion providing for restaurants as a permitted activity does not meet the objectives and policies of the Plan and is an inappropriate activity to be provided for as a permitted activity – even with limitations as set out in GRUZ-S1. Requiring a resource consent will ensure an adequate assessment of effects on the productive land resource, effects on rural character, and potential reverse sensitivity effects from incompatible activities.'</p>	<p>I have not changed my position, as set out in paras 5.3.17-5.3.19 Vol 2 of Section 42A Report: <i>'In my view, provision for small-scale restaurants with a gross floor area limited to 100m2 and maximum capacity of 40 customers, is 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). This would allow for small cafés, coffee shops, and perhaps small-scale dining experiences associated with vineyards/wineries or other primary production activities, to serve and add to the vibrancy of rural communities.</i> <i>If the specific threshold for restaurants is deleted from Standard GRUZ-S1, then the default threshold for commercial activities would apply in any case – which also imposes a 100m2 gross floor area limit, but also personnel limits. However, the commercial activity threshold does not impose customer capacity or hours of operation thresholds. Retention of the 'restaurants' activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities.</i> <i>On that basis, I recommend that Standard GRUZ-S1(5), (6) and (7) relating to 'restaurants' be retained, as notified.'</i></p>
<p>24. GRUZ-S5 Setback from Neighbours</p>	<p>James Bridge (S105.023) [Legal submissions from Gascoigne Wicks Lawyers, paras 31-43] James Bridge submission seeks that Standard GRUZ-S5(2) be amended as follows: <i>'All Other Activities (excluding Accessory Buildings</i> <i>2. Minimum setback of building for an activity from internal boundaries is 15m, except as between sites of 2.5ha or less where the minimum setback is 5m.</i> <i>Domestic water storage tanks up to 2m in height are exempt from this standard.'</i> The Section 42A Report recommendation was to reject this submission, as outlined in para 5.3.32 Vol 2 of Section 42A Report: <i>'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, I concur 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 are addressed. Therefore, I do not support the amendment as sought by James Bridge. However, I note my recommendation in Key Issue 6 of this report, in response to a submission from Surveying the Bay (S128.002) seeking 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 (refer sections 4.3.44 to 4.3.47 of this report). This may go some way to addressing some of the submitter's concerns.'</i></p>	<p>In light of the legal submissions presented on behalf of the submitter, I realise there has been some misunderstanding of the relief sought. My recommendation in the Section 42A Report did not fully appreciate that the submitter was seeking a smaller setback in situations <u>only where both sites</u> on either side of the boundary were 2.5ha or less. I consider that there will be situations where a lesser setback may be appropriate, particularly where the boundary is between two residential lifestyle sites. However, some sites of 2.5ha or less in the General Rural Zone may still be accommodating existing primary production activity. In that case, there may still be potential for reverse sensitivity issues to arise, that warrants consideration. However, there are already options available to developers in this regard. In the case of a subdivision in the General Rural Zone, Standard SUB-S4(1) of the PDP requires: <i>'For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone)'</i> In a situation where a subdivision is unable to nominate a complying building platform, the potential adverse effects of this become part of</p>

	<p>The legal submissions for James Bridge considers 'The effect of the amendment is to allow as a permitted activity a reduced setback of 5m from the boundary between relatively smaller lots in the General Rural Zone (i.e. lots 2.5ha or less)' (para 34 of legal submissions).</p> <p>'Many smaller lots in the General Rural Zone are clustered to minimise their impact on rural landscape values and natural character. Allowing smaller lots to cluster their dwellings will further facilitate this effort.</p> <p>The standard as currently drafted when combined with the proposed reduced minimum lot size in SUB-S2 to 2,500m² (which is supported by the 42A report) is likely to leave permitted lots with no permitted building platform:</p> <p>(a) Suppose you have a lot at the proposed minimum permitted size of 2,500m² and suppose that lot is perfectly square. The side of each lot would be 50 m. Requiring a setback of 15 m from all sides would leave a potential building platform of only 20m by 20m.</p> <p>(b) Most residential lots in the General Rural Zone are not square. The more irregular the smaller the permitted building platform will be. If the side of a lot is reduced to 40m, then the resulting permitted building platform will be only 10m wide which is unworkable' (para 36 of legal submissions).</p> <p>'The 42A reports principal reason for rejecting the submission is that "greater setbacks from primary production sites should be retained in order to ensure that reverse sensitivity issues adjacent to primary production sites are addressed". I submit that this issue is not engaged by the amendment proposed:</p> <p>The proposed amendment to the standard would only apply to internal boundaries "between sites of 2.5ha or less". Such sites are unlikely to be primary production sites and, if they are, they are unlikely to be of significance. The edges of clusters of smaller residential lots which are adjacent to large lots with primary production sites will continue to be subject to the 15m setback standard.</p> <p>Since the proposed amendment would not actually give rise to the situation raised by the s 42A author, their concern should be disregarded.</p> <p>The concerns raised by Horticulture NZ mirror those of the s 42A author and are addressed above' (paras 40-43 of legal submissions).</p>	<p>Council's consideration of the application. In situations like this, developers often apply for a land use consent to reduce setback requirements between sites at the same time as applying for subdivision consent.</p> <p>In the case of development of sites already established, I note that there is the option of applying for a Deemed Permitted Boundary Activity approval (pursuant to s87BA of the RMA), where written approval from the affected adjoining neighbour has been obtained.</p> <p><i>'For any proposals requiring resource consent due to the infringement of District Plan rules, it may be determined at this pre-application stage that the proposed activity is a 'boundary activity' (defined in section 87AAB(1) as an activity that "requires a resource consent because of the application of 1 or more boundary rules, but no other district rules, ...and no infringed boundary is a public boundary."'). If a proposed activity is a 'boundary activity', the council must treat the proposal as a permitted activity, and give notice to this effect, as long as written approval is provided by the relevant neighbour(s) and certain information is supplied to the council.'</i> (Quality Planning website)</p> <p>On that basis, I have not changed my position.</p>
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Key Issue 8 – Rural Lifestyle Zone

Issue/Plan Provision	Submitter Evidence	Response
25. RLZ-S5 Setback from Neighbours	<p>Hort NZ (S81.138, and FS17.77 opposing Surveying the Bay submission (S128.002) addressed in Key Issue 6 – refer para 4.3.44-4.3.47 Vol 2 of Section 42A Report) [Evidence of Lynette Wharfe, paras 7.67-7.80, p23/24]</p> <p>Hort NZ submission originally sought that the setbacks in RLZ-S5 include a separation distance from the boundary of the General Rural Zone or the Rural Production Zone of 15m (the Section 42A Report recommendation is to accept this aspect, as outlined in para 6.3.4 Vol 2 of Section 42A Report).</p> <p>Ms Wharfe considers 'However as a result of submissions by Surveying the Bay in Key Issue 6 the s42A Report is recommending that there be provisions for</p>	<p>I am comfortable with the further amendment sought in Ms Wharfe's evidence, to the recommended amendments for Standard RLZ-S5 sought by Surveying the Bay. I agree that at the zone boundary, there is a legitimate concern around greater potential for reverse sensitivity between a rural lifestyle-zoned site and an adjoining RPROZ or GRUZ site.</p> <p>Therefore, in my view, it is reasonable to apply a minimum 15m setback for residential activities from the zone boundary in the Rural Lifestyle Zone, and I agree that this is not necessarily an onerous requirement given 5m would still apply on all other boundaries.</p>

	<p>sites created before 28 May 2021 to have a minimum setback of 5m for residential activity.</p> <p>I do not support 5m setback of a rural lifestyle residential activity 5m from the zone boundary as the potential reverse sensitivity effects are significant' (paras 7.70 & 7.71 of Ms Wharfe's evidence)</p> <p>'I do not regard this to be an onerous requirement given 5m would still apply on other side or rear boundaries' (para 7.79)</p> <p>Hort NZ therefore seeks revised amendment to RLZ-S5(3) by adding (highlighted grey):</p> <p><u>'3. 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></p>	<p>I also note the option of a reduced boundary setback, with written approval from the affected adjoining neighbour, to be treated as a Deemed Permitted Boundary Activity pursuant to s87BA of the RMA.</p> <p>On this basis, I revise my recommendation and recommend the following revised wording (highlighted grey):</p> <p><i>RLZ-S5 Setbacks from Neighbours</i></p> <p><u>Sites created before 28 May 2021 and less than 4000m2 net site area</u></p> <p>...</p> <p><u>3. 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></p> <p>4.</p> <p>[Note: As per the recommendations above in relation to equivalent RPROZ-S6 & GRUZ-S5, the above provision also needs to be amended to apply 5m setback to sites created prior to PDP where 'less than' 4000m2, rather than 'greater than' 4000m2]</p>
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Key Issue 9 – Shading from Trees

Issue/Plan Provision	Submitter Evidence	Response
<p>26. GRUZ-P6 / RPROZ-P6 GRUZ-S6 / RPROZ-S7 GRUZ-AM2 / RPROZ-AM2</p>	<p>Hort NZ (S81.110, S81.151, S81.128 & S81.173, and FS17.115 & FS17.154 in support of Pork Industry Board submissions) [Evidence of Lynette Wharfe, paras 7.81-7.102, p24-27]</p> <p>Hort NZ's submission originally sought amendments to Policies GRUZ-P6/RPROZ-P6 to refer to 'manage location of trees', and sought either returning to the equivalent provisions as set out in the Operative District Plan, or further supported other submissions to delete the standards altogether. Hort NZ also further submitted in support of deleting Assessment Matters GRUZ-AM2/RPROZ-AM2.</p> <p>The s42A report recommended amendments to Policies GRUZ-P6/RPROZ-P6, but did not recommend deletion of Standards GRUZ-S6/RPROZ-S7 or Assessment Matters GRUZ-AM2/RPROZ-AM2 (as outlined in paras 7.3.1-7.3.14 Vol 2 of Section 42A Report).</p> <p>The Section 42A Report also recommended changing references to 'Shading of Land and Roads' to 'Effects of Continuous Tree Planting'.</p> <p>Ms Wharfe supports the recommended changes to the policies from 'avoid' to 'manage' (para 7.85 of Ms Wharfe's evidence), but opposes the recommended amendments 'which change the focus from 'adverse effects of shading from trees' as notified to 'adverse effects of continuous tree planting along boundaries'.</p> <p>This is a significant shift in the policy intent away from shading of trees, which no submitter sought' (paras 7.86 & 7.87 of Ms Wharfe's evidence)</p>	<p>I have not changed my overarching position that the proposed provisions in the PDP should address the potential adverse effects of continuous planting along boundaries on adjoining land and roads, and are an improvement on the Operative District Plan provisions they seek to replace, as stated in para 7.3.6 Vol 2 of Section 42A Report:</p> <p><i>'Unlike the Operative District Plan provisions which capture 'any tree planting (except for amenity tree planting) within 10m of the boundary of any property', the approach taken in the PDP is to capture only trees forming a continuous line for a distance of more than 20m within 10m of a property boundary or road boundary. In that respect, I do not agree with Hort NZ that reinstatement of the provisions of the Operative District Plan would be preferable in this respect. I consider the Operative District Plan provisions are more draconian, more complex to interpret (e.g. require determining whether trees will grow to 'shade a public road between the hours of 10am and 2pm on the shortest day of the year', and to 'shade a residential unit on a neighbouring property between the hours of 9am and 4pm on the shortest day of the year'), and introduce a third party written permission component from the affected landowner (a third party approval in this manner, is potentially ultra vires and in any event is not best practice). I also note that where the Operative District Plan standard is not met, the any tree planting other than amenity planting is deemed a Discretionary Activity. Under the provisions of the PDP, non-compliance with this standard would fall to a Restricted Discretionary activity status.'</i></p>

	<p>'The objectives of both GRUZ and RPROZ recognise the primary production activities in the zones and adverse effects are managed to maintain rural character.</p> <p>I do not find support in the objectives to amend the policy as recommended because the planting of trees contributes to rural character and are part of primary production activities.</p> <p>The standards in GRUZ-S6 and RPROZ-S7 set rules which covers all boundaries regardless of the proximity of a sensitive activity on an adjoining property. They are an arbitrary set of provisions regardless of the effects – both positive and adverse.</p> <p>There is no rationale or reasons set out in the s32 Report for the prescribed distances and heights.</p> <p>Submitters sought that the standards be deleted and HortNZ sought that provisions in the operative plan be used to replace the standards.</p> <p>The provisions in the operative plan provide a clear measurable outcome regarding shading by having a standard linked to shading of public roads between 10am – 2pm on the shortest day or residential units on neighbouring properties between 9am – 4pm on the shortest day. Such measures address the potential adverse effects and suitable species can be selected to meet that requirement and are targeted at specific areas which may be sensitive to shading from trees.</p> <p>Hastings District Plan has a rule in the Rural Zone for shading of land, buildings and roads (5.2.5G) which is limited to shelterbelts of more than 20m to be setback 5m from the boundary or the boundary of a road. There is no limitation on height. The outcome sought is that adjoining land will not be significantly adversely affected by shading and safety of roads will be maintained' (paras 7.91 to 7.97 of Ms Wharfe's evidence)</p> <p>Hort NZ consider that a number of changes to the provisions are appropriate and seek the following changes:</p> <p>a) Amend GRUZ-P6 and RPSOZ-P6: <i>Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</i></p> <p>b) RPROZ-S6 and GRUZ-S6 by deleting clause 1 b)</p> <p>c) Amend GRUZ-AM2 and RPROZ-AM2 by deleting clause 1a).</p> <p>Such an approach would be consistent with Hastings District Plan and address the issues of shading that were in the notified Plan' (paras 7.101 & 7.102 of Ms Wharfe's evidence)</p>	<p>Originally, the intent was to align these provisions with similar provisions contained in the Hastings District Plan, and I referred to, and included an excerpt of, Standard 6.2.5H Shading of Land, Buildings and Roads' (from the Plains Production Zone in the Hastings District Plan) in para 7.3.5 Vol 2 of my Section 42A Report. The Plains Production Zone in the Hastings District Plan is similar to the Rural Production Zone in the Central Hawke's Bay PDP.</p> <p>I note that Ms Wharfe refers to 'Standard 5.2.5G Shading of Land, Buildings and Roads' applying in the Rural Zone in the Hastings District Plan in her evidence (para 7.97 of Ms Wharfe's evidence) and offers a revised set of changes to the provisions which she identifies 'would be consistent with Hastings District Plan and address the issues of shading that were in the notified Plan' (para 7.102 of Ms Wharfe's evidence). The Rural Zone in the Hastings District Plan is similar to the General Rural Zone in the Central Hawke's Bay PDP.</p> <p>It is important to note here that Standards 5.2.5G and 6.2.5H in the Hastings District Plan differ. Standard 6.2.5H is almost 'word for word' the same as Standards GRUZ-S6 & RPROZ-S7 in the PDP – applying both minimum distance <u>and</u> height limitation clauses. Standard 5.2.5G however, does not contain the height limitation clause (being clause (1)(ii) in Standard 6.2.5H).</p> <p>The Hastings District Plan standards also refer to '<i>trees forming a shelterbelt for a distance of more than 20 metres</i>', whereas the Central Hawke's Bay PDP standards refers to '<i>trees forming a continuous line for a distance of more than 20 metres</i>'. This was an attempt in the PDP not to specifically single out shelterbelts, and I still support this approach.</p> <p>Ms Wharfe's recommended tracked changes appended to her evidence, are as follows (highlighted grey):</p> <ol style="list-style-type: none"> 1. Amend Policies GRUZ-P6 and RPROZ-P6, as follows: <i><u>To avoid adverse effects of shading from trees on adjoining roads and properties. Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></i> 2. Deleting clause (1)(b) from Standards GRUZ-S6 and RPROZ-S7, as follows: 				
<p>27. GRUZ-P6 / RPROZ-P6 GRUZ-S6 / RPROZ-S7</p>	<p>Federated Farmers (S121.183, S121.212, S121.195 & S121.225) [Evidence of Rhea Dasent, paras 33-38, p5/6]</p> <p>Federated Farmers submission sought amendments to Policies GRUZ-P6 & RPROZ-P6 to refer to 'manage' rather than 'avoid', and deletion of Standard GRUZ-S6/RPROZ-S7.</p>	<table border="1"> <tr> <th colspan="2" data-bbox="1325 1122 1892 1149">GRUZ-S6 / RPROZ-S7 Shading of Land and Roads</th> </tr> <tr> <td data-bbox="1325 1149 1472 1458">Trees on boundaries</td> <td data-bbox="1472 1149 1892 1458"> <ol style="list-style-type: none"> 1. <i>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:</i> <ol style="list-style-type: none"> a. <i>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</i> b. <i>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</i> </td> </tr> </table>	GRUZ-S6 / RPROZ-S7 Shading of Land and Roads		Trees on boundaries	<ol style="list-style-type: none"> 1. <i>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:</i> <ol style="list-style-type: none"> a. <i>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</i> b. <i>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</i>
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The Section 42A Report recommendation was to amend the Policies GRUZ-P6/RPROZ-P6, but not to delete Standards GRUZ-S6/RPROZ-S7 (as outlined in paras 7.3.1-7.3.13 Vol 2 of Section 42A Report).

Ms Dasent considers there is continued concern about the impact of these provisions on shelterbelts, and concern that 'An unnecessary limitation on tree planting will have a deleterious effect on farming' (para 34 of Ms Dasent's evidence)

'isn't convinced that the scale of the issue of shading justifies the strict level of regulation. The policy is specific in that it is the shading of trees that is the problem... The multiple facets focusing on tree height, length of the shelterbelt and a tree envelope contribute to a rule that is overly complicated, and redundant if the trees are on the southern side of the road' (para 35 of Ms Dasent's evidence)

Does not support changing the emphasis from 'shading of land and roads' to 'effects of continuous planting', and does not agree matters like health of vegetation; health of livestock; fire risk and safety risk of windfall are relevant issues – 'These issues are already dealt with through biosecurity regulations for vegetation health, animal welfare regulations for livestock health, Worksafe for safety, the Property Law Act 2007 for neighbour nuisance issues, and Electricity (Hazards from Trees) Regulations 2003 for trees near powerlines' (para 36 of Ms Dasent's evidence)

'Even plantation forestry doesn't have rules for the length of continuous planting, nor a maximum height, nor a tree envelope. Instead, the NES-PF 2017 Section 14 has a 10m setback from boundaries and must not shade a road between 10am and 2pm on the shortest day. Shelterbelts should not have more stringent rules than plantation forestry under the NES-PF' (para 37 of Ms Dasent's evidence)

Agrees with amendments proposed by Lynette Wharfe for Hort NZ.

	<i>of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</i>
<i>Trees adjoining public roads</i>	<i>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>

3. Delete clause (1)(a) from Assessment Matters GRUZ-AM2 and RPROZ-AM2, as follows:

'GRUZ-AM2 / RPROZ-AM2 Shading of Land and Roads

1. *Trees on Boundaries*

- 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.*
- 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.*
- c. *The degree to which trees may potentially damage structures due to wind fall or root growth.*

2. *Trees adjoining Public Roads*

- a. *The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.*
- b. *The degree to which trees may potentially cause a road safety risk due to wind fall.'*

Ms Dasent, in para 38 of her evidence, agreed with the amendments suggested by Ms Wharfe (above – Note: Federated Farmers have not submitted in respect of Assessment Matters GRUZ-AM2 & RPROZ-AM2 however).

It would appear from the evidence of Ms Wharfe (Hort NZ) and Ms Dasent (Federated Farmers), that they do not consider the adverse effects of continuous trees along boundaries on the health of vegetation or stock, or the risk of fire, as being particular issues for Central Hawke's Bay, and that it is only shading effects that they consider warrant any consideration in the PDP.

I have considered their evidence and, given that both these parties represent those most likely to be affected by the provisions on either side of the 'boundary', I am comfortable with the revised amendments to Standards GRUZ-S6 & RPROZ-S7 and Assessment Matters GRUZ-AM2 & RPROZ-AM2 suggested by Ms Wharfe (above), if the Panel is of a mind to agree. **I revise my recommendations** accordingly.

However, I recommend that the revised wording of Policies GRUZ-P6 & RPROZ-P6 still follow the word structure employed throughout the PDP, as follows (highlighted grey):

To manage location of trees so that adjoining public roads and properties are not adversely affected by shading.'

Key Issue 10 – Rural Noise

Issue/Plan Provision	Submitter Evidence	Response
<p>28. NOISE-S5 (27), (28) & (29) – Audible Bird Scaring Devices</p>	<p>Hort NZ (S81.103) [Evidence of Lynette Wharfe, paras 7.105-7.113, p27/28] Ms Wharfe considers: ‘NOISE S5 (27-29) provides for audible bird scaring devices subject to three standards. HortNZ sought that Standard 29 be amended to 65dB A_{SEL} rather than 50dBA LA_E. A level of 65dB A_{SEL} is consistent with other district plans: Western Bay of Plenty, Horowhenua, Gisborne, Marlborough, Whangarei and Hurunui are all based on 65dBA. The s42A Report (8.3.4) refers to a discussion with the acoustic expert who considers that 50dB LA_E is necessary to manage that audible avian distress alarm type of bird scaring devices. In my opinion, such an approach is penalising users of percussive audible bird scaring devices which can operate at 65dBA SEL. Some plans, such as Hastings, have different standards for the different devices. I support that approach because the limits then reflect the effects of the different devices. In my opinion S5(29) could be amended as follows: <u>Where audible sound is used over a short of variable time duration no event from an avian distress alarm shall exceed 50dBA LAE or 65dBA SEL from a percussive audible bird scaring device when assessed at the notional boundary of any other site in the General Rural, Rural Production Zone or Rural Lifestyle Zone or within the site boundary of any site in the General Residential or Settlement Zones</u>’ (paras 7.105-7.113 of Ms Wharfe’s evidence)</p>	<p>I defer to the response in the Memorandum from Marshall Day Acoustics in this matter (appended to this Right of Reply) and note that there has been no other expert noise evidence presented to the Panel. On that basis, I have not changed my position as set out in paras 8.3.4-8.3.6 Vol 2 of Section 42A Report: <i>‘I have discussed Hort NZ’s proposed amendments to clauses 27 & 29 of Standard NOISE-S5 relating to ‘audible bird scaring devices’ with Council’s acoustic expert, Damian Ellerton (Marshall Day Acoustics) who has advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be ‘within the notional boundary’.</i> <i>However, in his view, the change to the proposed noise limits for bird scaring devices is not recommended, for the following reasons:</i> <i>‘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.</i> <i>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 HortNZ 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 Lzpeak noise limit of 100dB for percussive bird scaring noise because it is more practical way to measure that type of noise.’</i> <i>On the basis of the acoustic advice above, I recommend 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) ...’</i></p>
<p>29. NOISE-S5 (30) – Frost Fans</p>	<p>Hort NZ (S81.104) [Evidence of Lynette Wharfe, paras 7.114-7.120, p28] Hort NZ’s submission sought that the noise level for frost fans be amended to 65dB LA_{eq} 15min, and for measurement at the notional boundary for the Rural Lifestyle Zone. Ms Wharfe states ‘The s42A Report writer has discussed this with the acoustic consultant, who recommends amendment to measurement at the notional boundary but sets out three reasons why he considers an increase in the noise level is not appropriate. I disagree with the reasons provided because mediation in the Environment Court is confidential to the parties in the room and general consensus of acoustic experts in a specific case should not be taken as a precedent for a district plan rule. While the Environment Court adopted a limit of 55dB LA_{eq} in Marlborough there are other plans that have a higher limit, including Hastings.</p>	<p>I defer to the response in the Memorandum from Marshall Day Acoustics in this matter (appended to this Right of Reply) and note that there has been no other expert noise evidence presented to the Panel. On that basis, I have not changed my position as set out in paras 8.3.7-8.3.9 Vol 2 of Section 42A Report: <i>‘As for bird scaring devices above, I have 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 has similarly advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be ‘within the notional boundary’.</i> <i>However, in his view, the change to the proposed noise limits for frost fans is not recommended, for the following reasons:</i> <i>‘I disagree that a noise level of 65dB LA_{eq} 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</i></p>

	<p>I note that the proposed provision is taken over a 10minute time frame whereas the Environment Court decision had a 15 minute timeframe over which the noise would be assessed.</p> <p>A 15 minute time frame better provides for the fluctuations in sound from a frost fan.</p> <p>In my opinion NOISE S5 (30) should be amended to 55dB LA_{eq} (15 mins)¹ (paras 7.114-7.120 of Ms Wharfe's evidence)</p>	<p><i>(Marlborough and Hurunui) use 55dB LA_{eq} noise limit – which compared to typical night-time noise limit of 40-45dB LA_{eq} 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 LA_{eq} 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 LA_{eq} be used.'</i></p> <p><i>On the basis of the acoustic advice above, I recommend 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)...</i></p>
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Key Issue 11 – Rural Subdivision

Issue/Plan Provision	Submitter Evidence	Response
<p>30. SUB-R5 Subdivision to create a Lifestyle Site(s)</p>	<p>Hort NZ (S81.081) [Evidence of Lynette Wharfe, paras 7.121-7.135, p29/30]</p> <p>Hort NZ's submission sought RDIS status for lifestyle subdivision in the RPROZ in the first instance, rather than CON.</p> <p>The Section 42A Report recommendation was to reject this submission.</p> <p>Ms Wharfe states 'I do not concur with the assessment (9.3.27) that a controlled activity status is appropriate in the Rural Production Zone.</p> <p>The objectives and policies are very clear about enabling primary production activities, avoiding fragmentation, maintaining rural character and avoiding reverse sensitivity effects' (paras 7.126 & 7.127 of Ms Wharfe's evidence)</p> <p>'I do not consider that a policy direction of 'avoid' can be achieved through a controlled activity consent.</p> <p>The rule framework needs to enable a full evaluation of the effects of the subdivision and the ability to decline the application if it is shown to contribute to fragmentation of land or limit the use of land for primary production purposes.</p> <p>A default activity standard of Discretionary where standards cannot be met is appropriate' (paras 7.132-7.134 of Ms Wharfe's evidence)</p>	<p>I have not changed my position as set out in para 9.3.27 Vol 2 of Section 42A Report:</p> <p><i>'With respect to the submissions seeking a more restrictive activity status for rural lifestyle subdivision in the Rural Production Zone (Hort NZ & Silver Fern Farms), I concur 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. However, I consider the current Controlled activity status for complying rural lifestyle subdivision provides clear messaging to landowners about what rural lifestyle subdivision is anticipated and deemed acceptable in the zone, and 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.'</i></p> <p>I disagree with the submitter that a Controlled Activity status does not accord with the policy direction given that the conditions that apply to lifestyle subdivision in the RPROZ include a requirement that (Rule RPROZ-R5):</p> <ul style="list-style-type: none"> - the lifestyle site is based around an existing residential unit that has a net site area less than 12ha (clause (5)(a)(i)); and - that no additional sites are created and amalgamation of the balance lot is required (clause (5)(a)(ii)); and - that the newly amalgamated sites are adjoining and combine to a net site area greater than 12ha (clause (5)(a)(iii)); <p>and where these conditions are not met, the activity reverts to Discretionary Activity status (clause (7)).</p> <p>In my view, all these conditions work to achieve the policy direction in the PDP in terms of avoiding fragmentation of the highly productive land of the District, and can also result in the creation of lots with a greater net site area than existed prior to the subdivision, which would have a positive</p>

		<p>effect on the District's highly productive land. In allowing the creation of a lifestyle lot around an existing dwelling, with these conditions in place, this rule approach incentivises the amalgamation of existing non-complying lots (less than the proposed minimum net site area of 12ha) in order to achieve complying lots (12ha or more) over time. This has been the experience in Hastings with a similar lifestyle subdivision approach. For that reason, a Controlled Activity status, subject to compliance with the accompanying conditions, is appropriate.</p>
<p>31. SUB-AM12(3)(b)</p>	<p>Silver Fern Farms (S116.025) [Evidence of Steven Tuck, paras 6.1-6.8, p13-15]</p> <p>Silver Fern Farm's submission sought an amendment to clause (3)(b) of Assessment Matter SUB-AM12 to contemplate the registration of a covenant or consent notice precluding further lifestyle site subdivision of amalgamated non-contiguous lots created as a balance from an earlier lifestyle site subdivision.</p> <p>The Section 42A Report recommendation was to reject this submission.</p> <p>Mr Tuck considered this would provide more certainty about retention of the balance lot in whole, than the "somewhat ambiguous "low" likelihood statement in the notified provision does". He requests that the assessment matter be amended as requested.</p>	<p>I have considered the evidence of Mr Tuck, and there is a suggestion that this standard should refer to a covenant or consent notice requiring land to be held together to be referred to as a mechanism which might provide more surety that amalgamated titles will continue to be held together and not later be sought to be subdivided on the basis they cannot be used as a productive whole.</p> <p>Section 220(1)(b) RMA provides that a condition of subdivision may require:</p> <p><i>subject to subsection (2), a condition that any specified part or parts of the land being subdivided or any other adjoining land of the subdividing owner be—</i></p> <ul style="list-style-type: none"> (i) <i>transferred to the owner of any other adjoining land and amalgamated with that land or any part thereof; or</i> (ii) <i>amalgamated, where the specified parts are adjoining; or</i> (iii) <i>amalgamated, whether the specified parts are adjoining or not, for any purpose specified in a district plan or necessary to comply with any requirement of the district plan; or</i> (iv) <i>held in the same ownership, or by tenancy-in-common in the same ownership, for the purpose of providing legal access or part of the legal access to any proposed allotment or allotments in the subdivision:</i> <p>Section 220(2) then provides:</p> <p><i>For the purposes of subsection (1)(b)—</i></p> <ul style="list-style-type: none"> (a) <i>where any condition requires land to be amalgamated, the territorial authority shall, subject to subsection (3), specify (as part of that condition) that such land be held in 1 record of title or be subject to a covenant entered into between the owner of the land and the territorial authority that any specified part or parts of the land shall not, without the consent of the territorial authority, be transferred, leased, or otherwise disposed of except in conjunction with other land; and</i> <p>Section 241 then applies to direct how an amalgamation is to be recorded on a title, and similarly, how an amalgamation condition may be cancelled (s 241(3)).</p> <p>Given amalgamation is covered by the RMA, I do not consider that the suggested reference to the applicant offering a consent notice or covenant is necessary nor appropriate.</p> <p>It is not necessary because the requirement to amalgamate already contains sufficient security that the sites cannot be later separated without the territorial authority's approval (s 241(3)) and provides a range of mechanisms to secure the amalgamation.</p>

		<p>In my view it is not appropriate to refer to those mechanisms because it suggests that an applicant could somehow improve their prospects of having consent granted by offering a consent notice or covenant, when that is inherent in the proposal to amalgamate (i.e. it does not add anything to what is already being proposed). It may also suggest one mechanism of amalgamation is preferred to others available under the Act, whereas I consider it preferable to retain all options available under s 220 RMA.</p> <p>As such, I do not consider the additions sought should be supported. I have not changed my position and remain of the view that the submission be rejected.</p>
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Key Issue 12 – Artificial Crop Protection Structures, Workers & Seasonal Workers Accommodation

Issue/Plan Provision	Submitter Evidence	Response
<p>32. GRUZ-RXX / RPROZ-RXX Artificial Crop Protection Structures</p>	<p>Hort NZ (S81.114 & S81.157 and 81.127 & S81.172) [Evidence of Lynette Wharfe, paras 8.1-8.16, p30/31]</p> <p>Hort NZ's submission sought inclusion of a separate Permitted Activity rule in the General Rural and Rural Production Zones providing for Artificial Crop Protection Structures, subject to conditions. The submission also sought inclusion of a separate setback applying to artificial crop protection structures within Standards GRUZ-S5 & RPROZ-S6 Setback from Neighbours.</p> <p>The Section 42A Report recommendation was to incorporate new Permitted Activity rules, and a specific minimum setback from side and rear boundaries of 1m, for 'artificial crop protection structures' in the General Rural and Rural Production Zones, but with slightly altered wording from that sought by the submitter (as outlined in paras 2.3.1-2.3.4 Vol 3 of Section 42A Report).</p> <p>Ms Wharfe considers 'One of the reasons why they have included a specific rule for artificial crop protection structures is because the nature of the structures don't fit neatly within the planning framework for buildings and structures, so a bespoke response has been considered the most appropriate.' (para 8.4 of Ms Wharfe's evidence)</p> <p>'There is uncertainty as to whether a cover of permeable material constitutes a 'roof'.</p> <p>There is no definition of 'roof' in the RMA, National Planning Standards, Building Act 2004 or the Building Code.</p> <p>The Building Code does have performance standards in relation to roofs with the clear expectation that they prevent external moisture entering (Clause E2).</p> <p>On that basis, the horizontal cloth cover on an artificial crop protection structure will not be a 'roof' and so not a building under the National Planning Standards definition and the definition in the PCHBDP.</p> <p>It is my understanding that the bespoke rule for artificial crop protection structures is working very well in district plans as it includes all the requirements for the structures within the one rule and there is clarity as to what is required.</p>	<p>Although not specifically addressed in the wording of the new rules sought in Hort NZ's original submission, it is appropriate to reference the setback standards in the respective new rules in order to capture and invoke those setback standards within the rule framework adopted for the PDP.</p> <p>I consider this can be added as a 'consequential amendment' as part of adopting the new specific setback standard, and I revise my recommendation to also insert reference to the setback standard within the recommended new rule, as follows (highlighted grey), and similar for the equivalent RPROZ rule:</p> <p><u><i>GRUZ-RX Artificial Crop Protection Structures</i></u></p> <p><u><i>1. Activity Status: PER</i></u></p> <p><u><i>Where the following conditions are met:</i></u></p> <p><u><i>a. Limited to:</i></u></p> <p><u><i>i. Use of green or black cloth on vertical faces within 30m of the site boundary;</i></u></p> <p><u><i>ii. Use of green, black, or white cloth on horizontal surfaces.</i></u></p> <p><u><i>b. Compliance with:</i></u></p> <p><u><i>i. GRUZ-S2 Height of Buildings;</i></u></p> <p><u><i>ii. GRUZ-S5(4) Setback from Neighbours;</i></u></p> <p><u><i>ii. GRUZ-S7 Electrical Safety Distances; and</i></u></p> <p><u><i>iii. GRUZ-S13 Setbacks from National Grid.</i></u></p>

	<p>The rule that is sought in the HortNZ submission was developed for the Western Bay of Plenty District Plan in conjunction with stakeholders, such as NZTA, to ensure that potential adverse effects were adequately addressed. The limitation of cloth colour adjacent to roads and boundaries arose out of that process to ensure that the reflectivity of the cloth did not present a risk as white cloth adjacent to a road was considered to be a potential glare hazard, otherwise a greater setback would be required. Limitations of colour adjacent to boundaries was to limit amenity effects.’ (paras 8.7-8.12 of Ms Wharfe’s evidence)</p> <p>‘I do note that there is one amendment required regarding setbacks from neighbours.</p> <p>GRUZ-S5 and RPROZ-S6 are recommended to be amended to include a specific setback for artificial crop protection structures but the new recommended rules do not include a reference to the standards.</p> <p>Therefore GRUZ-RXX Artificial crop protection structures and RPROZ-RXX Artificial crop protection structures should both be amended by adding either GRUZ S5 or RPROZ-S6 to the list in 1 b).’ (paras 8.14-8.16 of Ms Wharfe’s evidence)</p>	
<p>33. RPROZ-S2 Total Building Coverage</p>	<p>Hort NZ (S81.168) [Evidence of Lynette Wharfe, paras 8.17-8.23, p31/32]</p> <p>Hort NZ’s submission sought the deletion of wording in Standard RPROZ-S2, as follows:</p> <p><i>‘RPROZ-S2 Total Building Coverage</i></p> <p><i>All</i></p> <ol style="list-style-type: none"> <i>1. Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m2, whichever is the lesser, except:</i> <ol style="list-style-type: none"> <i>a. for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m2, whichever is the lesser.</i> <i>2. Netting, structures (including artificial crop protection structures), and greenhouses where crops are grown under or within those structures directly in the soil of the site, are excluded from total building coverage calculations.</i> <p>The Section 42A Report recommendation was to reject this submission.</p> <p>Ms Wharfe considers ‘This submission point is addressed at 2.3.3 of the s42A Report and is rejected on the basis that productive soil could be lost unless the limitation exists.</p> <p>In my opinion the soil would not be lost to production as it would be either under the structure or utilised on the site.</p> <p>Greenhouses are a horticultural growing system and it is important that they can establish where there are adequate services to support the system.</p> <p>A limitation as in RPROZ-S2 is constraining in that regard.</p> <p>The National Planning Standards does not distinguish greenhouses or classify them as intensive indoor primary production so, in my opinion, the district plan should regard them as an appropriate primary production system.’ (paras 8.18-8.22 of Ms Wharfe’s evidence)</p>	<p>The issue appears to be that the submitter considers greenhouses where horticulture is grown on hardstand should not be restricted in the RPROZ (the District’s valuable highly productive land). However, I remain of the opinion that while such greenhouse systems are growing crops in the productive zone and are a legitimate primary production system, the growing of the crops does not in itself rely on the quality of the soils beneath the hardstand. The hardstand not only removes the ability to use the soils beneath (potentially forever) but such horticultural growing systems could in fact be located outside the RPROZ, including zones where the soils have no productive qualities at all.</p> <p>It should be noted that this standard is only in relation to the total building coverage threshold for the RPROZ, not the horticultural activity itself, which is still permitted as a primary production activity (subject to compliance with the standards).</p> <p>I consider this approach is consistent with Objectives RPROZ-O2 and RPROZ-O3, which seek to protect the rural land resource from being compromised by inappropriate building and development, and that activity do not reduce the potential for the highly productive land of the District to be used in a productive and sustainable manner.</p> <p>Therefore, I have not changed my position as set out in para 2.3.3 Vol 3 of the Section 42A Report:</p> <p><i>‘However, I do not support amendment of Standard RPROZ-S2, as sought by Hort NZ, that would effectively exclude all greenhouses from the total building coverage calculation. As currently written, this standard only excludes greenhouses from the building coverage calculation ‘where crops are grown under or within those structures directly in the soil of the site’. This reflects the intent of the standard, which is to limit the loss of productive soils. Where a greenhouse is established on hardstand, any productive soils beneath are likely lost, whereas the productive soils</i></p>

		<p><i>supporting crops grown under or within greenhouses where they are directly in the soil of the site are still available for current and future generations. This is an important distinction, and I recommend that this aspect of the standard be retained as notified.'</i></p>						
<p>34. GRUZ-R2 / RPROZ-R2 Seasonal Workers Accommodation</p>	<p>Hort NZ (S81.113 & S81.156) [Evidence of Lynette Wharfe, para 8.24-8.43, p32/33]</p> <p>Hort NZ's submission sought deletion of either Permitted Activity condition (1)(a)(i) (max floor area 125m²) or condition (1)(a)(ii) (max 24 people accommodated) and sought inclusion of a requirement to be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation, in Rules GRUZ-R2 & RPROZ-R2.</p> <p>The Section 42A Report recommendation was to reject this submission.</p> <p>Ms Wharfe clarifies in her evidence that 'The submissions actually sought the deletion of EITHER 1 a) i) OR 1) a) ii) – not both.' (para 8.31)</p> <p>MS Wharfe considers 'It is highly unlikely that 24 people could be accommodated in 125m² so there is somewhat of a disjunct between the two thresholds.</p> <p>Other plans have used a range of thresholds for a permitted activity:</p> <p>(a) Opotiki – no more than 12 workers</p> <p>(b) Selwyn – Recommended to be no more than 12 workers</p> <p>(c) Hastings – 125m²</p> <p>The number of 12 workers was established as it basically equates to a van load of workers who could then be transported to site in the one vehicle and restricts the effects of the permitted activity.</p> <p>Likewise the limitation of the area limits the level of effects' (para 8.32-8.35)</p> <p>'The purpose for seeking reference to the Code of Practice for Seasonal Worker accommodation is linked to provision for disability structures, which the Code of Practice acknowledges are not necessary where the expectation for seasonal workers is that they are able bodied, as set out in 2.3.16 of the s42A Report.</p> <p>There were a number of issues that arose from growers seeking consents for seasonal worker accommodation and being required to put in disability access and facilities which were not relevant to the type of accommodation being established.</p> <p>Rather than specifying that disability facilities are not required, compliance with the Code of Practice provided a link for council to assess the appropriateness of the proposed facilities.</p> <p>The Code of Practice for Seasonal Worker Accommodation has been adopted in a number of district plans and appears to have addressed the issue that was previously of concern.</p> <p>It also ensures that the accommodation is of an adequate standard for the purposes of housing workers' (paras 8.36-8.40)</p> <p>Ms Wharfe's seeks deletion of clause (1)(a)(ii) and replacement with <u><i>'Is in accordance with the Code of Practice for Seasonal Worker Accommodation'</i></u>.</p>	<p>I can confirm that this submission point was interpreted and summarised incorrectly in the Council's notified 'Summary of Submissions', as seeking <u>both</u> criteria in clause (1)(a) be deleted. However, I do not believe this error has disadvantaged anyone who may otherwise have further submitted on this matter and, having sought advice from Council's legal counsel, I do not consider re-notification of the summary of this submission point is required.</p> <p>My recommendation as set out in para 2.3.13 & 2.3.20, was on the basis of the above incorrect interpretation of the submission, as having sought deletion of both criteria.</p> <p>After considering the evidence of Ms Wharfe, I agree that one of the two criterion is sufficient, given that it is unlikely that 24 people could be accommodated in 125m² in any case. I am therefore comfortable recommending deletion of the maximum people accommodated criterion in condition (1)(a)(ii) and retention of the permitted gross floor area limit of 125m² in condition (1)(a)(i) (which largely aligns with the approach to seasonal worker accommodation in the Hastings District Plan).</p> <p>However, I have not changed my position as set out in para 2.3.19 Vol 3 of the Section 42A Report, in respect of inserting a Permitted Activity condition that seasonal worker accommodation be 'in accordance with the Code of Practice for Seasonal Worker Accommodation' (refer details of the Code provided in para 2.3.16 Vol 3 of the Section 42A Report):</p> <p><i>'...I do not consider the Code provides any relevant limitations that can be applied in a District Plan rule framework setting, and relates almost exclusively to Building Consent application or Department of Labour matters, as opposed to matters relevant to potential effects on the environment.'</i></p> <p>On the basis of the above, I revise my recommendation to 'accept in part' the submission of Hort NZ, and recommend amendments to Rules GRUZ-R2 and RPROZ-R2, as follows:</p> <table border="1" data-bbox="1241 1101 1976 1453"> <thead> <tr> <th colspan="2" data-bbox="1241 1101 1976 1149">GRUZ-R2 (and equivalent RPROZ-R2) Seasonal workers accommodation</th> </tr> </thead> <tbody> <tr> <td data-bbox="1241 1149 1604 1385"> <p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. A maximum gross floor area of 125m². ii. A maximum number of people to be accommodated on site of 24. iii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production. iv. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan). </td> <td data-bbox="1604 1149 1976 1385"> <p>2. Activity status where compliance with condition GRUZ-R2(1)(b) is not achieved: RDIS Matters over which discretion is restricted:</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. </td> </tr> <tr> <td colspan="2" data-bbox="1241 1385 1976 1453"> <p>3. 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<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. A maximum gross floor area of 125m². ii. A maximum number of people to be accommodated on site of 24. iii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production. iv. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan). 	<p>2. Activity status where compliance with condition GRUZ-R2(1)(b) is not achieved: RDIS Matters over which discretion is restricted:</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 condition GRUZ-R2(1)(a) is not achieved: RDIS</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>Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).</p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities. b. Whether the scale and design of the proposed building complements the character of the area. c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling established in an adjoining zone within 100m of the activity. d. Whether soil values have been taken into account in selecting the site for the building. e. Whether traffic generation associated with the number of occupants will adversely impact on the road network. f. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design and appearance of buildings. <p>4. Activity status where compliance with condition GRUZ-R2(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition GRUZ-R2(1)(d) is not achieved: NC</p>
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Key Issue 13 – Intensive Primary Production Definitions, Issues, Objectives & Policies

Issue/Plan Provision	Submitter Evidence	Response
35. Definitions	<p>Federated Farmers (S121.238) (Evidence of Rhea Dasent, paras 42-46, p7/8]</p> <p>Federated Farmers' submission sought to ensure that the definition of 'Intensive Primary Production' not capture normal pastoral farming activities where animals are temporarily sheltered inside structures, by amending the notified version of the definition as follows:</p> <p><i>INTENSIVE PRIMARY PRODUCTION refers to any of the following:</i></p> <ol style="list-style-type: none"> 1. <i>commercial livestock (excluding the farming of mustelids) kept and fed permanently in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover</i> 2. <i>land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets</i> 3. <i>farming of mushrooms or other fungi</i> 4. <i>commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.</i> <p>The Section 42A Report recommendation was to reject this submission, and in response to other submissions instead replace the definition of 'Intensive Primary Production' with the following:</p>	<p>While Federated Farmers are not a submitter or further submitter in respect of the requested definition of 'Intensive Outdoor Primary Production' definition, which was recommended in response to Pork Industry submission (S42.005), they are a submitter in respect of the broader definition of 'Intensive Primary Production'.</p> <p>With this in mind, I accept there may be an unintended consequence of including the three definitions as recommended in para 3.3.9 Vol 3 of the Section 42A Report, in terms of inadvertently capturing feed pads and stand-off pads under the definition of 'Intensive Outdoor Primary Production' which is effectively included now as a subset of the broader definition of 'Intensive Primary Production' which is then the term that is used throughout the PDP, and specifically regulated in the PDP (i.e. subject to GRUZ-R14 & RPROZ-R14).</p> <p>The intention was <u>not</u> to capture feed pads and stand-off pads in the definition of 'Intensive Primary Production' as notified, and the expectation was for them to fall within the definition of 'Primary Production' and provided for accordingly (i.e. subject to GRUZ-R3 & RPROZ-R3).</p> <p>To address this, I revise my recommendation and recommend amending the definition of 'Intensive Outdoor Primary Production' as proposed by the Pork Industry (and subsequently recommended in the Section 42A Report), as follows (highlighted grey):</p>

	<p><u>INTENSIVE PRIMARY PRODUCTION</u> <u>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</u></p> <p>And insert new definitions for 'Intensive Indoor Primary Production' and 'Intensive Outdoor Primary Production' as follows:</p> <p><u>INTENSIVE INDOOR PRIMARY PRODUCTION</u> <u>means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.</u></p> <p><u>INTENSIVE OUTDOOR PRIMARY PRODUCTION</u> <u>means any primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover.</u></p> <p>Ms Dasent agrees with adopting the National Planning Standards definition of 'Intensive Indoor Primary Production' but disagrees that it should be separated into Intensive Indoor Primary Production and Intensive Outdoor Primary Production. (para 43)</p> <p>Ms Dasent considers that 'the definition of Intensive Outdoor Primary Production will exacerbate my concern that normal pastoral farming will be inappropriately included and regulated' (para 44) and wants it deleted (para 46).</p> <p>'Feedpads and stand-off pads do not have pasture or ground cover, yet are a normal feature of pastoral farming. Many farmers would have used feed pads or areas for weeks or even months during the 2020 drought to feed stock with supplementary feed while the rest of the farm recovers pasture. Stand-off pads are an important farm management tool to protect vulnerable soil from pugging during wet weather, or to empty out stock before transport. Neither of these normal farm practices, which are necessary for environmental and animal welfare purposes, should be defined as intensive primary production.' (para 45)</p>	<p><u>'means any primary production activities involving the keeping or rearing of livestock on a permanent basis (excluding calf-rearing for a specified time period), that principally occurs outdoors in outdoor enclosures on a particular site, which by the nature of the activity, precludes the maintenance of pasture or ground cover.'</u></p> <p>I consider the addition of reference to 'a permanent basis' clarifies that use of feedlots and standoff pads are not captured, and therefore I do not consider further changes are necessary to clarify this. However, should the Panel consider 'feedpads' and 'standoff pads' should be expressly excluded, then definitions of those terms would be required.</p> <p>Definitions for feedpads and stand-off pads have been developed by the Hawke's Bay Regional Council and Dairy NZ, as follows (which could provide some assistance):</p> <p><u>'A feedpad is an area of land to which animals are brought for supplementary feeding on a regular basis, where the stocking density or feedpad structure precludes the maintenance of pasture or groundcover'</u> (from HBRC 'Feedlots and Feedpads' Factsheet, Winter 2020¹)</p> <p><u>'A stand-off pad is a purpose built, drained loafing area where stock can be held for long periods when it is not suitable to have them on pasture. In most cases, stand-off pads are not a place to feed animals but a large area for stock to lie down. It may however be next to a feeding area'</u> (Dairy NZ website²)</p>
36. New Policy RPROZ-PXX	<p><u>Te Mata Mushrooms</u> (S102.075) [Evidence of Claire Price, paras 9.1-9.6, p11/12]</p> <p>Te Mata Mushrooms submission originally sought a new policy be introduced in the Rural Production Zone, as follows:</p> <p><u>Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.</u></p> <p>The recommendation in the Section 42A Report was to reject this submission.</p> <p>Ms Price considers 'The intention of the policy is not to cast over other policies in the Rural Production Zone, but to sit alongside and be another consideration that</p>	<p>In my view, the revised wording is similarly unnecessary. Further, it is very unclear what 'well functioning and operating intensive primary production activities' means, e.g. does 'well functioning and operating' relate to efficiency of production versus the level of capital investment? or minimising of environmental effects? or does it apply to the effective management structure of the company that is operating the activities? I consider that the revised policy is also imprecise.</p> <p>Therefore, I have not changed my position as set out in paras 3.3.20-3.3.22 Vol 3 of Section 42A Report:</p> <p><i>'I do not support the inclusion of an additional policy in both the General Rural and Rural Production Zones, as sought by Te Mata Mushrooms, seeking to specifically recognise the economic benefits, and social and</i></p>

¹ <https://www.hbrc.govt.nz/assets/Document-Library/Information-Sheets/Land/Feedlot-infosheet-HBRC.pdf>

² <https://www.dairynz.co.nz/business/infrastructure-investment/off-paddock-facilities/stand-off-pad/#:~:text=A%20stand%20Doff%20pad%20is,next%20to%20a%20feeding%20area.>

	<p>future decision makers would find helpful in understanding the full breadth of matters pertaining to intensive primary production activities.</p> <p>To that end, I have rewritten the policy and consider it can be an effective and efficient way to achieve Objective RPROZ-01.</p> <p>...</p> <p><u>To consider the economic benefits derived from well functioning and operating intensive primary production activities, and flow on benefits to the wellbeing of the local community.</u></p> <p>I consider there is scope within Submission point S102.075 to make these minor wording changes' (paras 9.3-9.6 of Ms Price's evidence)</p>	<p><i>cultural wellbeing, of well-functioning and operating intensive primary production activities in the District.</i></p> <p><i>In my view, the policy sought is too broad in terms of the wide range of activities referenced, and with the additional wording proposed for the General Rural and Rural Production Zone introductions, issues, objectives and policies as recommended above, the value of primary production including intensive primary production to Central Hawke's Bay will be sufficiently well recognised in the proposed policy framework.</i></p> <p><i>Further, positive effects are able to be considered as part of assessing a resource consent for intensive primary production activities through the section 104 RMA assessment. Section 104(1)(a) requires the consent authority to have regard to any actual or potential effects, including positive effects.'</i></p>
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Key Issue 14 – Intensive Primary Production Rules, Standards, Assessment Matters etc

Nil

Key Issue 15 – Rural Industry Definitions, Issues, Objectives & Policies

Issue/Plan Provision	Submitter Evidence	Response
37. General	<p>Federated Farmers (S121.) [Evidence of Rhea Dasent, para 49, p8]</p> <p>Ms Dasent supports 'Section 42a Report's recommendation to define rural industry as being unique from other industrial activities, and that it is appropriately located in the rural zones' (para 49)</p>	N/A – included for further context
38. National Planning Standards – Zone Framework	<p>Hort NZ (S81.026, S81.108, S81.139, S81.148, FS17.14, FS17.18, FS17.82, FS17.83, FS17.86, FS17.88, FS17.119, FS17.120, FS17.121, FS17.124, FS17.126) [Evidence of Lynette Wharfe, paras 8.61-8.72, p35/36]</p> <p>Hort NZ's submission sought inclusion of a definition of 'Rural Industry' in the PDP, and various amendments to the RLR, GRUZ & RPROZ chapters to explicitly recognise rural industry that requires a rural location within the issues, objectives and policies of those chapters.</p> <p>The evidence of Ms Wharfe discusses approach to rural industry as follows: 'Rural industry is specifically identified in the National Planning Standards Zone descriptions as being appropriate in the Rural Production Zone and the General Rural Zone.</p> <p>I note that in 5.3.23 the s42A Report writer considers that the National Planning Standards are 'guides' and that they do not translate into mandatory direction, as this is the prerogative of each council.</p> <p>I consider that the Zone descriptions in the National Planning Standards provide clarity as to what could reasonably be anticipated in the respective zones and that inclusion of a definition of rural industry and specific reference to rural</p>	<p>Ms Wharfe's evidence, at para 5.5, states that "<i>The National Planning Standards provide guidance in the Zone Framework, which has descriptors for respective zones. The zone descriptors for the General Rural Zone, Rural Production Zone and Rural Lifestyle Zone are relevant to consideration of the Rural Environment in the PCHBDP</i>". She essentially suggests that the National Planning Standard zone descriptors are required to be reflected in the content of the rules for each zone.</p> <p>I disagree with Ms Wharfe's analysis of how the Standards work. The 'Purpose' section of the Standards states (emphasis added): '<i>The purpose of the first set of national planning standards (the planning standards) is to improve the efficiency and effectiveness of the planning system by providing nationally consistent:</i></p> <ul style="list-style-type: none"> • <i>structure</i> • <i>format</i> • <i>definitions</i> • <i>noise and vibration metrics</i> • <i>electronic functionality and accessibility for regional policy statements, regional plans, district plans and combined plans under the Resource Management Act 1991 ('RMA').</i>

	<p>industry in the descriptors for the General Rural Zone and the Rural Production Zone indicate that this is a matter for council to consider and address.</p> <p>I support the approach of the National Planning Standards identifying rural industry, as set apart from industrial activities, as I am aware of considerable pressures in some districts where industrial activities seek to locate in rural zones. By making the distinction it is identifying that rural industry, but not industrial activities, are appropriate in rural zones.</p> <p>The policy framework in the Plan clearly identifies in RPROZ-P9 and GRUZ-P9 that industrial or commercial activities unrelated to primary production purpose of the zones are avoided.</p> <p>I support that policy intent.</p> <p>However there is no corresponding policy framework for rural industry. In the strikethrough version of the GRUZ and RPROZ chapters attached to the s42A Report there is no reference in the policy framework for rural industry, even though there are rules to provide for the activity.</p> <p>In my opinion that is a policy gap which needs to be addressed.</p> <p>The s42A Report is recommending that the National Planning Standards definition for rural industry be included in the Plan:</p> <p>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</p> <p>I support the recommended to include the definition of rural industry.</p> <p>It is important to note that the definition of rural industry includes 'industry or business' so is not limited to 'industrial activities' related to primary production, and could include rural services and commercial activities.</p> <p>There are a range of places in the policy framework where there could be recognition of rural industry and the range of submissions provide considerable scope' (paras 8.61-8.72)</p>	<p><u><i>The planning standards do not alter the effect or outcomes of policy statements or plans.</i></u></p> <p>The Standards are essentially intended to standardise the structure of, and terms used in, the Plan, but are not intended to dictate what a particular district enables or discourages in a particular area.</p> <p>In terms of the zone descriptors, there are a limited number of options from which councils must choose, based on the best fit for what is intended to be addressed within a zone. CHBDC has chosen 'Rural Production Zone' and 'General Rural Zone' to cover its working rural areas. Both of these indicate that the zones "... may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location" (emphasis added).</p> <p>Ms Wharfe suggests that the reference to 'associated rural industry' and 'activities that require a rural location' in the zone description requires the zone rules to provide for such activities with a permissive activity status. This ignores not only the clear purpose statement in the Standard which is not to affect the outcomes of plans, but also ignores the word 'may' in the descriptors. The reference to those additional activities simply means that if rural industry or other activities are provided for, the zone descriptor can still be used – those activities might or might not be enabled within the Rural Production or General Rural zones.</p> <p>I disagree with the emphasis Ms Wharfe places on the zone descriptors as dictating the activities to be provided for and their activity status. In my view it is clear that this is not how the Standards are intended to be applied.</p> <p>I have not changed my position on the approach to rural industry as set out in para 5.3.8 Vol 3 of the Section 42A Report:</p> <p><i>'I consider there is merit in differentiating between industrial activities generally, and those which directly support, service, or are dependent on primary production and that require a rural location. In my view, the PDP goes some way towards achieving this with the introduction of provisions for 'post-harvest facilities' (and accompanying definition). The PDP takes the approach that industrial activities that do not operationally or functionally require a rural location are best located in an appropriately serviced industrial zone. However, I acknowledge that there are rural industries requiring a rural location that would not constitute 'post-harvest facilities', such as a dairy factory, meat processing plant, or sawmill.'</i></p> <p>In my view, there is not a policy gap in terms of rural industry, as aspects are captured broadly in the objectives and policies that refer to post-harvest facilities, and commercial activities and industrial activities generally. It is unclear what type of rural industries are anticipated in the rural zones, that are not already provided for, and that should be permitted.</p> <p>Objectives GRUZ-O2/RPROZ-O4 (as amended by recommendations) and Policies GRUZ-P3/RPROZ-P3 and GRUZ-P9/RPROZ-P9 capture the character of the zone as including post-harvest facilities, and managing the scale of post-harvest facilities (which are an integral form of rural industry, specific), and more generally in terms of avoiding establishment of commercial or industrial activities that are unrelated to the primary</p>
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		productive purpose or that are of a scale that is incompatible with the predominant character and amenity of the rural area.
39. RLR-P5	<p>Silver Fern Farms (S116.013) [Evidence of Steven Tuck, paras 4.5-4.13, p7-9] Silver Fern Farms' submission sought the following amendment to Policy RLR-P5:</p> <p><i>'To enable primary production and related activities, such as rural industry, to operate, upgrade and expand in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity, particularly in the Rural Production Zone.'</i></p> <p>The Section 42A Report recommendation was to reject this submission.</p> <p>Mr Tuck considers 'that the absence of reference to rural industry in the overarching Rural Land Resource policies is inappropriate. Rural industry is recognised in documents relevant to, and acknowledged in, the PDP. In my opinion, it is reasonable to carry that recognition forward into the PDP for clarity.' (para 4.7 of Mr Tuck's evidence)</p> <p>'The Introduction section to the Rural Land Resource chapter of the PDP says that the PDP seeks to give effect to a pending National Policy Statement for Highly Productive Land ("NPS-HPL"). The August 2019 ministerial discussion document about the NPS-HPL directly references rural industry in the GRUZ and RPROZ zone descriptors.</p> <p>Those NPS-HPL zone descriptors were carried over into the National Planning Standards zone descriptors (below). These descriptors assist councils to decide which zones from the National Planning Standards to use in district plans.' (paras 4.8 & 4.9 of Mr Tuck's evidence)</p> <p>'In my view, it is somewhat inconsistent to omit recognition of rural industry from the policy framework on grounds that the National Planning Standards zone descriptors are not mandatory directions, when the s42A report also says that because the National Planning Standards "...recognise 'intensive primary production' in the zone descriptions for General Rural and Rural Production Zones" references to 'intensive primary production' need to be added throughout the rural environment provisions.</p> <p>By definition, rural industry is situated in rural areas and associated with primary production activities. The activity's operational needs preclude it from locating elsewhere. It is often part and parcel of the rural environment, in terms of built form, land area and operational intensity, but also in terms of economic and social importance to local (sometimes, sub-regional) communities. I consider that the RPROZ and GRUZ zone descriptors and 'rural industry' definition in the National Planning Standards reflect this.</p> <p>Given the foregoing, I consider it is appropriate to include a specific reference to 'rural industry' in the strategic rural land resource provisions, as discussed above in relation to RLR-P5.' (paras 4.11-4.13 of Mr Tuck's evidence)</p>	<p>I refer to my comments above in response to the evidence of Ms Wharfe regarding interpretation of the zone descriptors contained the National Planning Standards (similarly, the discussion document on a proposed NPS-HPL, which has the same zone descriptor wording, which also includes the word 'may').</p> <p>In regard to the amendment sought to Policy RLR-P5, I have not changed my position as set out in paras 5.3.13-5.3.16 Vol 3 of the Section 42A Report, as follows:</p> <p><i>'I do not concur with Te Mata Mushrooms and Silver Fern Farms that Objective RLR-O2 should be broadened to reference 'rural industry' as the strategic objectives in relation to the rural land resource revolve around protecting the District's significant concentration of highly productive land from incremental and irreversible loss – broadening the strategic objectives as sought would indicate that all rural industry is inherently consistent with that approach. As outlined above, new industry that does not have a functional or operational requirement for a rural location is best directed to appropriately serviced industrial zones.</i></p> <p><i>I recommend that the amendment sought by Te Mata Mushrooms is rejected (noting the amendment to Objective RLR-O2 proposed as a result of recommendations outlined in Key Issue 2 of this report).</i></p> <p><i>Silver Fern Farms also seeks amendments to Objective RLR-O4 and Policy RLR-P5 to reference rural industry. In my view, Objective RLR-O4 reflects the overarching strategic objective to recognise the primary production role of the District's rural land resource as the priority. For the same reasons as above, I do not support broadening the objective or the policy in the way sought. Policy RLR-P5 refers to 'enabling primary production and related activities' – it would be inappropriate to similarly 'enable' rural industry, as this suggests it should have a permitted or controlled activity status, which is not supported (refer recommendations in Key Issue 16 in response to submissions addressing applicable rules and standards).</i></p> <p><i>I note recommended amendments for Policy RLR-P4 (refer Key Issue 2) include recognition that some non-primary production activities have an operational or functional need to locate in a rural area. This is a more appropriate way to acknowledge the place of other activities such as 'rural industry'.'</i></p>

<p>40. RLR-O2 / RPROZ-O4</p>	<p>Te Mata Mushrooms (S102.013, S102.063) [Evidence of Claire Price, paras 7.1-7.7, pp8-10]</p> <p>Te Mata Mushrooms' submission sought amendment of Objective RLR-O2, as follows:</p> <p><i>'The primary production role, lawfully established rural industries and intensive rural production activities and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'</i></p> <p>and also requested new objective RPROZ-OXX, as follows:</p> <p><u>RPROZ-OX The character of the Rural Production Zone may change in areas where the land supports the following activities:</u></p> <p><u>a. primary production activities,</u> <u>b. intensive primary production activities,</u> <u>c. rural industry and service activities,</u> <u>d. ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that [differ?] different to those captured in Objective RPROZ -O4.</u></p> <p>The Section 42A Report recommended both submissions be rejected.</p> <p>Ms Price considers 'Retaining RLR Objective 2 so it reflects the high-level aim of protecting the districts highly productive land from inappropriate land uses is appropriate. However, consequential amendments to reflect the essence of Submission point S102.013 are appropriate. For instance, in response to other submission points, greater recognition has been given to intensive rural production activities (as intensive primary production activities) through the rural environment provisions. Yet, when reviewing the amendments recommended to RPROZ Objective 4 (Character of the Rural Production Zone), it is noted that 'intensive primary production activities' is not included.' (para 7.4 of Ms Price's evidence)</p> <p>Ms Price seeks the following alternative relief, through amendment to sub-clause 3 of Objective RPROZ-O4, which would instead recognise 'intensive primary production activities' alongside the other activities listed in that objective (highlighted grey):</p> <p><i>RPROZ-O4 The predominant character of the Rural Production Zone is maintained, which includes:</i></p> <ol style="list-style-type: none"> 1. <u>overall</u> low-density built form, with open space and few structures; 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,</u> and artificial crop protection structures and crop support structures, <u>which may vary across the district and seasonally;</u> 3. <u>the sounds, and smells, and traffic</u> associated with <u>legitimate</u> primary production activities, <u>intensive primary production activities, and established rural industries, anticipated from a working rural environment;</u> 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; 	<p>I have not changed my position in respect of the amendment sought to Objective RLR-O2 as set out in paras 5.3.13 & 5.3.14 Vol 3 of Section 42A Report:</p> <p><i>'I do not concur with Te Mata Mushrooms and Silver Fern Farms that Objective RLR-O2 should be broadened to reference 'rural industry' as the strategic objectives in relation to the rural land resource revolve around protecting the District's significant concentration of highly productive land from incremental and irreversible loss – broadening the strategic objectives as sought would indicate that all rural industry is inherently consistent with that approach. As outlined above, new industry that does not have a functional or operational requirement for a rural location is best directed to appropriately serviced industrial zones.</i></p> <p><i>I recommend that the amendment sought by Te Mata Mushrooms is rejected (noting the amendment to Objective RLR-O2 proposed as a result of recommendations outlined in Key Issue 2 of this report).'</i></p> <p>Nor have I changed my position in respect of the inclusion of the new objective sought for the Rural Production Zone as set out in paras 5.3.46, 5.3.47 & 5.3.50 Vol 3 of Section 42A Report:</p> <p><i>'As stated above, the primary role of the General Rural Zone and, even more so, the Rural Production Zone in the PDP is to provide for primary production, including intensive primary production, in the first instance, and then to provide for a range of activities that support primary production where these require a rural location – in this case, the PDP makes targeted provision for post-harvest facilities and for small-scale commercial activities as Permitted Activities in these zones. And as stated above, recommendations in subsequent Key Issue 16 of this report, recommend a new Discretionary Activity rule providing for 'Rural Industry (excluding Post-Harvest Facilities)' in the Rural Production Zone. However, all remaining industrial activities are Non-Complying Activities, reflecting that the PDP aims to direct these to the appropriate industrial zone in the first instance.</i></p> <p><i>In my view, it is not appropriate to have objectives in a PDP that invoke blanket recognition of future change in the character of a zone, as sought by Te Mata Mushrooms. I also consider 'rural industry and service activities' is too broad an activity. The proposed objectives appear to pave the way for activities that may not achieve the purpose of the zone and may have adverse effects on the environment.</i></p> <p>...</p> <p><i>That hierarchy of providing for other activities provided they do not compromise the primary production role of the land resource is not appropriately reflected in the new objectives and policies sought by Te Mata Mushrooms, which suggests all are equally important.'</i></p> <p>In para 7.5 of her evidence, Ms Price seeks alternative partial relief through an amendment of Objective RPROZ-O4 instead, to recognise 'intensive primary production activities' alongside the other activities listed (and recommended to be listed in response to other submissions) in that objective.</p>
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	<p><i>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)</i></p> <p>'This recognition of intensive primary production activities as anticipated in a working rural environment would satisfy the relief sought in submission point (S102.063), while retaining RLR Objective 2 as the reporting officer has recommended. These amendments are considered to be within scope of submission points S102.063 and S102.013.' (para 7.6 of Ms Price's evidence)</p>	<p>I note that Te Mata Mushrooms submitted separately on Objective RPROZ-O4, in support of retention of the objective as notified (S102.088) but in supporting the objective also referred to the additional objective sought (S102.063). Therefore, I concur with Ms Price that the alternative relief is within scope of Te Mata Mushrooms' submissions.</p> <p>However, I do not support the addition of 'intensive primary production activities' to the list of activities in sub-clause 3 of Objective RPROZ-O4 as sought, as this would imply that sounds, smells and traffic associated with intensive primary production is necessarily anticipated from a working rural environment, when they are often noisy, smelly and involve higher traffic volumes than generally anticipated from primary production activities within the zone. This is further evident in that 'intensive primary production activities' are not provided for in the PDP as Permitted Activities in the General Rural or Rural Production Zones, but are Controlled Activities subject to compliance with considerable setbacks from residential zone boundaries (500m) and property boundaries (200m), where the matters over which control is reserved includes effects on character and amenity of the zone from traffic, generation of noxious, offensive or objectionable odour etc – refer Rules GRUZ-R14 and RPROZ-R14.</p> <p>Therefore, my recommendations as outlined in the Section 42A Report still stand in this regard.</p>
<p>41. GRUZ-O2 / RPROZ-O4</p>	<p>Silver Fern Farms (S116.031 relating to equivalent RPROZ-O4) [Evidence of Steven Tuck, paras 4.14-4.16, p9/10]</p> <p>Silver Fern Farms submission originally sought inclusion of 'rural industry' activities in Objective RPROZ-O4(3), as follows:</p> <p><i>(3) sounds and smells associated with legitimate primary production and rural industry activities;</i></p> <p>The s42A report (para 5.3.29 Vol 3 of Section 42A Report) supported recognising established rural industries in the Rural Production Zone, and recommended the following amendment (highlighted grey, alongside other amendments recommended in response to other submissions on this objective):</p> <p><i>(3) <u>the sounds, and smells, and traffic associated with legitimate primary production activities, and established rural industries, anticipated from a working rural environment; [...]</u></i></p> <p>Mr Tuck considers 'However, the s42A report does not recommend amending GRUZ-O2(3) to reference rural industry in a similar fashion to RPROZ-O4(3). The s42A report does not discuss why this distinction arises.'</p> <p>'The s42A report recommends amending GRUZ-O2 "As for the equivalent objective in the Rural Production Zone...", so the omission of reference to "established rural industries" in GRUZ-O2 may just be a clerical error. In any case, I recommend amending GRUZ-O2(3) similarly to RPROZ-O4(3). In the context of the wider PDP framework for the rural environment, I am of the view that it would be inconsistent for policy to recognise the effects of rural industry as characteristic of the RPROZ but not of the GRUZ' (paras 4.15 & 4.16 of Mr Tuck's evidence).</p> <p>Mr Tuck considers GRUZ-O2(3) should be amended similarly to RPROZ-O4(3).</p>	<p>There appears to be some confusion. I note that the reference to amending GRUZ-O2 'as for the equivalent objective in the RPROZ' is in para 3.3.6 Vol 2 of the Section 42A Report (Key Issue 5) (the reference in para 3.3.6 should have been to RPROZ-O4 not RPROZ-O2) and relates back to the prior analysis and recommendations as outlined in paras 2.3.4 & 2.3.5 earlier in Vol 2 of the Section 42A Report (Key Issue 4), which did <u>not</u> relate to insertion of 'rural industry' in the objective.</p> <p>However, the inclusion of 'established rural industries' was specifically recommended for insertion in response to the submission from Silver Fern Farms as outlined in para 5.3.29 Vol 3 of the Section 42A Report (Key Issue 15).</p> <p>I note that the same request was not made by the submitter in respect of GRUZ-O2, therefore there is limited scope to amend GRUZ-O2 in the same way as has been afforded RPROZ-O4. This may simply have been on the basis that the Silver Fern Farms Takapau site within Central Hawke's Bay, is located within the Rural Production Zone?</p> <p>Having said that, there may be 'established rural industries' in the General Rural Zone also and, given the two objectives are identical otherwise, this may be able to be considered as a minor clause 16 RMA amendment, if the Panel is of a mind to investigate this option.</p> <p>In all other respects, I have not changed my position.</p>

<p>42. GRUZ-P3 / RPROZ-P3</p>	<p>Hort NZ (S81.108 & S81.148) [Evidence of Lynette Wharfe, paras 8.65-8.78, p36/37]</p> <p>Hort NZ's submission originally sought amendment of Policy GRUZ-P3 & equivalent Policy RPROZ-P3, as follows:</p> <p>GRUZ-P3 <i>To manage the scale of post-harvest facilities and rural commercial activities rural industry to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i></p> <p>RPROZ-P3 <i>To manage the scale of post-harvest facilities and rural commercial activities rural industry to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i></p> <p>The Section 42A Report recommendation was to reject these submissions, but to amend the policies as a clause 16 minor amendment, as follows, to more correctly refer to 'commercial activities' which is the term used throughout the PDP:</p> <p>GRUZ-P3 <i>To manage the scale of post-harvest facilities and rural-commercial activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i></p> <p>RPROZ-P3 <i>To manage the scale of post-harvest facilities and rural-commercial activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.</i></p> <p>Ms Wharfe considers there is a policy gap which needs to be addressed:</p> <p>'It is important to note that the definition of rural industry includes 'industry or business' so is not limited to 'industrial activities' related to primary production, and could include rural services and commercial activities.</p> <p>There are a range of places in the policy framework where there could be recognition of rural industry and the range of submissions provide considerable scope.</p> <p>The RLR objectives include objectives and direction for primary production and highly productive land and residential activities and other activities unrelated to primary production but there are no objectives for activities that support primary production.</p> <p>Likewise the objectives and policies for the GRUZ and RPROZ chapters focus on primary production activities but not for activities that support primary production...' (paras 8.71-8.74 of Ms Wharfe's evidence)</p> <p>Ms Wharfe does not support the recommended changes to GRUZ-P3 and RPROZ-P3 to change rural commercial activities to commercial activities:</p>	<p>Whilst not providing for 'rural industry' as a specified activity in and of itself, the PDP as notified <u>does</u> provide for primary production-related activities that similarly 'support, service or are dependent on primary production', in the following way:</p> <ul style="list-style-type: none"> - <u>post-harvest facilities</u> are Permitted Activities, subject to managing their scale (with a generous 2500m² gross floor area limit per site), and compliance with Permitted Activity standards; - <u>commercial activities</u> are Permitted Activities, subject to managing their scale (100m² gross floor area limit), and compliance with Permitted Activity standards; - <u>industrial activities</u> (other than post-harvest facilities) are Non-Complying Activities <p>'Post-harvest facilities', by definition, include various activities and business that directly supports, services and is dependent on primary production. In my view, 'post-harvest facilities' are Central Hawke's Bay's localised provision for 'rural industry' in the PDP, along with the provision for small-scale commercial activities – both provided for as Permitted Activities. These are the types of facilities and businesses anticipated in the rural area within the Central Hawke's Bay context. As stated above, the National Planning Standards (and the discussion document for a proposed NPS-HPL) provide for Council's to interpret zone descriptors through localised provisions in this way.</p> <p>In this vein, I refer to paras 6.3.14-6.3.17 Vol 3 of the Section 42A Report: 'The approach in the PDP, as reflected in the RLR – Rural Land Resource chapter, has been to provide for primary production in the rural zones in the first instance, and then to provide for other supporting activities that similarly require a rural location provided they do not compromise the primary production role of the rural zones.</p> <p>As stated, the PDP introduces provision for 'post-harvest facilities' in the General Rural and Rural Production Zones (along with an accompanying definition). There is reasonably generous provision for 'post-harvest facilities' up to 2,500m² gross floor area in the General Rural Zone and Rural Production Zone as a Permitted Activity, subject to compliance with the various zone standards. The PDP takes the approach that industrial activities that do not directly support primary production and do not require a rural location, are best directed to an appropriately serviced industrial zone. This is closely aligned with the approach in the neighbouring Hastings District Plan.</p> <p>However, I acknowledge that potentially there are rural industries that require a rural location and may be appropriate in the rural zones, that may not constitute 'post-harvest facilities'. I consider there is merit in differentiating between 'industrial activities' generally, and those which are not 'post-harvest facilities' but still directly support, service, or are dependent on primary production and that require a rural location. I consider such industries are appropriately termed 'rural industry'. Note: inclusion of this term in the PDP (and its accompanying National Planning</p>
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'Commercial activities are specifically sought to be avoided in GRUZ-P9 and RPROZ-P9. Including commercial activities in GRUZ-P3 and RPROZ-P3 contradicts the specific policies to avoid these activities.

I have considered whether rural industry could be retrofitted into the existing policy framework or whether new standalone provisions would be more appropriate.

I consider that an amendment to GRUZ-P3 and RPROZ-P3 would provide recognition of rural industry by deleting 'rural commercial activities' and replacing with 'rural industry'.

Alternatively a new policy could be included in both GRUZ and RPROZ chapters as follows:

To enable primary production related activities, such as rural industry, which have a functional or operational need to establish in the rural area (paras 8.75-8.78 of Ms Wharfe's evidence)

Standards definition) has been recommended in response to submissions in Key Issue 15 of this report.

In my view, 'rural industry' warrants a greater level of scrutiny than the types of 'facilities' that fall within the definition of 'post-harvest facilities' and, therefore, do not support provision for such industry as a Permitted or Controlled Activity...

The recommendation in the Section 42A Report is to insert a new rule in the General Rural Zone and the Rural Production Zone specifically providing for 'Rural Industry' (where not already captured by the 'post-harvest facilities' and 'commercial activities' rules) as a Discretionary Activity, with an important clear direction to consider the necessity of a rural location, and that the rules relating to 'Industrial Activities' (being Non-Complying Activities) are amended to exclude 'rural industry' as a consequence, as follows:

GRUZ-RXX Rural industry (other than post-harvest facilities)	
1. Activity Status: DIS Where the following conditions are met: N/A Subject to (but not limited to) the following assessment matter: a. The necessity of a rural location.	2. Activity status where compliance is not achieved: N/A
RPROZ-RXX Rural industry (other than post-harvest facilities)	
1. Activity Status: DIS Where the following conditions are met: N/A Subject to (but not limited to) the following assessment matter: a. The necessity of a rural location.	2. Activity status where compliance is not achieved: N/A
GRUZ-R19 Industrial activities (other than post-harvest facilities and rural industry)	
1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)	
1. Activity Status: NC Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A

The above recommended changes address a gap in the rule framework, identified through submissions, that inadvertently makes any other 'rural industry' (regardless of need for a rural location) default to a Non-Complying Activity in the PDP as notified. I continue to support this approach.

Therefore, in terms of inserting the term 'rural industry', **I have not changed my position** as set out in paras 5.3.37 & 5.3.38 Vol 3 of the Section 42A Report, as follows:

'I do not support inclusion of 'rural industry' in these policies. The primary focus of the General Rural and Rural Production Zones, in the context of Central Hawke's Bay and as reflected in the RLR – Rural Land Resource chapter of the PDP, is to support primary production-related activities, to safeguard the life-supporting capacity of the valuable soil resource, and to

sustain the potential of the District's concentration of highly productive land to meet the reasonably foreseeable needs of future generations. The approach in the rural zones is to provide for primary production in the first instance, and then to provide for other supporting activities that similarly require a rural location provided they do not compromise the primary production role of the zones.

Policies GRUZ-P3 and RPROZ-P3 implement the objectives for the rural zones in the PDP, which are then implemented by the rules and Permitted Activity site coverage conditions applying to post-harvest facilities (Rules GRUZ-R6(1)(a) & RPROZ-R6(1)(a)) and the Activity Thresholds applying to commercial activities (Standards GRUZ-S1 & RPROZ-S1) in the General Rural and Rural Production Zones.'

I remain of the view to reject the submission to replace the term 'rural commercial activities' with 'rural industry', and I similarly do not recommend adopting the alternative policy presented by the submitter. However, I consider that it would be appropriate to re-order the wording of Policies GRUZ-P3 & RPROZ-P3 as a clause 16 RMA minor amendment, to better articulate their intent that such activities are those related to primary production. Therefore, I **revise my recommendation** as follows (highlighted grey):

GRUZ-P3 To manage the scale of post-harvest facilities and rural commercial activities **related to the primary productive purpose of the General Rural Zone**, to ensure that they remain compatible with **that purpose**~~the primary productive purpose of the General Rural Zone~~, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.

RPROZ-P3 To manage the scale of post-harvest facilities and rural commercial activities **related to the primary productive purpose of the Rural Production Zone**, to ensure that they remain compatible with **that purpose**~~the primary productive purpose of the Rural Production Zone~~, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.

The aspects of functional and operational need, and where such activities are unrelated to primary production, are already addressed elsewhere in the policies (e.g. Policies GRUZ-P7 & GRUZ-P9 and Policies RPROZ-P7 & RPROZ-P9).

I consider this in keeping with Objectives GRUZ-O1 and RPROZ-O1 around the zones being used predominantly for primary production activities (including intensive primary production) and associated ancillary activities.

I wish to clarify that GRUZ-P9/ RPROZ-P9 are policies to avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the zone, **or** that are of a scale that is incompatible with the predominant character and amenity of the rural area.

		They are not policies directed at avoiding all commercial activities whatsoever – there is an element of scale and compatibility with the character and amenity of the rural area, which is then provided for through Permitted Activity rules for such activities subject to various conditions and compliance with Activity Threshold standards.
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Key Issue 16 – Rural Industry Rules, Standards, Assessment Matters etc

Issue/Plan Provision	Submitter Evidence	Response
<p>43. GRUZ-R9 / RPROZ-R9 Commercial activities not otherwise provided for</p>	<p>Hort NZ (S81.118 & S81.162) [Evidence of Lynette Wharfe, paras 8.79-8.91, p37/38]</p> <p>Hort NZ’s submission sought to change/rename Rule GRUZ-R9 & equivalent Rule RPROZ-R9, so that they relate to provision for ‘Rural Industry’, rather than ‘Commercial Activities not otherwise provided for’ as notified.</p> <p>The Section 42A Report recommendation was to reject these submissions, but to recommend inclusion of a separate new rule specifically providing for ‘rural industry’ as a Discretionary Activity in both the General Rural and Rural Production Zones (and other consequential amendments as a result).</p> <p>Ms Wharfe, in her evidence notes that the Section 42A report ‘supports commercial activities, while not providing for rural services and industry which are more clearly aligned with the purpose of the zone to provide for, and support, primary production’ (para 8.87 of Ms Wharfe’s evidence)</p> <p>‘In addition, the s42A Report is recommending or supporting that activities that are not generally anticipated in the rural zones are accorded a Restricted Discretionary Status – such as community facilities, educational facilities, and camping grounds.</p> <p>In my opinion an activity that supports primary production and is anticipated in the rural zones should not have a more stringent activity status than activities that are not generally anticipated in the rural zones.</p> <p>While a rule is recommended for rural industry as a discretionary activity it does not provide for ‘small-scale’ rural industry or businesses as a permitted activity, that are more appropriately located within the rural zones than commercial activities which are provided for as a permitted activity’ (paras 8.88-8.90 of Ms Wharfe’s evidence)</p> <p>As an alternative relief, Ms Wharfe seeks (in para 8.91 of Ms Wharfe’s evidence) inclusion of a Permitted Activity rule for rural industry up to 200m², and amendment of the new Rule GRUZ-RXX Rural Industry and Rule RPROZ-RXX Rural Industry (recommended in the Section 42A Report) to provide a Restricted Discretionary Activity status, rather than ‘Discretionary Activity status.</p>	<p>I do not agree that the rules as recommended do not provide for ‘small-scale’ rural industry or businesses as a Permitted Activity. The PDP as notified, includes significant provision for post-harvest facilities which are a form of rural industry and clearly related to the primary productive purpose of the GRUZ & RPROZ.</p> <p>‘Post-harvest facilities’ are defined in the PDP as:</p> <p><i>buildings operated by one or more growers and used for wine-making, or the storage, packaging, washing, inspecting and grading of eggs, fruit, vegetables or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes ancillary activities directly associated with post-harvest operations.</i></p> <p>a. Includes:</p> <ul style="list-style-type: none"> <i>i. pack-houses, cool-stores and wineries</i> <i>ii. use of the site for the collection and distribution of horticultural products (including grapes)</i> <i>iii. preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets</i> <i>iv. collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products</i> <i>v. the on-site servicing and maintenance of vehicles and equipment associated with the activities</i> <p>b. Excludes:</p> <ul style="list-style-type: none"> <i>i. retail sales</i> <i>ii. other industrial activities (e.g. forestry and dairy processing facilities)</i> <p>In my view, the above offers considerable scope for establishing industry and business activities in the rural area of the District that directly support, service, or are dependent on primary production, in the context of Central Hawke’s Bay.</p> <p>Post-harvest facilities up to 2,500m² gross floor area per site, are provided for in Rules GRUZ-R6 & RPROZ-R6 as Permitted Activities. This is considerably greater than the 100m² gross floor area limits applying to community facilities (GRUZ-R10/RPROZ-R10), educational facilities (GRUZ-R11/RPROZ-R11), visitor accommodation (GRUZ-R8/RPROZ-R8).</p> <p>Further, provision is also made for ‘Commercial activities not otherwise provided for’ (GRUZ-R9/RPROZ-R9) providing for small-scale businesses to establish in the rural area. This would also offer some strictly limited additional provision for commercial businesses to establish in the rural area</p>

		<p>– including where it directly supports, services, or is dependent on primary production.</p> <p>As stated previously, it is unclear what other types of rural industries/businesses are anticipated in the rural zones, that are not already provided for, that should be permitted. Therefore, I do not support, nor consider it necessary, to make further provision for rural industry (up to 200m²) as a Permitted Activity in the General Rural and Rural Production Zones.</p> <p>I also do not support amending the activity status of the recommended new rules for 'Rural Industry' (GRUZ-RXX/RPROZ-RXX) from Discretionary to Restricted Discretionary, as that would be inconsistent given the Discretionary Activity status applying to post-harvest facilities that exceed the gross floor area threshold in GRUZ-R6/RPROZ-R6. In my view, the provision for 'post-harvest facilities' and for 'commercial activities not otherwise provided for' is appropriate and sufficient in the Central Hawke's Bay context.</p> <p>Beyond these provisions, I remain of the view that a Discretionary Activity status for 'Rural Industry', and 'Non-Complying Activity status where proposing 'Industrial activities (other than post-harvest facilities and rural industry)', is appropriate. Therefore, I have not changed my position as set out in paras 6.3.17-6.3.19 Vol 3 of Section 42A Report, as follows:</p> <p><i>'In my view, 'rural industry' warrants a greater level of scrutiny than the types of 'facilities' that fall within the definition of 'post-harvest facilities' and, therefore, do not support provision for such industry as a Permitted or Controlled Activity as sought by Te Mata Mushrooms and Silver Fern Farms.</i></p> <p><i>Further, I do not support the alternative option of changing the application of Rules GRUZ-R9 and RPROZ-R9 from 'Commercial activities not otherwise provided for' to instead apply to 'Rural Industry', as sought by Hort NZ. In my view, Rules GRUZ-R9 and RPROZ-R9 are necessary to continue to provide for small-scale commercial activities not otherwise provided for in these zones (as a Permitted Activity, subject to activity thresholds in Standards GRUZ-S1 and RPROZ-S1 respectively, and compliance with the relevant general zone standards).</i></p> <p><i>Given the above, I recommend inserting a new rule in the General Rural Zone and the Rural Production Zone specifically providing for 'Rural Industry' as a Discretionary Activity with an important clear direction to consider the necessity of a rural location, and that Rules GRUZ-R19 and RPROZ-R19 be amended to exclude 'rural industry' as a consequence, as follows:</i></p>
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44. RPROZ-R9 Commercial activities not otherwise provided for	<p>Hort NZ (S81.162) [Evidence of Lynette Wharfe, paras 7.23-7.28, p19]</p> <p>In addition to the above, Ms Wharfe states in her evidence: 'HortNZ made submissions on RPROZ-R9 which are considered as part of Key Issue 16 in respect to Rural Industry. I note that the s42A Report states: <i>In my view, there is a legitimate place for small scale, one-off, commercial enterprises in the Rural Production Zone where it does not compromise the highly productive land resource or generate issues of reverse sensitivity.</i></p> <p>The issue I have with this statement no assessment is done as part of the permitted activity to determine whether the land resource will be compromised or reverse sensitivity effects generated. Further the policy direction in the Plan is RPROZ-R9 to avoid establishment commercial activities that are unrelated to primary production. If the report writer considers that the activity is linked to primary production then an additional condition should be applied to this intent' (paras 7.23-7.27 of Ms Wharfe's evidence)</p>	<p>I consider this as outside the scope of Hort NZ's original submission, and therefore the request to add a condition to Rule RPROZ-R9 cannot be considered.</p> <p>However, the intent of the PDP as notified was to provide for small scale, one-off, commercial enterprises in the rural area, and that the limiting to 100m² gross floor area addressed issues of compromising the highly productive land resource. In terms of reverse sensitivity, commercial activities are not generally characterised as sensitive activities. Hort NZ did not refer to evidence of reverse sensitivity effects being generated by commercial activities that have chosen to establish in a rural environment and I am not aware of any such example, despite the same provision for limited commercial activity being made in the Hastings District Plan, and similar provision in other areas.</p> <p><i>[I note that the Pork Industry Board (S42.073) and further submitter Silver Fern Farms (FS8.051) seek deletion of this rule on reverse sensitivity grounds]</i></p>																
45. New Rule RPROZ-RXX Rural Industry	<p>Silver Fern Farms (S116.039) [Evidence of Steven Tuck, paras 5.1-5.10, pp 10-13]</p> <p>Silver Fern Farms' submission sought a Controlled Activity resource consent pathway for rural industry, with a Restricted Discretionary Activity status for proposals not compliant with the conditions applying to the Controlled Activity rule, as follows: '<i>RPROZ-R21 Rural industry</i> 1. Activity Status: PER Where the following conditions are met:</p>	<p>See response above in relation to provision for rural industry and post-harvest facilities in the PDP.</p> <p>I concur with Mr Tuck that the definition of 'rural industry' '<i>contemplates a variety of business and industrial activities ranging from modest to large scale, for example a contractor's depot to a dairy factory</i>' (para 5.2 of his evidence). In my view, however, neither a contractor's depot nor a dairy factory would be activities that should be provided for as Controlled Activities in the rural area, as in both cases, the potential adverse effects of</p>																

<p>a. RPROZ-S2(1)(a) - RPROZ-S11 inclusive. b. RPROZ-S13 - RPROZ-S15 inclusive. Matters over which control is reserved: c. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary. d. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. e. RPROZ-AM14 General.</p> <p>2. Activity status where compliance with condition RPROZ-R21(1) is not achieved: RDIS.'</p> <p>In response to various submissions on this subject, the Section 42A Report recommendation was to include a new rule explicitly providing a Discretionary Activity resource consent pathway in the Rural Production Zone for 'rural industry' (to also apply in the General Rural Zone as well).</p> <p>Considers 'The definition of rural industry contemplates a variety of business and industrial activities ranging from modest to large scale, for example a contractors' depot to a dairy factory. Silver Fern Farms submission recognised that given the pre-eminence of primary production in the GRUZ and RPROZ, a permitted activity status for rural industry would not be an appropriate starting point for rural industry resource consent applications.</p> <p>However, modest rural industry activities (whether for new activities, or for additions/alterations to an existing activity) might comply with the performance standards set out in the GRUZ and RPROZ about:</p> <ul style="list-style-type: none"> • Setbacks from road, railway, gas transmission and electricity networks (including the National Grid) and the Waipukurau Aerodrome; • Setbacks from sites of cultural or ecological significance; • Compliance with amenity performance standards regarding building coverage, height and height in relation to boundaries, setbacks to side and rear boundaries, boundary planting, light and noise emissions. <p>Where activities could comply with this array of environmental performance standards it was suggest that a controlled activity status for rural industry would be an appropriate and efficient way to facilitate the assessment of small-scale and inoffensive rural industry proposals, which after all, would be situated (and anticipated) in a rural zone. Separate district plan rules regulate the effects of other land use matters like earthworks, heritage, biodiversity, and regional plan rules regulate discharges. Those are adequate to assess a proposal that presents a risk of adverse effects of a scale or type not typically anticipated in a rural environment.' (paras 5.2-5.4 of Mr Tuck's evidence)</p> <p>'I consider that a catch-all discretionary activity status for rural industry - regardless of a proposal's scale or effects - is too blunt and is not necessary. It generates uncertainty for applicants for minor rural industry resource consents, which in my view is unwarranted (given that the rule regime suggested in the submission means that to comprise a controlled activity, a proposal would need to meet all of the relevant environmental performance standards in the Plan). Rural industry can only locate in the RPROZ or GRUZ. A proposal could only</p>	<p>such activities on the environment warrant a higher level of scrutiny and the ability to decline consent.</p> <p>I have not changed my position as set out in para 6.3.15-6.3.17 Vol 3 of Section 42A Report:</p> <p><i>'...the PDP introduces provision for 'post-harvest facilities' in the General Rural and Rural Production Zones (along with an accompanying definition). There is reasonably generous provision for 'post-harvest facilities' up to 2,500m2 gross floor area in the General Rural Zone and Rural Production Zone as a Permitted Activity, subject to compliance with the various zone standards. The PDP takes the approach that industrial activities that do not directly support primary production and do not require a rural location, are best directed to an appropriately serviced industrial zone. This is closely aligned with the approach in the neighbouring Hastings District Plan.</i></p> <p><i>However, I acknowledge that potentially there are rural industries that require a rural location and may be appropriate in the rural zones, that may not constitute 'post-harvest facilities'. I consider there is merit in differentiating between 'industrial activities' generally, and those which are not 'post-harvest facilities' but still directly support, service, or are dependent on primary production and that require a rural location. I consider such industries are appropriately termed 'rural industry'. Note: inclusion of this term in the PDP (and its accompanying National Planning Standards definition) has been recommended in response to submissions in Key Issue 15 of this report.</i></p> <p><i>In my view, 'rural industry' warrants a greater level of scrutiny than the types of 'facilities' that fall within the definition of 'post-harvest facilities' and, therefore, do not support provision for such industry as a Permitted or Controlled Activity as sought by Te Mata Mushrooms and Silver Fern Farms.'</i></p> <p>I remain of the view that a new rule explicitly providing for 'Rural Industry' as a Discretionary Activity is appropriate, and my recommendations stand in this regard.</p>
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	<p>comply with the controlled activity performance standards if it is modest and unlikely to entail adverse effects that could not be managed by consent conditions. An application of that type is not likely to have any adverse implications on the achievement of the PDP's strategic rural environment policy objectives.</p> <p>As such I recommend that a controlled activity status apply to rural industry proposals, subject to the controlled activity conditions shown in Appendix B.</p> <p>I acknowledge that it is appropriate for rural industry proposals larger than contemplated by the controlled activity conditions to be the subject of broader assessment. As such, I recommend that rural industry proposals unable to comply with the conditions for controlled activities be assessed as a discretionary activity, with reference to (but not limited to) the assessment matter recommended by the s42A report ("The necessity of a rural location"). The other assessment matters (RPROZ-AM1 to RPROZ-AM16) will also assist the assessment of any discretionary resource consent applications.</p> <p>In my opinion the assessment matter will aid the distinction of rural industry proposals from more generic "industry" activities which may not be able to demonstrate a functional or operational need for a rural location.' (paras 5.7-5.10 of Mr Tuck's evidence)</p>	
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Key Issue 17 – Agricultural Aviation Movements, Rural Airstrips, & Helicopter Landing Areas Definitions, Rules & Noise Standards

Issue/Plan Provision	Submitter Evidence	Response
<p>46. Definitions GRUZ-R4 / RPROZ-R4 GRUZ-R5 / RPROZ-R5 GRUZ-RXX / RPROZ-RXX</p>	<p>Federated Farmers (S121.109, S121.110, S121.111, S121.189, S121.190, S121.218, S121.248) [Evidence of Rhea Dasent, paras 50-52, p8/9]</p> <p>Federated Farmers' submission originally sought to ensure agricultural aviation movements and landing areas are provided for as Permitted Activities (in Rules GRUZ-R4/RPROZ-R4); excluding such movements from the definition of 'rural airstrips'; and also excluding such movements where 'ancillary to primary production undertaken on the same site' from the rules applying to 'rural airstrips and/or helicopter landing areas' (in Rules GRUZ-R5/RPROZ-R5).</p> <p>Federated Farmers also sought deletion of the specific noise standards applying to agricultural aviation movements in the PDP (Standard NOISE-S5(11) & (12)), and deletion of reference to such movements in the respective specific noise standards applying to 'rural airstrips' and 'helicopter landing areas' (Standard NOISE-S5(13) & NOISE-S5(16)).</p> <p>The Section 42A Report recommendation was to reject all these submissions.</p> <p>Ms Dasent considers '...provisions for airstrips and aviation must not unnecessarily regulate those that are ancillary to the farming land use and only used occasionally for spraying or fertiliser application on the farm. This use is distinct from a depot or base, and should not be regulated the same.</p> <p>Federated Farmers was also concerned that the definition of rural airstrips will inappropriately capture an airstrip on a farm which is only used temporarily when</p>	<p>In response to all the evidence presented at the Hearing on this issue (in particular, that of Ms Wharfe and Mr Lawson), I have revised my recommendations in respect of the agricultural aviation provisions in the General Rural and Rural Production Zones, as follows.</p> <p>I still support the broad intent of the provisions, as outlined in paragraphs 7.3.4-7.3.17, Volume 3 of my s42A report, in that:</p> <ul style="list-style-type: none"> - normal agricultural aviation activity be provided for as a Permitted Activity, reflecting the important function it plays in support of primary production; and - new or expanded rural airstrips and helicopter landing areas be provided for as a Permitted Activity subject to conditions in terms of location and adverse effects on amenity such as avoiding unreasonable noise. <p>I acknowledge the evidence and presentations from Fed Farmers, Hort NZ, and the agricultural aviation sector (NZAAA & Aerospread) that there are some aspects of the provisions of the PDP as notified that they consider unnecessarily regulate agricultural aviation activities. I address these in turn.</p> <p><u>Agricultural Aviation Activity</u></p> <p>I concur with the various submitters that the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production</p>

fertiliser or spraying is done on that same farm, and then reverts back to grazing for livestock once work is complete.

I support the evidence of Lynette Wharf for Horticulture New Zealand on this topic..., and agree with her suggested rules...' (paras 50-52 of Ms Dasent's evidence)

purposes is an anticipated and long-accepted activity within the rural area, and that agricultural aviation activity should remain enabled to continue largely as it does now, without unnecessary regulation.

To better achieve this, I recommend a change to the term 'agricultural aviation movements' to instead refer to 'agricultural aviation activity' and amendment of the definition accordingly, coupled with amendment of the definition for 'rural airstrip' (refer attached set of revised provisions). I consider this will provide greater clarity in interpretation of Rules GRUZ-R4 and RPROZ-R4 and, in my opinion, is within the broad scope of submissions on this topic.

In terms of the application of noise standards to agricultural aviation activities, the response from Council's noise expert (Marshall Day Acoustics) following the Hearing – contained in the memo in Appendix 5 (attached) – indicates that they have not changed their position in this respect, in terms of providing exemption from any noise limits for up to 14 days per year. They note that in almost all rural agricultural aviation cases, compliance with NZS 6805 would be achieved.

The memo from Marshall Day Acoustics states:

'An option we have been asked to consider is whether all agricultural aviation movements could be exempt from needing to comply with noise limits, with reliance simply being placed on s 16 to avoid unreasonable noise. The suggestion is that the Plan could refer to the Council having regard to NZS 6805 when determining whether the noise levels generated by an airstrip were reasonable.

Our opinion on this option is that this is likely to add an unnecessary burden on the Council to investigate what is or isn't reasonable, is open to potentially protracted challenge, and could involve costly assessment. In most cases the airstrips in question would likely not involve agricultural flight operations occurring for more than 14 days. With the 14 day exemption, it is simpler and therefore more pragmatic to carry out an investigation of compliance.

Overall, our position and recommendations have not changed and therefore we consider the 14 day exemption should be retained.'

Given there has been no expert acoustic evidence provided to the Panel to the contrary, I therefore remain of the view that Standard NOISE-S5(11) & (12) should be retained as notified.

Rural Airstrips / Helicopter Landing Areas

With respect to Rules GRUZ-R5 & RPROZ-R5, I have considered the evidence and presentation of the various submitters.

I remain of the view that condition (1)(a), which imposes locational limits for rural airstrips etc, is appropriate in terms of potential adverse effects on amenity for areas that are more densely populated (urban and settlement areas) and for existing noise sensitive activities, and in terms of potential adverse effects on safety in the vicinity of state highways. In those situations, I consider it appropriate that new or expanded rural

		<p>airstrips/helicopter landing areas be subject to a degree of assessment via a resource consent process.</p> <p>However, I accept that condition (1)(b) limiting aircraft movements to 1000 movements per year is potentially unworkable and, in this respect, I note paragraph 17 of the legal submissions of Mr Lawson on behalf of J & S Calder as follows:</p> <p><i>'From a top dressing perspective, 1000 aircraft movements per year effectively limits the submitters use of a rural airstrip to 500 loads of fertiliser per annum. In an average date, Mr Calder will take off and land 100 times a day (200 aircraft movements) meaning that the 1000 aircraft movements per [annum] limits the use of a rural airstrip to 5 days per annum. This effectively means that there will be a proliferation of airstrips (which is undesirable) or vast tracts of Central Hawke's Bay will be unable to be fertilised by air. Most rural airstrips will exceed 1000 aircraft movements per annum and the alternative of requiring a resource consent for virtually every airstrip in Central Hawke's Bay is both unreasonable and unprecedented throughout the country.'</i></p> <p>In his legal submissions, Mr Lawson goes on to submit (in paragraphs 20-22) that:</p> <p><i>'...the ability to top dress the land within the rural zones of Central Hawke's Bay is an integral and essential component of farming [in] Hawke's Bay and therefore an integral and essential component of the sustainable management of natural and physical resources within the district.</i></p> <p><i>People with an affiliation and connection to the rural sector living within the rural zones understand the importance of top dressing industry to primary production.</i></p> <p><i>The people who choose to live within the rural zone for lifestyle or other non-rural reasons should accept the existing amenity effects and practices that occur in the rural zone...'</i></p> <p>Similarly, condition (1)(c) is considered by various submitters to be unnecessarily restrictive. Mr Lawson, in his legal submissions, referred to this condition imposing a limitation on the size of fertiliser bins, barns and implement sheds, and hangars housing aeroplanes. Whilst I believe all the examples given, except the hangar, would be considered 'buildings and structures ancillary to primary production', I accept that there is little additional resource management purpose served by this condition given the other Permitted Activity standards applying to Rules GRUZ-R5 & RPROZ-R5 via condition (1)(d) – particularly Standard RPROZ-S1, which applies a broad total building coverage limit in the Rural Production Zone in terms of limiting the loss of highly productive land. Therefore, my revised recommendation is to delete conditions (1)(b) & (1)(c).</p> <p>To this end, I remain of the view that the general Permitted Activity standards applying to Rules GRUZ-R5 & RPROZ-R5 via condition (1)(d) – such as 'height of buildings', 'height in relation to boundary', 'setback from roads and rail network', 'setback from neighbours', 'shading of land and</p>
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		<p>roads', 'electricity safety distances', transport in relation to access, parking and loading, light, and noise – should be retained.</p> <p>I note in paragraph 31 of Mr Lawson's legal submissions, support for the use of NZS 6805:1992 Airport Noise Management and Land Use Planning, 'as this is the New Zealand standard that has been specifically formulated to address the noise derived from aircraft using airports and airstrips'. In that sense, I remain of the view that the specific noise standards applying to rural airstrips and helicopter landing areas in Standard NOISE-S5(13-18) of the PDP should be retained (with minor amendments to reflect other recommendations, and to apply the standard to the notional boundary of a building containing a noise sensitive activity in the Rural Lifestyle Zone, in addition to the General Rural and Rural Production Zones).</p> <p>In respect of all other amendments sought in submissions relating to this topic, my position has not fundamentally changed.</p> <p>Given the above, I wish to revise my recommendations and seek that the relevant definitions and rules applying to aviation activities in the General Rural and Rural Production Zones (including NOISE-S5) be amended as outlined at the end of this table, and reflected in Appendix 2, and that my recommendations in response to the respective submissions and further submissions be revised accordingly as reflected in Appendix 3.</p>
<p>47. Definitions GRUZ-R4 / RPROZ-R4 GRUZ-R5 / RPROZ-R5 GRUZ-RXX / RPROZ-RXX NOISE-S5(11), (13) & (16)</p>	<p>NZ Agricultural Aviation Association (NZAAA) & Aerospread Ltd (S43.001, S43.002, S43.003, S43.004, S43.006, S43.008, S43.009, S43.010 and S38.001, S38.002, S38.003, S38.004, S38.008, S38.010, S38.011) [Joint statement of Bruce Peterson and Bill MacGregor]</p> <p>NZAAA & Aerospread Ltd submissions originally sought adoption of Civil Aviation Authority (CAA) definitions, and adoption of CAA daylight tables as the guide for daylight operations for agricultural aviation aircraft, deletion of the 14-day exemption aspect in NOISE-S5(11), (13) & (16), deletion of NOISE-S5(12), retention of Rules GRUZ-R4 & RPROZ-R4, clarification that Rules GRUZ-R5 & RPROZ-R5 will not apply to agricultural aviation activity ancillary to primary production, and made various further submissions supporting or opposing other submissions on these same provisions.</p> <p>The Section 42A Report recommendation was to reject the majority of their submissions.</p> <p>In essence, their statement indicated concerns 'that normal agricultural aviation activity could become constrained by the unintended consequences of one size fits all regulations. We operate in an already highly regulated industry and are acutely aware of the impact of over-regulation on productive economic activity. To this end we make the following submissions.</p> <p>We have three specific areas we wish to see amended or clarified for agricultural aviation operations plus changes to definitions and addition of national standards/industry best practice. These are in the areas of noise; hours of operation, number of movement, number of days of operation; restrictions on the footprint of fertiliser 'bins' at rural airstrips. These apply to both fixed wing and helicopters so where the term aircraft is used it applies to both.' (pg 3 of joint statement)</p>	<p>Refer response above</p> <p>I note there are <u>no</u> hours of operation restrictions applying (or recommended) in relation to the aviation rules in the PDP, including in relevant noise standards (noise from aircraft movements is specifically exempt from the NOISE-S4 zone noise limits via NOISE-S5(11-18)).</p>

<p>48. GRUZ-R4 / RPROZ-R4 GRUZ-R5 / RPROZ-R5 GRUZ-RXX / RPROZ-RXX NOISE-S5(11), (13) & (16)</p>	<p>Hort NZ (S81.015, S81.022, S81.100) [Evidence of Lynette Wharfe, paras 8.92-8.123, p38-42]</p> <p>Hort NZ made various submissions and further submissions in respect of the definitions, rules, and noise standards applying to agricultural aviation activities and rural airstrips etc.</p> <p>The Section 42A Report recommendation was to accept the submissions in support of various provisions, accept in part the amendment sought to NOISE-S5(13) & (16), and to reject the following submissions:</p> <ul style="list-style-type: none"> - S81.015 seeking amendment of the definition of ‘helicopter landing areas’ - S81.022 seeking amendment to the definition of ‘noise sensitive activity’ - S81.100 to provide a total exemption for ‘agricultural aviation movements’ in NOISE-S5(11) <p>Ms Wharfe states in her evidence that the ‘understanding of the issue is that the intent is to provide for agricultural aviation activities as a permitted activity but to manage other aerial activities, especially where land is being used as a depot or base.</p> <p>However, the way the rules are currently drafted it is unclear and normal agricultural aviation activities could be required to obtain resource consent.</p> <p>As I understand the notified provisions agricultural aviation would be able to function as a permitted activity if:</p> <p>(a) The relevant zone rule is met - RPROZ-R4 or GRUZ-R4; and</p> <p>(b) The activity is not occurring on a new, or expansion of an existing, rural airstrip or helicopter landing area - GRUZ-R5 or RPROZ-R5; and</p> <p>(c) The activity occurs from an airstrip or helicopter landing area which has not been used more than 14 calendar days in a year – refer NOISE S(5)</p> <p>If the requirement of S5 (11, 13 or 16) of 14 calendar days cannot be met then the activity would need to meet requirements in NOISE S5 regarding noise limits. If those limits cannot be met then a resource consent would be required’ (paras 8.96-8.99 of Ms Wharfe’s evidence)</p> <p>‘I have considered how the proposed provisions could be amended to better encompass the three distinct activities and concluded that an amended framework based on the proposed rules would better address the issues and provide clarity.</p> <p>The structure would be:</p> <p>(a) GRUZ-R4 and RPROZ-R4 Use of rural airstrips and helicopter landing areas for agricultural aviation movements ancillary to primary production – Permitted – no conditions or noise controls</p> <p>(b) GRUZ-R5 and RPROZ-R5 Use of rural airstrips and helicopter landing areas for activities other than agricultural aviation – Permitted with conditions based on proposed GRUZ-R5 - Default RDIS.</p> <p>(c) GRUZ-RXX and RPROZ-RXX Use of land for aircraft base or depot DIS activity as recommended in the s42A Report.</p>	<p>Refer response above</p>
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	<p>The NOISE provisions could be amended as sought by submitters to delete the reference to 14 calendar days for agricultural aviation movements and include agricultural aviation activities ancillary to primary production as a permitted activity.</p> <p>In my opinion this approach would address concerns of other submitters about use of rural airstrips for activities other than agricultural aviation ancillary to primary production and provide clear direction for the level of activity for other activities. I consider this to be an effective and efficient planning approach and that there is considerable scope in the submission made to amend the provisions as proposed' (paras 8.120-8.123 of Ms Wharfe's evidence)</p>	
<p>49. GRUZ-R5 / RPROZ-R5 NOISE-S5(11) & (12)</p>	<p>Josh & Suzie Calder (S58.001-S58.004) [Legal Submissions of Matthew Lawson]</p> <p>Original Submissions:</p> <ul style="list-style-type: none"> - Josh and Suzie Calder (S58.004) seek an amended definition of 'Rural Airstrip' to ensure that it includes airstrips from which aircraft involved in agricultural aviation fly from and to at the start and finish of each working day. - Josh & Suzie Calder (S58.001 & S58.002) seek deletion of conditions (1)(a) – (f) in Rules GRUZ-R5 and RPROZ-R5, being the conditions for permitted activity status for new or expansion of existing rural airstrips, and all other necessary adjustments to the PDP in order to give effect to this. - Josh & Suzie Calder (S58.003) seek to remove both clauses (11) & (12) and to instead simply provide a total exemption from the noise standards for all agricultural aviation movements (along with all other necessary amendments to the PDP to give effect to this). <p>The Section 42A Report recommendation was to reject all of these submissions.</p> <p>'The submitters support the permitted activity status for the development of new or expansion of existing rural airstrips or helicopter landing areas.</p> <p>However, the submitters oppose the conditions for permitted activity status conditions a-f in rule GRUZ-R5 and RPROZ-R5):' (paras 10 & 11 of Mr Lawson's legal submissions)</p> <p>Condition (1)(a) – refer paras 12-14 Condition (1)(b) – refer to paras 15-22 Condition (1)(c) – refer to para 23 Condition (1)(d) – refer to para 24-27 (and within that, Standard RPROZ-S2 Total building coverage – refer to paras 28-29, Standard GRUZ-S11/RPROZ-S12 Noise– refer to paras 30-39)</p>	<p>Refer response above</p> <p>In addition, I wish to clarify that the Certificate of Compliance that this submitter holds is effectively a resource consent to operate in accordance with the Operative Plan, and this continues to allow their activity even if the PDP changes the rules that apply to other airstrips. The new rules would only apply to them if they wanted to take advantage of more lenient new rules (e.g. use on Sunday which doesn't seem to be covered by the Certificate of Compliance although they would still have existing use rights), or if they sought to expand their existing activity past what is authorised by their Certificate of Compliance. There is a sense in these legal submissions that the Calder's existing use is going to be further restricted, which is not the case.</p>

REVISED RECOMMENDED AMENDMENTS (tracked changes):

Relevant Definitions:

<p>AIRCRAFT</p>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.</p> </div>
<p>AIRCRAFT MOVEMENT</p>	<p>means a single flight operation (landing or departure) of any aircraft, excluding helicopters.</p>
<p>HELICOPTER MOVEMENT</p>	<p>means a single helicopter flight operation (landing or departure) of any helicopter.</p>
<p>AGRICULTURAL AVIATION ACTIVITY MOVEMENTS</p>	<p>means intermittent operation of an aircraft from a rural airstrip or helicopter landing area movements for purposes ancillary to primary production, biosecurity and biodiversity purposes activities, including top dressing, spraying, stock management, pest control, the application of fertiliser or agrichemicals, application, and frost mitigation, and associated refueling.</p>
<p>EMERGENCY AVIATION MOVEMENTS</p>	<p>means intermittent aircraft and helicopter movements associated with the following:</p> <ul style="list-style-type: none"> (a) landing or departing in an emergency (b) emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency (c) using an airstrip due to unforeseen circumstances as a necessary alternative to an airstrip elsewhere (d) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983 (e) flights certified by the Minister of Defence as necessary for reasons of National security in accordance with section 4 of the Defence Act (f) undertaking firefighting or search and rescue duties.

RURAL AIRSTRIP	means any <u>specified</u> area of land, building or structure intended or designed to be used, whether wholly or partly, for <u>the landing, departure, aircraft movement, or servicing of aircraft in the rural area,</u> including agricultural aviation movements ancillary to primary production activities.
HELICOPTER LANDING AREA	means any area of land, building or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads.
AIRPORT / AERODROME	has the same meaning as 'airport' in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;"> <p>means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft.</p> </div>
NOISE SENSITIVE ACTIVITY	means any: <ul style="list-style-type: none"> (a) buildings used for residential activity (b) marae & urupa (c) place of worship (d) visitor accommodation (e) teaching areas and sleeping/wellness rooms in an educational facility (f) home-based education and care service (g) day care facility (h) hospital or sleeping/wellness rooms in a health care facility (i) rest home or retirement village <p>but does not include an activity if it was not lawfully established.</p>
NOTIONAL BOUNDARY	means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.
HELICOPTER DEPOT	<u>means a site regularly used as a base for the operation, servicing, refueling, and storage of helicopters.</u>

Agricultural Aviation Activities:

GRUZ-R4 Agricultural aviation movements ancillary to primary production activities	
<p>1. Activity Status: PER Where the following conditions are <u>met</u>: N/A</p> <p><i>Note: NOISE-S5(11) & (12) apply to noise associated with agricultural aviation activities.</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>

RPROZ-R4 Agricultural aviation movements ancillary to primary production activities	
<p>1. Activity Status: PER Where the following conditions are <u>met</u>: N/A</p> <p><i>Note: NOISE-S5(11) & (12) apply to noise associated with agricultural aviation activities.</i></p>	<p>2. Activity status where compliance not achieved: N/A</p>

Rural Airstrips / Helicopter Landing Areas:

GRUZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas	
<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ul style="list-style-type: none"> i. 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and iii. 50m from a State Highway. <p>b. Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site).</p> <p>c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.</p> <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. <u>GRUZ-S2</u>; ii. <u>GRUZ-S3</u>; iii. <u>GRUZ-S4</u>; iv. <u>GRUZ-S5</u>; v. <u>GRUZ-S6</u>; vi. <u>GRUZ-S7</u>; vii. <u>GRUZ-S8</u>; viii. <u>GRUZ-S9</u>; and ix. <u>GRUZ-S10</u>. <p>e. Compliance with GRUZ-S12 (setback from gas transmission network).</p> <p>f. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R5(1)(d) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> a. Assessment Matters: <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. b. Assessment matters in the following chapters: <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R5(1)(a), GRUZ-R5(1)(b), GRUZ-R5(1)(c) and/or GRUZ-R5(1)(e) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R5(1)(f) is not achieved: NC</p>

RPROZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas

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|---|--|
| <p>1. Activity Status: PER
Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ul style="list-style-type: none"> i. 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and iii. 50m from a State Highway. <p>b. Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site).</p> <p>c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.</p> <p>d. 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>e. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network) <p>f. Compliance with RPROZ-S15 (setbacks from National Grid).</p> | <p>2. Activity status where compliance with condition RPROZ-R5(1)(d) 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-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 conditions RPROZ-R5(1)(a), RPROZ-R5(1)(b), RPROZ-R5(1)(c) and/or RPROZ-R5(1)(e) is not achieved: DIS</p> |
| | <p>4. Activity status where compliance with condition RPROZ-R5(1)(f) is not achieved: NC</p> |

Airport/Aerodrome/Helicopter Depot:

GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

- | | |
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| <p>1. Activity Status: DIS
Where the following conditions are met: N/A</p> | <p>2. Activity status where compliance not achieved: N/A</p> |
|--|--|

RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

- | | |
|--|--|
| <p>1. Activity Status: DIS
Where the following conditions are met: N/A</p> | <p>2. Activity status where compliance not achieved: N/A</p> |
|--|--|

Assessment Matters:

GRUZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

RPROZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

Noise Standards:

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.

<p>Agricultural Aviation <u>Activities/Movements</u></p>	<p>11. Exempt for up to 14 days in any calendar year. 12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>
<p>Rural Airstrips</p>	<p>13. The day-night average sound level (L_{dn}) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation <u>activities/movements</u> for up to 14 days in any calendar year) must not exceed 55 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, <u>and</u> Rural Production, <u>and</u> Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones. 14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning. 15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p>
<p>Helicopter Landing Areas</p>	<p>16. The day-night average sound level (L_{dn}) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation <u>activities/movements</u> for up to 14 days in any calendar year) must not exceed 50 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, <u>and</u> Rural Production, <u>and</u> Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones. 17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB L_{dn}, and in any case the limit must not be exceeded by 3 dB on any day. 18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas.</p>

Key Issue 18 – National Grid & Gas Transmission Network

Issue/Plan Provision	Submitter Evidence	Response
<p>50. Setbacks from National Grid GRUZ-S13 / RPROZ-S15</p>	<p>Federated Farmers (S121.199, S121.200, S121.229 & S121.230 and FS25.87, FS25.99, FS25.102 & FS25.104 opposing submissions of Transpower) [Evidence of Rhea Dasent, paras 53-73, pp9-14]</p> <p>Ms Dasent submits that rules for the National Grid Yard must be consistent with NZECP34 and NPS-ET, and not undermine landowners' rights awarded by their legal easements and other legislation' (para 53)</p> <p>'With the exception of the setback from poles missing, and the vehicular access issue, the Central Hawke's Bay District Plan rule is consistent with the well-established rule I have encountered elsewhere' (para 54)</p> <p>'A single setback and yard width of 12m should not be considered reasonable nor appropriate for all support structures regardless of voltage or whether in pole or tower form. Therefore, Federated Farmers opposes the deletion of the 8m setback from poles in standard GRUZ-S13/RPROZ-S15.3. This is because a single setback of 12m is more onerous than what is required in the NZECP34 for poles, and poles are the majority support structure within the district.</p> <p>8m is the engineering safe distance between any building and a pole (exceeding a 66kv circuit voltage) in NZECP34 Section 2.4 Table 1. This 8m setback has been calculated by engineers, the Code was developed in consultation with the Electricity Engineers' Association of NZ (Inc) and the Institution of Professional Engineers NZ, as well as with Transpower. We can all rely on this 8m setback as being robust, based on structural and electrical engineering and evidence-based' (paras 60 & 61)</p> <p>'Vehicular access is the other matter that Federated Farmers wishes to address. The property belongs to the private landowner, who is hosting the National Grid. The expectation is that outside the National Grid Yard, it is the property owner who decides what activities and structures go where for their own convenience and needs, not Transpower's' (para 68)</p> <p>'...it is not reasonable for a district plan to regulate an aspect that is already well-managed through statutory provisions, non-statutory methods, and is unlikely to be a resource management issue in the rural zones.</p> <p>The Electricity Act 1992 already provides Transpower with rights to enter private property to access their assets. Specifically, Section 23 Rights of Access in Respect of Existing Works. Access to structures for routine maintenance and operation, and during emergencies is so important, that it is protected in the Electricity Act and doesn't need further protection in a district plan' (paras 69 & 70)</p> <p>'Federated Farmers supports the deletion of b)i) Demonstration of compliance with an external code is onerous and unnecessary.</p> <p>Federated Farmers continues to seek deletion of b)ii) because vehicle access over private land is a matter between the landowner and the network utility operator.</p>	<p>Transpower advised that the National Grid in Central Hawke's Bay was established under landowner agreements in 1942, therefore, Transpower have no easements over the affected properties. They advised the hearing that, if they were to extend the National Grid in the District, they would seek a designation for the width of the National Grid Corridor under the District Plan, which would be wider than an easement.</p> <p>They advised that within Central Hawke's Bay, the majority of the 700 support structures for the National Grid are single poles. The access and maintenance requirements for these are largely the same as for tower support structures. A 12m setback around each tower or support structure is required for access, maintenance and safety purposes.</p> <p>Mr Cartwright (for Transpower) advised that NZECP34:2001 prescribes the 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. However, it does not address the wider third-party effects that compromise the National Grid and which are managed by the National Policy Statement for Electricity Transmission (NPSET). NZECP34 also does not adequately address electricity safety hazards and potential effects of the transmission lines on activities near them, it does not restrict subdivision of land near lines, it allows underbuilding, and it does not prevent the types of inappropriate development contemplated by the NPSET from occurring.³</p> <p>Transpower submitted that adopting an 8m setback from poles (as is provided for under NZECP34) would not provide an appropriate corridor width and would not give effect to Policies 10 and 11 of the NPSET. Transpower had been involved in rewriting the NZECP34 since 2015 but the regulations were administered by MBIE and the work was ongoing.</p> <p>Transpower submitted that reliance on the setback in the NZECP34 is not sufficient to ensure the grid is not compromised. The National Grid Yard standards being sought by them are based on an engineering approach to give effect to the NPSET.</p> <p>Transpower advised that they own and operate two 110kV lines within the Central Hawke's Bay District (i.e., the Woodville A and B lines). These are primarily located within the Rural Production Zone and the lines north of the Mangaonuku Stream are within the General Rural Zone.</p> <p>There are three other similar districts (Waikato, Horowhenua and Waimate) which feature 110kv lines on poles, and each of their district plans has a default 12m setback from the support structures, being the</p>

³ Submitter speaking notes – Transpower New Zealand Limited (Benjamin Roy Cartwright and Dougall Campbell [S79, FS18] – HS3

	<p>Federated Farmers opposes the deletion of the 8m setback from poles because:</p> <ul style="list-style-type: none"> • A single 12m setback for all structures is inconsistent with NZECP34 safety distances Section 2.4 which provides 8m from a pole; and • An 8m setback from poles will not compromise the National Grid as required by Policy 10 of NPS-ET; • A single 12m setback for all structures is not an appropriate buffer corridor under Policy 11 of NPS-ET' (in Table on pgs 13/14 of statement) 	<p>same as that sought by Transpower for the Central Hawke's Bay Proposed Plan.⁴</p> <p>In response to the Panel Minute 9 Direction (issued following Hearing Stream 3), Transpower provided a table setting out the definition of National Grid Yard (which outlines the setback from support structures and relevant rules relating to setbacks from support structures from 16 district plans in New Zealand. The table shows that each of the district plans (either operative or proposed) have, in the last five years, adopted a common approach whereby all the rules require buildings and structures to be setback at least 12m from the outer visible edge of support structures (whether they are poles or towers). There are, however, some exceptions for certain activities within 8m-12m of the support structure, including horticultural structures and artificial crop protection support structures, fences, or where Transpower has given written approval. This reflects the approach within the Central Hawke's Bay Proposed Plan.⁵</p> <p>In response to the Panel Minute 9 Direction, Federated Farmers provided a table of definitions of 'National Grid Yard' from 21 district plans in the North Island (excluding City Councils and including 5 of the district plans assessed by Transpower). Based on the definitions of National Grid Yard in the district plans referred to, Federated Farmers consider that the National Grid Yard width for single poles under the definitions appears to be 10m, rather than 8m. They note that not many districts have single poles present, although there are some with pi-poles which they accept need a wider setback to single poles. On that basis, Federated Farmers have requested that the minimum setback distance they have sought in their submission, for buildings and structures from poles, be changed from 8m to 10m, which they consider is an appropriate buffer distance to meet the obligations under Policy 11 of the NPSET.⁶</p> <p>Transpower notes that some district plan definitions of 'National Grid Yard' include a 10m setback from the centreline for 110kV lines on poles, however, the rules of those district plans require a 12m setback for buildings and structures from National Grid Yard support structures.⁷ As such, they submit that it is inappropriate to rely only on the definition of 'National Grid Yard' in the district plans assessed, as the definition alone does not give the full and correct account of the setbacks actually required under the rules of those plans.</p> <p>I have reviewed the additional 16 district plans referred to by Federated Farmers (i.e., those plans not referred to by Transpower) and found that one of them (Whangarei District Plan) has a setback of 10m, one (Hastings District Plan) relies on the setbacks under NZECP34:2001, and one (Waitomo District Plan) does not appear to have a setback from the</p>
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⁴ Summary Statement of Pauline Mary Whitney for Transpower New Zealand Limited, dated 15 June 2022.

⁵ Response to Panel Minute 9 Direction following Hearing Stream 3, Pauline Whitney for Transpower New Zealand Limited, dated 14 July 2022.

⁶ Supplementary Evidence Federated Farmers of New Zealand, dated 15 July 2022.

⁷ Response to Panel Minute 9 Direction following Hearing Stream 3, Pauline Whitney for Transpower New Zealand Limited, dated 14 July 2022.

		<p>National Grid Yard. The remaining 13 district plans have a minimum setback of 12m.</p> <p>On the basis of the above, I have not changed my position and remain of the view that it is appropriate to retain a 12m setback for buildings and structures from National Grid Yard support structures. However, I consider that it would be appropriate to amend Standards GRUZ-S13(3) and RPROZ-S15(3) of the Proposed Plan (as set out in Appendix 2), so that it is clear the 12m minimum setback is measured from the 'outer visible edge of a National Grid Yard support structure', which is consistent with how the 12m is measured under the other relevant district plans referred to by Transpower and Federated Farmers. I consider that this amendment can be made as a minor change under clause 16(2) of the First Schedule of the RMA, as an alteration of information of minor effect.</p>
<p>51. Setbacks from National Grid GRUZ-S13 / RPROZ-S15</p>	<p>Hort NZ (FS17.79, FS17.92 & FS17.117 opposes submissions of Transpower) [Evidence of Lynette Wharfe, paras 9.1-9.11, pp42-43]</p> <p>Ms Wharfe supports retaining provisions in the zone chapters, 'Transpower is seeking that the provisions for the National Grid be located within the Energy and Infrastructure chapter, rather than in the relevant zone chapters.</p> <p>Interestingly, Transpower sought the opposite in the Selwyn District Plan hearing – seeking that the provisions be located in zone chapters rather than the Energy and Infrastructure chapter.</p> <p>I consider that the provisions are more accessible for plan users in zone chapters' (paras 9.6-9.8)</p> <p>'I support the Federated Farmers submissions that seek that provisions for a pole be retained in the Plan as they do not require the same setbacks as for towers. Therefore, I support the retention of '8m from a pole' in GRUZ-S13/ RPROZ-S15 3). Such an approach is consistent with NZECP34:2001' (para 9.11)</p>	<p>For the reasons I have outlined above, I have not changed my position and remain of the view that it is appropriate to retain a 12m setback for buildings and structures from National Grid Yard support structures, but with some exceptions for certain activities, as set out under Standards GRUZ-S13(3) and RPROZ-S15(3) of the Proposed Plan.</p>
<p>52. Setbacks from National Grid GRUZ-S13 / RPROZ-S15</p>	<p>Transpower (S79.095, S79.097, S79.111, S79.113, S79.110 & S79.126 and S79.098, S79.099, S79.100, S79.101, S79.102, S79.103, S79.104, S79.105, S79.106, S79.107, S79.108, S79.109, S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124, S79.125 and FS18.30, FS18.33, FS18.34 & FS18.31 opposing Federated Farmers)</p> <p><u>Paras 46-51, pp 13-14 of Dougall Campbell's evidence:</u></p> <p>In response to submitters who consider compliance with NZECP 34:2001 should be enough to ensure safe and efficient use of land near the National Grid. Assertions incorrect, as fail to acknowledge the range of electricity transmission issues covered by NPSET e.g. does not address the other electrical safety hazards and potential effects of the lines on activities in close proximity to them. The Code also does not protect the integrity of the National Grid from effects of other activities, e.g. subdivision of land near lines, it allows underbuilding, and it does not distinguish between sensitive and non-sensitive activities and, therefore, does not prevent the types of inappropriate development contemplated by NPSET occurring.</p>	<p>Ms Whitney refers to the references to NZECP 34:2001 in Standards GRUZ-S13(1)(b)(i) / RPROZ-S15(1)(b)(i), however, I think that she may mean Standards GRUZ-S13(2)(b)(i) / RPROZ-S15(2)(b)(i) as they were notified in the Proposed Plan (i.e., not as those standards are numbered in the tracked changes versions of the chapters in Appendix A of the s42A report).</p> <p>The standards referred to by the submitter apply to all buildings and structures 'Under the National Grid conductors (wires)' permitted on sites within any part of the National Grid Yard. Transpower requests that the requirement under the standards, to demonstrate that safe electrical clearance distances required by NSECP 34:2001 are maintained for all buildings and structures under all National Grid line operating conditions, is retained.</p> <p>I concur that to give effect to NPSET, the NZECP 34:2001 clause should be retained in Standards GRUZ-S13(2)(b)/RPROZ-S15(2)(b).</p> <p>I also support the submitter's request to amend the rules listed in Ms Whitney's evidence, so the rules reference Standard GRUZ-S13/RPROZ-</p>

	<p><u>Benjamin Cartwright Section 8, pp 24-25:</u></p> <p>Main hazard associated with the National Grid is electric shocks. Risk likely to be highest within 10m-12m of the centreline of a transmission line, but some associated effects transferred beyond 12m.</p> <p>Pp 41-42, paras 13.6 – 13.10 Minimum safety requirements in NZECP 34:2001 neither seek to protect the integrity of the National Grid from the effects of third parties, not prevent development (including sensitive and intensive development) from occurring directly underneath transmission lines. It also does not adequately account for Earth Potential Rise (EPR) hazard contours</p> <p>Para 8.21.4 Pauline Whitney – “Based on the evidence, sole reliance on NZECP 34:2001 is insufficient to give effect to the strong policy directive in NPSET. Requests that the references to the Code in Standards GRUZ-S13(1)(b)(i) //RPROZ-S15(1)(b)(i) be retained (not deleted as recommended by s42A).</p> <p><u>Paras 8.21.5 Pauline Whitney:</u></p> <p>To give effect to NPSET, seeks that the NZECP 34:2001 clause be retained in Standards GRUZ-S13/RROZ-S15,</p> <p><u>Section 8.20 of Pauline Whitney’s evidence, paras 8.20.1-8.20.6:</u></p> <p>Recommends following rules be amended to reference Standard GRUZ-S13/RPROZ-S15, and for a default Non-Complying Activity status where there is non-compliance with the standard:</p> <ul style="list-style-type: none"> • RPROZ-RXX Rural Industries • RPROZ-RXX Artificial Crop Protection Structures • RPROZ-R13 Relocated Buildings • RPROZ-R17 Relocatable Building Depots • RPROZ-R18 Any other activity • RPROZ-R19 Industrial Activities • GRUZ-R13 Relocated Buildings • GRUZ-RXX Commercial boarding and/or breeding of cats, dogs and other domestic pets • GRUZ-RXX Artificial Crop Protection Structures • GRUZ-R16 Camping Grounds • GRUZ-R17 Relocatable Building Depots • GRUZ-R18 Any other activity • GRUZ-R19 Industrial Activities 	<p>S15 and the activity status for non-compliance with the standard is ‘Non-Complying’.</p> <p>I revise my recommendations accordingly. My recommended amendments to the standards and rules in the GRUZ and RPROZ chapters are set out in Appendix 2.</p> <p>However, I do not support amending Rules RPROZ-R13 /GRUZ-R13 Relocated Buildings, as the rules only relate to the relocation of a building itself, not the activity. The requirement to comply with the standards will be captured by the activity rules, e.g. GRUZ-R1 Residential Activities. Also, GRUZ-R19 /RPROZ-R19 Industrial activities already provides for Non-Complying Activity status, so there is no need to amend them.</p>
<p>53. Setbacks from Gas Transmission Network GRUZ-S12 / RPROZ-S14</p>	<p>Federated Farmers (S121.198, S121.228) [Evidence of Rhea Dasent, paras 74-87, pp14-16]</p> <p>Ms Dasent submits that all provisions for the gas transmission network be deleted ‘because legal easement agreements already address any issues. High pressure gas pipelines have 100% easement agreement coverage where they cross over private land, which already stipulate setbacks, no build zones, and manage other activities like earthworks for the purpose of protecting the line and safety. District Plan provisions must not undermine legal easement agreements. In addition, there are no National Policy Statements for gas transmission to give effect to’ (para 74)</p>	<p>Federated Farmers seek the deletion of Standards GRUZ-S12 and RPROZ-S14, which require buildings associated with Residential Activities to be set back from a gas transmission pipeline forming part of the Gas Transmission Network by a minimum of 20m, and setback a minimum distance of 30m from above ground incidental equipment forming part of the Gas Transmission Network.</p> <p>I note that First Gas requested these setbacks in their submission on the Draft District Plan, which were subsequently included within the PDP.</p> <p>The response to these submission points in the Section 42A Report (para 2.3.31 Vol 4) was as follows:</p>

	<p>'...nor does Section 6 of the RMA give gas the status of being a matter of national importance, nor does the Gas Act 1992 assign national significant status for gas transmission' (para 75)</p> <p>'The District Plan only needs to show the designated high pressure gas transmission lines on the district planning maps, and ensure that resource consent applicants are reminded to consult with the easement grantee, just as they would with any other easement grantee. First Gas can then provide the developer with any advice or material as they please.</p> <p>As for excavation, earthworks or digging near transmission lines, First Gas has a permit system. There is no need for a District Plan to have an additional permit system by requiring a resource consent. Council staff will not have any greater knowledge than First Gas on the matter, that justifies a duplicate permit regime. First Gas even provide the permit for free in order to avoid a disincentive for applications' (paras 80 & 81)</p> <p>'There is no evidence that reverse sensitivity is a demonstrable issue in the district that justifies regulation. Has the District Council logged many complaints against the gas transmission pipelines? Are the complaints undermining First Gas' confidence to continue operating? I suggest that the opposite is bigger concern: that the pipelines are "out of sight, out of mind" and that more education by the gas operator is required to ensure landowners know where the transmission pipelines cross their property.</p> <p>The District Plan 20m setback is far in excess of the easement widths of 12 metres wide for a single pipeline, with an additional 4 metres for each additional pipeline. There is no justification why the district plan requires a setback that is 66% greater than the legal easement to manage either reverse sensitivity or safety. The easements stipulate that no structures (not just houses, but any structure) are allowed on the easement site.</p> <p>Health and safety of owners and occupiers of buildings is a commendable concern, but this is already managed through the easements, and the safety campaigns run by First Gas, and WorkSafe monitoring and enforcement under the Gas Act 1992. First Gas has a wealth of educational and guidance material for a range of audiences, a Dial-before-you-Dig helpline, and free access to their staff for advice. First Gas clearly describe the health and safety at work obligations in their pamphlets, including this one specifically for farmers¹². This level of health and safety service provided by First Gas and WorkSafe cannot be bettered by the District Plan.</p> <p>Therefore, all provisions (other than the mapping of the gas transmission lines) should be deleted from the District Plan' (paras 84-87)</p>	<p><i>'I do 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 are important to ensure there are no reverse sensitivity effects on the transmission network that could interfere with its ongoing operation as infrastructure of national, regional and local importance. The setback for residential activities is also important to ensure the health and safety of owners and occupiers of the residential buildings.'</i></p> <p>While I still recognise the national, regional and local importance of the Gas Transmission Network, I acknowledge Federated Farmers' submission that the PDP setbacks are far in excess of the 12m width (with an additional 4m for each additional pipeline) of the legal easement agreements First Gas has with private landowners.</p> <p>Graeme Roberts from First Gas advised the hearing that the gas pipeline through Central Hawke's Bay District is an offshoot of the main pipelines, being the North Island Main Line and the Maui Pipeline. Less than 10% of the pipeline within the District is designated. Mr Roberts advised that the 12m easement agreement (i.e. 6m either side of the gas pipeline) that First Gas has with landowners is not of sufficient width to alert landowners to the presence of the pipeline. First Gas consider 20m either side of the pipeline is an industry best standard for controlling residential and sensitive activities near high pressure gas pipelines. Mr Roberts advised that the most catastrophic event that could occur, if the pipeline was damaged, was a giant gas flare coming out of the ground which would incinerate anything within 20m of it. He therefore considered it appropriate that a resource consent be required for activities proposed to be located within 20m of the pipeline.</p> <p>The 20m setback from the pipeline required under Standards GRUZ-S12 and RPROZ-S14 apply only to Residential Activities. While the potential for a catastrophic event to occur in association with the pipeline may be low, the impact of such an event if it did occur would be very high for any residential activities located within 20m of the pipeline. Given that, and the limited application of the standards to Residential Activities, I have not changed my position and consider that it is reasonable and appropriate to retain the standards as notified.</p>
<p>54. Setbacks from Gas Transmission Network</p> <p>GRUZ & RPROZ Rules referencing Standard GRUZ-S12 / RPROZ-S14</p>	<p>Hort NZ (S81 various) [Evidence of Lynette Wharfe, paras 9.12-9.13, p43]</p> <p>Ms Wharfe supports the changes recommended in the s42A Report in respect of the gas pipeline 'where references to the gas pipeline are deleted as a standard in a number of rules.</p> <p>The Gas network is managed through easements over properties which it traverses and as such is the more appropriate mechanism for addressing potential issues arising from the location of the pipeline' (paras 9.12 & 9.13)</p>	<p>To clarify, where I have recommended in my s42A report that the references to Standard GRUZ-S12 / RPROZ-S14 be deleted, that is because the rules do not apply to Residential Activities and, therefore, the standard is not relevant to those rules. Therefore, I have not changed my position.</p>

55. RPROZ-S14 Setback from Gas Transmission Network	<p>First Gas (FS3.027, FS3.035 opposing Federated Farmers) [Evidence of Graham Roberts, para 46, p11]</p> <p>First Gas opposed Federated Farmers' submission requesting the deletion of Standard RPROZ-S14.</p> <p>First Gas now requests that the standard be amended to apply to 'Sensitive Activities' instead of 'Residential Activities'.</p>	<p>First Gas was a further submitter and I consider that their request to amend Standard RPROZ-S14 is out of the scope of the original Hort NZ submission they supported.</p> <p>While I recognise that Standard RPROZ-S14 is limited to only applying to residential activities, I consider that there is no scope within the submissions received to extend its application to 'sensitive activities'. Therefore, I have not changed my position.</p>
56. GRUZ-S12 Setback from Gas Transmission Network	<p>First Gas [Evidence of Graham Roberts, para 33, p9]</p> <p>First Gas opposed Federated Farmers' submission requesting the deletion of Standard GRUZ-S12.</p> <p>First Gas now requests that the standard be amended to apply to 'Sensitive Activities' instead of 'Residential Activities'.</p>	<p>First Gas was a further submitter and I consider that their request to amend Standard GRUZ-S12 is out of the scope of the original Hort NZ submission they supported. Also, as a further submitter, First Gas can only support or oppose a submission, and cannot request any amendments.</p> <p>While I recognise that Standard GRUZ-S12 is limited to only applying to residential activities, I consider that there is no scope within the submissions received to extend its application to 'sensitive activities'. Therefore, I have not changed my position.</p>
57. RPROZ-R10 Community Facilities	<p>First Gas [Evidence of Graham Roberts, paras 40-41, p10]</p> <p>First Gas supported Hort NZ's request to delete the reference to Standard RPROZ-S14 under Rule RPROZ-R10.</p> <p>However, First Gas is seeking that Standard RPROZ-S14 be amended to apply to 'sensitive activities' instead of 'residential activities' (see below)</p>	<p>First Gas was a further submitter, and therefore is only able to support or oppose the original submission. I consider that their request to amend Standard RPROZ-S14 is out of the scope.</p> <p>While I recognise that Standard RPROZ-S14 is limited to only applying to residential activities, I consider that there is no scope within the submissions received to extend its application to 'Sensitive Activities' (which would encompass a number of other activities, such as visitor accommodation and educational facilities, as well as residential activities). Therefore, I have not changed my position.</p>
58. RPROZ-R11 Education Facilities	<p>First Gas [Evidence of Graham Roberts, paras 42-43, pp10-11]</p> <p>First Gas supported Hort NZ's submission requesting that the reference to Standard RPROZ-S14 be deleted from Rule RPROZ-R11(1)(c)(ii). They now want it retained on the basis that they now request that Standard RPROZ-S14 be amended such that it refers to 'Sensitive Activities' instead of 'Residential Activities'.</p>	<p>As above, I consider that the further submitter's request is out of the scope of submissions. Therefore, I have not changed my position.</p>
59. GRUZ-R10 Community Facilities	<p>First Gas [Evidence of Graham Roberts, paras 24-25, pp6-7]</p> <p>First Gas supported HortNZ's request to delete the reference to Standard GRUZ-S12 under Rule GRUZ-R10.</p> <p>However, First Gas is seeking that Standard GRUZ-S12 be amended to apply to 'sensitive activities' instead of 'residential activities' (see below)</p>	<p>First Gas was a further submitter, and therefore is only able to support or oppose the original submission. I consider that their request to amend Standard GRUZ-S12 is out of the scope.</p> <p>While I recognise that Standard GRUZ-S12 is limited to only applying to residential activities, I consider that there is no scope within the submissions received to extend its application to 'sensitive activities'. Therefore, I have not changed my position.</p>
60. GRUZ-R11 Educational Facilities	<p>First Gas [Evidence of Graham Roberts, paras 26-27, p7]</p> <p>First Gas supported HortNZ's submission requesting that the reference to Standard GRUZ-S12 be deleted from Rule GRUZ-R11(1)(c)(ii). They now want it retained on the basis that they now request that Standard GRUZ-S12 be amended such that it refers to 'Sensitive Activities' instead of 'Residential Activities'</p>	<p>As above, I consider that the further submitter's request is out of the scope of submissions. Therefore, I have not changed my position.</p>

Key Issue 19 – Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation

Issue/Plan Provision	Submitter Evidence	Response
61.	<p>Hort NZ (S81 various) [Lynette Wharfe, paras 9.14-9.15, pp43-44]</p> <p>Ms Wharfe states Hort NZ 'made submissions and further submissions on a suite of activities that are addressed in Key Issue 19:</p> <ul style="list-style-type: none"> (a) Camping grounds (b) Community facilities (c) Educational facilities (d) Visitor accommodation. <p>In my opinion providing for these activities needs to be clearly linked to the functional or operational need to locate in the rural area as discussed in Key Issue 3. Such an approach is consistent with the National Planning Standards Zone Framework which I have based my framework on in Section 5 of this evidence' (paras 9.14 & 9.15)</p>	<p>Hort NZ indirectly raises an issue with the recommended amendments to Policies GRUZ-P2 and RPROZ-P2 in response to other submission points. The recommended amendments have inadvertently removed the policy in the notified PDP that is supported by Rules GRUZ-R8/RPROZ-R8, GRUZ-R10/RPROZ-R10, GRUZ-R11/RPROZ-R11 and GRUZ-R16/RPROZ-R16 that provide for small-scale community facilities, camping grounds, educational facilities and visitor accommodation as Permitted Activities in the General Rural Zone and the Rural Production Zone.</p> <p>The notified policies read as follows:</p> <p>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.</p> <p>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.</p> <p>The policies, as recommended to be amended in the s42A report, read as follows:</p> <p>GRUZ-P2 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:</p> <ol style="list-style-type: none"> 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. <p>RPROZ-P2 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:</p> <ol style="list-style-type: none"> 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. <p>The recommended amendments to the policies removed the reference to activities supporting the function and wellbeing of rural communities</p>

		<p>and/or enjoyment of the rural environment, and contributing to the vitality and resilience of the District's economy. This omission was not intended by the reporting officer, and I revise my recommendations and recommend the amended wording in the policies be altered so the policies read as follows (highlighted grey):</p> <p>GRUZ-P2 To provide for non-primary production related activities that have a functional need or operational need for a rural location, <u>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,</u> and where they are managed to ensure that:</p> <ol style="list-style-type: none"> 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. <p>RPROZ-P2 To provide for non-primary production related activities that have a functional need or operational need for a rural location, <u>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,</u> and where they are managed to ensure that:</p> <ol style="list-style-type: none"> 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.
<p>62. Camping Grounds GRUZ-R16 / RPROZ-R16</p>	<p>Hort NZ (S81.122 & S81.166) [Evidence of Lynette Wharfe, paras 9.16-9.28, pp44-45]</p> <p>Ms Wharfe states Hort NZ 'support the inclusion of camping grounds in the definition of sensitive activities.</p> <p>However, I do not support the recommendation to amend the activity status to RDIS.</p> <p>There are Assessment matters in the Plan (GRUZ-AM11 and RPROZ-AM12) which would be specifically considered as part of a discretionary consent application.</p> <p>However, the way that the plan is structured those matters would not be considered as part of a restricted discretionary consent application.</p> <p>The s42A Report refers to the assessment matters in 3.3.20 but the recommendation on activity status does not include compliance with those assessment matters.</p> <p>While the listed standards in GRUZ-R16 and RPROZ-R16 may be relevant, I consider consideration of the assessment matters and alignment with the</p>	<p>I concur with the submitter that Rules GRUZ-R16 and RPROZ-R16, as they are recommended to be amended by the Reporting Officer, do not require Restricted Discretionary Activities to be assessed against Assessment Matter GRUZ-AM11/RPROZ-AM12, which relate specifically to Camping Grounds.</p> <p>I disagree with the submitter that Camping Grounds are not anticipated in the General Rural Zone and the Rural Production Zone. As a non-primary production activity, the provision of camping grounds supports Policies GRUZ-P2 and RPROZ-P2, which I have recommended (above) be amended so they continue to refer (as notified) to the contribution that such activities make to the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and to the vitality and resilience of the District's economy.</p> <p>Therefore, I have not changed my position and stand by my recommendation to change the activity status of camping grounds under Rules GRUZ-R16 and RPROZ-R16 from a Discretionary Activity to a Restricted Discretionary Activity. However, I revise my recommendation</p>

	<p>objectives and policies in the plan are more important where an activity may create reverse sensitivity effects.</p> <p>The objectives and policies do not anticipate the establishment of camping grounds in the rural zones as they are a sensitive activity (GRUZ-O4 and P5 and RPROZ-O6 and P5) and also a commercial activity (RPROZ-P9 and GRUZ-P9)</p> <p>The s42A Report is recommending that Rural Industry – an activity that has a functional or operational need to locate in the rural area - be a Discretionary activity.</p> <p>In my opinion, it is inconsistent to provide a lesser activity status for an activity that does not require a rural location as compared to an activity such as rural industry.</p> <p>Therefore, I do not agree with the s42A Report recommendation to amend the activity status for camping grounds to restricted discretionary and seek that it be retained as Discretionary' (paras 9.20-9.28)</p>	<p>and recommend that the wording of the rules be amended further to include Assessment Matter GRUZ-AM11/RPROZ-AM12 as a matter over which discretion is restricted.</p>
<p>63. Community Facilities GRUZ-R10 / RPROZ-R10</p>	<p>Hort NZ (S81.119 & S81.163) [Evidence of Lynette Wharfe, paras 9.29-9.39, pp45-46]</p> <p>Ms Wharfe states Hort NZ do not support retaining community facilities as a Permitted Activity subject to conditions, 'If the plan had a standard relating to functional or operational need to locate in the rural area and compliance was required with that standard, it may be possible to provide for community activities without a full discretionary consent assessment.</p> <p>However, the plan does not have such a standard and the s42A Report rejects the submissions to add the assessment matters to the matters to which discretion is restricted in the rules for community facilities' (paras 9.37-9.38)</p>	<p>I disagree with the submitter that Community Facilities are not anticipated in the General Rural Zone and the Rural Production Zone. As a non-primary production activity, the provision of community facilities supports Policies GRUZ-P2 and RPROZ-P2, which I have recommended (above) be amended so they continue to refer (as notified) to the contribution that such activities make to the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and to the vitality and resilience of the District's economy.</p> <p>Regard to Hort NZ's request to amend Rule GRUZ-R10 and RPROZ-R10 to include Assessment Matter GRUZ-AM8/RPROZ-AM9, I stated the following in paragraph 3.3.32 of the s42A report (Vol 4):</p> <p><i>"I do 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 will be restricted where there is an infringement of the Standards under Rules GRUZ-R10(1)(a) and RPROZ-R10(1)(a). Rules GRUZ-R10(2) and RPROZ-R10(2) establish the assessment matters over which discretion is restricted, as being those that are 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. Assessment Matters GRUZ-AM8 and RPROZ-AM9 are 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, adding these assessment matters to the list of matters in Rules GRUZ-R10 and RPROZ-R10 is not in keeping with the rule framework adopted in the Proposed Plan. On that basis, I do not support Hort NZ's request to add the Assessment Matter to the list of matters to which discretion is restricted in these rules."</i></p> <p>In this regard, I have not changed my position from that outlined in the s42A report.</p>

<p>64. Community Facilities GRUZ-R10</p>	<p>Heretaunga Tamatea Settlement Trust (S120.025) [Evidence of Stephen Daysh, paras 5.1-5.2, p11]</p> <p>Heretaunga Tamatea Settlement Trust (S120.025) submission supports provision for community facilities within the General Rural Zone, however, seeks that the activity status in Rule GRUZ-R10 for 'community facilities' that exceed 100m2 gross floor area per site be amended to be a 'Controlled' activity, rather than 'Discretionary'.</p> <p>Does not agree with s42A report recommendation to reject HTST's submission requesting that Community Facilities over 100m2 be a Controlled Activity. Considers that community facilities are an important component of the rural environment and add vibrancy of rural communities and provide essential facilities, such as meeting places and access to much needed community facilities.</p> <p>Considers that community facilities up to 200m2 should be provided for as a Controlled Activity (as per Educational Facilities).</p>	<p>I note that para 3.3.31 Vol 4 of Section 42A Report indicates the HTST submission relates to both RPROZ-R10 and GRUZ-R10, however the submission is only in relation to GRUZ-R10.</p> <p>I assume the submitter is seeking that community facilities up to 200m2 should be provided for as a Permitted Activity (as per Educational Facilities), not 'Controlled'.</p> <p>In any case, I consider there is no scope in the original submission to consider increasing the permitted gross floor area limit from 100m2 to 200m2, as the original submission only requested a change in activity status not gross floor area.</p> <p>In this regard, I have not changed my position from that outlined in the s42A report.</p>
<p>65. Educational Facilities GRUZ-R11 / RPROZ-R11</p>	<p>Hort NZ (S81.120 & S81.164) [Evidence of Lynette Wharfe, paras 9.40-9.52, p46-47]</p> <p>Ms Wharfe states Hort NZ do not support increasing floor area be increased to 200m2 for educational facilities as a Permitted Activity, 'There does not appear to be any clear justification for the increase to 200m2. In addition, the area does not include outdoor areas that a facility may have and use, including playgrounds and sports fields.</p> <p>Educational facilities includes child care facilities so it could be reasonably anticipated that a child care facility could establish in the rural area without any requirement to consider reverse sensitivity or the need to locate in the area.</p> <p>The issues with educational facilities are similar to community facilities. There are situations where there is a functional or operational need for an educational facility to locate within the rural area.</p> <p>Recommended policy GRUZ-P2 and RPROZ-P2 both provide a framework for non-primary production activities that have a functional or operational need for a rural location and how they will be managed.</p> <p>But in the present rule framework there is no mechanism to assess that need.</p> <p>Therefore I do not support the recommended changes to GRUZ-R11 and RPROZ-R11 and seek that the activity status be amended to discretionary' (paras 9.47-9.51)</p>	<p>I disagree with the submitter that Educational Facilities are not anticipated in the General Rural Zone and the Rural Production Zone. As a non-primary production activity, the provision of educational facilities supports Policies GRUZ-P2 and RPROZ-P2, which I have recommended (above) be amended so they continue to refer (as notified) to the contribution that such activities make to the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and to the vitality and resilience of the District's economy.</p> <p>In this regard, I have not changed my position from that outlined in the s42A report.</p>
<p>66. Visitor Accommodation GRUZ-R8 / RPROZ-R8</p>	<p>Hort NZ (S81.117 & S81.161) [Evidence of Lynette Wharfe, paras 9.53-9.69, pp47-48]</p> <p>Ms Wharfe states Hort NZ 'sought that this clause be deleted and replaced with a limitation of no more than 4 guests at one time.</p> <p>The s42A Report is recommending that the submissions be rejected and the rule retained as notified.</p> <p>The writer considers that the limitation of 3 months is necessary to ensure the temporary nature of the activity, rather than being akin to a residential activity.</p>	<p>As a non-primary production activity, the provision of Visitor Accommodation supports Policies GRUZ-P2 and RPROZ-P2, which I have recommended (above) be amended so they continue to refer (as notified) to the contribution that such activities make to the function and wellbeing of rural communities and/or the enjoyment of the rural environment, and to the vitality and resilience of the District's economy.</p> <p>In this regard, I have not changed my position from that outlined in paragraphs 3.347-3.357 of the s42A report (Vol 4).</p>

I concur that visitor accommodation should not be used as a proxy for residential activity, but consider that a length of 3 months is a considerable length of time for a paying temporary guest.

While not entirely applicable to visitor accommodation the plan has a definition of temporary event which describes it as: 'A short term or intermittent use of any land, buildings and structures for an activity'.

In my opinion, 3 months is not 'short-term' and is more suggestive of a longer term residency than temporary.

The definition of visitor accommodation is:

Means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

This definition limits the use of the facility.

I support the submission of HortNZ to seek a limit on the number of visitors that can be accommodated at any one point in time as a permitted activity.

Such a condition means that the scale of the activity is restricted.

The s42A Report does not consider that the restriction on number is necessary to limit the scale of the activity because it would be limited by the 100m² floor area in S1.

Visitor accommodation is a commercial activity which Policies GRUZ-P9 and RPROZ-P9 seek to avoid where they are unrelated to the primary productive use of the zone and are incompatible with the character and amenity of the rural area.

As a permitted activity which defaults to RDIS with limited matters of discretion there is no ability to assess the appropriateness of the facility in terms of meeting the policy or compliance with RPROZ-AM8 and GRUZ-AM7 for visitor accommodation.

Therefore I consider that providing for visitor accommodation without such an assessment should be confined to ensure that the scale is small and potential for adverse effects such as reverse sensitivity limited.

The following changes are sought to GRUZ-R8 and RPROZ-R8 for visitor accommodation:

- (a) Amend 1) i) to length of stay for any one guest must be no greater than 1 month in any 12 month period
- (b) Add a new clause 1 a) ii) there must be no more than 4 guests at any one point in time
- (c) Amend 2) to DIS and include reference to RPROZ-AM8 and GRUZ-AM7' (paras 9.55-9.69)

Key Issue 20 – Emergency Services & Firefighting Water Supply

Issue/Plan Provision	Submitter Evidence	Response
<p>67. Proposed Firefighting Water Supply Standard GRUZ-S15 / RPROZ-S17</p>	<p>Federated Farmers (FS25.101 & FS25.129 opposing FENZ (S57.156 & S57.195)) [Evidence of Rhea Dasent, paras 88-94, pp16-18]</p> <p>Ms Dasent opposes the proposed standard 'because it is going to be a stretch for rural and lifestyle property owners to achieve. A redeeming feature of the rule is that it only applies to habitable buildings, and not all buildings. However, there are many aspects that will make it unworkable:</p> <ul style="list-style-type: none"> • Requiring every existing rural building to retrofit firefighting supply is impractical and onerous. • A 45,000 litre tank is 7.5m long, 3.45m wide and 3.2m high. This is enormous, and will be unfeasible to locate on many properties. Even 2x 25,000l tanks will take up a huge area and be difficult to position within 90m of every house. • Such a tank would only be used once in one or two decades if you were extremely unlucky, so the cost-benefit is heavily skewed to cost. There is a strong inherent benefit to not burning your house down in the first instance. • Being full of water with no flow as it cannot be used for potable supply, a tank would require frequent maintenance. • Would a 45,000l dam require a resource consent to construct, and would it be allowed to be so close to a house? • It will add an additional \$10,000 to \$15,000 cost to every rural property that does not already have the natural water source available. • The water flow requirement in d)ii) will require a retrofit pump to achieve, which means gravity-fed systems will be forced to upgrade even though electricity to the site may be difficult to achieve. Those with existing pumps may also have to upgrade a perfectly good system to one that meets this standard' (para 90) <p>'I really question the need for such a rule. How many rural houses has the Central Hawkes Bay District lost to fire where the lack of stored 45,000l or higher flow were the deciding factors? The fire-fighting engines also transport water to the emergency. If their water supply is insufficient, the local fire-fighting entity should invest in an additional tanker themselves rather than passing the cost onto property owners.</p> <p>Most rural properties already have an alternative water supply available – either their reticulated house or farm supply, a bore, or surface water such as a dam. It would be sensible to require a new farm park or lifestyle development with multiple lots that are closely space to provide firefighting water at time of subdivision consent. It is not sensible to require every existing farm or stand-alone lifestyle property to retrofit a specific firefighting water supply.</p> <p>If the rules proceed, the Council will be committing itself to monitoring and enforcing them. Will the Council run a campaign to inform rural people of this new requirement? Will the Council assess the options (natural supply, storage or flow requirements) for every property? Will there be a fund available for people that may not be able to afford the new expense of retrofitting a suitable supply?</p>	<p>With the inclusion of the recommended new standard, there would be no requirement to retrofit a water supply (including pumps, for any existing habitable buildings – it would only apply to new buildings with habitable rooms, or the provision of new habitable rooms to existing buildings.</p> <p>New habitable rooms in new or existing buildings will generally require a building consent, and building consent applications would be assessed by Council officers for compliance with the relevant District Plan rules and standards when applications are received (as Council currently does, including checking compliance with standards for setbacks from boundaries, height, etc.). Any requirements for a resource consent would be identified at that time.</p> <p>I acknowledge Federated Farmers' question, about whether there is any need for such a standard. As I have outlined in the s42A report, there are other Councils in New Zealand that have included such a standard in their District Plan, and others that have not. If the Hearing Panel was of a mind to recommend the inclusion of the standard, I consider that a key benefit of doing this is ensuring FENZ has the water they need available on site so they can put out a fire when they are called by a building owner/occupier during a fire emergency.</p> <p>In this regard, I have not changed my position from that outlined in paragraphs 4.3.10 – 4.3.30 of the s42A report (Vol 4).</p>

	<p>I suggest that the subdivision rules for multi-lot lifestyle/farmpark developments require a firefighting supply, and that there are no rules requiring retrofit supplies in the rural zones. The existing regulations under SNZ PAS 4509:2008, the Building Consent process for new houses, and bylaws are sufficient' (paras 91-94)</p>	
<p>68. Proposed Firefighting Water Supply Standard GRUZ-S15 / RPROZ-S17</p>	<p>Hort NZ (FS17.114 & FS17.153 opposing FENZ (S57.156 & S57.195)) [Evidence of Lynette Wharfe, paras 9.72-9.76 p49]</p> <p>Ms Wharfe states 'I do support a limitation of any firefighting water requirements to buildings where there is a habitable room, as opposed to all development as sought by FENZ.</p> <p>However I do not support the recommended GRUZ-S15 and RPROZ-S17 as the standard would require 45,000 litres of water even if a sprinkler system is installed where a lesser quantity of water is required in the Firefighting Water Supplies Code of Practice.</p> <p>Therefore the standard should include a lesser amount to recognise where sprinklers are installed in a building.</p> <p>The Firefighting Water Supplies Code of Practice has a table that sets out requirements and I consider that reference to the Code is preferable, rather than interpreting and prescribing the standards in the Code into the Plan.</p> <p>Therefore I support reference to SNA PAS 4509:2008 NZ Fire Service Firefighting Water Supplies Code of Practice in GRUZ-S15 and RPROZ-S17 rather than listing some requirements from the Code in the Plan' (paras 9.72-9.76)</p>	<p>I consider that it is not appropriate to replace Standard GRUZ-S15/RPROZ-S17 with reference to the SNA PAS 4509:2008 NZ Fire Service Firefighting Water Supplies Code of Practice, as the Code of Practice could be amended by FENZ without the opportunity for input from CHBDC or District residents, and potentially a change to the District Plan, which would have cost and efficiency implications for the Council. I also consider it inappropriate that Plan users need to refer to a document that sits outside the District Plan, and which may not be readily available to them. I therefore consider that the standard as recommended would provide more certainty for Plan users.</p> <p>In this regard, I have not changed my position from that outlined in paragraphs 4.3.10 – 4.3.30 of the s42A report (Vol 4).</p>
<p>69. Proposed Firefighting Water Supply Standard GRUZ-S15 / RPROZ-S17</p>	<p>FENZ (S57.156 & S57.195) [Tabled Statement from Paul McGimpsey, p2]</p> <p>FENZ is supportive of the recommended standards and assessment matters for GRUZ & RPROZ & RLZ 'and consider that this approach will provide for firefighting water where suppl095ies may be inadequate' (pg 2).</p>	<p>During Hearing Stream 1, the Reporting Officers requested the opportunity to engage with FENZ's planner with a view to coming back to the Hearing Panel with an agreed position on FENZ's request to include a servicing standard for the provision of a firefighting water supply for sites not able to be connected to a reticulated Council water supply.</p> <p>FENZ's request for such a standard in the rural zones was addressed in the s42A report for the Hearing Stream 3 Rural Topic. FENZ have advised the Council that they are supportive of the recommended firefighting water supply Standards GRUZ-S15 and RPROZ-S17.</p> <p>That leaves for reconsideration, the recommendations of the s42A reports for Hearing Stream 1 and Hearing Stream 2 on FENZ's request for the inclusion of a firefighting water supply standard and related assessment matter in the Coastal Environment and Urban Environment chapters of the PDP.</p> <p>The Central Hawke's Bay Water Supply Bylaw 2021 (Section 6.4) requires water storage for water supply to rural and/or individual premises for on-site water storage (i.e. for sites that are not connected to a Council reticulated water supply, including those in urban areas). Under the Bylaw, at least one water storage tank of at least 30,000 litres capacity must be provided on the site. However, there is no requirement for rural premises to provide onsite water storage for firefighting purposes.</p> <p>Given this, there is no need for me to consider the appropriateness of including a standard for a firefighting water supply for urban premises that are not connected to a Council reticulated water supply. Therefore, the</p>

only FENZ submission points I need to reconsider are those that relate to the request to include a firefighting water supply standard and assessment matter in the LLRZ - Large Lot Residential Zone and SETZ – Settlement Zone chapters, including related amendments to the zone rules.

For the same reasons I have given for recommending the inclusion of a new firefighting water supply standard in the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and RLZ – Rural Lifestyle Zone chapters (refer to paragraphs 4.3.10 – 4.3.30 of the s42A report (Vol 4) for Hearing Stream 3 Rural Topic), I consider that it would be appropriate to add the following standard and assessment matter to the Large Lot Residential Zone and Settlement Zone chapters, and **I revise my recommendations** accordingly, as follows:

LLRZ-SXX Water supply for firefighting

SETZ-SXX Water supply for firefighting

- All buildings (excluding accessory buildings that do not include a habitable room)
1. 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:
 - a. accessible to firefighting equipment; and
 - b. between 6 and 90 metres from the buildings on the site; and
 - c. 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
 - d. either:
 - i. stores at least 45,000 litres, in addition to a potable water supply on the site; or
 - ii. provides at least 25 litres per second for a minimum of 30 minutes.

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.

		<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> <p><u>LLRZ-AMXX Water supply for firefighting</u></p> <p><u>SETZ-AMXX Water supply for firefighting</u></p> <ol style="list-style-type: none"><u><i>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.</i></u><u><i>2. Technical advice provided by Fire and Emergency New Zealand.</i></u> <p>I recommend that consequential amendments be made to the relevant rules in the LLRZ – Large Lot Residential Zone and the SETZ – Settlement Zone chapters, to refer to the above new standard and assessment matter (refer to the tracked changes versions of the chapters in Appendix 2).</p> <p>The relevant FENZ submission points in the recommendation tables for Hearing Streams 1 and 2 have been amended to reflect the above recommendations on the FENZ submission points and are attached in Appendix 3.</p>
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Marshall Day Acoustics – Response to Noise Matters Raised in Evidence

MEMO

Project:	Proposed District Plan – Hearing Stream 3 – Rural Environment	Document No.:	Mm 003		
To:	Central Hawkes Bay District Council	Date:	27 July 2022		
Attention:	Rowena Macdonald	Cross Reference:	-		
Email:	rowena@sageplanning.co.nz	Project No.:	20170771		
From:	Damian Ellerton	No. Pages:	3	Attachments:	No
Subject:	CHBPDP – Hearing Right of Reply				

We have been asked to comment on the following matters arising from Submissions before the Hearings Panel in Hearing Stream 3 concerning the Rural Environment. These issues are:

- Reference to “within the notional boundary” for the measurement and assessment of noise in Rural zones.
- What is the difference between SEL and L_{AE} .
- Should the HortNZ submission on audible bird scaring devices be adopted?
- If the agricultural aviation exemption from noise rules was extended from the recommended 14 days to a full exemption, what would the implication be?

WITHIN THE NOTIONAL BOUNDARY

Noise should be measured and assessed *within* the notional boundary of rurally zoned dwellings.

SEL VS L_{AE}

The submission by HortNZ sought to increase the limit for audible bird scaring devices from 50dB L_{AE} to 65dBA SEL. The evidence by Lynette Wharfe for HortNZ then suggested the Noise Standard NOISE-S5 be amended to refer to 65dBA SEL. Verbal submission by Lynette Wharfe confused criteria from other District Plans which only use one criteria for bird scaring noise - whereas we are proposing two criteria which address the two different types of bird scaring technologies (impulsive vs wailing modulating siren).

There is no difference between SEL and L_{AE} – they are two different ways of saying the same thing. Below is the definition provided in NZS6802:2008:

Sound exposure level or SEL, (L_{AE}) **Ten times the logarithm to the base 10 of the ratio of the A-frequency-weighted sound exposure to the square of the reference value**

We note our original advice to Council was to use SEL acoustic parameter and the PDP published for submission altered this to L_{AE} . That change is immaterial as noted above – as L_{AE} is the same as SEL – the point of contention is whether this is 50dBA or 65dBA for avian distress siren.

As previously advised, an increase in the limit to 65 dBA L_{AE} /SEL would amount to a significant increase in noise and result in an unreasonable level of noise to receivers in our opinion. We recommend our original recommended wording be retained, that consistently limits this type of noise to 50dBA, that states:

Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA SEL when assessed within the notional boundary of any site within General Rural or Rural Production Zones, or within the site boundary of any residential zoned site.

A legible notice is fixed to the road frontage of the property on which is the device is being used, giving the name, address and telephone number of the person responsible for the operation of any such device(s).

The difference between the above and the PDP is the adoption of SEL and correction to ensure noise is measured and assessed within the notional boundary of rural zoned site.

BIRD SCARING DEVICE

The verbal submission by HortNZ recommended SEL acoustic criteria be used for audible bird scaring devices on the basis Hastings District Plan does. The use of the SEL acoustic parameter for percussive/instantaneous noise sources is technically incorrect because the type of noise is very short duration and SEL is “sound exposure level” which inherently requires a time component - of several seconds or even minutes in duration. The Lzpeak can most accurately represent the noise of impulsive instantaneous noise events.

In our opinion, a Lzpeak noise limit of 100dB is appropriate. A noise level of 100dB Lzpeak is loud and will be clearly audible at receiving properties within several hundred metres, and that is why our recommendation was and still is to limit the *number of events* as follows:

Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall not exceed 100dB Lzpeak, when measured within the notional boundary of any rural zoned site, or within the site boundary of any residential zoned site.

Discrete sound events of a bird scaring device including shots or audible sound shall not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour.

AGRICULTURAL AVIATION

The purpose of the agricultural aviation exemption of 14 days per year was to allow this type of activity to occur at each rural property so they could undertake this work without concern about whether noise limits were being complied with. Many seasonal and temporary agricultural activities, such as the use of farm machinery and activity associated with livestock management, enjoy some exemption from standard noise limits for this same reasoning.

The 14 day exemption was suggested because under the Operative District Plan, no such exemption was made. This meant if Council received a complaint they would be duty bound to investigate. Such an investigation may be time consuming for the Council however would likely conclude the short term nature of the activity and that noise effects would be minimal. With the 14 day exemption this exercise becomes much simpler, for both the council and a potential complainant to understand

We understand the Hearings Panel may consider a full exemption for agricultural aviation which we would not support. We would not support a total exemption on the basis of:

- There was no evidence presented that suggested each rural property requires agricultural aviation services 365 days per year, or indeed any number of flying days per year. On the contrary, the high cost of this activity would imply to us that any customer of the agricultural aviation industry would want this work completed as quickly as possible.
- If a rural property does require more than 14 days of agricultural aviation services, this does not automatically require resource consent – it just requires checking that they are compliant with the noise levels in the District Plan. It is our expectation that the majority of airstrips in the District would be compliant.
- Unfettered agricultural aviation activity may generate significant noise effects, that would not be subject to compliance with NZS6805:1992. This could lead to unacceptable levels of noise being received by legitimately established rural households through unfettered usage allowed by Council.

We understand the reporting officer is recommending that noise from agricultural aviation movements be exempt from noise rules where the movements relate to primary production on the same site, but that noise controls will apply where a rural airstrip is used for other sites. This is an alternative way of achieving the outcome sought by the 14 day exemption rule. If a plane is being used simply to service its own land, the volumes of flights can be expected to be low, and for the noise associated with them to be reasonable in a rural context. Once an airstrip starts to be used to serve multiple properties, numbers of flights increase and it is appropriate for there to be some control to ensure noise does not become unreasonable.

The overall intention of the rule we recommended was to recognise that agricultural aviation operations are a necessary and important activity that occur in the rural zones and also can reasonably be expected to occur for some periods of time. Therefore, allowing some relaxation of the noise controls in the form of a 14 day exemption period as originally recommended, or exempting flights to service the same site, is considered warranted.

However, if aircraft movements are allowed to occur without controls they do have the potential to cause unacceptable annoyance effects. We consider that the Council has a responsibility to ensure this is managed appropriately and we have provided a mechanism to do so. This mechanism is applied commonly throughout New Zealand, and the use of NZS 6805 is the most appropriate method. We emphasise that in almost all rural agricultural aviation cases, compliance with NZS 6805 would be achieved.

An option we have been asked to consider is whether all agricultural aviation movements could be exempt from needing to comply with noise limits, with reliance simply being placed on s 16 to avoid unreasonable noise. The suggestion is that the Plan could refer to the Council having regard to NZS 6805 when determining whether the noise levels generated by an airstrip were reasonable.

Our opinion on this option is that this is likely to add an unnecessary burden on the Council to investigate what is or isn't reasonable, is open to potentially protracted challenge, and could involve costly assessment. In most cases the airstrips in question would likely not involve agricultural flight operations occurring for more than 14 days. With the 14 day exemption, it is simpler and therefore more pragmatic to carry out an investigation of compliance.

Overall, our position and recommendations have not changed and therefore we consider the 14 day exemption should be retained.