

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Robert Schofield (Chair)

Loretta Lovell

Roger Maaka

Tim Aitken

Kate Taylor

Pip Burne

TOPIC:

**Rural Environment – Volume 4:
Other Activities within the Rural Zones**

PREPARED BY:

Janeen Kydd-Smith

REPORT DATED:

13 May 2022

DATE OF HEARING:

15 to 17 June 2022

Contents

1.0	Consideration of Submissions Received	1
1.1	Overview of Submissions	1
1.2	Structure of this Report	1
2.0	Key Issue 18 – Setbacks from the National Grid & Gas Transmission Network in the Rural Zones	2
2.1	Submissions / Further Submissions Addressed	2
2.2	Matters Raised by Submitters	18
2.3	Analysis	24
2.4	Recommendations	29
2.5	Recommended Amendments.....	30
2.6	Section 32AA Evaluation.....	32
3.0	Key Issue 19 – Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones.....	33
3.1	Submissions / Further Submissions Addressed	33
3.2	Matters Raised by Submitters	38
3.3	Analysis	42
3.4	Recommendations	52
3.5	Recommended Amendments.....	52
3.6	Section 32AA Evaluation.....	56
4.0	Key Issue 20 – Provision for Emergency Services & Firefighting Water Supply in the Rural Zones	57
4.1	Submissions / Further Submissions Addressed	57
4.2	Matters Raised by Submitters	68
4.3	Analysis	72
4.4	Recommendations	79
4.5	Recommended Amendments.....	80
4.6	Section 32AA Evaluation.....	82
5.0	Conclusion.....	83
5.1	Topic Conclusions	83
5.2	Topic Recommendations	83

Appendix A – Recommended Amendments to Plan Provisions

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Appendix C – Code of Practice for Seasonal Worker Accommodation, and Worksafe Fact Sheet on 'Worker Accommodation'

Appendix D – Aircraft Movements, Airfields & Landing Areas – Proposed Selwyn District Plan

**Appendix E – NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS
4509:2008**

**Appendix F – Fire & Emergency New Zealand Inquiry on Alternative Water Sources for
Firefighting (July 2020)**

List of Submitters and Further Submitters addressed in this Report

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

Further Submitter Name	Further Submission Number(s)
Federated Farmers of New Zealand	FS25
First Gas Limited	FS3
Heretaunga Tamatea Settlement Trust	FS13
Horticulture New Zealand	FS17
Kāinga Ora - Homes and Communities	FS23
New Zealand Motor Caravan Association	FS24
Royal Forest and Bird Protection Society of New Zealand Incorporated	FS9
Silver Fern Farms Limited	FS8
Transpower New Zealand Limited	FS18

1.0 Consideration of Submissions Received

1.1 Overview of Submissions

- 1.1.1 This volume of the Rural Environment topic report covers submissions and further submissions received on rural zone provisions relating to 'Other Activities' in the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and RLZ – Rural Lifestyle Zone.
- 1.1.2 There are eleven (11) submitters and nine (9) further submitters across this volume of the Rural Environment topic.
- 1.1.3 One hundred and thirty-nine (139) original submission points, and 145 further submission points were received on the provisions relating to this topic.
- 1.1.4 Of the 139 original submission points, 16 submission points are in support.

1.2 Structure of this Report

- 1.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report under 'Key Issue' groupings across four volumes.
- 1.2.2 The Key Issue headings addressed in Volume 4 of this report are:
 - Key Issue 18: Setbacks from the National Grid & Gas Transmission Network in the Rural Zones
 - Key Issue 19: Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones
 - Key Issue 20: Provision for Emergency Services & Firefighting Water Supply in the Rural Zones

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

2.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S79.125	Transpower New Zealand Ltd	[General]	Amend	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
FS23.131	Kāinga Ora - Homes and Communities		Oppose		Accept
FS17.75	Horticulture New Zealand		Oppose in part	Ensure that provisions for the National Grid are clear, certain and accessible to plan users.	Accept
S79.095	Transpower New Zealand Ltd	GRUZ - General Rural Zone	Amend	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	Accept in part

				<p>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.'</p> <p>And 'GRUZ-S13 Setback from National Grid Yard and National Grid Substation Sensitive Activities</p> <p>1. Minimum setback of buildings and structures from the designated boundary of a National Grid substation is 25m.</p> <p>All Buildings and Structures</p> <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 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</p>	
--	--	--	--	---	--

				located within 12m of a tower or 8m of a pole support structure.'	
FS17.79	Horticulture New Zealand		Oppose 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		Oppose		Accept in part
FS23.132	Kāinga Ora - Homes and Communities		Oppose		Accept in part
S79.097	Transpower New Zealand Ltd	GRUZ - Rules	Amend	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
FS17.92	Horticulture New Zealand		Oppose in part	Retain rule and standards in the relevant zone sections of the Plan.	Accept
FS23.133	Kāinga Ora - Homes and Communities		Oppose		Accept
S90.043	Centralines Limited	GRUZ - Rules	Amend	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
FS25.89	Federated Farmers of New Zealand		Oppose		Accept in part
FS17.93	Horticulture New Zealand		Oppose in part	If Matters of discretion are included for GRUZ-S7 they should relate to the specific non-compliance with NZECP34:2001.	Reject
S79.098	Transpower New Zealand Ltd	GRUZ-R1	Amend	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
FS25.94	Federated Farmers of New Zealand		Oppose		Accept
FS23.134	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.099	Transpower New Zealand Ltd	GRUZ-R2	Amend	Amend GRUZ-R2 as follows (as part of relocating as a new merged rule in the 'NU - Network Utilities' chapter): '1. Activity Status: PER	Reject

				Where the following conditions are met: a. d. Compliance with GRUZ-S13 (setbacks from National Grid). ...'	
FS25.95	Federated Farmers of New Zealand		Oppose		Accept
FS23.135	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.114	Horticulture New Zealand	GRUZ-R3	Amend	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.'	Accept (Refer also Key Issue 12 re: other parts of this submission point)
FS3.020	First Gas Limited		Support	Suggest that GRUZ-R3 is amended to remove link to GRUZ-S12.	Accept
S79.100	Transpower New Zealand Ltd	GRUZ-R3	Amend	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. c. Compliance with GRUZ-S13 (setbacks from National Grid). ...'	Reject
FS25.96	Federated Farmers of New Zealand		Oppose		Accept
FS23.136	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.101	Transpower New Zealand Ltd	GRUZ-R5	Amend	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
FS25.97	Federated Farmers of New Zealand		Oppose		Accept
FS23.137	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.102	Transpower New Zealand Ltd	GRUZ-R6	Amend	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
FS23.138	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.116	Horticulture New Zealand	GRUZ-R6	Amend	Amend GRUZ-R6(1) as follows: '1. Activity Status: PER Where the following conditions are met:	Accept

				a. ... b. ... c. Compliance with GRUZ-S12 (setback from gas transmission network). ...	
FS3.021	First Gas Limited		Support in part	Suggest that GRUZ-R6 is amended to remove link to GRUZ-S12.	Accept
S79.103	Transpower New Zealand Ltd	GRUZ-R7	Amend	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
FS23.139	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.104	Transpower New Zealand Ltd	GRUZ-R8	Amend	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
FS23.140	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.105	Transpower New Zealand Ltd	GRUZ-R9	Amend	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
FS23.141	Kāinga Ora - Homes and Communities		Oppose		Accept
FS25.98	Federated Farmers of New Zealand		Oppose		Accept
S81.118	Horticulture New Zealand	GRUZ-R9	Oppose	Amend GRUZ-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 GRUZ-S12 (setback from gas transmission network). ...'	Accept <i>(Refer also Key Issue 16 re: other parts of this submission point)</i>
FS3.022	First Gas Limited		Support in part		Accept
S79.106	Transpower New Zealand Ltd	GRUZ-R10	Amend	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.	Reject

				d. Compliance with GRUZ-S13 (setbacks from National Grid). ...'	
FS23.142	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.119	Horticulture New Zealand	GRUZ-R10	Oppose	Amend GRUZ-R10(1) as follows: '1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. GRUZ-S12 (setback from gas transmission network). ...'	Accept (Refer also Key Issue 19 re: other parts of this submission point)
FS3.023	First Gas Limited		Support in part		Accept
S79.107	Transpower New Zealand Ltd	GRUZ-R11	Amend	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
FS3.024	First Gas Limited		Neutral		Accept
FS23.143	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.120	Horticulture New Zealand	GRUZ-R11	Oppose	Amend GRUZ-R11(1) as follows: '1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. GRUZ-S12 (setback from gas transmission network). ...'	Accept (Refer also Key Issue 19 re: other parts of this submission point)
FS3.025	First Gas Limited		Support in part		Accept
S79.108	Transpower New Zealand Ltd	GRUZ-R12	Amend	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
FS23.144	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.109	Transpower New Zealand Ltd	GRUZ-R14	Amend	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
FS23.145	Kāinga Ora - Homes and Communities		Oppose		Accept

S81.121	Horticulture New Zealand	GRUZ-R14	Oppose	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). ...'	Accept
FS3.026	First Gas Limited		Support in part		Accept
S102.056	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Amend	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
.					
S121.196	Federated Farmers of New Zealand	GRUZ-S7	Support	Retain GRUZ-S7 as proposed.	Accept
FS9.196	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.111	Horticulture New Zealand		Support		Accept
S90.056	Centralines Limited	GRUZ-S7	Support	Retain GRUZ-S7.	Accept
.					
S121.198	Federated Farmers of New Zealand	GRUZ-S12	Oppose	Delete GRUZ-S12.	Reject
FS3.027	First Gas Limited		Oppose		Accept
FS9.198	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS17.112	Horticulture New Zealand		Support		Reject
S121.200	Federated Farmers of New Zealand	GRUZ-S13	Oppose	Delete GRUZ-S13(2)(b).	Accept in part Insofar as GRUZ-S13(2)(b)(i) is recommended to be deleted
FS9.200	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.113	Horticulture New Zealand		Support in part		Accept in part
FS18.34	Transpower New Zealand Limited		Oppose		Reject
S121.199	Federated Farmers of New Zealand	GRUZ-S13	Oppose	Delete GRUZ-S13(1).	Accept
FS9.199	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS18.30	Transpower New Zealand Limited		Support		Accept
S81.129	Horticulture New Zealand	GRUZ-S13	Amend	Amend GRUZ-S13(3)(b) as follows: 'Setback from National Grid Yard and National Grid Substation	Accept

				<p>...</p> <p>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:</p> <p>a. ...</p> <p>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:</p> <p>i. ...</p> <p>...</p>	
FS18.29	Transpower New Zealand Limited		Support		Accept
S79.110	Transpower New Zealand Ltd	GRUZ-S13	Amend	Delete GRUZ-S13 (as part of relocating as a new amended standard in the 'NU - Network Utilities' chapter).	Reject
FS25.99	Federated Farmers of New Zealand		Oppose		Accept
S79.111	Transpower New Zealand Ltd	RPROZ - Rural Production Zone	Amend	<p>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:</p> <p>'NU-xx National Grid Yard</p> <p>Buildings, structures and activities within the National Grid Yard – PER</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with RPROZ-S13 (setbacks from National Grid).</p> <p>2. Activity status where compliance with RPROZ-S15 (setbacks from National Grid) is not achieved: NC</p> <p>NU-xy National Grid Yard</p> <p>Buildings, structures, and activities within the National Grid Yard – NC</p> <p>1. Activity Status: NC</p> <p>Where:</p> <p>a. Compliance is not achieved with RPROZ-S15 (setbacks from National Grid); or</p> <p>b. The building or structure is not provided for within NU-xx.</p> <p>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</p> <p>d. Any change of use of an existing building to a sensitive land use within the National Grid Yard</p> <p>e. The establishment of any new sensitive land use within the National Grid Yard</p> <p>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</p> <p>g. Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive</p>	Accept in part

				<p>primary production within the National Grid Yard.'</p> <p>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.</p> <p>All Buildings and Structures</p> <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 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		Oppose in part		Accept in part

FS17.117	Horticulture New Zealand		Oppose 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		Oppose		Accept in part
S79.113	Transpower New Zealand Ltd	RPROZ - Rules	Amend	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
FS25.104	Federated Farmers of New Zealand		Oppose in part		Accept
FS23.148	Kāinga Ora - Homes and Communities		Oppose		Accept
S90.045	Centralines Limited	RPROZ - Rules	Amend	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
FS25.105	Federated Farmers of New Zealand		Oppose		Accept in part
FS17.132	Horticulture New Zealand		Oppose in part	If Matters of discretion are included for RPROZ-S8 they should relate to the specific non-compliance with NZECP34:2001.	Reject
S79.114	Transpower New Zealand Ltd	RPROZ-R1	Amend	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
FS25.116	Federated Farmers of New Zealand		Oppose		Accept
FS23.149	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.115	Transpower New Zealand Ltd	RPROZ-R2	Amend	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.'	Reject

				d. Compliance with RPROZ-S15 (setbacks from National Grid). ...	
FS25.117	Federated Farmers of New Zealand		Oppose		Accept
FS23.150	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.157	Horticulture New Zealand	RPROZ-R3	Amend	Amend RPROZ-R3 as follows: '1. Activity Status: PER Where the following conditions are met: a. Compliance with: ... b. Compliance with: i. ... ii. RPROZ-S12 (setback from gas transmission network). c.'	Accept <i>(Refer also Key Issue 12 re: other parts of this submission point)</i>
FS3.028	First Gas Limited		Support in part		Accept
S79.116	Transpower New Zealand Ltd	RPROZ-R3	Amend	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. c. Compliance with RPROZ-S15 (setbacks from National Grid). ...'	Reject
FS25.118	Federated Farmers of New Zealand		Oppose		Accept
FS23.151	Kāinga Ora - Homes and Communities		Oppose		Accept
S121.217	Federated Farmers of New Zealand	RPROZ-R3	Amend	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
FS3.029	First Gas Limited		Support in part		Accept
FS8.049	Silver Fern Farms Limited		Support		Accept
FS9.217	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S79.117	Transpower New Zealand Ltd	RPROZ-R5	Amend	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.'	Reject

				f. Compliance with RPROZ-S15 (setbacks from National Grid). ...'	
FS25.119	Federated Farmers of New Zealand		Oppose		Accept
FS23.152	Kāinga Ora - Homes and Communities		Oppose		Accept
S79.118	Transpower New Zealand Ltd	RPROZ-R6	Amend	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
FS25.120	Federated Farmers of New Zealand		Oppose		Accept
FS23.153	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.159	Horticulture New Zealand	RPROZ-R6	Amend	Amend RPROZ-R6(1) as follows: '1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. RPROZ-S14 (setback from gas transmission network). ...'	Accept
FS3.030	First Gas Limited		Support in part		Accept
S79.119	Transpower New Zealand Ltd	RPROZ-R7	Amend	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: a. d. Compliance with RPROZ-S15 (setbacks from National Grid). ...'	Reject
FS25.121	Federated Farmers of New Zealand		Oppose		Accept
S79.120	Transpower New Zealand Ltd	RPROZ-R8	Amend	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
FS25.122	Federated Farmers of New Zealand		Oppose		Accept
S79.121	Transpower New Zealand Ltd	RPROZ-R9	Amend	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.'	Reject

				e. Compliance with RPROZ-S15 (setbacks from National Grid). ...'	
FS25.123	Federated Farmers of New Zealand		Oppose		Accept
FS23.154	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.162	Horticulture New Zealand	RPROZ-R9	Amend	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). ...'	Accept (Refer also Key Issue 16 re: other parts of this submission point)
FS3.031	First Gas Limited		Support in part		Accept
S79.122	Transpower New Zealand Ltd	RPROZ-R10	Amend	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
FS25.124	Federated Farmers of New Zealand		Oppose		Accept
FS23.155	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.163	Horticulture New Zealand	RPROZ-R10	Oppose	Amend RPROZ-R10(1) as follows: 'Community Facilities 1. Activity Status: PER RDIS [or DIS] Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. ... iii. RPROZ-S14 (setback from gas transmission network). d. ...'	Accept (Refer also Key Issue 19 re: other parts of this submission point)
FS3.032	First Gas Limited		Support in part		Accept
S79.123	Transpower New Zealand Ltd	RPROZ-R11	Amend	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
FS25.125	Federated Farmers of New Zealand		Oppose		Accept
FS23.156	Kāinga Ora - Homes and Communities		Oppose		Accept

S81.164	Horticulture New Zealand	RPROZ-R11	Oppose	Amend RPROZ-R11(1) as follows: 'Educational facilities 1. Activity Status: PER DIS [or DIS] Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. ... iii. RPROZ-S14 (setback from gas transmission network). d. ...'	Accept <i>(Refer also Key Issue 19 re: other parts of this submission point)</i>
FS3.033	First Gas Limited		Support in part		Accept
S79.124	Transpower New Zealand Ltd	RPROZ-R12	Amend	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
FS25.126	Federated Farmers of New Zealand		Oppose		Accept
FS23.157	Kāinga Ora - Homes and Communities		Oppose		Accept
S81.165	Horticulture New Zealand	RPROZ-R14	Oppose	Amend RPROZ-R14 as follows: 'Intensive indoor primary production activities... 1. Activity Status: CON Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. RPROZ-S14 (setback from gas transmission network). ...'	Accept in part Insofar as it is recommended that reference to 'intensive primary production activities' in the title of Rule RPROZ-R14 be retained (on the basis of the recommendation under Key Issue 13 in Volume 3 of this report, that the definition of 'Intensive primary production' be amended, and new definitions of 'intensive indoor primary production' and 'intensive outdoor primary production' be added). It is also recommended that the reference to Standard RPROZ-S13 (setback from gas transmission network) be deleted (in Section 2.5 of this volume of the s42A report).
FS3.034	First Gas Limited		Support in part		Accept
S102.081	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Amend	Clarify within RPROZ-R14(3) and in the definition of the 'Gas Transmission Network' if the gas transmission network includes the	Reject

				high and low networks shown on the Planning Maps.	
.					
S90.058	Centralines Limited	RPROZ-S8	Support	Retain RPROZ-S8.	Accept
.					
S121.226	Federated Farmers of New Zealand	RPROZ-S8	Support	Retain RPROZ-S8 as proposed.	Accept
FS9.226	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.149	Horticulture New Zealand		Support		Accept
S121.228	Federated Farmers of New Zealand	RPROZ-S14	Oppose	Delete RPROZ-S14.	Reject
FS3.035	First Gas Limited		Oppose		Accept
FS9.228	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS17.150	Horticulture New Zealand		Support		Reject
S121.230	Federated Farmers of New Zealand	RPROZ-S15	Oppose	Delete RPROZ-S15(2)(b).	Accept in part Insofar as RPROZ-S15(2)(b)(i) is recommended to be deleted.
FS9.230	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.152	Horticulture New Zealand		Support in part		Accept in part
FS18.31	Transpower New Zealand Limited		Oppose		Reject
S121.229	Federated Farmers of New Zealand	RPROZ-S15	Oppose	Delete RPROZ-S15(1).	Accept
FS9.229	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.151	Horticulture New Zealand		Support in part		Accept in part [Note: submitter indicated this was related to S121.200, but suspect they intended S121.229]
FS18.33	Transpower New Zealand Limited		Support		Accept
S81.174	Horticulture New Zealand	RPROZ-S15	Amend	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	Accept

				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.'	
FS18.32	Transpower New Zealand Limited		Support		Accept
S79.126	Transpower New Zealand Ltd	RPROZ-S15	Amend	Delete RPROZ-S15 (as part of relocating as a new amended standard in the 'NU - Network Utilities' chapter).	Reject
FS23.158	Kāinga Ora - Homes and Communities		Oppose		Accept
S90.044	Centralines Limited	RLZ - Rules	Amend	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
.					
S90.057	Centralines Limited	RLZ-S11	Support	Retain RLZ-S11.	Accept
.					

- 2.1.1 In summary, Transpower (S79) requests changes to provisions relating to setback of buildings, structures and activities from the National Grid Yard in the GRZ - General Rural Zone and the RPROZ – Rural Production Zone chapters. They request that standards in the chapters for setbacks from the National Grid Yard be deleted, amended and inserted into the NU – Network Utilities chapter. They also request that a new permitted activity rule and a new non-complying activity rule be added to the NU – Network Utilities chapter for setbacks from the National Grid Yard. Hort NZ (FS17), Federated Farmers (FS25) and Kainga Ora (FS25) oppose Transpower's submission and request that the rules and standards be retained within the relevant zones.
- 2.1.2 Federated Farmers (S121), Hort NZ(S81) and Transpower (S79) seek amendments to Standard GRUZ-S13/RPROZ-S15 relating to setback from the National Grid Yard.
- 2.1.3 First Gas (FS3) seeks that the setback rules from the Gas Transmission Line and above ground structures remain within the zone-based section of the Proposed Plan.
- 2.1.4 Centralines (S90) seek the inclusion of new matters of discretion for RDIS activities which relate to a breach of the Electricity Safety Distance standards in the General Rural Zone, Rural Production Zone and the RLZ – Rural Lifestyle Zone. They also seek the inclusion of a notification clause requiring written approval from the relevant electricity network utility provider in all relevant rules. This is opposed by Federated Farmers and Hort NZ.
- 2.1.5 Federated Farmers (S121) seeks deletion of the setback from gas transmission network standards. Hort NZ (S81) seeks deletion of the requirement to comply with the setback from gas transmission network

standards under rules that do not relate to residential activities in the General Rural Zone and Rural Production Zone. This is supported by First Gas (FS3). For the same reasons, Federated Farmers (S121) consider that requiring compliance with Standard RPROZ-S14 is redundant, which is supported by First Gas (in part) and Silver Fern Farms (FS8) and opposed by Forest & Bird (FS9).

- 2.1.6 Te Mata Mushrooms (S102) seeks clarification within Rules GRUZ-R14(3) and RPROZ-R6 (intensive primary production activities) and in the definition of the 'Gas Transmission Network', whether the gas transmission network includes the high and low networks shown on the Planning Maps, or only the high.

2.2 Matters Raised by Submitters

Setback from National Grid Yard

- 2.2.1 Transpower (S79.095, S79.097, S79.111, S79.113, S79.110 & S79.126) seeks to merge, relocate and renumber the relevant National Grid rules contained in the General Rural and Rural Production Zones, and amend Standard GRUZ-S13 and RPROZ-S15, and to relocate these to the NU – Network Utilities chapter of the PDP, as follows:

Add the following to the introductory statement for the Rules sections in the GRUZ and RPROZ chapters:

'Rules for activities within the National Grid Yard within the General Rural Zone/Rural Production Zone are contained in the Network Utilities (NU) chapter.'

NU-XX Buildings, structures and activities within the National Grid Yard

- | | |
|--|--|
| 1. <u>Activity Status: PER</u>
<u>Where the following conditions are met:</u>
a. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u> | 2. <u>Activity status where compliance with Standard GRUZ-S13 (setbacks from National Grid) is not achieved: NC</u> |
|--|--|

NU-XY Buildings, structures and activities within the National Grid Yard

- | | |
|---|--|
| 1. <u>Activity Status: NC</u>
<u>Where the following conditions are met:</u>
a. <u>Compliance is not achieved with GRUZ-S13 (setbacks from National Grid); or</u>
b. <u>The building or structure is not provided for within NU-XX.</u>
c. <u>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</u>
d. <u>Any change of use of an existing building to a sensitive land use within the National Grid Yard</u>
e. <u>The establishment of any new sensitive land use within the National Grid Yard</u>
f. <u>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</u>
g. <u>Dairy/milking sheds (excluding accessory structures and buildings), commercial glass houses, PSA structures or buildings for intensive primary production within the National Grid Yard.</u> | |
|---|--|

GRUZ-S13 / RPROZ-S15 Setback from National Grid Yard and National-Grid Substation

Sensitive Activities	1. <u>Minimum setback of buildings and structures from the designated boundary of a National-Grid substation is 25m.</u>
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
 - 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 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.
- 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:
 - 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 structure between 8m and 12m from a pole support structure and any associated stay wire, that:
 - 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;
 - 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 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.

2.2.2 Transpower provide the following reasons for their submissions:

'Within Rural zones, Transpower is satisfied that there are some activities that are appropriate within the National Grid Yard due to their nature and small scale, and because they will not compromise the operation, maintenance or any upgrade of the network itself. Certain structures (such as rural hay barns, pump sheds and implement sheds) are less problematic within 10-12m of the line (noting that they will still need to be set back 12m from National Grid support structures) on the basis they are unlikely to "build out" a line. The notified provisions allow for paddocks, fencing (as high as deer fences), landscaping and small sheds, and larger farm buildings in proximity to conductors not used for intensive farming purposes. Grazing, cropping, and car parking activities are not restricted.

Conversely, examples of development that has severely restricted or blocked Transpower's ability to effectively access its assets include dairy sheds, piggeries, poultry sheds and commercial hothouses and glass houses, as well as sensitive activities. These activities can cover an extensive area of land, and it may be expensive to disrupt or require these activities to be relocated while Transpower carries out work on its transmission assets.

The sought rule framework reflects that proposed in the PDP with the primary sought differences being:

- Provision of one permitted and one non-complying rule within the Network Utilities chapters as opposed to the grid being referenced across multiple rules. This reduces duplication and provides an easy point of reference for plan users.

- Insertion of new non-complying clauses b. – g. to provide clarity that the activities listed are non-complying.'

And

'Transpower largely supports the standards... The standards reflect that sought across NZ and provide an appropriate framework for managing the effects of activities on the National Grid. Two minor amendments are sought as follows:

- Removal of the requirement for a 25m setback from a National Grid substation. Given the rural location (and Rural Production zoning) of the substation with provides a 12ha minimum lots area and that there are no existing sensitive activities in proximity, the setback is not considered efficient or effective.
- Amendment to Standard 3 to reflect the required 12m setback from support structures. An 8m setback from support structures is not considered sufficient to ensure the grid is not compromised.'
- 2.2.3 Kāinga Ora (FS23.132, FS23.133, FS23.146, FS23.148 & FS23.158) opposes these submissions of Transpower 'to the extent it is inconsistent with its primary submission'.
- 2.2.4 Hort NZ (FS17.79, FS17.92 & FS17.117) opposes the introductory statements sought by Transpower for the General Rural Zone, and the proposed new rules and setback standard sought for the General Rural and Rural Production Zones, in part. Hort NZ instead seeks retention of the rule and standards in the relevant zone sections of the Plan, but rejects the submission to amend Standards GRUZ-S13 and RPROZ-S15 to delete setback of 8m from a pole, and seeks to remove reference to PSA structures in Standards GRUZ-S13 and RPROZ-S15 (or its replacement). They give the following reasons:
- 'The submitter is seeking structural change to the Plan to include all provisions relating to the National Grid in the NU chapter rather than in respective zone chapters.*
- Rather than having a reference to GRUZ-S13 in the relevant rules the only indication to landowners that National Grid provisions may apply would be in the Introductory note to the GRUZ rules sought by the submitter.'*
- and
- 'HortNZ seeks to ensure that adequate provision is included for artificial crop protection structures in the National Grid Yard. HortNZ seeks that the distance from a pole be retained as 8m.*
- The submitter seeks to include 'PSA structures' in the new NU rule but these structures are known as protective canopies.'*
- 2.2.5 Federated Farmers (FS25.87, FS25.99, FS25.102 & FS25.104) opposes the introductory statements and the proposed new rules and setback standards sought by Transpower for the General Rural and Rural Production Zones, in part, on the following basis:
- 'The submitter seeks a standalone set of provisions within the Network Utilities Chapter as it avoids duplication in the zones chapters. Federated Farmers sees some merit having the National Grid Yard rules in the zone chapters as it is easy for a farmer to see all provisions in one chapter. However on the other hand the reader already has to turn to other chapters such as HH, SASM or ECO to find specific provisions, so the submitter's relief for stand alone provisions is not unusual. Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation.'*
- 2.2.6 Following on as a consequence of the above amendments sought, Transpower (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) seeks that:
- Rules GRUZ-R1, GRUZ-R2, GRUZ-R3, GRUZ-R5, GRUZ-R6, GRUZ-R7, GRUZ-R8, GRUZ-R9, GRUZ-R10, GRUZ-R11, GRUZ-R12, GRUZ-R14, GRUZ-R19, be amended to delete all references in these rules to the requirement to comply with GRUZ-S13 (setbacks from National Grid); and
 - Rules RPROZ-R1, RPROZ-R2, RPROZ-R3, RPROZ-R5, RPROZ-R6, RPROZ-R7, RPROZ-R8, RPROZ-R9, RPROZ-R10, RPROZ-R11, RPROZ-R12, RPROZ-R14, RPROZ-R19, be amended to delete all references in these rules to the requirement to comply with RPROZ-S15 (setbacks from National Grid).
- 2.2.7 Hort NZ (FS17.75) opposes in part, in relation to amending Rule RPROZ-R14 (intensive primary production activities), stating that *'The submitter is seeking structural change to the Plan to include all provisions relating to the National Grid in the NU chapter rather than in respective zone chapters. There are benefits in each of the respective approaches. HortNZ seeks to ensure that the provisions are clear,*

certain and readily accessible to plan users. In particular there are concerns if the provisions are moved within the Plan that inappropriate changes do not result'.

- 2.2.8 Kāinga Ora (FS23.134, FS23.135, FS23.136, FS23.137, FS23.138, FS23.139, FS23.140, FS23.141, FS23.142, FS23.143, FS23.144, FS23.145, FS23.149, FS23.150, FS23.151, FS23.152, FS23.153, FS23.154, FS23.155, FS23.156, FS23.157, FS23.131) opposes the consequential amendments to the rules proposed by Transpower above.
- 2.2.9 Federated Farmers (FS25.94, FS25.95, FS25.96, FS25.97, FS25.98, FS25.116, FS25.117, FS25.118, FS25.119, FS25.120, FS25.121, FS25.122, FS25.123, FS25.124, FS25.125, FS25.126) also opposes the consequential amendments to a number of the above rules (those particularly relevant to Federated Farmers), on the basis that they *'Oppose the submitter seeking any regulations that exceed the requirements of NPS-ET (specifically policies 10 and 11) and NZECP34 (specifically Sections 2.3 and 2.4) and not undermine landowners' rights awarded by their legal easement agreements and other legislation'.*
- 2.2.10 First Gas (FS3.024) neither opposes or supports the amendment sought by Transpower in relation to Rule GRUZ-R11 (educational facilities) but seeks that it be allowed, on the basis that *'Firstgas seeks that the setback rules from the Gas Transmission Line and above ground structures remain within the zone-based section of the proposed District Plan'.*

Other submissions relating to Standards GRUZ-S13 & RPROZ-S15

- 2.2.11 Federated Farmers (S121.199, S121.200, S121.229 & S121.230) seeks to delete clauses (1) and (2)(b) in Standards GRUZ-S13 and RPROZ-S15, as follows:

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> <ol style="list-style-type: none"> 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 be a fence less than 2.5m high; or 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 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> <ol style="list-style-type: none"> 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. 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 a tower, or 8m from a pole, forming part of a National Grid support structure, except where the building or structure is:</p> <ol style="list-style-type: none"> a fence less than 2.5m in height and more than 5m from the nearest National Grid support structure foundation; or an artificial crop protection structure or crop protection structure between 8m and 12m from a pole support structure and any associated stay wire, that: <ol style="list-style-type: none"> meets the requirements of the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances for separation distances from the conductor; is no more than 2.5m high; is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and allows all-weather access to the pole and a sufficient area for maintenance equipment, including a crane; or 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.
--

2.2.12 They give the following reasons:

'Federated Farmers opposes the 25m setback from substations, because substations are located on property owned by Transpower and have an internal buffer within their property to manage reverse sensitivity. NZECP34 already manages electrical risk to substations in Section 8 and the District Plan should not be more onerous than these safe distances which have been determined by qualified engineers.'

And

'We submit that all rules for National Grid must be consistent with NZECP34 and the National Policy Statement for Electricity Transmission, and not undermine landowners' rights awarded by their legal easement agreements and other legislation.

Federated Farmers reminds the Council that the National Grid corridor is located over private land, mostly farms. In order to have a direct relationship with the landowner, and rights and obligations protected, Transpower should have easement agreements for all their assets rather than outsourcing the monitoring and enforcement onto councils. Furthermore, Transpower already have protected via the Code of Practice for Electrical Safety Distances, and an NPS, which creates a distinctly uneven advantage over landowners.

Uninhabited farm and hort structures and buildings, and fences, do not create a reverse sensitivity effect on electricity transmission and we support their permitted status under the wires. Safe distances for these buildings and structures from poles and towers must be consistent with Section 2.4 of the Code, and fences with Section 2.3 of the Code.

We oppose 2.b. and submit it be deleted. Farm fences, buildings and structures do not obstruct Transpower's ability to access or maintain the Grid. They can drive through gates or go around the structure like the rest of us. Access routes are a matter for the landowner and Transpower needs to negotiate terms of access with the landowner. The District Plan must not undermine basic property rights such as access.'

2.2.13 Transpower (FS18.30 & FS18.33) supports deletion of clause (1) in Standards GRUZ-S13 and RPROZ-S15, as sought by Federated Farmers, stating that *'In its submission Transpower sought deletion of GRUZS13(1) [RPROZ-S15(1)]. This was on the basis of the 12ha minimum lot size for subdivision within the zone and that there are no sensitive activities within proximity of the site'.*

2.2.14 Transpower (FS18.34 & FS18.31) opposes deletion of clause (2)(b) in Standards GRUZ-S13 and RPROZ-S15, as sought by Federated Farmers, for the following reasons:

'Transpower opposes the submission point. While the submitters raises concerns with the access component of the standard, and that compliance is required with NZECP34, Transpower remains of the opinion clause b. is appropriate and warranted.

With respect NZECP34, Transpower's position is that reliance on NZECP alone to give effect to the NPSET is not appropriate. NZECP34 also applies to all electricity lines and is not specific to the National Grid. As such it does not recognise the significance of the National Grid. The requirement for a clearance distance is a crucial component of the corridor approach as infringements to the required clearance can endanger safety and affect the operation of the Grid.

With regards to access, it is important Transpower is readily access support structures for operational and maintenance requirements, including responding to emergency faults.'

2.2.15 Hort NZ (FS17.113 & FS17.151, FS17.152) supports deletion of clause (2)(b) in Standard GRUZ-S13, and both clauses (1) and (2)(b) in Standard RPROZ-S15, as sought by Federated Farmers, in part, on the basis that *'There is a separate standard – S7 that addresses electrical safe distances and does not need to be repeated in S13[S15]'.*

2.2.16 Forest & Bird (FS9.199, FS9.200, FS9.229 & FS9.230) opposes all the submissions of Federated Farmers.

- 2.2.17 Hort NZ (S81.129 & S81.174), supported by Transpower (FS18.29 & S18.32), seeks amendment of clause (3)(b) in Standards GRUZ-S13 and RPROZ-S15, to correctly refer to crop support structures, as follows:

b. an artificial crop protection structure or crop ~~support~~~~protection~~ structure between 8m and 12m from a pole support structure and any associated stay wire, that:

...

Electricity Safety Distance Standard

- 2.2.18 Federated Farmers (S121.196 & S121.226), supports retention of Standards GRUZ-S7 and RPROZ-S8, as notified as they agree that compliance with NZECP34 is necessary, however District Plan provisions must not exceed the Code safety distances. These submissions are supported by Hort NZ (FS17.111 & FS17.149), and opposed by Forest & Bird (FS9.196 & FS9.226).
- 2.2.19 Centralines (S90.056, S90.057, S90.058, S90.043, S90.044 & S90.045) supports retention of Standards GRUZ-S7, RLZ-S11 & RPROZ-S8 as notified, however seeks insertion of additional matters for discretion for breaching of Standard GRUZ-S7, RLZ-S11 & RPROZ-S8 as *'to enable effects to be considered in relation to any non-compliance with this standard'* on the basis that *'the matters of discretion throughout the various zone chapters do not include consideration of effects that relevant to a breach to the Electricity Safety Distance standard'*, and they also seek a notification clause requiring written approval from the relevant electricity network utility provider, in all relevant rules in the respective zones, as follows:

GRUZ-S7 / RLZ-S11 / 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 (NZCEP 34:2001).

Add the following matters for discretion for Restricted Discretionary Activities in all relevant rules:

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

And add a notification clause requiring written approvals for Restricted Discretionary Activities in all relevant rules.

- 2.2.20 Federated Farmers (FS25.89 & FS25.105) and Hort NZ (FS17.93 & FS17.132) both oppose the additional matters for discretion sought by Centralines in the General Rural and Rural Production Zones.
- 2.2.21 Federated Farmers considers *'It is unfair to assess an activity against potential future upgrading or development of network utilities, adverse effects assessments need to be limited to the here and now. It is more likely that upgrading and development of network utilities will impact on other, existing activities, such as farming. Electrical safety is already managed by the NZECP34'*.
- 2.2.22 Hort NZ consider *'the matters sought extend beyond non-compliance with safe electrical distances as required by GRUZ-S7(RPROZ-S8]. Therefore, only b) and c) would be appropriate as matters of discretion'*.

Setback from Gas Transmission Network

- 2.2.23 Federated Farmers (S121.198, S121.228), supported by Hort NZ (FS17.112, FS17.150), seeks deletion of Standards GRUZ-S12 and RPROZ-S14 (setback from gas transmission network) for the following reasons:

'Federated Farmers opposes any rules for gas transmission network, because this utility provider already manages issues via easements (and likely a no-build clause) where their pipes traverse private property, or by owning property where their stations are located. District Plan rules must not undermine legal easement agreements.'

- 2.2.24 First Gas (FS3.027, FS3.035) opposes the submission of Federated Farmers, as *'The District Plan is considered the best approach to managing reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures'*, and *'RPROZ-S14 seeks to manage reverse sensitivity effects on the Gas Transmission Network which easement agreements do not manage'*.

2.2.25 Hort NZ (S81.114, S81.116, S81.118, S81.119, S81.120, S81.121, S81.157, S81.159, S81.162, S81.163, S81.164 & S81.165) seeks deletion of the condition requiring activities to comply with Standards GRUZ-S12 and RPROZ-S14 in all the following rules:

- GRUZ-R3 & RPROZ-R3 Primary production activities
- GRUZ-R6 & RPROZ-R6 Post-harvest facilities
- GRUZ-R9 & RPROZ-R9 Commercial activities not otherwise provided for
- GRUZ-R10 & RPROZ-R10 Community facilities
- GRUZ-R11 & RPROZ-R11 Educational facilities
- GRUZ-R14 & RPROZ-R14 Intensive primary production activities

2.2.26 Hort NZ consider requiring compliance is redundant in these situations, as the standard clearly only applies to 'Residential Activities' (see below).

GRUZ-S12 / RPROZ-S14 Setback from Gas Transmission Network	
Residential Activities	<ol style="list-style-type: none"> 1. Gas Transmission Pipeline: <ol style="list-style-type: none"> a. minimum setback of buildings from a gas transmission pipeline forming part of the Gas Transmission Network is 20m. 2. Incidental Equipment: <ol style="list-style-type: none"> a. minimum setback of buildings from above ground incidental equipment forming part of the Gas Transmission Network is 30m.

2.2.27 First Gas (FS3.020, FS3.021, FS3.022, FS3.023, FS3.025, FS3.026, FS3.028, FS3.030, FS3.031, FS3.032, FS3.033 & FS3.034) agrees with Hort NZ that Standards GRUZ-S12 and RPROZ-S14 relate to the establishment of residential activities or use within 20m of the Gas Transmission Network or 30m of above ground incidental equipment, and not the activities covered by the rules identified above, and therefore the rules should be amended to remove the link to those standards.

2.2.28 Federated Farmers (S121.217) supports the permitted status of primary production activities in the Rural Production Zone, but similarly considers requiring compliance with Standard RPROZ-S14 (setback from gas transmission network) is redundant, as this standard only applies to 'residential activities'. This submission is supported by Silver Fern Farms (FS8.049) and opposed by Forest & Bird (FS9.217). As for Hort NZ's submissions, First Gas (FS3.029) also supports the submission of Federated Farmers in part.

2.2.29 Te Mata Mushrooms (S102.056 & S102.081) seeks clarification within Rules GRUZ-R14(3) and RPROZ-R14(3) (intensive primary production activities), and in the definition of the 'Gas Transmission Network', whether the gas transmission network includes the high and low networks shown on the Planning Maps, or only the high.

Other Matters

2.2.30 Hort NZ (S81.165) also seeks that the title of Rule RPROZ-R14 refer to 'Intensive indoor primary production activities', as sought elsewhere in their submission. Note: other aspects raised in this submission point are addressed in Key Issue 13 in Volume 3 of this report.

2.2.31 Note: the second part of Hort NZ submissions (S81.116 & S81.159) on Rules GRUZ-R6 and RPROZ-R6 (post-harvest facilities) relating to the inclusion of other assessment matters as matters for discretion in these rules, are addressed in Key Issue 16 in Volume 3 of this report.

2.2.32 Similarly, the second part of Hort NZ submissions (S81.119, S81.120, S81.163 & S81.164) on Rules GRUZ-R10 & RPROZ-R10 (community facilities) and GRUZ-R11 & RPROZ-R11 (educational facilities), relating to inclusion of other assessment matters as matters for discretion in those rules, are addressed in Key Issue 19 of this report.

2.3 Analysis

Setback from National Grid Yard

2.3.1 Transpower requests changes to the provisions relating to setback from the National Grid Yard in the GRUZ – General Rural Zone and RPROZ – Rural Production Zone chapters. They request that the condition under Rules GRUZ/RPROZ-R1 to GRUZ/RPROZ-R3, GRUZ/RPROZ-R5 to GRUZ/RPROZ-R12, GRUZ/RPROZ-R14 and GRUZ/RPROZ-R19, that requires activities within the zones to comply with

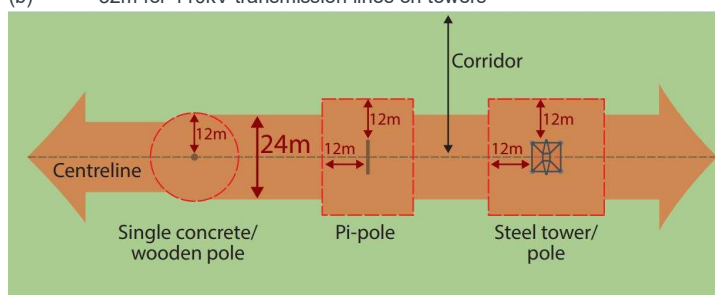
- Standard GRUZ-S13 / RPROZ-S15 (Setbacks from the National Grid), be deleted from the rules. They request that an introductory statement be added at the beginning of the Rules sections of the GRUZ/RPROZ chapters, and that a new Permitted Activity rule and new Non-Complying Activity rule be inserted into the NU – Network Utilities chapter. Transpower also requests that Standards GRUZ-S13 and RPROZ-S15 be amended and relocated to the NU – Network Utilities chapter.
- 2.3.2 The requested new permitted activity rules would require buildings, structures and activities within the National Grid Yard to comply with Standard GRUZ-S13/RPROZ-S15 (as amended), and where compliance with the standard is not achieved, they would be assessed as non-complying activities. Transpower considers that the proposed new rule framework in the NU – Network Utilities chapter will reduce duplication and provide an easy point of reference to plan users.
- 2.3.3 Hort NZ and Federated Farmers oppose the amendments sought by Transpower, as they consider that the only indication to plan users that National Grid Yard provisions may apply would be in the new introductory note to the Rules. Federated Farmers consider that there is merit in having the National Grid Yard rules in the zone chapters, as it is easy for farmers to see all provisions in one chapter. Federated Farmers also oppose the submitter seeking regulations that exceed the requirements of the NPS-ET (specifically Policies 10 and 11) and NZECP34 (specifically sections 2.3 and 2.4) and not undermining landowners' rights awarded by their legal easement agreements and other legislation.
- 2.3.4 Kāinga Ora opposes the amendments sought by Transpower to the extent that they are inconsistent with their primary submission.
- 2.3.5 First Gas neither supports nor opposes the amendments sought by Transpower, but seeks that the setback rules from the Gas Transmission Line and above ground structures remain within the zone-based section of the Proposed Plan.
- 2.3.6 I concur with the further submitters, that it is appropriate that the rules relating to setbacks for activities in the GRUZ and RPROZ zones be retained within the chapters, as it will be easier for plan users to see all provisions in one chapter, and less likely to be missed. The only replication that occurs under the notified provisions is the reference to Standard GRUZ-S13/RPROZ-S15 in the rules of each chapter but, in my opinion, that is not any different to the repetition of references to other standards that occur in the chapter rules already. I also consider that there is a risk that plan users may overlook the need to refer to the NU – Network Utilities chapter if they do not see the small introductory note at the beginning of the Rules section of each chapter.
- 2.3.7 If new non-complying activity Rule NU-XY was to be included in the NU – Network Utilities chapter, I consider that the conditions listed under the new rule are unnecessary and confusing, as new Rule NU-XX(2) already makes it clear that non-complying activity status is triggered when there is non-compliance with Standard GRUZ-S13/RPROZ-S15. Furthermore, the matters listed as conditions under Rule NU-XY are not conditions, and non-compliance with them is irrelevant in any case, as they do not trigger any different activity status.
- 2.3.8 For the above reasons, I do not support including the new rules in the NU – Network Utilities chapter or deleting the conditions referring to Standard GRUZ-S13/RPROZ-S15 in the rules in the GRUZ/RPOZ chapters.
- 2.3.9 In relation to amendments being sought to Standard GRUZ-S13/RPROZ-S15, Transpower requests that the specific minimum 25m setback for buildings and structures associated with 'sensitive activities' from the designated boundary of a National Grid substation under clause (1) of the standard be deleted. This is because they consider that there are no existing sensitive activities in proximity to the National Grid in the zones, and so the setback is not efficient or effective. Transpower also requests that clause (3) of the standard be amended by deleting the reference to 'tower, or 8m from a pole', as an 8m setback from support structures is not considered sufficient to ensure the grid is not compromised. Transpower considers a 12m setback is more appropriate.
- 2.3.10 Federated Farmers request that clauses (1) and (2)(b) of the standards be deleted. They consider that clause (1) should be deleted because substations are located on property owned by Transpower and have an internal buffer within their property to manage reverse sensitivity. They also note that NZECP34 already manages electrical risk to substations and the Proposed Plan should not be more onerous than what it requires. They also consider that clause (2)(b) should be deleted because farm fences, buildings and structures do not obstruct Transpower's ability to access or maintain the Grid, as: Transpower can drive through gates or go around the structure; and access routes are a matter for negotiation between the landowner and Transpower, such as for the creation of easement agreements. They consider that the Proposed Plan must not undermine basic landowner property rights.

- 2.3.11 Transpower opposes (FS18.34) deletion of clause (2)(b), as reliance on NZECP34 alone to give effect to NPS-ET is not appropriate, as NZECP34 also applies to electricity lines and is not specific to, or recognises the significance of, the National Grid. Transpower advises that a clearance distance is a crucial component of the corridor approach, as infringements to the required clearance can endanger safety and affect the operation of the Grid. With regard to access, they advise that access to support structures for operational and maintenance requirements, including responding to emergency faults, is important.
- 2.3.12 Hort NZ (FS17.113) supports deletion of clause (2)(b) on the basis that Standard GRUZ-S7/RPROZ-S8 already addresses electrical safe distances and does not need to be repeated in Standard GRUZ-S13/RPROZ-S15.
- 2.3.13 Hort NZ requests that the 8m setback for poles in clause (3)(b) be retained, to ensure that adequate provision is included for artificial crop protection structures in the National Grid Yard. They also request that the reference to 'crop protection structure' be changed to 'crop support structure', which is supported by Transpower.
- 2.3.14 For the reasons given by Transpower, I consider that it is appropriate to delete clause (1) of Standard GRUZ-S13/RPROZ-S15.
- 2.3.15 With regard to clause (2)(b) of the standard, I concur with Hort NZ that electrical safe distances are already addressed under Standard GRUZ-S7/RPROZ-S8 and there is no need to repeat it under clause (2)(b)(i) of Standard GRUZ-S13/RPROZ-S15. I address submissions and further submissions relating to Standard GRUZ-S7/RPROZ-S8 separately below.
- 2.3.16 However, clause (2)(b)(ii) also requires that all buildings or structures must not permanently physically impede existing vehicular access to a National Grid support structure. As it relates to existing vehicular access, I consider that it is reasonable to retain that part of clause (2)(b)(ii).
- 2.3.17 With regard to clause (3) of the Standard, I consider that deleting the reference to the setback of 8m from a pole forming part of the National Grid is appropriate (as requested by Transpower), as a 12m setback for all structures, including poles, is consistent with the following definitions of 'National Grid Subdivision Corridor' and 'National Grid Yard', which refer to or identify a 12m setback from National Grid support structures:

**NATIONAL GRID SUBDIVISION
CORRIDOR**

the area measured either side of the centreline of above ground National Grid line as follows:

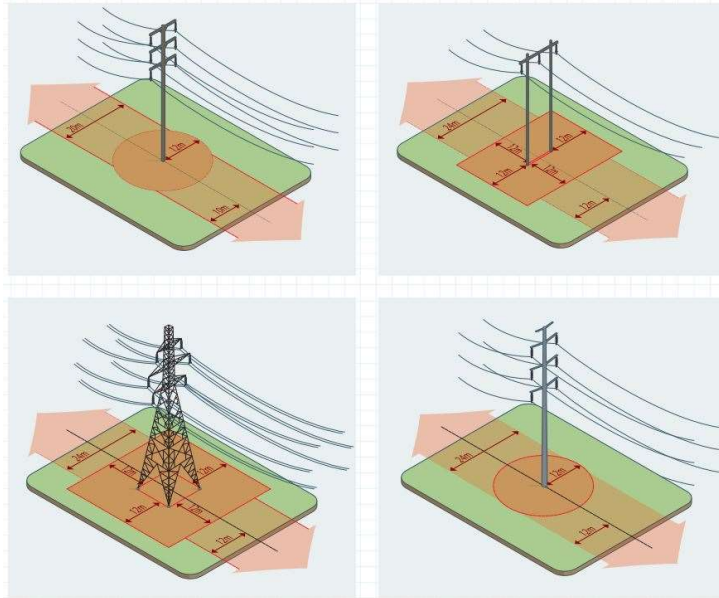
- (a) 14m for 110kV national grid lines on single poles
(b) 32m for 110kV transmission lines on towers



The National Grid Subdivision Corridor and National Grid Yard do not apply to underground cables or any underground transmission lines (or sections of line) that are designated by Transpower. The measurement of setback distances from National Grid lines is to be taken from the centre line of the two support structures at each end of the span.

NATIONAL GRID YARD

the area located within 12m in any direction from the outer visible edge of a National Grid support structure foundation or the area located within 10m either side of the centreline of an overhead 110kV National Grid line on single poles or the area located within 12m either side of the centreline of any overhead National Grid line on pi-poles or towers (including tubular steel towers where these replace steel lattice towers). The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated by Transpower New Zealand. The measurement of setback distances from National Grid lines shall be taken from the centerline of the transmission line and from the outer edge of any support structure. The centerline at any point is a straight line between the centre points of the two support structures at each end of the span.



2.3.18 I also support amending clause (3)(b) to refer to 'crop support structure', as requested by Hort NZ.

Electricity Safety Distance Standard

- 2.3.19 Federated Farmers supports the retention of Electricity Safety Distance Standard GRUZ-S7 and RPROZ-S8 as notified, which is supported by Hort NZ, and opposed by Forest & Bird.
- 2.3.20 Centralines also supports retention of Standard GRUZ-S7 and RPROZ-S8, as well as Standard RLZ-S11 in the RLZ – Rural Living Zone. However, they request the inclusion of additional matters for discretion for breaching the standards in all relevant rules of the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and the RLZ – Rural Living Zone, to enable effects to be considered in relation to any non-compliance with the standard. They also seek inclusion of a notification clause requiring written approval from the relevant electricity network utility provider in all relevant rules. Federated Farmers oppose this, and Hort NZ consider that only matters b) and c) (as requested by Centralines) would be appropriate as matters of discretion.
- 2.3.21 The New Zealand Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001) ("the Code") sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. The minimum safe distances are set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. The reference to the Code was carried over from the Operative District Plan. As I understand it, the Code is prepared under the Electricity Act 1992 and imposes a range of restrictions, non-compliance with which requires consent from the owner of the relevant infrastructure.
- 2.3.22 I note that there is a minor error in Standards GRUZ-S7, RPROZ-S8 and RLZ-S11, where the Code is incorrectly referred to as 'NZECP 34:2001', instead of 'NZECP 34:2001'. I consider that the standards can be amended pursuant to clause 16(2), First Schedule of the RMA to correct this error.
- 2.3.23 In response to submission points made by Centralines' on the Electricity Safety Distance Standard in the Urban Environment chapters of the Proposed Plan, as the author of the section 42A report on those

chapters, I recommended that the additional matters of discretion be included as a new Assessment Matter in the SETZ – Settlement Zone and GIZ – General Industrial Zone chapters, and that the new Assessment Matter be referenced as a matter of discretion under the relevant rules of the zones¹. For consistency, I consider that the same response is appropriate for the GRUZ - General Rural Zone, RPROZ - Rural Production Zone, and RLZ - Rural Lifestyle Zone chapters. I therefore recommend that the following new Assessment Matter be added to these chapters, as follows:

GRUZ-AMX Electricity Safety Distances

RPROZ-AMX Electricity Safety Distances

RLZ-AMZ Electricity Safety Distances

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

- 2.3.24 I also recommend amendments be made to the above new Assessment Matter in all relevant rules of the General Rural Zone, Rural Production Zone, and Rural Lifestyle Zone chapters, accordingly.
- 2.3.25 I do not concur with Centralines' request to insert a notification clause requiring written approval from the relevant electricity network utility operator. In my view, this is unnecessary and would inappropriately add a requirement for third party approval. It would effectively circumvent the process of determining notification and affected persons as set out in ss95 and 95B of the RMA.

Setback from Gas Transmission Network

- 2.3.26 Federated Farmers seeks deletion of Standards GRUZ-S12 and RPROZ-S14 which require a minimum setback for buildings from a gas transmission pipeline forming part of the Gas Transmission Network of 20m, and a minimum setback of 30m for buildings from any above ground incidental equipment forming part of the Gas Transmission Network. Federated Farmers considers that the utility provider (First Gas) already manages issues via easements (and likely a no-build clause) where their pipes traverse private property, or by owning property where their stations are located. They consider that the District Plan rules must not undermine legal easement agreements. Hort NZ supports Federated Farmers' submission.
- 2.3.27 First Gas opposes the submission of Federated Farmers, as they consider the District Plan is the best way to manage reverse sensitivity effects for sensitive land use activities in proximity to the Gas Transmission Network and above ground incidental structures.
- 2.3.28 Hort NZ submits that compliance with Standards GRUZ-S12 and RPROZ-S14 (setback from gas transmission network) only applies to Residential Activities, and they therefore seek deletion of reference to these standards as a condition under the following rules:
- GRUZ-R3 & RPROZ-R3 Primary production activities
 - GRUZ-R6 & RPROZ-R6 Post-harvest facilities
 - GRUZ-R9 & RPROZ-R9 Commercial activities not otherwise provided for
 - GRUZ-R10 & RPROZ-R10 Community facilities
 - GRUZ-R11 & RPROZ-R11 Educational facilities
 - GRUZ-R14 & RPROZ-R14 Intensive primary production activities
- 2.3.29 Federated Farmers also considers that requiring compliance with Standard RPROZ-S14 under the above rules is redundant, for the same reasons given by Hort NZ. Federated Farmer's submission is supported by First Gas in part, supported by Silver Fern Farms, and opposed by Forest & Bird. First Gas concurs with Hort NZ and considers that the rules should be amended to remove the link to Standards GRUZ-S12 and RPROZ-S14.
- 2.3.30 On the basis of First Gas' confirmation, that the setbacks from the gas transmission network required under Standards GRUZ-S12 and RPROZ-S14 only apply to residential activities, I consider that it is appropriate to delete references to these standards in the rules listed above (which do not relate to residential activities).
- 2.3.31 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

¹ Section 10.3, pages 100-101 of the Section 42A Officer's Report: Urban Environment, dated 25 February 2022.

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.

- 2.3.32 Te Mata Mushrooms seeks clarification within Rules GRUZ-R14(3) and RPROZ-R6 (intensive primary production activities) and in the definition of the 'Gas Transmission Network', whether the gas transmission network includes the high and low networks shown on the Planning Maps, or only the high.
- 2.3.33 Standards GRUZ-S12 and RPROZ-S14 relates to setback from the 'Gas Transmission Network', which is defined in the Proposed Plan as follows:
- "any gas or liquid petroleum pipeline with a pressure greater than 2,000 kilopascals, inclusive of any incidental above or below ground equipment which forms part of the transmission network."*
- 2.3.34 As such, Standards GRUZ-S12 and RPROZ-S14 only relate to the 'high' pressure gas or liquid petroleum pipeline that has a pressure greater than 2000 kilopascals.
- 2.3.35 The Proposed Planning Maps identify two gas pipelines. The 'Kapuni' pipeline is identified as the 'Kapuni Gas Line High Pressure' and it is the main pipeline running the length of the District. The second line, identified as the 'Takapau Pipeline – Low Pressure', branches off from the Kapuni pipeline at State Highway 2, Takapau, and runs to the Silver Fern Farms processing facility in Takapau.
- 2.3.36 I note that the main 'Kapuni' pipeline is designated in the Proposed Plan, but the Takapau pipeline is not.
- 2.3.37 As the Takapau pipeline is less than 2000 kilopascals, it does not fall within the definition of the 'Gas Transmission Network'. I note that the Planning Maps Legend incorrectly names the 'Takapau Pipeline – Low Pressure' as being part of the Gas Transmission Network. This matter will be addressed as part of the consideration of related submission points in the Section 42A report for Hearing Stream 7 – Network Utilities Topic.
- 2.3.38 However, in relation to Standards GRUZ-S12 and RPROZ-S14 and the definition of 'Gas Transmission Network', I am satisfied that there no need for any clarification or changes and they should be retained as notified.

Other Matters

- 2.3.39 Hort NZ (S81.165) request that the title of Rule RPROZ-R14 be amended to refer to 'intensive indoor primary production activities', instead of 'intensive primary production activities'. This submission point relates to Hort NZ's submission opposing the definition of intensive primary production activities, which captures greenhouses, and which they request be replaced with the definition of 'Intensive Indoor Primary Production' from the National Planning Standards.
- 2.3.40 Hort NZ's submission opposing the definition of 'intensive primary production activities' is addressed in Key Issue 13 in Volume 3 of this report. The recommendation is for the definition of 'Intensive Primary Production' to be amended and for new definitions for 'Intensive Indoor Primary Production' and 'Intensive Outdoor Primary Production' to be added to the Proposed Plan.
- 2.3.41 On that basis, I consider that it is appropriate to retain 'intensive primary production activities' in the title of Rule RPROZ-R14.

2.4 Recommendations

- 2.4.1 For the reasons outlined above, I recommend that the GRUZ – General Rural Zone, RPROZ – Rural Production Zone and RLZ – Rural Lifestyle Zone chapters be retained, subject to the Recommended Amendments set out in Section 2.5 below and any specific amendments as a result of recommendations on subsequent Key Issues contained within this report.
- 2.4.2 I recommend that the following submission(s) be **accepted**:
- Kāinga Ora – Homes and Communities, FS23.131, FS23.133, FS23.134, FS23.135, FS23.136, FS23.137, FS23.138, FS23.139, FS23.140, FS23.141, FS23.142, FS23.143, FS23.144, FS23.145, FS23.148, FS23.149, FS23.150, FS23.151, FS23.152, FS23.153, FS23.154, FS23.155, FS23.156, FS23.157, FS23.158
 - Horticulture New Zealand, FS17.75, FS17.92, S81.114, S81.116, S81.118, S81.119, S81.120, S81.121, FS17.111, S81.129, S81.157, S81.159, S81.162, S81.163, S81.164, S81.174, FS17.149

- Federated Farmers of New Zealand, FS25.94, FS25.95, FS25.96, FS25.97, FS25.98, S121.196, S121.199, FS25.99, FS25.104, FS25.116, FS25.117, FS25.118, S121.217, FS25.119, FS25.120, FS25.121, FS25.122, FS25.123, FS25.124, FS25.125, FS25.126, S121.226, S121.229
- First Gas Limited, FS3.020, FS3.021, FS3.022, FS3.023, FS3.024, FS3.025, FS3.026, FS3.027, FS3.028, FS3.029, FS3.030, FS3.031, FS3.032, FS3.033, FS3.034, FS3.035
- Transpower New Zealand, FS18.30, FS18.29, FS18.33, FS18.32
- Silver Fern Farms Limited, FS8.049
- Forest & Bird, FS9.198, FS9.228

2.4.3 I recommend that the following submission(s) be **accepted in part**:

- Transpower New Zealand Ltd, S79.095, S79.111
- Horticulture New Zealand, FS17.79, FS17.113, FS17.117, S81.165, FS17.152, FS17.151
- Federated Farmers of New Zealand, FS25.87, FS25.89, FS25.102, FS25.105, S121.200, S121.230
- Kāinga Ora – Homes and Communities, FS23.132, FS23.146
- Centralines Limited, S90.043, S90.056, S90.045, S90.058, S90.044, S90.057

2.4.4 I recommend that the following submission(s) be **rejected**:

- Transpower New Zealand Ltd, S79.125, S79.097, S79.098, S79.099, S79.100, S79.101, S79.102, S79.103, S79.104, S79.105, S79.106, S79.107, S79.108, S79.109, FS18.34, S79.110, S79.113, S79.114, S79.115, S79.116, S79.117, S79.118, S79.119, S79.120, S79.121, S79.122, S79.123, S79.124, FS18.31, S79.126
- Horticulture New Zealand, FS17.93, FS17.112, FS17.132, FS17.150
- Forest & Bird, FS9.196, FS9.200, FS9.199, FS9.217, FS9.226, FS9.230, FS9.229
- Te Mata Mushrooms, S102.56, S102.081
- Federated Farmers, S121.198, S121.228

2.5 Recommended Amendments

2.5.1 I recommend the following amendments are made:

Delete reference to compliance with Standard GRUZ-S12 from Rules GRUZ-R3(1), GRUZ-R6(1), GRUZ-R9(1), GRUZ-R10(1), GRUZ-R11(1) & GRUZ-R14(1).

Delete reference to compliance with Standard RPROZ-S14 from Rules RPROZ-R3(1), RPROZ-R6(1), RPROZ-R9(1), RPROZ-R10(1), RPROZ-R11(1) & RPROZ-R14(1).

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	2. Under the National Grid conductors (wires): <ol style="list-style-type: none"> a. on all sites within any part of the National Grid Yard, all buildings and structures must: <ol 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

	<ul style="list-style-type: none"> 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: <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 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 b. an artificial crop protection structure or crop protectionsupport structure between 8m and 12m from a pole support structure and any associated stay wire, that: <ul style="list-style-type: none"> 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; 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 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.
--	---

GRUZ-S7/RPROZ-S8/RLZ-S11 Electricity Safety Distances

All	<p>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<u>NZCEP</u> 34:2001).</p>
-----	---

GRUZ-AMX Electricity Safety DistancesRPROZ-AMX Electricity Safety DistancesRLZ-AMZ Electricity Safety Distances

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

That the above new Assessment Matter be referenced in all relevant rules of the GRUZ - General Rural Zone, RPROZ - Rural Production Zone, and RLZ - Rural Lifestyle Zone chapters.

2.6 Section 32AA Evaluation

- 2.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 2.6.2 The above recommended changes would improve the effectiveness of provisions without changing the policy approach, therefore, s32AA re-evaluation is not warranted.

3.0 Key Issue 19 – Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones

3.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S101.008	New Zealand Motor Caravan Association	[General]	Amend	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
.					
S101.003	New Zealand Motor Caravan Association	GRUZ-R16	Oppose	Amend GRUZ-R16 to provide for 'camping grounds' as a Permitted Activity, subject to permitted activity conditions.	Accept in part, insofar as it is recommended that Rule GRUZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity.
.					
S42.054	New Zealand Pork Industry Board	GRUZ-R16	Support	Retain GRUZ-R16 as proposed.	Accept in part, insofar as it is recommended that Rule GRUZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity
FS24.002	New Zealand Motor Caravan Association		Oppose	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
S81.122	Horticulture New Zealand	GRUZ-R16	Support	Retain discretionary activity status in GRUZ-R16.	Accept in part, insofar as it is recommended that Rule GRUZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity
.					
S101.005	New Zealand Motor Caravan Association	RPROZ-R16	Oppose	Amend RPROZ-R16 to provide for 'camping grounds' as a Permitted Activity, subject to permitted activity conditions.	Accept in part, insofar as it is recommended that Rule RPROZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity
FS8.055	Silver Fern Farms Limited		Oppose		Accept in part

S42.088	New Zealand Pork Industry Board	RPROZ-R16	Amend	Retain RPROZ-R16 as proposed.	Accept in part, insofar as it is recommended that Rule RPROZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity
FS24.003	New Zealand Motor Caravan Association		Oppose	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
S81.166	Horticulture New Zealand	RPROZ-R16	Support	Retain discretionary activity status for RPROZ-R16.	Accept in part, insofar as it is recommended that Rule RPROZ-R16 be amended to provide for 'camping grounds' as a Restricted Discretionary Activity
.					
S120.025	Heretaunga Tamatea Settlement Trust	GRUZ-R10	Amend	Amend GRUZ-R10 to provide for 'Community Facilities' that exceed 100m2 gross floor area per site as Controlled Activities.	Reject
FS17.103	Horticulture New Zealand		Oppose		Accept
S42.050	New Zealand Pork Industry Board	GRUZ-R10	Oppose	Delete GRUZ-R10 or change activity status.	Reject
FS17.102	Horticulture New Zealand		Support		Reject
S81.119	Horticulture New Zealand	GRUZ-R10	Oppose	And add to GRUZ-R10(2) as follows: '2. Activity status where compliance with condition GRUZ-R10(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. ...'	Reject (Refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.023)
.					
S42.074	New Zealand Pork Industry Board	RPROZ-R10	Oppose	Delete RPROZ-R10 or change activity status.	Reject
FS8.052	Silver Fern Farms Limited		Support		Reject
FS17.142	Horticulture New Zealand		Support		Reject
S81.163	Horticulture New Zealand	RPROZ-R10	Oppose	Amend RPROZ-R10(1) as follows: 'Community Facilities 1. Activity Status: PERRDIS [or DIS] Where the following conditions are met: a. ... b. ... c. Compliance with: i. ... ii. ...	Reject (Refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.032)

				<p>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>	
.					
S42.051	New Zealand Pork Industry Board	GRUZ-R11	Oppose	Delete GRUZ-R11 or change activity status.	Reject
FS17.104	Horticulture New Zealand		Support		Reject
FS13.044	Heretaunga Tamatea Settlement Trust		Oppose		Accept (Note: This further submission refers to FENZ Submission S57.146 in error, but it also refers to the submission being made by the NZ Pork Industry Board on Rule GRUZ-R11.)
S73.020	Ministry of Education	GRUZ-R11	Amend	<p>Amend GRUZ-R11(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 300400m² gross floor area. b) ...'</p> <p>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 ...'</p> <p>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'</p>	Accept in part
FS13.045	Heretaunga Tamatea Settlement Trust		Support in part		Accept in part
FS17.105	Horticulture New Zealand		Oppose		Accept in part
S81.120	Horticulture New Zealand	GRUZ-R11	Oppose	<p>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. ...'</p>	Reject (Refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.025)
.					
S42.075	New Zealand Pork Industry Board	RPROZ-R11	Oppose	Delete RPROZ-R11 or change activity status.	Reject

FS17.144	Horticulture New Zealand		Support		Reject
FS8.053	Silver Fern Farms Limited		Support		Reject
S73.025	Ministry of Education	RPROZ-R11	Amend	Amend RPROZ-R11(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 200 400m2 gross floor area. b) ...'	Accept
FS8.054	Silver Fern Farms Limited		Oppose		Reject
FS17.143	Horticulture New Zealand		Oppose		Reject
S81.164	Horticulture New Zealand	RPROZ-R11	Oppose	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. ...'	Reject (Refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.034)
.					
S73.021	Ministry of Education	RLZ-P3	Support	Retain RLZ-P3 as proposed.	Accept
.					
S73.022	Ministry of Education	RLZ-P7	Oppose	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
.					
S73.023	Ministry of Education	RLZ-R7	Amend	Amend RLZ-R7(1)(a) as follows: '1. Activity Status: PER Where the following conditions are met: a) Limited to 200 400m2 gross floor area. b) ...'	Accept
.					
S73.037	Ministry of Education	RLZ-AM9	Support	Retain RLZ-AM9 as proposed.	Accept
.					
S42.048	New Zealand Pork Industry Board	GRUZ-R8	Oppose	Delete GRUZ-R8 or change activity status.	Reject
.					
S81.117	Horticulture New Zealand	GRUZ-R8	Oppose	Amend GRUZ-R8(1) as follows: '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 Limited to no more than 4 guests at one time. ...' And amend GRUZ-R8(2) as follows: '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. ...'	Reject

				ii. ... iii. ... iv. GRUZ-AM7. ...	
S42.072	New Zealand Pork Industry Board	RPROZ-R8	Oppose	Delete RPROZ-R8 or change activity status.	Reject
FS17.141	Horticulture New Zealand		Support		Reject
S81.161	Horticulture New Zealand	RPROZ-R8	Oppose	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
FS8.050	Silver Fern Farms Limited		Support		Reject

- 3.1.1 In summary, the New Zealand Motor Caravan Association (S101, FS24)) requests that 'freedom camping' be excluded from the Proposed Plan, to avoid the need for a resource consent in areas where Council bylaws or reserve management plans permit freedom camping. They oppose the current discretionary activity status for camping grounds in the GRUZ – General Rural Zone and RPROZ – Rural Production Zone, and request that camping grounds be made a permitted activity in these zones, subject to compliance with conditions.
- 3.1.2 NZ Pork (S42) and Hort NZ (S81) request that Rules GRUZ-R16 and RPROZ-R16, which provide for camping grounds as a discretionary activity, be retained as notified.
- 3.1.3 NZ Pork requests that Rules GRUZ-R8 and RPROZ-R8, which provide for visitor accommodation as a permitted activity, subject to compliance with conditions, be deleted or the activity status changed. Hort NZ request that Rule GRUZ-R8 be amended in relation to the number of guests that can stay at one time and that Rule GRUZ-R8 /RPROZ-R8 be amended to refer to Assessment Matter GRUZ-AM7/RPROZ-AM8.
- 3.1.4 NZ Pork request that Rules GRUZ-R10 and RPROZ-R10, which provide for Community Facilities as a permitted activity subject to compliance with conditions, be deleted or the activity status changed. Heretaunga Tamatea Settlement Trust (S120) request that Rule GRUZ-R10 be amended to provide for community facilities that exceed 100m² gross floor area per site as Controlled Activities. Hort NZ request that Rule GRUZ-R10(2)(a)/ RPROZ-R10(2)(a) be amended to refer to Assessment Matter GRUZ-AM7/RPROZ-AM9.
- 3.1.5 NZ Pork (S42) request that Rules GRUZ-R11 and RPROZ-R11, which provide for Educational Facility as a permitted activity subject to compliance with conditions, be deleted or the activity status changed. The Ministry of Education (S73) request that Rules GRUZ-R11 and RPROZ-R11 be amended in relation to the gross floor area limits specified. Hort NZ request that Rule GRUZ-R11(2)(a)/ RPROZ-R11(2)(a) be amended to refer to Assessment Matter GRUZ-AM7/RPROZ-AM9.
- 3.1.6 In relation to the RLZ – Rural Lifestyle Zone provisions, the Ministry of Education (S73) request that Policy RLZ-P3 be retained as notified, that Policy RLZ-P7 and Rule RLZ-R7 be amended, and that Assessment Matter RLZ-AM9 be retained as notified.

3.2 Matters Raised by Submitters

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

- 3.2.1 The NZ Motor Caravan Association (S101.008) seeks that 'freedom camping' be explicitly excluded from the PDP. They give the following reasons:

'As mentioned above, all zones in the proposed district plan require discretionary resource consent for camping grounds and 'any other activity not otherwise provided for'. In our view, this 'catch all' rule would include freedom camping as defined by section 5 of the Freedom Camping Act 2011. The Freedom Camping Act, Reserves Act 1977, reserve management plans, and council bylaws regulate where freedom camping can occur in the district. In the future, Central Hawkes Bay may adopt a new bylaw under the Freedom Camping Act with a view to permitting freedom camping in local authority areas. However, the activity may still require resource consent depending on the zone rules. Such an outcome would frustrate the intent of the bylaw and confuse visitors as to where they can and cannot legally freedom camp.

We submit it would be more appropriate to explicitly exclude freedom camping from the plan and avoid the need for a land use consent in areas where council bylaw or reserve management plan permits freedom camping. We note other district plans, e.g Dunedin's 2GP, explicitly notes freedom camping is not managed by the plan, rather it is managed through a bylaw.'

- 3.2.2 Further, the NZ Motor Caravan Association (S101.003 & S101.005) seeks that Rules GRUZ-R16 and RPROZ-R16 be amended to provide for camping grounds as a 'Permitted Activity' in the General Rural and Rural Production Zones, with permitted activity conditions, in line with the Operative District Plan, rather than as a 'Discretionary Activity', as outlined in their submission below:

'All zones in the Proposed Central Hawkes Bay District Plan (proposed district plan) require discretionary resource consent for camping ground activities either through specific provisions or by the "catch all" rule. The district consists of five sites within the rural zone where freedom camping and self-contained camping is allowed. The operative district plan provides for visitors accommodation (which includes camping ground) in the rural zone as a permitted activity and controlled activity within the business zone with conditions in place. The rationale behind deviating from these operative plan rules have not been stipulated in the s32 evaluation reports. Instead, the only mention of campgrounds in the reports include promoting no permanent residents at the beach and campgrounds.

[...]

We do not support the rules for providing camping ground as a discretionary activity within the Hawkes Bay District. Instead, camping grounds should be provided for as a permitted activity (similar to the operative district plan) with a permitted activity criteria in place. This will also be in line with the currently operative district plan.'

- 3.2.3 Silver Fern Farms (FS8.055) opposes the amendment sought by the Motor Caravan Association with respect to Rule RPROZ-R16, for the following reasons:

'Silver Fern Farms opposes the allocation of a permitted activity status to campgrounds in the RPROZ, given the potential reverse sensitivity effects associated with the establishment of this activity in a zone focused on primary production and associated rural activities.

Silver Fern Farms does not agree that the Operative District Plan provides an appropriate framework for the management of this activity, given it does not have regard to the reverse sensitivity effects associated with the establishment of sensitive activities in rural zones where the light, noise and odour effects of rural activities can arise at all times.'

- 3.2.4 The Pork Industry Board (S42.054 & S42.088) and Hort NZ (S81.122 & S81.166) support retention of discretionary activity status for 'camping grounds' in the General Rural and Rural Production Zones in Rules GRUZ-R16 and RPROZ-R16, as notified. The Pork Industry Board considers 'These are sensitive activities likely to conflict with all primary production activities. The activities are not supported by an objective and policy structure that leads to a permitted activity rule as being an appropriate resource management response'.

- 3.2.5 The NZ Motor Caravan Association (FS24.002, FS24.003) opposed the submissions of the Pork Industry Board.

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

- 3.2.6 The Pork Industry Board (S42.050 & S42.074) seeks that Rules GRUZ-R10 and RPROZ-R10 be deleted, or that the activity status be changed, as they consider *'These are sensitive activities likely to conflict with all primary production activities. The activities are not supported by an objective and policy structure that leads to a permitted activity rule as being an appropriate resource management response in this zone'*.
- 3.2.7 Hort NZ (FS17.102 & FS17.142) supports these submissions, *'as it would enable assessment of effects on primary production activities'*.
- 3.2.8 Silver Fern Farms (FS8.052) also supports the submission relating to Rule RPROZ-R10, as they consider *'The PDP definition of 'community facilities' includes recreational, sporting, cultural, safety, health, welfare, or worship activities' and they agree 'that a permitted activity status for 'community facilities' in the RPROZ is inappropriate, given the likely sensitivity of this activity to the effects of normal rural activities'*.
- 3.2.9 Hort NZ (S81.163) seeks that the activity status of Rule RPROZ-R10 be amended to either 'Restricted Discretionary' or 'Discretionary' activity status, rather than 'Permitted', as they consider *'These are sensitive activities likely to conflict with all primary production activities – we consider a resource consent process would enable an assessment against the policy framework'*.
- 3.2.10 Hort NZ (S81.119 & S81.163) also seeks inclusion of Assessment Matters GRUZ-AM7 (likely meant to refer to GRUZ-AM8?) and RPROZ-AM9 as matters for discretion in Rules GRUZ-R10 and RPROZ-R10 (community facilities), respectively.
- 3.2.11 Note: the aspect of these Hort NZ submissions seeking deletion of requirements to comply with Standards GRUZ-S12 and RPROZ-S14 in relation to setbacks from the gas transmission network (and the associated further submissions from First Gas – FS3.023 & FS3.032), has been addressed separately in Key Issue 18 of this report.
- 3.2.12 Heretaunga Tamatea Settlement Trust (S120.025) 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', for the following reasons:
- '...HTST proposes to ensure that the PDP enables the development of and environmental education and training facility on land adjoining Lake Whatumā and enables development and expansion of Te Aute College. As such HTST considers that GRUZ-R10 should be amended to provide for Community Facilities that exceed the 100m² gross floor area per site as Controlled Activities rather than Discretionary Activities. This would ensure that the development of these facilities is feasible and achievable.*
- In addition, it is proposed that all of Te Aute College is to be identified as a Community Facility. Part of the site is designated for education purposes by the Ministry of Education. Providing for additions to the College as a Controlled Activity would better align with the designation over part of the College'.*
- 3.2.13 Hort NZ (FS17.103) opposes this, as they consider *'Controlled activity status for community facilities, across the whole of the rural zone, over 100m² does not provide for an adequate assessment of effects'*.

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

- 3.2.14 The Ministry of Education (S73.021) supports retention of Policy RLZ-P3 as notified.
- 3.2.15 The Ministry of Education (S73.022) opposes Policy RLZ-P7 *'as it restricts the scale in which Educational Facilities, such as schools, can provide for the rural community'*, and seeks amendment as follows:
- RLZ-P7 To **enable limit the scale of** 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 social infrastructure**.
- 3.2.16 The Ministry of Education (S73.020, S73.023 & S73.025) supports the provisions for educational facilities in the General Rural, Rural Lifestyle and Rural Production Zones *'as educational facilities are considered an essential social infrastructure required to support these communities'*. However, the Ministry opposes the gross floor area limits of 100m² in condition (1)(a) of Rules GRUZ-R11, RLZ-R7 and RPROZ-R11, and seeks the following amendments:

GRUZ-R11 Educational facilities

<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 300100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where gross floor area is 300-500m² and/or compliance with condition GRUZ-R11(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 gross floor area is over 500m² and/or compliance with condition GRUZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R11(1)(d) is not achieved: NC</p>
---	--

RLZ-R7 Educational facilities

<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RLZ-S2; ii. RLZ-S3; iii. RLZ-S4; iv. RLZ-S5; v. RLZ-S6; vi. RLZ-S7; vii. RLZ-S8; viii. RLZ-S9; ix. RLZ-S10; x. RLZ-S11; xi. RLZ-S12; xii. RLZ-S13; xiii. RLZ-S14; and xiv. RLZ-S15. 	<p>2. Activity status where compliance with condition RLZ-R7(1)(b) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. RLZ-AM1. ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition RLZ-R7(1)(a) is not achieved: DIS</p>
---	---

RPROZ-R11 Educational facilities

<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. <p>c. Compliance with:</p> <ul style="list-style-type: none"> iii. RPROZ-S12 (setback from existing intensive primary production); iv. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and 	<p>2. Activity status where compliance with condition RPROZ-R11(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. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition RPROZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R11(1)(d) is not achieved: NC</p>
---	--

- | |
|--|
| v. RPROZ-S14 (setback from gas transmission network).
d. Compliance with RPROZ-S15 (setbacks from National Grid). |
|--|

- 3.2.17 The Ministry considers the above proposed gross floor area of 200m² in the Rural Lifestyle and Rural Production Zones, and 300m² in the General Rural Zone (with graduated activity status to Restricted Discretionary status for 300-500m²), is more in-keeping with the size of a typical dwelling in these zones where many early childhood centres are established in existing dwellings.
- 3.2.18 Heretaunga Tamatea Settlement Trust (FS13.045) supports the amendment sought by the Ministry of Education in respect of Rule GRUZ-R11, as they consider *'it is appropriate to provide for existing educational facilities in the Rural zone and the rules should reflect this appropriately'*.
- 3.2.19 Silver Fern Farms (FS8.054) opposes the proposed permitted activity status for educational facilities in the Rural Production Zone, and consequently opposes the relief sought by the Ministry of Education in respect of Rule RPROZ-R11, which they consider *'would increase reverse sensitivity effects of concern'*.
- 3.2.20 Hort NZ (FS17.105 & FS17.143) oppose the amendments sought by the Ministry of Education in respect of both Rules GRUZ-R11 and RPROZ-R11, as they consider *'Amending the gross floor areas does not provide for an adequate assessment of effects of larger facilities'*.
- 3.2.21 The Pork Industry Board (S42.051 & S42.075) seeks that Rules GRUZ-R11 and RPROZ-R11 be deleted, or that the activity status be changed, as they consider *'These are sensitive activities likely to conflict with all primary production activities. The activities are not supported by an objective and policy structure that leads to a permitted activity rule as being an appropriate resource management response in this zone. The designation process is available for these activities'*. The Heretaunga Tamatea Settlement Trust (FS13.044) opposes this submission point and request that it be disallowed, as there are existing educational facilities that should be provided for and allowed to develop where appropriate.
- 3.2.22 Hort NZ (FS17.104 & FS17.144) supports these submissions, as they consider *'A change in activity status is supported as it would enable assessment of effects on primary production activities'*.
- 3.2.23 Silver Fern Farms (FS8.053) also supports the submission relating to Rule RPROZ-R11, as they agree *'that a permitted activity status for 'educational facilities' in the RPROZ is inappropriate, given the likely sensitivity of this activity to the effects of normal rural activities and the availability of the designation pathway for this activity'*.
- 3.2.24 Hort NZ (S81.164) seeks that the activity status of Rule RPROZ-R11 be amended to either 'Restricted Discretionary' or 'Discretionary' activity status, rather than 'Permitted', as they consider *'These are sensitive activities likely to conflict with all primary production activities – we consider a resource consent process would enable an assessment against the policy framework'*.
- 3.2.25 Hort NZ (S81.120 & S81.164) also seeks inclusion of Assessment Matters GRUZ-AM8 (was incorrectly identified in the summary of submissions as AM7?) and RPROZ-AM9 as matters for discretion in Rules GRUZ-R11 and RPROZ-R11 (educational facilities), respectively.
- 3.2.26 Note: the aspect of these Hort NZ submissions seeking deletion of requirements to comply with Standards GRUZ-S12 and RPROZ-S14 in relation to setbacks from the gas transmission network (and the associated further submissions from First Gas – FS3.025 & FS3.033), has been addressed separately in Key Issue 18 of this report.

Visitor Accommodation (Rules GRUZ-R8 & RPROZ-R8)

- 3.2.27 The Pork Industry Board (S42.048 & S42.072) opposes the permitted activity status for visitor accommodation in the General Rural and Rural Production Zones, and seeks deletion of Rules GRUZ-R8 & RPROZ-R8. They consider *'These are sensitive activities likely to conflict with all primary production activities. The activities are not supported by an objective and policy structure that leads to a permitted activity rule as being an appropriate resource management response in this zone'*.
- 3.2.28 Hort NZ (FS17.141) supports the Pork Industry Board's submission in terms of deletion of Rule RPROZ-R8, as they consider *'A change in activity status is supported as it would enable assessment of effects on primary production activities'*.
- 3.2.29 Hort NZ (S81.117) seeks to amend condition (1)(a)(i) of Rule GRUZ-R8, and to include Assessment Matter GRUZ-AM7 as additional matters for discretion in Rule GRUZ-R8(2), as follows:

GRUZ-R8 Visitor accommodation	
<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to no more than 4 guests at one time.: 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></p> <p>b. Compliance with GRUZ-S1 (the relevant activity thresholds).</p> <p>c. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <p>d. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S11 (setback from existing intensive primary production); and GRUZ-S12 (setback from gas transmission network). <p>e. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R8(1)(c) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>a. Assessment Matters:</p> <ol style="list-style-type: none"> GRUZ-AM1. GRUZ-AM2. GRUZ-AM3. GRUZ-AM7. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise.
	<p>3. Activity status where compliance with condition GRUZ-R8(1)(a) GRUZ-R8(1)(b) and/or GRUZ-R8(1)(d) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition GRUZ-R8(1)(e) is not achieved: NC</p>

3.2.30 They give the following reasons:

'This is an activity which can have[sic] be incompatible with rural production – we consider a three month duration as a permitted activity standard is too long. – we propose an alternative guest based threshold. It is important that any permitted activities are of a level that is small scale enough so as to reduce the risk of reverse sensitivity effects. We support setbacks as a permitted condition.'

3.2.31 Hort NZ (S81.161) seeks to amend the activity status in the equivalent rule (Rule RPROZ-R8) in the Rural Production Zone 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 to include Assessment Matter RPROZ-AM8 as additional matters for discretion in Rule RPROZ-R8(2), for the following reasons:

'These are sensitive activities likely to conflict with all primary production activities, it is important that this is taken into consideration. We consider that a duration of 3 months is too long for a permitted activity standard in this Zone.'

3.2.32 Silver Fern Farms (FS8.050) supports the amendment sought by Hort NZ to Rule RPROZ-R8, as:

'Silver Fern Farms agrees with the submitter's view that a permitted activity pathway for visitor accommodation activities in the Rural Production Zone is generally inappropriate and concurs that where a resource consent is sought for this activity, Assessment Matter RPROZ-AM8 should be applied to ensure that potential reverse sensitivity effects are assessed.'

3.3 Analysis

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

3.3.1 The NZ Motor Caravan Association (S101.008) requests that freedom camping be explicitly excluded from the provisions of the Proposed Plan, which require discretionary resource consent for camping grounds (under Rules GRUZ-R16 and RPROZ-R16) and 'any other activity not otherwise provided for' (under Rules GRUZ-R18 and RPROZ-R18). They consider that the 'catch all' rules would include freedom camping, as defined by section 5 of the Freedom Camping Act 2011, which regulates where freedom camping can occur in the District, along with the Reserves Act 1977, reserve management plans and Council bylaws. They consider that freedom camping may require resource consent, depending on the zone rules, and could confuse visitors as to where they can and cannot legally freedom camp.

3.3.2 A 'camping ground' is defined in the Proposed Plan as follows:²

CAMPING GROUND	any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment. Includes a motor camp, caravan or camper-van park and associated storage.
-----------------------	---

3.3.3 Under the above definition, a camping ground relates to land used, designed, or intended to be used for rent, hire, donation or otherwise for reward. In my opinion, that would exclude freedom camping.

3.3.4 A camping ground can be regarded as a sub-activity of the wider definition of 'visitor accommodation', which is defined in the Proposed Plan (in accordance with the National Planning Standards) as:

VISITOR ACCOMMODATION	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
------------------------------	---

3.3.5 The Proposed Plan has separate rules for camping grounds and visitor accommodation. It is possible that a camping ground could include visitor accommodation, such as a motel.

3.3.6 There is no definition of 'freedom camp(ing)' in the Proposed Plan. A 'freedom camp' and 'camping ground' are defined in section 5 of the Freedom Camping Act 2011 as follows, which makes it clear that freedom camping does not include camping grounds which are subject to a current certificate of registration under the Camping Grounds Regulations 1985 and are sites at which a fee is payable for camping at the sites:

5 Meaning of freedom camp

- (1) In this Act, **freedom camp** means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:
 - (a) a tent or other temporary structure;
 - (b) a caravan;
 - (c) a car, campervan, housetruck, or other motor vehicle.
- (2) In this Act, **freedom camping** does not include the following activities:
 - (a) temporary and short-term parking of a motor vehicle;
 - (b) recreational activities commonly known as day-trip excursions;
 - (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
- (3) In subsection (1),—

camping ground means—

 - (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
 - (b) any site at which a fee is payable for camping at the site

3.3.7 The NZ Motor Caravan Association notes that other District Plans, such as the Dunedin City 2nd Generation District Plan (2GP), explicitly notes that freedom camping is not managed by the plan, but is managed through a Council bylaw.

3.3.8 The 2GP has the following definitions of 'Campgrounds' and 'Visitor Accommodation':

² There is no definition of 'camping ground' in the National Planning Standards.

Campgrounds

The use of land and buildings for the purpose of providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units.

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

Campgrounds

The use of land and buildings for the purpose of:

X. providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; and/or

Y. providing for long-stay accommodation for transportable homes in the form of caravans, house buses/trucks or 'tiny houses'.

{Change E7}

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

Visitor Accommodation

The use of land and buildings for temporary accommodation (up to three months stay within any calendar year period per customer) on a commercial fee paying basis. For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

- motels
- hotels
- homestays or bed and breakfasts
- serviced apartments; and
- backpackers and hostels.

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

Visitor Accommodation

The use of land and buildings for temporary accommodation (up to three months stay within any calendar year period per customer) *{Change E7}* on a commercial fee paying basis.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

- motels
- hotels
- homestays or bed and breakfasts
- serviced apartments; and
- backpackers and hostels.

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

- 3.3.9 The 2GP pre-dates the National Planning Standards, therefore, its definition of visitor accommodation is not consistent with the definition in the National Planning Standards.

- 3.3.10 The Central Hawke's Bay District Council Bylaws: Part 2 – Public Spaces (2018) addresses activities in public places and reserves. Clause 202.3 of the Bylaws specifies that:

“202.3 Notwithstanding the requirements of any other Section of this Part of the bylaw a person shall not in any public place:

- (a) light any fire except at fireplaces specifically provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;
- (b) camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicle for sleeping whether or not it is specially set out for sleeping.”

- 3.3.11 A 'public place' is defined in the bylaw as: “means as well as those places defined in Part 1 Introductory, every reserve, park, domain, beach, foreshore, and recreational ground under the control of Council”.

- 3.3.12 Given the above, I consider that it would be appropriate to add the following note after the definitions of 'camping ground' and 'visitor accommodation' to clarify that 'freedom camping is not managed by the District Plan, and is managed through a Central Hawke's Bay District Council bylaw':

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

- 3.3.13 The NZ Motor Caravan Association (S101.003, S101.005) also request that Rules GRUZ-R16 and RPROZ-R16 be amended to provide for camping grounds as a Permitted Activity in the GRUZ – General Rural Zone and the RPROZ – Rural Production Zone, in line with the Operative District Plan, rather than as a Discretionary Activity. Silver Fern Farms (FS8.055) opposes the amendment sought by NZ Motor Caravan Association, given potential reverse sensitivity effects of this sensitive activity establishing in the Rural Production Zone, which is focused on primary production and associated rural activities. Silver Fern also does not agree that the Operative District Plan framework is appropriate for management of camping grounds, as it does not have regard to reverse sensitivity effects. The Pork Industry Board (S42.054, S42.088) and Hort NZ (S81.122, S81.166) both support retention of Rules GRUZ-R16 and RPROZ-R16 as notified. The Pork Industry Board considers that camping grounds are sensitive activities, likely to conflict with primary production activities, and providing for them as a permitted activity is not supported by an objective and policy structure in the Proposed Plan. The NZ Motor Caravan Association (FS24.002, FS24.003) opposed the Pork Industry Board's submission.

- 3.3.14 In the Operative District Plan, a 'camping ground' is defined as follows:

CAMPING GROUND	Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of these regulations.
-----------------------	--

- 3.3.15 The definition of 'visitor accommodation' in the Operative District Plan includes accommodation 'such as camping grounds'. In the Rural Zone, Rule 4.8.1(j) permits visitor accommodation where it complies with all of the Performance Standards in Section 4.9; except where it is located within the 65 dBA Ldn airnoise boundary identified on Planning Map 30'. Where compliance with the performance standards is not achieved, Discretionary Activity resource consent is required under Rule 4.8.3(e). Visitor accommodation located within the 65 dBA Ldn airnoise boundary is a Prohibited Activity under Rule 4.8.5(a).

- 3.3.16 I consider that camping grounds fall within the Proposed Plan definition of a 'sensitive activity', and I note that it is recommended in Volume 1 of this report, under Key Issue 1, that the definition be amended to include camping grounds (in response to S42.008 Pork Industry, S27.004 Egg Producers, S81.028 Hort NZ). I therefore concur with Silver Fern Farms and the Pork Industry Board that camping grounds are likely to have reverse sensitivity effects on legally established activities within the General Rural Zone and Rural Production Zone, including primary production activities. This would not, in my opinion, be consistent with Objective OBJ 16 (in Section 3.5 Effects of Conflicting Land Use Activities in the Hawke's Bay Regional Policy Statement (contained within the Hawke's Bay Resource Management Plan (2006)), which seeks, for future activities, the avoidance or mitigation of off-site impacts or nuisance effects arising from the location of conflicting land use activities.

- 3.3.17 Objectives GRUZ-O4 and RPROZ-O6 seek that the primary purpose and predominant character of the General Rural Zone and Rural Production Zone are not compromised by potentially incompatible activities establishing. Policies GRUZ-P5 and RPROZ-P5 are to require sufficient separation between sensitive activities and existing primary production and intensive primary production activities in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. Policies GRUZ-P7 and RPROZ-P7 are to ensure incompatible activities do not locate in the General Rural Zone /Rural Production Zone where the activity will undermine /be inconsistent with the primary productive purpose and predominant character of the zone; will constrain the establishment and use of land for primary production; and will result in reverse sensitivity and/or lead to land use conflict; and/or does not have a functional or operational need for a rural location.
- 3.3.18 In my opinion, the objective and policy frameworks of the General Rural Zone and Rural Production Zone do not anticipate the establishment of camping grounds, being a sensitive activity that could potentially undermine or be inconsistent with the primary productive purpose and predominant character of the zones. Therefore, I consider that a Permitted Activity status is not supported.
- 3.3.19 However, I recognise that providing for appropriate camping opportunities within the General Rural Zone and Rural Production Zone is something that is desirable as an attractive, inexpensive holiday option for New Zealanders and tourists.
- 3.3.20 The Proposed Plan includes Assessment Matters GRUZ-AM11 and RPROZ-AM12 which relate specifically to Camping Grounds. I consider that these matters cover all of the relevant considerations around character and amenity effects, effects on natural features and landscapes, reverse sensitivity effects (particularly in terms of primary production and associated activities), effects on cultural values, heritage values, wāhi tapu, wāhi taonga and sites of significance to Māori, provision of servicing infrastructure, natural hazards and safe access and egress to the site, and contribution to the social and economic wellbeing of the local community.
- 3.3.21 Therefore, while I do not support a Permitted Activity status for camping grounds in the General Rural and Rural Production Zones, I would support amending Rules GRUZ-R16 and RPROZ-R16 to provide for camping grounds as a Restricted Discretionary Activity, subject to compliance with the applicable zone standards, where the matters for discretion are restricted to applicable general assessment matters relevant to infringed standards. I consider that this would achieve Objectives GRUZ-O4 and RPROZ-O6, by ensuring that the primary purpose and predominant character of the General Rural Zone and Rural Production Zone are not compromised by potentially incompatible camping grounds establishing.

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

- 3.3.22 The Pork Industry Board requests the deletion of Permitted Activity Rules GRUZ-R10 and RPROZ-R10, or the activity status changed, as community facilities are sensitive activities that are likely to conflict with primary production activities, and they consider that they are not supported by the objective and policy structure of the Proposed Plan. This submission is supported by Hort NZ.
- 3.3.23 Hort NZ requests that the activity status of community facilities under the rules be changed to either Restricted Discretionary or Discretionary, as that would enable assessment against the policy framework. They also seek inclusion of Assessment Matter GRUZ-AM7 (I consider they likely meant to refer to GRUZ-AM8, which relates to Community Facilities and Educational Facilities) and RPROZ-AM9 as matters for discretion in Rules GRUZ-R10 and PROZ-R10, respectively. This submission is supported by Silver Fern Farms, as the definition of 'Community Facilities' includes recreational, sporting, cultural, safety, health, welfare, or worship activities, and they consider permitted activity status is inappropriate, given the sensitivity of these activities.
- 3.3.24 Heretaunga Tamatea Settlement Trust supports provision for community facilities within the General Rural Zone, but request that their activity status, where they exceed the 100m² gross floor area limit under Rule GRUZ-R10, be changed to a 'Controlled Activity', rather than 'Discretionary'. They consider that this will ensure that the development of an environmental education and training facility on land adjoining Lake Whatuma, and the expansion of Te Aute College, could occur as a Controlled Activity (which they consider would better align with the Ministry of Education's designation over part of the College land). Hort NZ opposes this submission, as they consider Controlled Activity status for community facilities across the General Rural Zone would not provide for an adequate assessment of effects.
- 3.3.25 Rules GRUZ-R10 and RPROZ-R10 provide for Community Facilities as a Permitted Activity where buildings associated with the activities are no more than 100m² in gross floor area per site, and they comply with the standards specified under the rules. This includes a requirement for buildings to be setback a minimum distance of 20m from road boundaries (GRUZ-S4/RPROZ-S5), 15m from side and

- rear boundaries (Standard GRUZ-S5/RPROZ-S6), and 200m from existing Intensive Primary Production Activities (Standard GRUZ-S11/RPROZ-S12). Community facilities not complying with the standards under Rule GRUZ-R10(1)(b)/RPROZ-R10(1)(b), including the setbacks from boundaries, are a Restricted Discretionary Activity. Where they do not comply with the 100m² gross floor area limit, the minimum setback from existing intensive primary production, and/or the minimum setback from the gas transmission network under Rule GRUZ-R10(1)(a) and (c)/RPROZ-R10(1)(a) and (c), they fall to be considered as a Discretionary Activity. Community Facilities not complying with the minimum setback from the National Grid under Rule GRUZ-R10(1)(d)/RPROZ-R10(1)(d) are a Non-Complying Activity.
- 3.3.26 The intention of the standards under the rules for Community Facilities is to limit their scale and ensure they are setback from boundaries and existing intensive primary production, to avoid or mitigate potential conflict between them (as sensitive activities) and rural activities. In my opinion, this is consistent with Objectives GRUZ/RPROZ-O1 to O6, and with Policies GRUZ-P2 and RPROZ-P2 which are recommended (under Rural Topic, Key Issue 5) to be amended (in response to submissions S27.022 Egg Producers and S121.179 Federated Farmers) to clarify that the Proposed Plan seeks to provide for non-primary production related activities (including community facilities) that have a functional or operational need for a rural location, and where their scale, intensity and building form are in keeping with the character and amenity of the zone, reverse sensitivity effects on activities otherwise anticipated within the zones are minimised, and adverse effects avoided, remedied or mitigated.
- 3.3.27 In my opinion, the ability to establish community facilities within the zones is important to support the social, economic and cultural wellbeing of rural communities, as well as people's health and safety.
- 3.3.28 Community Activities are provided for as a Permitted Activity in the Rural Zone under the Operative District Plan (Rule 4.8.1(d)), subject to compliance with performance standards relating to building coverage, height of buildings, recession lines, setback from road boundaries (20m) setback from neighbours (10m), domestic wastewater disposal, electrical safety distances, tree planting, noise, setback from fault lines and areas of significant conservation value. Community Activities that do not comply with one or more of the performance standards are a Discretionary Activity under Rule 4.8.3(e). The rules and standards are supported by Objective 4.2.1, which is for "A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment". Policy 4.2.2(1) is "To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity".
- 3.3.29 Therefore, the Proposed Plan provisions are more restrictive than the Operative Plan provisions, with respect to the introduction of a building gross floor area limit, greater minimum setback distances from site boundaries, a minimum setback distance from intensive primary production activities, and minimum setbacks from the gas transmission network and National Grid.
- 3.3.30 For the above reasons, I do not support the requests from the Pork Industry Board and Hort NZ to make all community facilities Restricted Discretionary or Discretionary Activities, as I am satisfied that Rules GRUZ-R10 and RPROZ-R10, as notified, are appropriate to achieve the relevant objectives and policies of the Proposed Plan.
- 3.3.31 I also do not support Heretaunga Tamatea Settlement Trust's request to amend the Rules GRUZ-R10(3) and RPROZ-R10(3), so that all community facilities with buildings over 100m² are a Controlled Activity instead of a Discretionary Activity, as I consider it is important that Council is able to consider applications for such activities against the objectives and policy framework of the Proposed Plan and to decline applications where appropriate.
- 3.3.32 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.

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

- 3.3.33 The Ministry of Education supports Policy RLZ-P3, but opposes Policy RLZ-P7, which refers to limiting the scale of Education Facilities (as well as Community Facilities) to maintain the character and amenity of the RLZ – Rural Lifestyle Zone. They request that the policy be amended, such that reads: *“To enable Community Facilities and Education Facilities in the Rural Lifestyle Zone in a way that maintains the character and amenity of the zone while providing for social infrastructure”*. They also oppose the 100m² gross floor area limit per site for Educational Facilities under condition (1)(a) of Rules GRUZ-R11, RLZ-R7 and RPROZ-R11, and request that it be amended to permit Education Facilities with a gross floor area of 300m² in the General Rural Zone, and 200m² in the Rural Lifestyle and Rural Production Zones, instead of 100m². They also request that in the General Rural Zone, Education Facilities with a gross floor area of 300-500m² be a Restricted Discretionary Activity, and a Discretionary Activity where they have a gross floor area over 500m². In the Rural Lifestyle and Rural Production Zones, Education Facilities with a gross floor area over 200m² would remain Discretionary Activities under Rules RLZ-R7 and RPROZ-R11.
- 3.3.34 Heretaunga Tamatea Settlement Trust supports the amendments sought by the Ministry of Education, with respect to Rule GRUZ-R11. Silver Fern Farms opposes the Ministry's request to amend Rule RPROZ-R11, as they consider it would increase reverse sensitivity effects of concern. Hort NZ also opposes the amendments sought to Rules GRUZ-R11 and RPROZ-R11 as it would not provide for an adequate assessment of effects of larger facilities.
- 3.3.35 The Pork Industry Board requests that Rules GRUZ-R11 and RPROZ-R11 be deleted, as they are sensitive activities that are likely to conflict with all primary production activities, they are not supported by objectives and policies as permitted activities, and a designation process is available for them.
- 3.3.36 Hort NZ requests that Rule RPROZ-R11 be amended so Education Facilities are a Restricted Discretionary Activity or a Discretionary Activity. They also seek that Assessment Matters GRUZ-AM8 and RPROZ-AM9 be added as matters for discretion under Rules GRUZ-R11 and RPROZ-R11, respectively.
- 3.3.37 I support the Ministry of Education's request to amend Policy RLZ-P7, as I consider that the revised wording better reflects the intention of the rules and standards it supports, while still being consistent with Objective RLZ-O2. However, I consider that the use of the term 'social infrastructure' is too narrow in the context of the wider definition of Community Facilities, which the policy also relates to, and which includes recreational, sporting, cultural, safety, health, welfare, or worship activities. I therefore consider that it would be more appropriate to replace 'social infrastructure' with 'the social and cultural wellbeing and the health and safety of residents of the zone'.
- 3.3.38 With respect to the amendments to the rules sought by the Ministry of Education, I note that, in relation to GRZ – General Residential Zone Rule GRZ-R5 and SETZ – Settlement Zone Rule SETZ-R8 (addressed in the Urban Environment Topic report, Key Issue 7), they requested that the permitted gross floor area limit for Education Facilities be 200m² (S73.017 and S73.028). For the General Residential Zone, the Ministry requested that Education Facilities with a gross floor area of 200-400m² be provided for as a Restricted Discretionary Activity, and those with a gross floor area over 400m² be a Discretionary Activity. In relation to the Settlement Zone, the Ministry of Education requested that Education Facilities with a gross floor area over 200m² be a Discretionary Activity. In response to those submission points, I recommended (in the Urban Environment Topic, Key Issue 7) that the requested amendments be accepted. This acknowledged that most education facilities are located in the General Residential Zone, and facilities up to 400m² gross floor area may be appropriate in that zone, subject to assessment against relevant standards and specified assessment matters.
- 3.3.39 As for community facilities (discussed above), the intention of the standards under the rules for Education Facilities is to limit their scale and ensure they are setback from boundaries and existing intensive primary production, to avoid or mitigate potential conflict between them (as sensitive activities) and rural activities. In my opinion, this is consistent with Objectives GRUZ/RPROZ-O1 to O6, and with Policies GRUZ-P2 and RPROZ-P2 which are recommended (under Rural Topic, Key Issue 5) to be amended (in response to submissions S27.022 Egg Producers and S121.179 Federated Farmers) to clarify that the Proposed Plan seeks to provide for non-primary production related activities (including community facilities) that have a functional or operational need for a rural location, and where their scale, intensity and building form are in keeping with the character and amenity of the zone, reverse sensitivity effects on activities otherwise anticipated within the zones are minimised, and adverse effects avoided, remedied or mitigated.
- 3.3.40 I consider that Rule RLZ-R7 is consistent with Objective RLZ-O2 and Policies RLZ-P3, RLZ-P5 and RLZ-P7 in RLZ – Rural Lifestyle Zone.

- 3.3.41 In my opinion, the ability to establish education facilities within the zones is important to support the social, economic and cultural wellbeing of rural communities.
- 3.3.42 In the Operative District Plan, the use of land and buildings for education, including schools, falls under the definition of a Community Activity. Community Activities are provided for as a Permitted Activity in the Rural Zone (Rule 4.8.1(d)), subject to compliance with performance standards relating to building coverage, height of buildings, recession lines, setback from road boundaries (20m) setback from neighbours (10m), domestic wastewater disposal, electrical safety distances, tree planting, noise, setback from fault lines and areas of significant conservation value. Community Activities that do not comply with one or more of the performance standards are a Discretionary Activity under Rule 4.8.3(e). The rules and standards are supported by Objective 4.2.1, which is for "A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment". Policy 4.2.2(1) is "To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity".
- 3.3.43 Therefore, the Proposed Plan provisions for Education Facilities are more restrictive than the Operative Plan provisions, with respect to the introduction of a building gross floor area limit, greater minimum setback distances from site boundaries, a minimum setback distance from intensive primary production activities, and minimum setbacks from the gas transmission network and National Grid.
- 3.3.44 For the above reasons, I do not support the requests from the Pork Industry Board and Hort NZ's to make all education facilities Restricted Discretionary or Discretionary Activities, as I am satisfied that Rules GRUZ-R11 and RPROZ-R11, as notified, are appropriate to achieve the relevant objectives and policies of the Proposed Plan.
- 3.3.45 With regard to Hort NZ's request that Rules GRUZ-R11(2) and RPROZ-R11(2) be amended to include Assessment Matter GRUZ-AM8/RPROZ-AM9 as an additional matter over which discretion will be restricted where there is an infringement of the Standards listed under Rules GRUZ R11(1)(b) and RPROZ-R11(1)(b), Rules GRUZ-R11(2) and RPROZ-R11(2) 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-R11 and RPROZ-R11 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.
- 3.3.46 On the basis of the above, I consider that Rules GRUZ-R11, RLZ-R7 and RPROZ-R11 should be amended as follows:

GRUZ-R11 Educational facilities	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to 200100m² gross floor area per site.</p> <p>b. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <p>c. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S11 (setback from existing intensive primary production); and GRUZ-S12 (setback from gas transmission network). <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p>	<p>2. Activity status where compliance with condition GRUZ-R11(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment Matters:</p> <ol style="list-style-type: none"> GRUZ-AM1. GRUZ-AM2. GRUZ-AM3. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise.
	<p>3. Activity status where compliance with conditions GRUZ-R11(1)(a) and/or GRUZ-R11(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with condition GRUZ-R11(1)(d) is not achieved: NC</p>

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

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

- 3.3.47 For the same reasons given above, in relation to Community Facilities and Education Facilities, the Pork Industry Board requests the deletion of Rules GRUZ-R8 and RPROZ-R8. This is supported by Hort NZ.
- 3.3.48 Hort NZ seeks to amend Condition (1)(a) of Rule GRUZ-R8, by deleting the requirement for the length of stay for any one guest to be no greater than 3 months in any 12-month period. They also request that reference to Assessment Matter GRUZ-AM7 be added to Rule GRUZ-R8(2). Hort NZ considers that a 3-month duration of stay for guests in Visitor Accommodation is too long and they instead request that it be replaced with a guest number threshold of 'no more than 4 guests at one time'. They consider this will ensure that the scale of the activities is small enough to reduce the risk of reverse sensitivity effects of permitted activities.
- 3.3.49 Hort NZ request that Rule RPROZ-R8 be amended to require consent for Visitor Accommodation in the Rural Production Zone, unless activity thresholds are amended to capture very small-scale accommodation that is unlikely to result in reverse sensitivity effects. They also request a that reference to Assessment Matter GRUZ-AM7 be added to Rule GRUZ-R8(2). Silver Fern farms supports this submission point.

- 3.3.50 In the Operative District Plan, Visitor Accommodation is provided for as a Permitted Activity in the Rural Zone (Rule 4.8.1(j)), except where located within the 65 dBA Ldn airnoise boundary identified on Planning Map 30, subject to compliance with performance standards relating to building coverage, height of buildings, recession lines, setback from road boundaries (20m) setback from neighbours (10m), domestic wastewater disposal, electrical safety distances, tree planting, noise, setback from fault lines and areas of significant conservation value. Visitor Accommodation that does not comply with one or more of the performance standards are a Discretionary Activity under Rule 4.8.3(e). Visitor Accommodation within the 65 dBA Ldn airnoise boundary is Prohibited under Rule 4.8.5(a). The rules and standards are supported by Objective 4.2.1, which is for "A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment". Policy 4.2.2(1) is "To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity".
- 3.3.51 I note that, in the Hastings District Plan, visitor accommodation is a sub-set of Commercial Activities. Commercial Activities are permitted in the Rural Zone and the Plains Production Zone within specified limits, and subject to compliance with Standards and Terms. As set out in Table 5.2.6C (Rural Zone) and Table 6.2.6D (Plains Production Zone), which identify Commercial Activities Threshold Limits, permitted visitor accommodation is limited to a maximum gross floor area per site of 100m² in the Rural Zone, and a total maximum gross floor area of 100m² per site, not per activity) in the Plains Production Zone. In both zones, at least one person resident on the site must carry out the activity, and a maximum number of 3 additional employees (not resident on the site) is permitted. However, in the Rural Zone, visitor accommodation within an existing residential building is exempt from the 100m² gross floor area limit, provided that the existing residential activity does not cease.
- 3.3.52 The City of Napier District Plan permits Travellers Accommodation in the Main Rural Zone that caters for up to 5 guests per site, and is limited to 80m² gross floor area per site (Note: the gross floor area limit is a combined limit applying to supplementary units, residential care facilities, day care centre, an education facility, travellers accommodation and seasonal workers accommodation, and where only one of each of these activities can be carried out on each site). Travellers accommodation in an existing dwelling is exempt from the maximum 80m² gross floor area.
- 3.3.53 As such, the Proposed Plan Rules GRUZ-R8 and RPROZ-R8 are more restrictive than the Operative District Plan provisions for visitor accommodation, and they are similar to the Hastings District Plan and City of Napier District Plan approaches, insofar as Condition (1)(b) of the rules requires compliance with Standard GRUZ-S1/RPROZ-S1 Activity Threshold. The Standard specifies a maximum gross floor area per site, a limit on the number of personnel per site, and exempts compliance with the gross floor area limit where the visitor accommodation is within an existing residential unit or existing minor residential unit and the existing residential activity does not cease, as follows:

GRUZ-S1/RPROZ-S1 Activity Threshold

Commercial Activities	1. Maximum gross floor area per site is 100m ² .
Visitor Accommodation	2. Personnel limited to: <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).
Home Businesses	
(excludes retail sales and restaurants)	<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>

- 3.3.54 I consider that deleting the requirement under Condition (1)(a)(i) of Rules GRUZ-R8 and RPROZ-R8, which limits the length of stay for any one guest to no more than 3 months in any 12 month period is inappropriate, as the intent of that condition is to ensure the temporary nature of the activity, so visitor accommodation does not provide permanent residency for people, akin to a residential activity. If that limit is deleted (as requested by Hort NZ), then guests could stay in such accommodation indefinitely. The intention is for longer stays to be assessed as a residential activity.
- 3.3.55 While limiting the number of guests that can stay in visitor accommodation at any one time (as requested by Hort NZ) is a method used in the City of Napier District Plan, I consider that the proposed activity thresholds for visitor accommodation in the Proposed Plan (as notified) are sufficient to appropriately limit the scale of the activity in the General Rural Zone and the Rural Production Zone, and are commensurate with the approach taken to limit the scale of Community Facilities and Education Facilities in those zones.

Rules GRUZ-R8 and RPROZ-R8 are also consistent with achieving Objectives GRUZ/RPROZ-O1 to O6, and with Policies GRUZ-P2 and RPROZ-P2, as discussed above.

- 3.3.56 I do not support Hort NZ's request for Rule GRUZ-R8(2) and RPROZ-R8(2) to be amended to include Assessment Matter GRUZ-AM7/RPROZ-AM8 as an additional matter over which discretion will be restricted where there is an infringement of the Standards listed under Condition (1)(c) of the rule. As I have advised above in relation to Hort NZ's request to amend Rules GRUZ-R10(2), GRUZ-R11(2), RPROZ-R10(2) and RPROZ-R11(2) relating to community facilities and educational facilities, I consider that adding the assessment matter to the list of matters in Rules GRUZ-R8(2) and RPROZ-R8(2) is not in keeping with the rule framework adopted in the Proposed Plan.
- 3.3.57 On the basis of the above, I consider that Rules GRUZ-R8 and RPROZ-R8 should be retained.

3.4 Recommendations

- 3.4.1 For the reasons outlined above, I recommend that the provisions in the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone and the RPROZ – Rural Production Zone chapters be amended (as outlined in Recommended Amendments below).
- 3.4.2 I recommend that the following submission(s) be **accepted**:
- NZ Motor Caravan Association, S101.008
 - Hort NZ, FS17.103
 - Ministry of Education, S73.025, S73.021, S73.023, S73.037
 - Heretaunga Tamatea Settlement Trust, FS13.044
- 3.4.3 I recommend that the following submission(s) be **accepted in part**:
- NZ Motor Caravan Association, S101.003, S101.005,
 - NZ Pork Industry Board, S42.054, S42.088
 - Hort NZ, S81.122, S81.166, FS17.105
 - Silver Fern Farms, FS8.055, FS8.050
 - Ministry of Education, S73.020, S73.022
 - Heretaunga Tamatea Settlement Trust, FS13.045
- 3.4.4 I recommend that the following submission(s) be **rejected**:
- NZ Motor Caravan Association, FS24.002, FS24.003
 - Heretaunga Tamatea Settlement Trust, S120.025
 - NZ Pork Industry Board, S42.050, S42.074, S42.051, S42.075, S42.048, S42.072
 - Hort NZ, S81.119, S81.117, S81.120, S81.161, S81.163, S81.164, FS17.102, FS17.142, FS17.104, FS17.144, FS17.143, FS17.141
 - Silver Fern Farms, FS8.052, FS8.053, FS8.054
- 3.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

3.5 Recommended Amendments

- 3.5.1 I recommend the following amendments are made:

CAMPING GROUND	any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment. Includes a motor camp, caravan or camper-van park and associated storage.
----------------	---

	<u>Note: Freedom camping (as defined in section 5 of the Freedom Camping Act 2011) is not managed by this District Plan, and is managed through a Central Hawke's Bay District Council bylaw.</u>
VISITOR ACCOMMODATION	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities. <u>Note: Freedom camping (as defined in section 5 of the Freedom Camping Act 2011) is not managed by this District Plan, and is managed through a Central Hawke's Bay District Council bylaw.</u>

GRUZ-R11 Educational facilities	
<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> Limited to 400200m² gross floor area per site. Compliance with: <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. Compliance with: <ol style="list-style-type: none"> GRUZ-S11 (setback from existing intensive primary production); and GRUZ-S12 (setback from gas transmission network). 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> <ol style="list-style-type: none"> Assessment matters: <ol style="list-style-type: none"> GRUZ-AM1. GRUZ-AM2. GRUZ-AM3. Assessment matters in the following chapters: <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. 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>

GRUZ-R16 Camping grounds	
<p>1. Activity Status: <u>DISRDIS</u></p> <p>Where the following conditions are met: <u>N/A</u></p> <ol style="list-style-type: none"> <u>Compliance with:</u> <ol style="list-style-type: none"> <u>GRUZ-S2;</u> <u>GRUZ-S3;</u> <u>GRUZ-S4;</u> <u>GRUZ-S5;</u> <u>GRUZ-S6;</u> <u>GRUZ-S7;</u> <u>GRUZ-S8;</u> 	<p>2. Activity status where compliance not achieved: <u>N/A-DIS</u></p>

<ul style="list-style-type: none"> viii. <u>GRUZ-S9;</u> ix. <u>GRUZ-S10; and</u> x. <u>GRUZ-S15.</u> b. <u>Compliance with:</u> <ul style="list-style-type: none"> i. <u>GRUZ-S11 (setback from existing intensive primary production); and</u> ii. <u>GRUZ-S12 (setback from gas transmission network).</u> c. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u> <u>Matters over which discretion is restricted:</u> d. <u>Assessment matters (where relevant to the infringed standard(s)):</u> <ul style="list-style-type: none"> i. <u>GRUZ-AM1.</u> ii. <u>GRUZ-AM2.</u> iii. <u>GRUZ-AM3.</u> iv. <u>GRUZ-AM14.</u> v. <u>GRUZ-AM15.</u> e. <u>Assessment matters in the following chapters:</u> <ul style="list-style-type: none"> i. <u>TRAN – Transport.</u> ii. <u>LIGHT – Light.</u> iii. <u>NOISE – Noise.</u> 	
---	--

RPROZ-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 400<u>200</u>m² 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. 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-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. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. RPROZ-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 RPROZ-R11(1)(a) and/or RPROZ-R11(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ-R11(1)(d) is not achieved: NC</p>

RPROZ-R16 Camping grounds

1. Activity Status: **DISRDIS**Where the following conditions are met: **N/A**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-AM15.**
- vi. **RPROZ-AM16.**

e. **Assessment matters in the following chapters:**

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

2. Activity status where compliance not achieved: **N/A-DIS**

RLZ-P7 To **enable** Community Facilities and Educational Facilities in the Rural Lifestyle Zone **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-R7 Educational facilities

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to ~~400~~**200**m² gross floor area per site.
- b. Compliance with:
 - i. RLZ-S2;
 - ii. RLZ-S3;
 - iii. RLZ-S4;
 - iv. RLZ-S5;

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

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

a. Assessment matters:

- i. RLZ-AM1.

<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> ii. RLZ-AM2. iii. RLZ-AM3. iv. RLZ-AM4. v. RLZ-AM5. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with condition RLZ-R7(1)(a) is not achieved: DIS</p>
---	--

3.6 Section 32AA Evaluation

- 3.6.1 In my opinion, the recommended amendments do not represent a significant departure from the Proposed Plan as notified, but better align with the objectives and policies for the zones and Part 2 of the RMA in terms of avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 3.6.2 The recommended amendments will not have any greater environmental, economic, social, or cultural costs than the notified provisions, but may have greater economic and social benefits in terms of enabling more appropriate provision for camping grounds and small-scale educational facilities proposing to locate in the General Rural, Rural Production and Rural Lifestyle Zones of the District.
- 3.6.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

4.0 Key Issue 20 – Provision for Emergency Services & Firefighting Water Supply in the Rural Zones

4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S57.148	Fire and Emergency New Zealand	GRUZ-R12	Amend	Amend GRUZ-R12, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept
.					
S57.150	Fire and Emergency New Zealand	GRUZ-S2	Amend	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
.					
S121.193	Federated Farmers of New Zealand	GRUZ-S2	Support	Retain GRUZ-S2(1) as proposed.	Accept
FS9.193	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.124	Horticulture New Zealand	GRUZ-S2	Support	Retain GRUZ-S2.	Accept
.					
S57.151	Fire and Emergency New Zealand	GRUZ-S3	Amend	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
.					
S57.187	Fire and Emergency New Zealand	RPROZ-R12	Amend	Amend RPROZ-R12, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept
.					
S57.189	Fire and Emergency New Zealand	RPROZ-S3	Amend	Amend RPROZ-S3 as follows: 'All (except for 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
.					
S121.222	Federated Farmers of New Zealand	RPROZ-S3	Support	Retain RPROZ-S3(1) as proposed.	Accept
FS9.222	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject

S81.169	Horticulture New Zealand	RPROZ-S3	Support	Retain RPROZ-S3.	Accept
.					
S57.190	Fire and Emergency New Zealand	RPROZ-S4	Amend	Amend RPROZ-S4 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
.					
S57.157	Fire and Emergency New Zealand	RLZ-P3	Amend	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
.					
S57.166	Fire and Emergency New Zealand	RLZ-R8	Amend	Amend RLZ-R8, subject to consequential amendments sought in this chapter. Add in provision for 'emergency aviation movements'.	Accept
.					
S57.167	Fire and Emergency New Zealand	RLZ-S2	Amend	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
.					
S57.168	Fire and Emergency New Zealand	RLZ-S3	Amend	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
.					
S57.171	Fire and Emergency New Zealand	RLZ-S8	Support	Retain RLZ-S8 as notified.	Accept
.					
S57.172	Fire and Emergency New Zealand	RLZ-S10	Amend	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
.					
S57.139	Fire and Emergency New Zealand	GRUZ-PXX (new policy)	Amend	Add a new policy to the 'General Rural Zone' as follows:	Accept in part

				'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		Oppose		Reject
FS17.85	Horticulture New Zealand		Oppose	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	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
FS25.90	Federated Farmers of New Zealand		Oppose		Reject
FS17.95	Horticulture New Zealand		Oppose		Reject
S57.141	Fire and Emergency New Zealand	GRUZ-R2	Amend	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
FS25.91	Federated Farmers of New Zealand		Oppose		Reject
FS17.96	Horticulture New Zealand		Oppose		Reject
S57.142	Fire and Emergency New Zealand	GRUZ-R3	Amend	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: a. Assessment matters: i. x. GRUZ-AM13. ...'	Accept
FS25.92	Federated Farmers of New Zealand		Oppose		Reject
FS17.97	Horticulture New Zealand		Oppose		Reject

S57.143	Fire and Emergency New Zealand	GRUZ-R6	Amend	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
FS17.101	Horticulture New Zealand		Oppose		Reject
S57.144	Fire and Emergency New Zealand	GRUZ-R8	Amend	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
.					
S57.264	Fire and Emergency New Zealand	GRUZ-R9	Amend	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. x. GRUZ-AM13. ...' ...'	Accept
.					
S57.145	Fire and Emergency New Zealand	GRUZ-R10	Amend	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: a. Assessment matters: i. x. GRUZ-AM13. ...' ...'	Accept
FS25.93	Federated Farmers of New Zealand		Oppose		Reject

S57.146	Fire and Emergency New Zealand	GRUZ- R11	Amend	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
S57.147	Fire and Emergency New Zealand	GRUZ- R12	Amend	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
S57.149	Fire and Emergency New Zealand	GRUZ- R14	Amend	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: '...Matters over which discretion is restricted: a. Assessment matters: i. x. GRUZ-AM13. ...' ...	Accept
S57.155	Fire and Emergency New Zealand	GRUZ- SXX (new standard)	Amend	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

				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		Oppose		Reject
S57.156	Fire and Emergency New Zealand	GRUZ-AMXX (new assessment matter)	Amend	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
FS25.101	Federated Farmers of New Zealand		Oppose		Reject
FS17.114	Horticulture New Zealand		Oppose		Reject
S57.177	Fire and Emergency New Zealand	RPROZ-PXX (new policy)	Amend	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
FS25.103	Federated Farmers of New Zealand		Oppose		Reject
FS17.123	Horticulture New Zealand		Oppose	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	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
FS25.106	Federated Farmers of New Zealand		Oppose		Reject
FS17.135	Horticulture New Zealand		Oppose		Reject
S57.179	Fire and Emergency New Zealand	RPROZ-R2	Amend	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.'	Accept

				x. RPROZ-AM15. ...	
FS25.107	Federated Farmers of New Zealand		Oppose		Reject
FS17.136	Horticulture New Zealand		Oppose		Reject
S57.180	Fire and Emergency New Zealand	RPROZ-R3	Amend	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: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RPROZ-AM15. ...'	Accept
FS25.108	Federated Farmers of New Zealand		Oppose		Reject
FS17.137	Horticulture New Zealand		Oppose		Reject
S57.181	Fire and Emergency New Zealand	RPROZ-R6	Amend	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
FS25.109	Federated Farmers of New Zealand		Oppose		Reject
FS17.140	Horticulture New Zealand		Oppose		Reject
S57.182	Fire and Emergency New Zealand	RPROZ-R8	Amend	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
FS25.110	Federated Farmers of New Zealand		Oppose		Reject
S57.183	Fire and Emergency New Zealand	RPROZ-R9	Amend	Amend RPROZ-R9(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. ...	Accept

				<p>...</p> <p>x. RPROZ-S17 Servicing....'</p> <p>And amend RPROZ-R9(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>	
FS25.111	Federated Farmers of New Zealand		Oppose		Reject
S57.184	Fire and Emergency New Zealand	RPROZ-R10	Amend	<p>Amend RPROZ-R10(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-R10(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
FS25.112	Federated Farmers of New Zealand		Oppose		Reject
S57.185	Fire and Emergency New Zealand	RPROZ-R11	Amend	<p>Amend RPROZ-R11(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-R11(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
FS25.113	Federated Farmers of New Zealand		Oppose		Reject
S57.186	Fire and Emergency New Zealand	RPROZ-R12	Amend	<p>Amend RPROZ-R12(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-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>	Accept
FS25.114	Federated Farmers of New Zealand		Oppose		Reject
S57.188	Fire and Emergency New Zealand	RPROZ-R14	Amend	<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>	Accept

				<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>	
FS25.115	Federated Farmers of New Zealand		Oppose		Reject
S57.194	Fire and Emergency New Zealand	RPROZ-SXX (new standard)	Amend	<p>Add a new standard to the 'Rural Production Zone' chapter as follows:</p> <p>'RPROZ-S17 Servicing</p> <p>1. All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>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.</p> <p>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.</p> <p>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.'</p>	Accept in part
FS17.145	Horticulture New Zealand		Oppose		Reject
S57.195	Fire and Emergency New Zealand	RPROZ-AMXX (new assessment matter)	Amend	<p>Add a new assessment matter to the 'Rural Production Zone' chapter as follows:</p> <p>'RPROZ-AM15 Servicing</p> <p>1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008'</p>	Accept in part
FS25.129	Federated Farmers of New Zealand		Oppose		Reject
FS17.153	Horticulture New Zealand		Oppose		Reject
S57.159	Fire and Emergency New Zealand	RLZ-R1	Amend	<p>Amend RLZ-R1(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. RLZ-S16 Servicing.'</p> <p>And amend RLZ-R1(2) as follows:</p> <p>'...Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. ...</p> <p>...</p> <p>x. RLZ-AM11.</p> <p>...'</p>	Accept

.					
S97.015	Ara Poutama Aotearoa the Department of Corrections	RLZ-R1	Support	Retain RLZ-R1.	Accept in part
.					
S57.160	Fire and Emergency New Zealand	RLZ-R2	Amend	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
.					
S57.161	Fire and Emergency New Zealand	RLZ-R4	Amend	Amend RLZ-R4(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. x. RLZ-S16 Servicing. And amend RLZ-R4(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. ...'	Accept
.					
S57.162	Fire and Emergency New Zealand	RLZ-R5	Amend	Amend RLZ-R5(1) as follows: '...Where the following conditions are met: a. ... b. ... c. Compliance with: i. x. RLZ-S16 Servicing. And amend RLZ-R5(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i. x. RLZ-AM11. ...'	Accept
.					
S57.163	Fire and Emergency New Zealand	RLZ-R6	Amend	Amend RLZ-R6(1) as follows: '...Where the following conditions are met: a. ... b. Compliance with: i. x. RLZ-S16 Servicing. And amend RLZ-R6(2) as follows: '...Matters over which discretion is restricted: a. Assessment matters: i.'	Accept

				x. RLZ-AM11. ...	
.					
S57.164	Fire and Emergency New Zealand	RLZ-R7	Amend	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
.					
S57.165	Fire and Emergency New Zealand	RLZ-R8	Amend	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
.					
S57.174	Fire and Emergency New Zealand	RLZ-SXX (new standard)	Amend	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
.					
S57.175	Fire and Emergency New Zealand	RLZ- AMXX (new	Amend	Add a new assessment matter to the 'Rural Lifestyle Zone' chapter as follows: 'RLZ-AM11 Servicing	Accept in part

		assessment matter)		1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.'	
.					

- 4.1.1 In summary, 52 submission points and 34 further submission points relate to provision of Emergency Services & Firefighting Water Supply in the Rural Zones (i.e., the GRUZ – General Rural Zone, RPROZ – Rural Production Zone, and RLZ – Rural Lifestyle Zone chapters).
- 4.1.2 FENZ (S57) requests the addition of a new policies, rules, standards and assessment matters to the chapters, to ensure that development provides a firefighting water supply on sites not connected to a reticulated water supply, or a supply that does not sufficient capacity, that complies with the *NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008*. Hort NZ (FS17) and Federated Farmers (FS25) oppose this.
- 4.1.3 FENZ (S57) requests that Policy RLZ-P3 be amended to include reference to 'emergency service activities', and that rules relating to Emergency Service Activities be amended to also relate to 'Emergency Aviation Movements'.
- 4.1.4 FENZ (S57) requests that the hose drying towers over 15m in height be exempt from the height and height in relation to boundary standards in the chapters.
- 4.1.5 Hort NZ (S81) and Federated Farmers (S121) both support retention of Standards GRUZ-S2 and RPROZ-S3 (relating to height of buildings).
- 4.1.6 Forest & Bird (FS9) opposes all submissions from Federated Farmers (S121).
- 4.1.7 The Department of Corrections (S97) supports retention of Rule RLZ-R1.

4.2 Matters Raised by Submitters

Policies

- 4.2.1 FENZ (S57.139 & S57.177) request that a new policy be added to the GRUZ – General Rural Zone and a new policy be added to the RPROZ – Rural Production Zone in the PDP, that ensures all development and subdivisions in the zone are adequately serviced, particularly in relation to firefighting water supply, as follows:

GRUZ-PXX	<u>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.</u>
RPROZ-PXX	<u>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.</u>

- 4.2.2 FENZ consider that these new policies will provide a better policy framework for the new standard sought in these zones relating to the requirement to provide a water supply.
- 4.2.3 These two proposed additional policies are opposed by Federated Farmers (FS25.88 & FS25.103) and Hort NZ (FS17.85 & FS17.123). Hort NZ considers that subdivision is the appropriate point in time to consider rural water firefighting requirements, and the policies sought extend beyond provision of firefighting water supply. Federated Farmers oppose the submitter seeking all land use activities having to be serviced for firefighting ability. They expect more rural households to obtain their potable water from rainwater tanks, because sharing a private reticulated water supply is being discouraged as a consequence of the new Water Services Act. Federated Farmers does not want farmhouses being discouraged or need resource consent because they will be serviced by a tank that is too small for firefighting.
- 4.2.4 FENZ (S57.157) support in part Policy RLZ-P3, but request that it be amended to specifically refer to 'emergency service activities' in order to acknowledge that fire stations are complementary to any rural residential community, providing for the health, safety and wellbeing of people in the community.

RLZ-P3	To provide for home businesses, rural commercial activities, <u>emergency service activities</u> , visitor accommodation and educational facilities which are complementary to the rural residential use of the land and are compatible in scale with rural residential living in the zone.
--------	--

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

- 4.2.5 In respect of Rules GRUZ-R12, RPROZ-R12 & RLZ-R8 Emergency Service Activities and Emergency Aviation Movements, FENZ (S57.148, S57.187 & S57.166) supports provision for emergency service activities subject to conditions and limiting them to a gross floor area of 100m² in the General Rural, Rural Production, and Rural Lifestyle Zones. They also support the requirement for a discretionary activity resource consent where the gross floor area limit is exceeded. However, they seek 'emergency aviation movements' to be added to the rule title, as they note that the rule title currently does not match the corresponding title for the rule in the Rule Overview Table.

GRUZ-R12 Emergency service activities **and emergency aviation movements**

RPROZ-R12 Emergency service activities **and emergency aviation movements**

RLZ-R8 Emergency service activities **and emergency aviation movements**

Provision for Emergency Service Activities

- 4.2.6 To support enabling of 'emergency service activities' and protection of such facilities within the zone, FENZ (S57.150, S57.151, S57.189, S57.190, S57.167, S57.168) seeks an exemption for '*hose-drying towers up to 15m in height*' from the following Standards:

GRUZ-S2 Height of Buildings
 GRUZ-S3 Height in Relation to Boundary
 RPROZ-S3 Height of Buildings
 RPROZ-S4 Height in Relation to Boundary
 RLZ-S2 Height of Buildings
 RLZ-S3 Height in Relation to Boundary

- 4.2.7 Federated Farmers (S121.193 & S121.222) and Hort NZ (S81.124 & S81.169) both support retention of Standards GRUZ-S2 and RPROZ-S3 (relating to height of buildings), as notified. Forest & Bird (FS9.193 & FS9.222) oppose all the submissions of Federated Farmers.
- 4.2.8 FENZ (S57.171) supports retention of Standard RLZ-S8 Hours of Operation, as notified, as they consider that it is important that Fire and Emergency is not restricted by hours of operation.
- 4.2.9 FENZ (S57.172) also seeks an additional clause in Standard RLZ-S10 for Screening of Outdoor Storage and Service Areas, that ensures '*screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities*'.
- 4.2.10 The amendments sought by FENZ above in relation to the standards in each of the Rural Zones, are as follows:

GRUZ-S2 Height of Buildings

RPROZ-S3 Height of Buildings

All (except frost fans)	1. Maximum height of any building(s) is 10m. <u>Hose-drying towers up to 15m in height are exempt from the rule.</u>
Frost Fans	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>

RLZ-S2 Height of Buildings

All	1. Maximum height of any building(s) is 10m. <i>Note: in all instances, height is measured from the natural ground level.</i> <u>Hose-drying towers up to 15m in height are exempt from the rule.</u>
-----	---

GRUZ-S3 Height in Relation to Boundary	
RPROZ-S4 Height in Relation to Boundary	
RLZ-S3 Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 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 parallel to the boundary under consideration must not exceed 3m; 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. <u>hose-drying towers up to 15m in height.</u> 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.
RLZ-S10 Screening of Outdoor Storage and Service Areas	
Non-Residential Activities	<ol style="list-style-type: none"> 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. 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. <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>

Water Supply Servicing Requirements

4.2.11 In addressing firefighting water supply requirements, FENZ (S57.155, S57.194 & S57.174) submits that activities not requiring subdivision (refer Standard SUB-S5 Water Supply, that applies to the subdivision of new lots) should also be required to provide a firefighting water supply (such as for the construction of new residential dwellings). They consider this will give effect to the new policies sought by FENZ (GRUZ-PXX and RPROZ-PXX) and is consistent with the approach taken in Standard SUB-S5.

4.2.12 The new standard sought for each zone is as follows:

<u>GRUZ-SXX Servicing</u>	
<u>RLZ-SXX Servicing</u>	
<u>RPROZ-SXX Servicing</u>	
<u>All</u>	<ol style="list-style-type: none"> <u>All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</u> <u>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.</u> <p><u>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.</u></p> <p><u>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.</u></p>

4.2.13 Hort NZ (FS17.107 & FS17.145) opposes the introduction of the proposed standard in the General Rural and Rural Production Zones, as they consider that rural water for firefighting should be linked to subdivision and the new requested standards go beyond provision of water for firefighting purposes.

4.2.14 FENZ (S57.156, S57.195 & S57.175) then seeks a new 'assessment matter' to apply where an activity does not comply with the new standard in the General Rural, Rural Production, and Rural Lifestyle Zones (above), as follows:

GRUZ-AM13 / RLZ-AM11 / RPROZ-AM15 Servicing

1. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

4.2.15 FENZ (S57.140, S57.141, S57.142, S57.143, S57.144, S57.264, S57.145, S57.146, S57.147, S57.149, S57.159, S57.160, S57.161, S57.162, S57.163, S57.164, S57.165, S57.178, S57.179, S57.180, S57.181, S57.182, S57.183, S57.184, S57.185, S57.186, S57.188) ultimately seeks that various relevant rules in the Rural Zones be amended to reference the above new standard and related assessment matter, including:

relevant GRUZ rules – Rules GRUZ-R1, GRUZ-R2, GRUZ-R3, GRUZ-R6, GRUZ-R8, GRUZ-R9, GRUZ-R10, GRUZ-R11, GRUZ-R12 & GRUZ-R14;

relevant RLZ rules – RLZ-R1, RLZ-R2, RLZ-R4, RLZ-R5, RLZ-R6, RLZ-R7 & RLZ-R8; and

relevant RPROZ rules – RPROZ-R1, RPROZ-R2, RPROZ-R3, RPROZ-R6, RPROZ-R8, RPROZ-R9, RPROZ-R10, RPROZ-R11, RPROZ-R12, RPROZ-R14.

4.2.16 FENZ considers that there will be cases where development in the zones will not require subdivision, and will not be subject to the water supply provisions of the SUB – Subdivision chapter (i.e. Standard SUB-S5). They therefore request new standards under the rules to require the provision of a firefighting water supply where development is not subject to subdivision, and to give better effect to new Policies GRUZ-PXX an RPROZ-PXX requested by FENZ.

4.2.17 Federated Farmers (FS25.101 & FS25.129) and Hort NZ (FS17.114 & FS17.153) both oppose the introduction of the proposed assessment matter in the General Rural and Rural Production Zones. Hort NZ consider that rural water for firefighting should be linked to subdivision. Federated Farmers considers that Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for firefighting. To their knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.

4.2.18 For the same reasons, Federated Farmers (FS25.90, FS25.91, FS25.92, FS25.93) also oppose these submissions in respect of Rules GRUZ-R1, GRUZ-R2, GRUZ-R3 & GRUZ-R9.

4.2.19 Hort NZ (FS17.95, FS17.96, FS17.97, FS17.101) also oppose these submissions in respect of Rules GRUZ-R1, GRUZ-R2, GRUZ-R3 & GRUZ-R6 as they consider rural water for firefighting should be linked to subdivision.

4.2.20 The Department of Corrections (S97.015) supports retention of Rule RLZ-R1, as notified, as they consider that a permitted activity status in the Rural Lifestyle Zone is considered appropriate in the context of establishment and provision of supported and transitional accommodation (residential) activities.

4.2.21 Federated Farmers (FS25.106, FS25.107, FS25.108, FS25.109, FS25.110, FS25.111, FS25.112, FS25.113, FS25.114, FS25.115) opposes these submissions in respect of Rules RPROZ-R1, RPROZ-R2, RPROZ-R3, RPROZ-R6, RPROZ-R8, RPROZ-R9, RPROZ-R10, RPROZ-R11, RPROZ-R12, RPROZ-R14), as they consider that Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide enough water simply for their livestock, household and farm needs, let alone for firefighting. To their knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.

4.2.22 Hort NZ (FS17.135, FS17.136, FS17.137, FS17.140) also oppose these submissions in respect of Rules RPROZ-R1, RPROZ-R2, RPROZ-R3 & RPROZ-R6), as they consider that rural water for firefighting should be linked to subdivision.

4.3 Analysis

Policies

- 4.3.1 FENZ request that a new policy be added to the GRUZ – General Rural Zone and to the RPROZ – Rural Production Zone to ensure all development and subdivisions in the zones are connected to a suitable on-site wastewater treatment and disposal system, stormwater system, and water supply unless an approved alternative system is available. These policies are opposed by Federated Farmers and Hort NZ. Hort NZ considers that rural water firefighting requirements should be addressed at subdivision, and the policies go beyond provision of a firefighting water supply. Federated Farmers expect more farm houses will obtain their potable water from rainwater tanks, and they do not want farm houses to be discouraged or need resource consent if they do not have enough water for firefighting.

- 4.3.2 I note that Policy SUB-P7 in the SUB – Subdivision chapter is:

SUB-P7 To ensure that where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and avoid or mitigate adverse effects on the environment.

- 4.3.3 I therefore consider that the intention of the Proposed Plan is for new development (and subdivision) to provide a suitable, alternative water supply or method of wastewater disposal or stormwater disposal where sites are not connected to a public water supply, wastewater disposal or stormwater disposal system. I note that the new policies requested by FENZ refer to a water supply in general (i.e., there is no specific reference to a firefighting water supply). I therefore concur with the submitter that it would be appropriate to include a new policy in the GRUZ-General Rural Zone and RPROZ – Rural Production Zone chapters, but with some amendments to achieve better consistency between the policies, as follows:

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

- 4.3.4 FENZ support in part RLZ – Rural Lifestyle Zone Policy RLZ-P3 but request that it be amended to specifically refer to 'emergency service activities', to acknowledge that fire stations are complementary to any rural residential community, providing for the health, safety and wellbeing of people in the community.
- 4.3.5 Rule RLZ-R8 provides for emergency service activities in the Rural Lifestyle Zone as a permitted activity, subject to compliance with conditions. Policy RLZ-P3 refers to home businesses, rural commercial activities, visitor accommodation and educational facilities as being complementary to the rural residential use of land in the zone and compatible in scale with rural residential living. Like emergency service activities, these activities are permitted under Rules RLZ-R3, RLZ-R4, RLZ-R5, and RLZ-R7. I therefore consider that it would be appropriate to include 'emergency service activities' in Policy RLZ-P3 alongside these other permitted activities, as follows:

RLZ-P3	To provide for home businesses, rural commercial activities, 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.
--------	---

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

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

Provision for Emergency Service Activities

- 4.3.8 In relation to FENZ's request to exempt 'hose-drying towers up to 15m in height' from Standards GRUZ-S2, GRUZ-S3, RPROZ-S3, RPROZ-S4, RLZ-S2 and RLZ-S3, relating to height of building and height in relation to boundary, I understand that FENZ advised the Hearing Panel during the Hearing Stream 1 hearing, that they were no longer seeking exemptions for hose-drying towers in the Proposed Plan provisions. On that basis, I consider that their submission points on this matter should be rejected.
- 4.3.9 FENZ seeks an additional clause in Standard RLZ-S10 for Screening of Outdoor Storage and Service Areas, that ensures 'screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities'. I consider that this is reasonable given the importance of emergency service activities in providing for the health and safety of people and communities and given their inherent operational and emergency-related requirements. I therefore support amending Standard RLZ-S10 as follows:

RLZ-S10 Screening of Outdoor Storage and Service Areas	
Non-Residential Activities	<ol style="list-style-type: none"> 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. 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. <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>

Water Supply Servicing Requirements

- 4.3.10 FENZ considers that activities not requiring subdivision should also be required to provide a firefighting water supply (such as for the construction of new dwellings), to give effect to the new policies GRUZ-PXX and RPROZ-PXX they have requested (as outlined above) and be consistent with the approach taken in Standard SUB-S5. The seek inclusion of the following new Standard (and associated references to relevant rules) in the General Rural Zone, Rural Production Zone and Rural Lifestyle Zone chapters:

<u>GRUZ-SXX Servicing</u>	
<u>RLZ-SXX Servicing</u>	
<u>RPROZ-SXX Servicing</u>	
<u>All</u>	<ol style="list-style-type: none"> <u>All new developments that will require a water supply must be connected to a public reticulated water supply, where one is available.</u> <u>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.</u> <p><u>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.</u></p> <p><u>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.</u></p>

- 4.3.11 The new standard requested by FENZ would apply to 'all new developments that require a water supply' and not only single family dwellings.
- 4.3.12 FENZ also seeks inclusion of a new Assessment Matter in the rural zone chapters that would apply where the above new standard is not complied with:

GRUZ-AM13 / RLZ-AM11 / RPROZ-AM15 Servicing

- The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.**

- 4.3.13 Hort NZ and Federated Farmers oppose FENZ submission. Hort NZ considers that rural water for firefighting should be linked to subdivision, and Federated Farmers considers that Regional Council RMA provisions around water takes and storage make it hard enough for farmers to provide sufficient water for their livestock, household and farm needs, let alone for firefighting. To their knowledge, stock water dams and other surface water bodies have been used by fire fighters in rural areas and farmers are happy to enable this.
- 4.3.14 The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 (the COP) is a non-mandatory New Zealand Standard that sets out what is considered to be a sufficient minimum supply of water pressure and volume for firefighting in structures in urban fire districts. However, these requirements can also be used to provide advice for similar systems outside fire districts, i.e., rural areas. A copy of the COP is provided in Appendix E of this report.
- 4.3.15 The COP states the following in relation to rural areas:³

"In rural areas, the effectiveness of a water supply for firefighting is affected by the time and distance from a fire station, the fire loading in the structure, the speed of fire development, ready access to a sufficient quantity of water, and the seasonal sustainability of the water supply. Because structures remote from a fire station are significantly more at risk from fire outbreak, the Fire Service strongly recommends that sprinklers are installed in all structures (and specifically houses) sited more than a 10-minute response time from a fire station.

Property owners need to be aware that when considering fire risk, the provision of a readily available sufficient water supply will affect the extent to which a firefighting resource can save life and property. Should a fire occur, the Fire Service will still respond if called and will commence firefighting operations using whatever water is available, but delays in accessing a water supply allow a fire to continue to develop, to a size that more often results in a complete loss.

This code of practice defines the term firefighting water supply as, among other things, a supply of sufficient duration. Water supplies that are not of a duration considered sufficient by the Fire Service are still suitable for fighting fires. However, they will not be classed as a firefighting water supply because in the opinion of the Fire Service, they may not provide sufficient water to be able to mount an attack on a well-developed fire. The available water may be sufficient for a defensive fire attack aimed at preventing fire spread rather than rapid extinguishment.

Appendix B is intended to give guidance to territorial authorities, developers, and property owners on how water can be used to provide alternative firefighting water sources that the Fire Service can use in the event of a fire. The approach taken in this document is based on fire engineering principles using options for either a prescriptive or specific engineering solution.

This code of practice provides techniques to define a sufficient firefighting water supply that may vary according to circumstances. It relates to the Fire Service requirements only; territorial authorities and building owners may choose to exceed the provisions. SNZ PAS 4509 is written in a way that will encourage flexibility and provide different options for developers and territorial authorities."

- 4.3.16 The report: "Fire & Emergency New Zealand Inquiry on Alternative Water Sources for Firefighting" (dated July 2020), identifies potential opportunities to improve the key issues highlighted in adopting non-reticulated water sources for firefighting in New Zealand (a copy of report is provided in Appendix F of this report). The report notes that, where there are reticulated water supplies, the Local Government Act requires Councils to install fire hydrants in the water supply network at suitable locations for firefighting with the approval of FENZ. However, there is no statutory basis in statutory instruments to secure adequate water supplies for firefighting in rural or urban areas where reticulated water supplies are not available or are insufficient. Therefore, supplementary sources of water in those areas are of strategic importance to fire service operations, property owners and communities. The report states the following in relation to its review of District Plans throughout New Zealand:⁴

³ Section 1, pages 9-10 of the Code.

⁴ Section 3.1.3, pages 11-12.

About half of the district plans reviewed use firefighting water supplies as rules. Other plans refer to firefighting water supplies as only policies or assessment criteria. Most often, these relate to the distance of subdivided lots from a fire hydrant. At the time of resource consent for 6 or more lots, fire hydrants within 135m of the subdivision are tested, though this may not always be the case. Where new supplies are developed or testing occurs, the information on available supplies is unlikely to be systematically recorded. District plans also control access widths and gradients. Whilst it may not be the primary purpose of access rules, they also assist to ensure access is suitable for fire appliances.

There are several gaps in the way that district plans cover water supply issues. District plans are not prescriptive so a resource consent may allow deviations if an applicant can show effects are acceptable. Many district plans are inconsistent in the way firefighting water supply is addressed. A lot of plans apply only at the time of subdivision. This means that if developers chose only to build additional houses but not subdivide, water supply for firefighting may not be taken into account even though the fire risk is on the building and not on the underlying land parcel.

In some cases, district plan rules or assessment criteria refer to Council's engineering or infrastructure standards. Some engineering standards cross reference the CoP and some refer to directly to issues of firefighting water supplies. Engineering standards themselves are not mandatory to comply with. However, referring to them in a District Plan means they must be considered. Again, engineering standards are not consistent.

Resource consents must be publicly notified if the effects are more than minor. This means that anyone (aside from trade competitors) may make a submission on the application. If effects on a party are minor or more than minor, those parties must be notified.

For FENZ to be notified (unless they were a neighbouring landowner), firefighting water supply would have to be included in assessment criteria of a rule (unless the subdivision or land use application was discretionary) and the applicant would generally not have addressed it adequately.

Outside of formal notification under the RMA, Council officers (or applicants) may choose to consult with FENZ so they can understand effects specific to firefighting water supply and access for fire appliances. This would be determined by internal Council processes and, or the position of individual planners. It is noted that this is separate from the requirement to consult FENZ on certain building consent applications.

District Plans do not contain controls requiring fire safety mechanisms that are controlled under building regulations under the Building Act (e.g. installation of sprinklers, structural issues, escape routes, etc.). These matters will be considered at the time building consent is applied for. It is possible that this renders confusion as to which is the appropriate time to consider firefighting water resources in respect of development plans and projects.

- 4.3.17 I note that the Central Hawke's Bay Water Supply Bylaw 2021 (Section 6.4) requires water storage for water supply to rural or individual premises for on-site water storage (for sites that are not connected to a Council water supply, including those in urban areas) to include at least one water storage tank of at least 30,000 litres capacity. However, there is no requirement for rural premises to provide onsite water storage for firefighting purposes under the Bylaw.
- 4.3.18 As such, given the requirement under the Bylaw for sites not connected to a Council water supply in the rural areas to provide on-site water storage (except for firefighting), I consider that there is no need for a general servicing standard to be included in the Proposed Plan, as requested by FENZ. Rather, if a standard is to be included, it need only relate to the provision of an on-site firefighting water supply for sites not connected to a Council water supply.
- 4.3.19 Under the Proposed District Plan (as notified) the SUB – Subdivision chapter refers to the Code under Assessment Matter SUB-AM5 in relation to water supply, and to Assessment Matter SUB-AM6 in relation to property access. Under SUB-AM5(3) and (4), subdivision consent applications for lots not proposed to be connected to a public water supply will be assessed on their ability to efficiently and effectively to meet firefighting requirements and be serviced by a water supply. All subdivision applications will also be assessed in relation to the provisions of the Code.

- 4.3.20 By way of examples of district plans that do include rules/standards for firefighting for new development, I note that the operative Hurunui District Plan (2018) includes a permitted activity standard (Standard 3.4.3.23), which requires firefighting water for all new dwellings erected on any building site in the rural zone, not connected to the Council's reticulated water supply, to comply with the Code, as follows:

Firefighting water

- (a) At the time a [residential dwelling](#) is erected on any [building site](#) that is not provided with sufficient firefighting water supply via the Council's reticulated water supply a firefighting water supply that complies with the New Zealand Fire Service Firefighting Water Supplies [Code of Practice: SNZ PAS 4509:2008 \(Code of Practice\)](#) is to be provided.

- 4.3.21 The operative Waipā District Plan (2016) includes the following performance standard that applies to all development (as well as subdivision) in the district (in any zone):

- 15.4.2.23 Where water is not supplied by Council or a private community supply, or water is supplied by Council but is a restricted flow supply, each lot shall provide access to water supply for firefighting purposes that is or will be:

- (a) Accessible to firefighting equipment; and
- (b) Between 6 and 90 metres from a dwelling on the site; and
- (c) On the same site as a dwelling (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 the independent potable water supply required by Rule 15.4.2.22; or
 - (ii) Provides at least 25 litres per second for 30 minutes.

This rule does not apply to lots created for the purpose of enabling a conservation block, a network utility, access to a lot or lots having no legal frontage, or a lot solely for a rural purpose and which does not require a building.

Advice 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.

Activities that fail to comply with Rules 15.4.2.21 to 15.4.2.23 will require a resource consent for a non-complying activity.

- 4.3.22 The operative Christchurch District Plan (2017) includes the following built form standards for water supply for firefighting for permitted activities, including residential activities, in the Rural Banks Peninsular Zone. Where compliance with the standard is not achieved, a restricted discretionary resource consent is required, where the matter of discretion is restricted to whether sufficient firefighting water supply is available to ensure the health and safety of the community, including neighbouring properties.

17.4.2.12 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all [buildings \(excluding accessory buildings that are not habitable buildings\)](#) via Council's urban reticulated system (where available) in accordance with the [New Zealand Fire Service Firefighting Water Supplies Code of Practice \(SNZ PAS: 4509:2008\)](#).
- b. Where a reticulated water supply compliant with [SNZ PAS:4509:2008](#) is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with [SNZ PAS:4509:2008](#), water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of [SNZ PAS 4509:2008](#).
- c. Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

- 4.3.23 The operative Nelson Resource Management Plan (2004) includes the following Rule RUr.28.1(f)(ii) which applies to all buildings in the Rural Zone, and requires a residential unit not connected to a suitable water source/supply to have water tanks with a storage capacity of at least 45,000 litres on the site for firefighting purposes. Where compliance with the rule is not achieved, a discretionary activity resource consent is required under Rule RUr.28.3.

Item	Permitted	Controlled	Discretionary/Non-complying
RUR.28 Buildings (all)	<p>RUR.28.1</p> <p>Permitted if:</p> <ol style="list-style-type: none"> they are ancillary to a permitted activity; and maximum of 1 residential unit per site; and all buildings greater than 40m² in area or used for residential purposes are set back a minimum of 10m from boundaries; and all other rules related to the size and location of buildings and services can be satisfied within the site; and the defensible space for fire protection purposes around a residential unit is provided at the time of construction (see Meanings of Words Chapter 2) and is maintained thereafter; and a residential unit, (unless it is connected to a community supply with its own firefighting water storage, or a water source capable of delivering a minimum of 25 litres per second for a minimum of 30 minutes is available within 90m of the building and is accessible by a portable pump) has either: <ol style="list-style-type: none"> a sprinkler system installed (to an approved standard in accordance with SNZ PAS 4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or water tanks with a storage capacity of at least 45,000 litres available to the site for firefighting purposes. Tanks must be fitted with a 100mm female Screw Thread controlled by a valve. Tanks shall be located more than 6m and less than 90m from the building; and a new residential unit, short term living accommodation unit or papakainga has 15,000 litres of water storage available to the site for use as a domestic water supply during periods of minimum flow (unless the unit is connected to a community supply with its own storage for periods of minimum flow). Where a house has 45,000 litres of water storage for firefighting purposes, this domestic water storage capacity can be a proportion of that total, but at least 23,000 litres needs to be stored permanently for firefighting purposes only; and in the High Density Small Holdings area at Ngawhatu shown on the Planning Maps, there is a minimum 20m building setback along the south-western boundary to the adjoining Rural zone (generally contained in Lot DP 19202); the building does not compromise the achievement of an indicative road or walkway/cycleway shown, or described on a Structure Plan 	RUR.28.2 not applicable	RUR.28.3 Activities that contravene a permitted condition are discretionary.

4.3.24 The operative Invercargill City District Plan (2019) includes the following rules on fire safety in the Rural Zone. Where an activity does not comply with the relevant standards set out under Rules RURZ-R15 to RURZ-R18, a restricted discretionary resource consent is required under Rule RURZ-R19.

Fire Safety

RURZ-R14 **RURZ-R15** to **RURZ-R20** apply to properties that:

- Are not connected to the Council's reticulated water supply; or
- Are connected to the Council's reticulated Restricted Flow Supply.

RURZ-R15 Each new residential unit with a building floor area of less than 200m² shall have either:

- A sprinkler system installed (to an approved standard in accordance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
- A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

RURZ-R16 Each new residential unit with a building floor area of greater than 200m² shall have either:

- A sprinkler system installed (to an approved standard in accordance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*) is always available to the sprinkler system in the event of a fire; or
- A water tank containing a sufficient quantity of water (calculated in accordance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*) always available as a static fire fighting reserve.

- RURZ-R17** A fire fighting connection, in accordance with Appendix B of *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice* is to be located more than 6 metres and less than 90 metres from any proposed building on the site. The connection point is to be designed so that:
1. It is located so that it is clearly visible to enable connection of a fire appliance; and
 2. It is located so that fire appliances have unimpeded vehicle access, including a minimum width of 4 metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and
 3. Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with *NZS 4505:1977 Specification For Fire-Fighting Waterway Equipment* is to be provided; or
 4. Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with *NZS 4505:1977 Specification For Fire-Fighting Waterway Equipment* is to be provided; or
 5. Underground tanks, or tanks that are partially buried (provided the top is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.
- RURZ-R18** Any addition exceeding 50m² to a residential building shall comply with **RURZ-R15** to **RURZ-R17** as if it were a new building.
- RURZ-R19** Where an activity does not comply with the relevant standards set out in **RURZ-R15** to **RURZ-R18** above, the activity is a restricted discretionary activity.
- The matter over which the Council shall exercise its discretion is:
1. The extent of compliance with the *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice* and the health and safety of the community, including neighbouring properties.
- RURZ-R20** Any application made under **RURZ-R19** shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.

- 4.3.25 In my opinion, a standard in a plan should be certain, effective and enforceable, and plan users should be able to easily determine if they meet a standard or not. A standard that requires them to *'demonstrate how an alternative and satisfactory supply can be provided to each lot'* introduces a level of discretion when determining whether an activity is permitted or not, and therefore considerable uncertainty. For that reason, I do not support the wording of the new standard requested by FENZ.
- 4.3.26 I also do not support the rules/standards in the Hurunui District Plan, the City of Christchurch District Plan, and parts of the Invercargill City District Plan which require plan users to refer to the Code to determine what is required to comply with the standard.
- 4.3.27 In my view, the approach taken in the Waipā District Plan is more appropriate, as plan users will know what required without having to refer to the Code. However, I do not support a Non-Complying Activity status where compliance with the standard is not achieved. In my opinion, a Restricted Discretionary Activity status, which is the status adopted under the Christchurch City and the Invercargill City District Plans, would be more appropriate, where the matter over which discretion is exercised is restricted to the extent of compliance with the Code and the health and safety of the community, including neighbouring properties. I consider that this approach is consistent with the new Policies GRUZ-PXX and RPROZ-PXX requested by FENZ (which I have recommended be accepted, with amendments). However, I do not support the Christchurch City District Plan rule which states that *"Any application arising from this rule will not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval)"*, as I consider that it would be *ultra vires* to have a standard that directs limited notification to only one person. Regardless, I consider that the addition of a notification preclusion is unnecessary, given the narrow focus of the standard.
- 4.3.28 I consider that this approach would go some way towards addressing Federated Farmer's further submission, which recognises that water storage for firefighting can be provided by way of dams and other surface water bodies, as well as water storage tanks.
- 4.3.29 FENZ has requested that the new standard/assessment matter apply to all new developments that require a water supply. I consider that is excessive, and that it would be more appropriate and reasonable for it to apply to all buildings, excluding accessory buildings that do not include a 'habitable room'. 'Habitable Room' is defined in the Proposed Plan and the National Planning Standards as:

"...any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room."

- 4.3.30 I therefore recommend that the following standard and assessment matter be added to the General Rural, Rural Production and Rural Lifestyle chapters, and that the various relevant rules in these chapters be amended to reference the above new standard and related assessment matter:

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

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

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

4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that provisions in the GRUZ – General Rural Zone, RPROZ – Rural Production Zone and the RLZ – Rural Lifestyle Zone chapters be amended (as outlined in the Recommended Amendments below).

- 4.4.2 I recommend that the following submission(s) be **accepted**:

- FENZ, S57.148, S57.187, S57.157, S57.166, S57.171, S57.172, S57.140, S57.141, S57.142, S57.143, S57.144, S57.264, S57.145, S57.146, S57.147, S57.149, S57.178, S57.179, S57.180, S57.183, S57.184, S57.185, S57.186, S57.188, S57.159, S57.160, S57.161, S57.162, S57.163, S57.164, S57.165
- Federated Farmers, S121.193, S121.222, S57.181, S57.182
- Hort NZ, S81.124, S81.169

- 4.4.3 I recommend that the following submission(s) be **accepted in part**:

- FENZ, S57.139, S57.155, S57.156, S57.177, S57.194, S57.195, S57.015, S57.174, S57.175

- 4.4.4 I recommend that the following submission(s) be **rejected**:

- FENZ, S57.150, S57.151, S57.189, S57.190, S57.167, S57.168
- Forest & Bird, FS9.193, FS9.222
- Federated Farmers, FS25.88, FS25.90, FS25.91, FS25.92, FS25.93, FS25.101, FS25.103, FS25.106, FS25.107, FS25.108, FS25.109, FS25.110, FS25.111, FS25.112, FS25.113, FS25.114, FS25.115, FS25.129

- Hort NZ, FS17.85, FS17.95, FS17.96, FS17.97, FS17.101, FS17.107, FS17.114, FS17.123, FS17.135, FS17.136, FS17.137, FS17.140, FS17.145, FS17.153

4.5 Recommended Amendments

- 4.5.1 For the reasons outlined above, I recommend that amendments be made to the relevant policies, rules, standards and assessment matters of the GRUZ – General Rural Zone, RPROZ – Rural Production Zone and the RLZ – Rural Lifestyle Zone chapters, as follows:

GRUZ-PXX	To Ensure all development and subdivision provide <u>activities within the General Rural Zone are self-sufficient in the provision of</u> a suitable on-site wastewater treatment and disposal system, stormwater <u>disposal</u> systems, and water supply, unless an approved <u>appropriate</u> , alternative system is available <u>to connect to</u> .
RPROZ-PXX	To require <u>ensure</u> activities within the Rural Production Zone to be <u>are</u> self-sufficient in the provision of <u>a suitable</u> on-site water supply, wastewater <u>treatment and disposal system</u> , and stormwater disposal <u>system, and water supply</u> , unless a reticulated supply <u>an appropriate, alternative system</u> is available to connect to.
RLZ-P3	To provide for home businesses, rural commercial activities, <u>emergency service activities</u> , visitor accommodation and educational facilities which are complementary to the rural residential use of the land and are compatible in scale with rural residential living in the zone.

GRUZ-R12 Emergency service activities and emergency aviation movements

RPROZ-R12 Emergency service activities and emergency aviation movements

RLZ-R8 Emergency service activities and emergency aviation movements

RLZ-S10 Screening of Outdoor Storage and Service Areas

Non-Residential Activities	<ol style="list-style-type: none"> 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. 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. <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>
----------------------------	---

GRUZ-S15 Water supply for firefighting

RPROZ-S17 Water supply for firefighting

RLZ – S16 Water supply for firefighting

<u>All buildings (excluding accessory buildings that do</u>	<ol style="list-style-type: none"> <u>Where water is not supplied to a site by Council or a private community supply, or water is supplied by Council but is a restricted supply flow, access to a water supply for firefighting purposes shall be made available to all buildings on a site that is or will be:</u> <ol style="list-style-type: none"> <u>accessible to firefighting equipment; and</u> <u>between 6 and 90 metres from the buildings on the site; and</u>
---	---

<p><u>not include a habitable room)</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>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.</u></p> <p><u>Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.</u></p>
---	---

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

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

Amend the following Rules to include reference to the above new standard and assessment matter relating to water supply for firefighting:

GRUZ – General Rural Zone:

- GRUZ-R1(1)(b) and GRUZ-R1(2)(a)
- GRUZ-R2(1)(b) and GRUZ-R2(2)(a)
- GRUZ-R3(1)(a) and GRUZ-R3(2)(a)
- GRUZ-R6(1)(b) and GRUZ-R6(2)(a)
- GRUZ-R7(1)(b) and GRUZ-R7(2)(a)
- GRUZ-R8(1)(c) and GRUZ-R8(2)(a)
- GRUZ-R9(1)(c) and GRUZ-R9(2)(a)
- GRUZ-R10(1)(b) and GRUZ-R10(2)(a)
- GRUZ-R11(1)(b) and GRUZ-R11(2)(a)
- GRUZ-R12(1)(b) and GRUZ-R12(2)(a)
- GRUZ-R14(1)(b) and GRUZ-R14(2)(a)

RPROZ – Rural Production Zone:

- RRPOZ-R1(1)(b) and RPROZ-R1(2)(a)
- RRPOZ-R2(1)(b) and RPROZ-R2(2)(a)
- RRPOZ-R3(1)(a) and RPROZ-R3(2)(a)
- RRPOZ-R6(1)(b) and RPROZ-R6(2)(a)
- RRPOZ-R7(1)(b) and RPROZ-R7(2)(a)
- RRPOZ-R8(1)(c) and RPROZ-R8(2)(a)
- RRPOZ-R9(1)(c) and RPROZ-R9(2)(a)
- RRPOZ-R10(1)(b) and RPROZ-R10(2)(a)
- RRPOZ-R11(1)(b) and RPROZ-R11(2)(a)
- RRPOZ-R12(1)(b) and RPROZ-R12(2)(a)
- RRPOZ-R14(1)(b) and RPROZ-R14(2)(a)

RLZ – Rural Lifestyle Zone:

- RLZ-R1(1)(b) and RLZ-R1(2)(a)
- RLZ-R2(1)(a) and RLZ-R2(2)(a)
- RLZ-R3(1)(b) and RLZ-R3(2)(a)

- RLZ-R4(1)(c) and RLZ-R4(2)(a)
- RLZ-R5(1)(c) and RLZ-R5(2)(a)
- RLZ-R6(1)(b) and RLZ-R6(2)(a)
- RLZ-R7(1)(b) and RLZ-R7(2)(a)
- RLZ-R8(1)(b) and RLZ-R8(2)(a)

4.6 Section 32AA Evaluation

- 4.6.1 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore, section 32AA evaluation is not warranted.

5.0 Conclusion

5.1 Topic Conclusions

- 5.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.
- 5.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.
- 5.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991, and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

5.2 Topic Recommendations

- 5.2.1 I recommend that:
 - 1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - 2. The Proposed Central Hawke's Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

APPENDIX A

Recommended Amendments to Plan Provisions

APPENDIX B

Summary of Recommended Responses to Submissions and Further Submissions

APPENDIX C

Code of Practice for Seasonal Worker Accommodation, and Worksafe Fact Sheet on 'Worker Accommodation'

APPENDIX D

Aircraft Movements, Airfields and Landing Areas – Proposed Selwyn District Plan Provisions

APPENDIX E

NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008

APPENDIX F

Fire & Emergency New Zealand Inquiry on Alternative Water Sources for Firefighting (July 2020)