

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Robert Schofield (Chair)**

**Loretta Lovell**

**Roger Maaka**

**Tim Aitken**

**Kate Taylor**

**Pip Burne**

**TOPIC:**

**Rural Environment – Volume 2:  
Rural Zones, Rural Noise, Rural Subdivision**

**PREPARED BY:**

**Rowena Macdonald**

**REPORT DATED:**

**13 May 2022**

**DATE OF HEARING:**

**15 to 17 June 2022**

---

## Contents

<b>1.0</b>	<b>Consideration of Submissions Received .....</b>	<b>1</b>
1.1	Overview of Submissions .....	1
1.2	Structure of this Report .....	1
<b>2.0</b>	<b>Key Issue 4 – Rural Production Zone Objectives &amp; Policies not addressed elsewhere</b>	<b>2</b>
2.1	Submissions / Further Submissions Addressed .....	2
2.2	Matters Raised by Submitters .....	8
2.3	Analysis .....	12
2.4	Recommendations .....	14
2.5	Recommended Amendments.....	15
2.6	Section 32AA Evaluation.....	16
<b>3.0</b>	<b>Key Issue 5 – General Rural Zone Issues, Objectives &amp; Policies not addressed elsewhere .....</b>	<b>17</b>
3.1	Submissions / Further Submissions Addressed .....	17
3.2	Matters Raised by Submitters .....	21
3.3	Analysis .....	24
3.4	Recommendations .....	26
3.5	Recommended Amendments.....	27
3.6	Section 32AA Evaluation.....	27
<b>4.0</b>	<b>Key Issue 6 – Rural Production Zone Rules, Standards, Assessment Matters etc. not addressed elsewhere.....</b>	<b>28</b>
4.1	Submissions / Further Submissions Addressed .....	28
4.2	Matters Raised by Submitters .....	32
4.3	Analysis .....	37
4.4	Recommendations .....	43
4.5	Recommended Amendments.....	43
4.6	Section 32AA Evaluation.....	44
<b>5.0</b>	<b>Key Issue 7 – General Rural Zone Rules, Standards, Assessment Matters etc. not addressed elsewhere.....</b>	<b>45</b>
5.1	Submissions / Further Submissions Addressed .....	45
5.2	Matters Raised by Submitters .....	48
5.3	Analysis .....	51
5.4	Recommendations .....	55
5.5	Recommended Amendments.....	56
5.6	Section 32AA Evaluation.....	57
<b>6.0</b>	<b>Key Issue 8 – Rural Lifestyle Zone Provisions not addressed elsewhere.....</b>	<b>58</b>
6.1	Submissions / Further Submissions Addressed .....	58
6.2	Matters Raised by Submitters .....	58
6.3	Analysis .....	60
6.4	Recommendations .....	60

---

6.5	Recommended Amendments.....	61
6.6	Section 32AA Evaluation.....	61
<b>7.0</b>	<b>Key Issue 9 – Shading from Trees .....</b>	<b>62</b>
7.1	Submissions / Further Submissions Addressed .....	62
7.2	Matters Raised by Submitters .....	63
7.3	Analysis .....	66
7.4	Recommendations .....	69
7.5	Recommended Amendments.....	69
7.6	Section 32AA Evaluation.....	70
<b>8.0</b>	<b>Key Issue 10 – Noise Provisions Specific to Rural Activities not addressed elsewhere .....</b>	<b>71</b>
8.1	Submissions / Further Submissions Addressed .....	71
8.2	Matters Raised by Submitters .....	72
8.3	Analysis .....	73
8.4	Recommendations .....	75
8.5	Recommended Amendments.....	75
8.6	Section 32AA Evaluation.....	76
<b>9.0</b>	<b>Key Issue 11 – Subdivision Provisions Specific to the Rural Zones .....</b>	<b>77</b>
9.1	Submissions / Further Submissions Addressed .....	77
9.2	Matters Raised by Submitters .....	82
9.3	Analysis .....	90
9.4	Recommendations .....	100
9.5	Recommended Amendments.....	100
9.6	Section 32AA Evaluation.....	103

## Volume 2 Rural Zone Provisions, Rural Noise, Rural Subdivision – List of Submitters and Further Submitters addressed in this Report

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

Further Submitter Name	Further Submission Number(s)
Horticulture New Zealand (Hort NZ)	FS17
James Bridge	FS4
Kāinga Ora - Homes and Communities (Kāinga Ora)	FS23
Livingston Properties Limited (Livingston Properties)	FS27

<b>Further Submitter Name</b>	<b>Further Submission Number(s)</b>
Ngā hapū me ngā marae o Tamatea	<b>FS5</b>
New Zealand Pork Industry Board (Pork Industry Board)	<b>FS6</b>
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	<b>FS9</b>
Silver Fern Farms Limited (Silver Fern Farms)	<b>FS8</b>
Ministry of Education	<b>FS11</b>

## **1.0 Consideration of Submissions Received**

### **1.1 Overview of Submissions**

- 1.1.1 As stated at the commencement of this report (Volume 1), this volume covers submissions received on the broader provisions in the 'GRUZ – General Rural Zone', 'RPROZ – Rural Production Zone', and 'RLZ – Rural Lifestyle Zone', and on those 'NOISE – Noise' provisions and 'SUB – Subdivision' provisions relating specifically to the rural environment.
- 1.1.2 There are twenty-seven (27) submitters and 9 further submitters on the provisions addressed in this volume.
- 1.1.3 Two-hundred and five (205) original submission points, and 76 further submission points were received on the provisions addressed in this volume.
- 1.1.4 Of the 205 original submission points, 106 submission points are in support.

### **1.2 Structure of this Report**

- 1.2.1 The Key Issue headings addressed in Volume 2 of this report are:
- Key Issue 4: Rural Production Zone Objectives & Policies not addressed elsewhere
  - Key Issue 5: General Rural Zone Issues, Objectives & Policies not addressed elsewhere
  - Key Issue 6: Rural Production Zone Rules, Standards, Assessment Matters etc not addressed elsewhere
  - Key Issue 7: General Rural Zone Rules, Standards, Assessment Matters etc not addressed elsewhere
  - Key Issue 8: Rural Lifestyle Zone Provisions not addressed elsewhere
  - Key Issue 9: Shading from Trees
  - Key Issue 10: Noise Provisions Specific to Rural Activities not addressed elsewhere
  - Key Issue 11: Subdivision Provisions Specific to the Rural Zones

## 2.0 Key Issue 4 – Rural Production Zone Objectives & Policies not addressed elsewhere

### 2.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S81.002</b>	Horticulture New Zealand	RPROZ - Rural Production Zone	Support	Retain the 'RPROZ - Rural Production Zone', subject to submissions on specific provisions in this chapter.	Accept in part
.					
<b>S11.035</b>	Hawke's Bay Regional Council	RPROZ - Introduction	Support	No changes	Accept in part
.					
<b>S121.201</b>	Federated Farmers of New Zealand	RPROZ-O1	Support	Retain RPROZ-O1 as proposed.	Accept in part (Note: RPROZ-O1 – refer also S102.060, S42.066 & S116.028 addressed in Key Issues 13 & 15)
<b>FS9.201</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.140</b>	Horticulture New Zealand	RPROZ-O1	Support	Retain RPROZ-O1.	Accept in part
.					
<b>S27.005</b>	Egg Producers Federation of New Zealand	RPROZ-O1	Support	Retain as proposed.	Accept in part
.					
<b>S121.202</b>	Federated Farmers of New Zealand	RPROZ-O2	Support	Retain RPROZ-O2 as proposed.	Accept (Note: RPROZ-O2 – refer also S102.061 to be addressed as part of responding to submissions proposing a Future Devt Area in Hearing Stream 6)
<b>FS9.202</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.141</b>	Horticulture New Zealand	RPROZ-O2	Support	Retain RPROZ-O2.	Accept
.					
<b>S116.029</b>	Silver Fern Farms Limited	RPROZ-O2	Support	Retain RPROZ-O2.	Accept
.					
<b>S27.006</b>	Egg Producers Federation of New Zealand	RPROZ-O2	Support	Retain as proposed.	Accept
.					

<b>S121.203</b>	Federated Farmers of New Zealand	RPROZ-O3	Support	Retain RPROZ-O3 as proposed.	Accept
<b>FS9.203</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S102.062</b>	Te Mata Mushrooms Land Company Limited	RPROZ-O3	Support	Retain RPROZ-O3 as proposed.	Accept
.					
<b>S81.142</b>	Horticulture New Zealand	RPROZ-O3	Support	Retain RPROZ-O3.	Accept
.					
<b>S116.030</b>	Silver Fern Farms Limited	RPROZ-O3	Support	Retain RPROZ-O3.	Accept
.					
<b>S27.007</b>	Egg Producers Federation of New Zealand	RPROZ-O3	Support	Retain as proposed.	Accept
.					
<b>S121.204</b>	Federated Farmers of New Zealand	RPROZ-O4	Support	Retain RPROZ-O4 as proposed.	Accept in part (Note: RPROZ-O4 – refer also S116.031 addressed in Key Issues 15)
<b>FS9.204</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>FS11.012</b>	The Ministry of Education		Support		Accept in part
<b>S27.008</b>	Egg Producers Federation of New Zealand	RPROZ-O4	Support	Retain as proposed.	Accept in part
<b>FS11.0010</b>	The Ministry of Education		Support		Accept in part
<b>S81.143</b>	Horticulture New Zealand	RPROZ-O4	Amend	Amend RPROZ-O4 as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: 1. <b>Overall</b> low-density built form, with open space and few structures; 2. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, <b>post harvest facilities</b> , <b>seasonal worker accommodation</b> and artificial crop protection structures and crop support structures, <b>which may vary across the district and seasonally</b> ; 3. sounds, and smells and traffic associated with legitimate primary production activities and anticipated from a working rural environment; 4. .... ...'	Accept in part
<b>FS8.046</b>	Silver Fern Farms Limited		Support in part		Accept
<b>S102.088</b>	Te Mata Mushrooms Land Company Limited	RPROZ-O4	Support	Retain RPROZ-O4.	Accept in part



FS11.011	The Ministry of Education		Support		Accept in part
S73.024	Ministry of Education	RPROZ-O4	Support	Retain RPROZ-O4 as proposed.	Accept in part
.					
S121.205	Federated Farmers of New Zealand	RPROZ-O5	Amend	Amend RPROZ-O5 as follows: 'Adverse effects of activities <b>that are inconsistent with the existing primary production land uses and rural character</b> are managed to maintain rural character and amenity.'	Reject
FS9.205	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S102.064	Te Mata Mushrooms Land Company Limited	RPROZ-O5	Support	Retain RPROZ-O5 as proposed.	Accept
.					
S81.144	Horticulture New Zealand	RPROZ-O5	Amend	Amend RPROZ-O5 as follows: 'Adverse effects of activities are managed to maintain rural character and amenity. <b>Non-primary production related activities are managed to ensure that adverse effects do not compromise rural character and amenity or create reverse sensitivity effects.</b> '	Reject
.					
S27.009	Egg Producers Federation of New Zealand	RPROZ-O5	Support	Retain as proposed.	Accept
.					
S121.206	Federated Farmers of New Zealand	RPROZ-O6	Support	Retain RPROZ-O6 as proposed.	Accept
FS9.206	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S116.032	Silver Fern Farms Limited	RPROZ-O6	Amend	Amend RPROZ-O6 as follows: 'The primary productive purpose and predominant character of the Rural Production Zone are <b>protected</b> not compromised by <b>preventing</b> potentially incompatible activities <b>from</b> establishing.'	Reject
.					
S102.065	Te Mata Mushrooms Land Company Limited	RPROZ-O6	Amend	Amend RPROZ-O6, to provide more explanation as to what are incompatible activities.	Reject
.					
S81.145	Horticulture New Zealand	RPROZ-O6	Support	Retain RPROZ-O6.	Accept
.					
S27.010	Egg Producers Federation of New Zealand	RPROZ-O6	Support	Retain as proposed.	Accept
.					
S27.011	Egg Producers Federation of New Zealand	RPROZ-O7	Support	Retain as proposed.	Accept
.					

S121.207	Federated Farmers of New Zealand	RPROZ-P1	Amend	Amend RPROZ-P1 as follows: 'To <del>allow</del> <b>enable</b> land-based primary production and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part (Note: RPROZ-P1 – refer also S102.066, S42.069 & S116.033 addressed in Key Issues 13 & 15)
FS9.207	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.146	Horticulture New Zealand	RPROZ-P1	Oppose	Amend RPROZ-P1 as follows: 'To <del>allow land-based</del> <b>Enable</b> primary production and ancillary activities, <b>recognising the which are compatible with the</b> primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part
.					
S121.208	Federated Farmers of New Zealand	RPROZ-P2	Amend	Amend RPROZ-P2 as follows: 'To <del>allow</del> <b>enable</b> activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.'	Accept in part
FS9.208	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S27.012	Egg Producers Federation of New Zealand	RPROZ-P2	Amend	Amend RPROZ-P2 as follows: 'To <b>only</b> allow <b>other non-production related</b> activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, <b>where the activity does not constrain the operation and establishment of activities otherwise anticipated within the Rural Production Zone and only</b> where adverse effects are avoided, remedied or mitigated.'	Accept in part
FS17.127	Horticulture New Zealand		Support in part	Accept submission and amend as sought by HortNZ 81.147.	Accept in part
S81.147	Horticulture New Zealand	RPROZ-P2	Oppose	Amend RPROZ-P2 as follows: 'To <del>allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.</del> <b>Provide for non- primary production activities that have a functional need or operational need for a rural location that are managed to ensure that:</b> i. Their scale, intensity and built form are in keeping with rural character. <b>ii. They maintain a level of amenity in keeping with the rural character of the rural environment.</b> <b>iii. They minimise reverse sensitivity effects on existing rural production</b>	Accept in part

				activities, intensive farming, mineral extraction or rural industrial activities. iv. Adverse effects are avoided, remedied or mitigated.'	
FS8.047	Silver Fern Farms Limited		Support		Accept in part
S79.112	Transpower New Zealand Ltd	RPROZ-P2	Amend	Amend RPROZ-P2 as follows: 'To allow activities of a limited scale (such as Network Utilities) which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.'	Reject
FS17.128	Horticulture New Zealand		Oppose		Accept
FS23.147	Kāinga Ora - Homes and Communities		Oppose		Accept
S102.067	Te Mata Mushrooms Land Company Limited	RPROZ-P2	Amend	Clarify what type of activities are envisaged with RPROZ-P2.	Accept in part
.					
S57.176	Fire and Emergency New Zealand	RPROZ-P2	Support	Retain RPROZ-P2 as notified.	Accept in part
.					
S121.210	Federated Farmers of New Zealand	RPROZ-P4	Support	Retain RPROZ-P4 as proposed.	Accept in part
FS9.210	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S102.069	Te Mata Mushrooms Land Company Limited	RPROZ-P4	Support	Retain RPROZ-P4 as proposed.	Accept in part
.					
S81.149	Horticulture New Zealand	RPROZ-P4	Amend	Amend RPROZ-P4 as follows: 'To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural areas, whilst recognising that it is a rural working environment.'	Accept
.					
S121.213	Federated Farmers of New Zealand	RPROZ-P7	Support	Retain RPROZ-P7 as proposed.	Accept (Note: RPROZ-P4 – refer also S81.152 & S116.035 addressed in Key Issues 3 & 15)
FS9.213	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S102.071	Te Mata Mushrooms Land Company Limited	RPROZ-P7	Support	Retain RPROZ-P7 as proposed.	Accept
.					
S42.069	New Zealand Pork Industry Board	RPROZ-P7	Support	Retain RPROZ-P7 as proposed.	Accept
.					

<b>S116.036</b>	Silver Fern Farms Limited	RPROZ-P8	Amend	Amend RPROZ-P8 as follows: 'To avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or which limits the use of land for primary productive purposes, (including through the creation or exacerbation of potential adverse reverse sensitivity effects).'	Accept in part
<b>FS17.130</b>	Horticulture New Zealand		Support in part	Accept submission	Accept in part
<b>S121.214</b>	Federated Farmers of New Zealand	RPROZ-P8	Amend	Amend RPROZ-P8 as follows: 'To <del>limit</del> <b>manage</b> residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.'	Reject
<b>FS9.214</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
<b>FS17.131</b>	Horticulture New Zealand		Oppose	Reject submission	Accept
<b>S102.072</b>	Te Mata Mushrooms Land Company Limited	RPROZ-P8	Support	Retain RPROZ-P8 as proposed.	Accept in part
.					
<b>S81.153</b>	Horticulture New Zealand	RPROZ-P8	Support	Retain RPROZ-P8.	Accept in part
.					
<b>S121.215</b>	Federated Farmers of New Zealand	RPROZ-P9	Support	Retain RPROZ-P9 as proposed.	Accept (Note: RPROZ-P9 – refer also S116.037 addressed in Key Issue 15, and S102.073 to be addressed as part of responding to submissions proposing a Future Devt Area in Hearing Stream 6)
<b>FS9.215</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.154</b>	Horticulture New Zealand	RPROZ-P9	Support	Retain RPROZ-P9.	Accept
.					

- 2.1.1 In summary, these 49 submissions and 22 further submissions relate to the objectives and policies in the Rural Production Zone, which encompasses the concentration of highly productive land in the District.
- 2.1.2 This is not all the submissions relating to these objectives and policies. Other submissions relating to these objectives and policies are addressed in other sections of this report, where they are specific to a particular issue/land use activity – for example, submissions seeking inclusion of specific references to 'rural industry' and/or 'intensive primary production activities' are addressed in the relevant key issues contained in Volume 3 of this report. The complete set of recommended changes in response to submissions relating to the Rural Production Zone across all four volumes, is evident in the tracked changes version attached as Appendix A at the end of Volume 4.

## 2.2 Matters Raised by Submitters

### General Submissions on the Rural Production Zone

- 2.2.1 Hort NZ (S81.002) supports retention of the RPROZ – Rural Production Zone chapter, subject to their submissions on specific provisions in this chapter.
- 2.2.2 HBRC (S11.035) supports the Introduction to this chapter, stating support for the provisions in the Rural Production Zone, with no changes sought.

### Objective RPROZ-O1

- 2.2.3 Federated Farmers (S121.201), Hort NZ (S81.140), and the Egg Producers Federation (S27.005) all support retention of Objective RPROZ-O1 as proposed.

RPROZ-O1	The Rural Production Zone is predominantly used for primary production activities and associated ancillary activities.
----------	--

- 2.2.4 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms, the Pork Industry Board and Silver Fern Farms, which are addressed elsewhere in this report as part of addressing a wider issue.

### Objective RPROZ-O2

- 2.2.5 Federated Farmers (S121.202), Hort NZ (S81.141), Silver Fern Farms (S116.029), and the Egg Producers Federation (S27.006) all support retention of Objective RPROZ-O2 as proposed.

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

- 2.2.6 Note: there is one other submission on this provision from Te Mata Mushrooms, that will be addressed as part of their wider submission seeking inclusion of a Future Development Area, to be heard during Hearing Stream 6.

### Objective RPROZ-O3

- 2.2.7 Federated Farmers (S121.203), Te Mata Mushrooms (S102.062), Hort NZ (S81.142), Silver Fern Farms (S116.030), and the Egg Producers Federation (S27.007) all support retention of Objective RPROZ-O3 as proposed.

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

### Objective RPROZ-O4

- 2.2.8 Federated Farmers (S121.204), Te Mata Mushrooms (S102.088), and the Egg Producers Federation (S27.007) all support retention of Objective RPROZ-O4 as proposed.
- 2.2.9 The Ministry of Education (S73.024) also supports retention of this objective – and further supports the three submissions above, in this regard (FS11.010, FS11.011, FS11.012).
- 2.2.10 Hort NZ (S81.143) supports the recognition of rural character as important, but seeks the following amendments *'to better reflect the range and nature of primary production activities'*:

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

- 2.2.11 Silver Fern Farms (FS8.046) supports Hort NZ submission in part, in terms of the inclusion of reference to seasonal workers accommodation *'given the association between the use of highly productive rural land and seasonal worker employment'* (their own submission on this provision is addressed elsewhere in this report as part of addressing a wider issue).

#### Objective RPROZ-O5

- 2.2.12 Te Mata Mushrooms (S102.064) and the Egg Producers Federation (S27.009) support retention of Objective RPROZ-O5 as proposed.

- 2.2.13 Federated Farmers (S121.205) seeks the following amendment on the basis that *'The focus must be on adverse effects that are not consistent with the rural character and farming land uses'*:

RPROZ-O5 Adverse effects of activities **that are inconsistent with the existing primary production land uses and rural character** are managed to maintain rural character and amenity.

- 2.2.14 Hort NZ (S81.144) seeks to replace the objective with the following, as they consider *'The focus of Objective 5 should be on non-primary production activities and avoiding reverse sensitivity effects'*:

RPROZ-O5 **Adverse effects of activities are managed to maintain rural character and amenity. Non-primary production related activities are managed to ensure that adverse effects do not compromise rural character and amenity or create reverse sensitivity effects.**

#### Objective RPROZ-O6

- 2.2.15 Federated Farmers (S121.206), Hort NZ (S81.145), and the Egg Producers Federation (S27.010) support retention of Objective RPROZ-O6 as proposed.

- 2.2.16 Te Mata Mushrooms (S102.065) supports the intent of this objective, but seeks additional explanation within the objective to give certainty as to what constitutes incompatible activities (*'ie sensitive activities close to primary production activities?'*).

- 2.2.17 Silver Fern Farms (S116.032) supports this objective, however, seeks that it be strengthened to require the avoidance of incompatible activities, as follows:

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

#### Objective RPROZ-O7

- 2.2.18 The Egg Producers Federation (S27.011) supports retention of Objective RPROZ-O7 as proposed.

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

#### Policy RPROZ-P1

- 2.2.19 Federated Farmers (S121.207) seeks the following amendment, stating that *'...it should go further than simply allowing primary production and should enable instead, as per the enabling intent of Section 5 of the RMA'*:

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

- 2.2.20 Hort NZ (S81.146) supports the direction of the policy but considers *'it implies that some primary production are not compatible (despite this being a role of the Zone). The policy should seek to 'enable' primary production activities. As mentioned elsewhere, the use of 'land-based primary production' is also unclear'*. Therefore, they seek the following amendments:

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

- 2.2.21 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms, the Pork Industry Board and Silver Fern Farms, which are addressed elsewhere in this report as part of addressing a wider issue.

#### Policy RPROZ-P2

- 2.2.22 FENZ (S57.176) supports retention of Policy RPROZ-P2 as proposed, to the extent that the policy provides for activities of a limited scale, which support the function and wellbeing of rural communities – *'fire stations... need to be strategically located within and throughout communities to maximise their*

*coverage and response times so that they can efficiently and effectively provide for the health and safety of people and communities'.*

2.2.23 Te Mata Mushrooms (S102.067) seeks clarification as to what type of activities are envisaged in this policy. They consider that it is *'Unclear as to whether this policy is referring to tourism, recreation and educational type land uses, or commercial and industrial activities'*.

2.2.24 Transpower (S79.112) supports the policy in part *'but seeks specific recognition of Network Utilities on the basis of the functional and operational needs of these activities which often require and are appropriate within, a rural environment. The reference to "of a limited scale" is opposed given the ambiguity around the terms. The reference is avoid, remedy or mitigate is also opposed as it has minimal benefit to the policy'*. For these reasons, Transpower seeks the following amendments:

RPROZ-P2 To allow activities ~~of a limited scale, (such as Network Utilities)~~ which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, ~~where adverse effects are avoided, remedied or mitigated.~~

2.2.25 Hort NZ (FS17.128) opposes Transpower's submission as they consider *'The changes sought by the submitter would enable activities which could have adverse effects on primary production in the rural zone. The focus should be on activities which have a functional or operational need to locate in the rural zone'*.

2.2.26 Kāinga Ora (FS23.147) also opposes the proposed amendments to this policy sought by Transpower.

2.2.27 Hort NZ (S81.147), supported by Silver Fern Farms (FS8.047), seeks to replace the policy with the following:

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

- 1. Their scale, intensity and built form are in keeping with rural character.**
- 2. They maintain a level of amenity in keeping with the rural character of the rural environment.**
- 3. They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities.**
- 4. Adverse effects are avoided, remedied or mitigated.**

2.2.28 Hort NZ considers *'Activities which are not linked or dependent on primary production should only located in the RPROZ if there is a functional or operational need for them to locate in the zone. The proposed policy provides greater nuance'*.

2.2.29 Silver Fern Farms agrees with Hort NZ's recommended replacement policy, on the basis that *'it provides explicit recognition of functional or operational need, reverse sensitivity and compatibility with rural environment, to assist the consideration of proposals to establish potentially sensitive activities in the RPROZ'*.

2.2.30 The Egg Producers Federation (S27.012) considers that the policy *'should be expanded to clarify what activities it intends to capture, and to ensure that allowing these activities will not have adverse reverse sensitivity effects on production activities'*, and seeks the following amendments:

RPROZ-P2 To ~~only~~ allow ~~other non-production related~~ activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, ~~where the activity does not constrain the operation and establishment of activities otherwise anticipated within the Rural Production Zone and only~~ where adverse effects are avoided, remedied or mitigated.

2.2.31 Hort NZ supports the Egg Producers Federation submission in part, in the basis that they consider the changes sought *'better clarify the nature of other activities that may locate in the rural environment and is similar to changes sought by Hort NZ'*.

2.2.32 Federated Farmers (S121.208) seeks the following amendment, on the basis that *'Enabling activities that support the wellbeing of rural communities will be consistent with the enabling intent of Section 5 of the RMA'*:

RPROZ-P2 To **allowenable** activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.



Policy RPROZ-P4

2.2.33 Federated Farmers (S121.210) and Te Mata Mushrooms (S102.069) support retention of Policy RPROZ-P4 as proposed.

2.2.34 Hort NZ (S81.149) considers that *'While the bulk, scale and location of buildings is sought to be managed, it is important to recognise that the Rural Production Zone is a working rural environment and buildings and structures are essential to the primary production activities'*, and seeks the following amendment:

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

Policy RPROZ-P7

2.2.35 Federated Farmers (S121.213), Te Mata Mushrooms (S102.071), and the Pork Industry Board (S42.069) all support retention of Policy RPROZ-P7 as proposed.

RPROZ-P7	To ensure activities do not locate in the Rural Productive Zone where the activity: <ol style="list-style-type: none"> <li>1. will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;</li> <li>2. will constrain the establishment and use of land for primary production;</li> <li>3. exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or</li> <li>4. will result in reverse sensitivity and/or lead to land use conflict.</li> </ol>
----------	---

2.2.36 Note: there are other specific submissions seeking amendments to this provision from Hort NZ and Silver Fern Farms, which are addressed elsewhere in this report as part of addressing a wider issue.

Policy RPROZ-P8

2.2.37 Hort NZ (S81.153) and Te Mata Mushrooms (S102.072) support retention of Policy RPROZ-P8 as proposed.

2.2.38 Federated Farmers (S121.214), seeks the following amendment on the basis that *'Some rural subdivision is acceptable and will have positive benefits, such as retired farmers remaining in their communities or people who work in support industries but aren't farmers themselves'*:

RPROZ-P8	To <del>limit</del> <sup>[sic]</sup> <b>manage</b> residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or which limits the use of land for primary-productive purposes.
----------	--

2.2.39 Hort NZ (FS17.131) opposes Federated Farmers' submission on the basis that *'A policy of 'limit' establishes a clear framework to address the identified effects of fragmentation and use of rural land'*<sup>1</sup>.

2.2.40 Silver Fern Farms (S116.036) seeks the following amendment to directly refer to reverse sensitivity effects:

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

2.2.41 They make this submission *'For clear interpretation and to align with submission points... seeking a Non-Complying activity status for "lifestyle site" subdivision that is unrelated to rural activities'*.

2.2.42 Hort NZ (FS17.130) support Silver Fern Farms submission in so far as they seek that the policy is retained, but consider the addition sought by the submitter *'provides clarity to the policy'*.

Policy RPROZ-P9

2.2.43 Federated Farmers (S121.215) and Hort NZ (S81.154) support retention of Policy RPROZ-P9 as proposed. Federated Farmers submit that *'Some industrial activities will be supporting primary production: like processing facilities, transport or servicing. The focus on activities unrelated to production is supported, as these are better located in an industrial zone'*.

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

<sup>1</sup> I note that Policy RPROZ-P8 in the PDP, as notified, uses the words 'To avoid...', not 'To limit...'.



- 2.2.44 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms and Silver Fern Farms, which are addressed elsewhere in this report as part of addressing a wider issue.

#### Forest & Bird

- 2.2.45 Forest & Bird oppose all the submission of Federated Farmers (FS9.201, FS9.202, FS9.203, FS9.204, FS9.205, FS9.206, FS9.207, FS9.208, FS9.210, FS9.213, FS9.214, FS9.215) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

## 2.3 Analysis

### General Submissions on the Rural Production Zone

- 2.3.1 HBRC supports retention of the RPROZ – Rural Production Zone chapter in the PDP as proposed. Hort NZ also supports retention of this chapter in the PDP, subject to their submissions on the specific provisions contained within the chapter. This support is noted, and the decision sought is accepted insofar as the direction and provisions are largely retained, but subject to recommended amendments in response to submissions on specific provisions throughout this report. I note there are no submissions philosophically opposed to, or seeking removal of, the Rural Production Zone.

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

- 2.3.2 Submissions on these objectives are all in support, and no further analysis is considered necessary.
- 2.3.3 Note: there are other specific submissions seeking amendments to these provisions, which are addressed elsewhere in this report as part of addressing a wider issue.

### Objective RPROZ-O4

- 2.3.4 There is significant support for retention of Objective RPROZ-O4. However, I concur with Hort NZ that amendments to Objective RPROZ-O4 would improve and better reflect the range and nature of primary production activities within the context of the Rural Production Zone in Central Hawke's Bay, and further strengthen the relationship between this objective and the subsequent rule framework.
- 2.3.5 I recommend Objective RPROZ-O4 be retained and amended accordingly, with some minor alteration to the wording proposed by the submitter, as follows:

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

### Objective RPROZ-O5

- 2.3.6 Objective RPROZ-O5 addresses the adverse effects of activities on rural character and amenity, and I note the level of support for its retention.
- 2.3.7 I do not accept Federated Farmers' position that the focus of the objective should be on those adverse effects that are not consistent with the rural character and farming land uses, as adverse effects are potentially generated by any activity, and the subsequent rule framework includes Permitted Activity standards that apply to all activities, as well as standards that apply to specific activities, including activities associated with primary production.

2.3.8 Similarly, I do not accept Hort NZ's position that the focus of the objective should be on non-primary production activities and avoiding reverse sensitivity effects – in any case, this matter is sufficiently addressed in Objective RPROZ-O6 (further discussed below).

2.3.9 On that basis, I recommend retaining Objective RPROZ-O5 as notified.

#### Objective RPROZ-O6

2.3.10 There is a significant level of support for the intent of Objective RPROZ-O6. In terms of additional explanation to give certainty as to what constitutes incompatible activities, as sought by Te Mata Mushrooms, I am of the view that this is well understood in the context of the Rural Production Zone, and further explanation is unnecessary.

2.3.11 Silver Fern Farms seeks that the objective be strengthened through amended wording. The subsequent rule framework applying in the Rural Production Zone applies setbacks between incompatible activities, but not prevention of such activities from establishing altogether. The addition of the word 'prevention', as sought by Silver Fern Farms implies 'prohibiting'. Therefore, the amendments sought would create a dissonance between the objective and the subsequent rule framework.

2.3.12 On that basis, I recommend retaining Objective RPROZ-O6 as notified.

#### Policy RPROZ-P1

2.3.13 I concur with Federated Farmers and Hort NZ in amending the wording of Policy RPROZ-P1 from 'allowing' to 'enabling' primary production, in the context of the Rural Production Zone, where this is the main role of the Zone. I also accept that the words 'land based primary production' is unnecessary and potentially unclear.

2.3.14 On that basis, I recommend amendments to Policy RPROZ-P1, as follows:

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

2.3.15 Submissions seeking specific provision for, and referencing to, intensive primary production activities and rural industry throughout the PDP are comprehensively addressed together within Volume 3 (Rural Activities) of this report.

#### Policy RPROZ-P2

2.3.16 There is a level of support for the intent of Policy RPROZ-P2, but a number of submissions seek amendments to the policy, seeking to clarify what type of activities are envisaged by it.

2.3.17 I do not consider that further clarification is necessary in terms of specifying types of activities as indicated in Te Mata Mushrooms submission. Similarly, I do not consider it appropriate to single out network utilities, as sought by Transpower. The amendments sought by Transpower also seek to remove the qualifying aspect of the policy around avoiding, remedying or mitigating adverse effects, which I do not consider appropriate. I concur with Hort NZ that the amendments sought by Transpower would enable activities which could have adverse effects on primary production in the Rural Production Zone, and that the focus should be on activities which have a functional or operational need to locate in the Rural Production Zone.

2.3.18 I generally support the amendments sought in Hort NZ's submission, as I consider they better reflect the subsequent rule framework for the Rural Production Zone, and I concur with Silver Fern Farms that it would assist to provide explicit recognition of functional or operational need, reverse sensitivity, and compatibility with the rural environment, which would in turn assist the consideration of proposals to establish potentially sensitive activities in the Rural Production Zone.

2.3.19 On that basis, I recommend that Policy RPROZ-P2 be amended as follows:

RPROZ-P2	<p><del>To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated</del>  <b>To provide for non-primary production related activities that have a functional need or operational need for a rural location, and where they are managed to ensure that:</b></p> <ol style="list-style-type: none"> <li><b><u>1. their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;</u></b></li> </ol>
----------	--

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

2.3.20 I consider the amendments would provide greater nuance and would also address the concerns of the Egg Producers Federation, in clarifying the nature of other activities that may locate in the rural environment that the policy intends to capture, and focusing on minimising reverse sensitivity effects.

#### Policy RPROZ-P4

2.3.21 There is a good level of support for retention of Policy RPROZ-P4 as notified, but I concur with Hort NZ that it is important in this context to recognise that the Rural Production Zone is a working rural environment, and buildings and structures are essential to primary production activities in this zone. Therefore, I accept and recommend the following amendment as sought by Hort NZ:

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

#### Policy RPROZ-P8

2.3.22 Again, there is support for retention of Policy RPROZ-P8 as notified, with Federated Farmers and Silver Fern Farms seeking amendments.

2.3.23 I do not agree with Federated Farmers that the policy 'to avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone' should be altered to reflect that there is some rural subdivision that is acceptable.

2.3.24 The accompanying subdivision rule framework for residential and rural lifestyle subdivision as it applies to the Rural Production Zone in the SUB – Subdivision chapter makes it clear that rural lifestyle subdivision is only anticipated in very limited circumstances – essentially where it is based around an existing residential unit on an existing site, no additional sites are created (amalgamation of the balance lot is required), the newly amalgamated sites are adjoining and combine to a net site area greater 12 hectares, and the newly amalgamated lot contains no more than two residential units. In my view, the wording of Policy RPROZ-P8, as notified, accurately reflects this rule framework.

2.3.25 In terms of the additional wording proposed by Silver Fern Farms, I accept that there is merit in the policy also acknowledging the impact of rural lifestyle subdivision and resulting fragmentation of land on the potential for reverse sensitivity to occur. Therefore, I recommend that Policy RPROZ-P8 be amended, as follows:

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

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

2.3.26 It is noted that submissions relating to Policies RPROZ-P7 and RPROZ-P9 that seek reference to functional or operational need for a rural location, rural industry, and a proposed Future Development Area, are addressed within Volume 1 (Strategic & General Matters) and Volume 3 (Rural Activities) of this report, and in the case of the proposed Future Development Area, will be addressed comprehensively as part of reporting on submissions for Hearing Stream 6 (Rezoning etc).

2.3.27 The remaining submissions on these two policies (those covered here), are in support, and no further analysis is considered necessary.

## **2.4 Recommendations**

2.4.1 For the reasons outlined above, I recommend that the above objectives and policies of the Rural Production Zone be retained, and that Objective RPROZ-O4 and Policies RPROZ-P1, RPROZ-P2, RPROZ-P4 & RPROZ-P8 be amended (as outlined in Recommended Amendments below).

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

- Federated Farmers, S121.201, S121.202, S121.203, S121.206, S121.213, S121.215
- Hort NZ, S81.140, S81.141, S81.142, S81.145, S81.146, S81.149, S81.154
- Egg Producers Federation, S27.005, S27.006, S27.007, S27.009, S27.010, S27.011

- Silver Fern Farms, S116.029, S116.030
- Te Mata Mushrooms, S102.062, S102.064, S102.071
- Pork Industry Board, S42.069

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

- Hort NZ, S81.002, S81.143, S81.147, S81.153
- HBRC, S11.035
- Federated Farmers, S121.204, S121.207, S121.208, S121.210
- Egg Producers Federation, S27.008, S27.012
- Te Mata Mushrooms, S102.088, S102.067, S102.069, S102.072
- Ministry of Education, S73.024
- FENZ, S57.176
- Silver Fern Farms, S116.036

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

- Federated Farmers, S121.205, S121.214
- Hort NZ, S81.144
- Silver Fern Farms, S116.032
- Transpower, S79.112
- Te Mata Mushrooms, S102.065

2.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 2.5 Recommended Amendments

2.5.1 I recommend the following amendment(s) is made:

RPROZ-O4	<p>The predominant character of the Rural Production Zone is maintained, which includes:</p> <ol style="list-style-type: none"> <li>1. <b><u>overall</u></b> low-density built form, with open space and few structures;</li> <li>2. a predominance of <del>rural and land-based</del> primary production activities and associated buildings such as barns and sheds, <b><u>post-harvest facilities, seasonal workers accommodation,</u></b> and artificial crop protection structures and crop support structures, <b><u>which may vary across the district and seasonally;</u></b></li> <li>3. <b><u>the</u></b> sounds, <b><u>and</u></b> smells, <b><u>and</u></b> traffic associated with <del>legitimate</del> primary production activities <b><u>anticipated from a working rural environment;</u></b></li> <li>4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;</li> <li>5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;</li> <li>6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</li> </ol>
RPROZ-P1	To <del>enable</del> <b><u>allow land-based</u></b> primary production and ancillary activities, <del>recognising which are compatible with</del> the primary productive purpose and predominant character and amenity of the Rural Production Zone.
RPROZ-P2	<p><del>To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated</del><b><u>To provide for non-primary production related activities that have a functional need or operational need for a rural location, and where they are managed to ensure that:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>their scale, intensity and built form are in keeping with the rural character of the Rural Production Zone;</u></b></li> <li>2. <b><u>they maintain a level of amenity in keeping with the rural character of the Rural Production Zone;</u></b></li> <li>3. <b><u>they minimise reverse sensitivity effects on activities otherwise anticipated within the Rural Production Zone; and</u></b></li> <li>4. <b><u>adverse effects are avoided, remedied or mitigated.</u></b></li> </ol>
RPROZ-P4	To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area, <b><u>whilst recognising that it is a rural working environment.</u></b>

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

## 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 recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

### 3.0 Key Issue 5 – General Rural Zone Issues, Objectives & Policies not addressed elsewhere

#### 3.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S11.034</b>	Hawke's Bay Regional Council	GRUZ - General Rural Zone	Support	No changes	Accept in part
.					
<b>S98.011</b>	Hatuma Lime Co Ltd	GRUZ-I1	Support	Retain GRUZ-I1 as proposed.	Accept
.					
<b>S102.035</b>	Te Mata Mushrooms Land Company Limited	GRUZ-I1	Support	Retain GRUZ-I1 as proposed.	Accept
.					
<b>S121.174</b>	Federated Farmers of New Zealand	GRUZ-O1	Support	Retain GRUZ-O1 as proposed.	Accept (Note: GRUZ-O1 – refer also S102.037, S42.042 addressed in Key Issues 13 & 15)
<b>FS9.174</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S98.012</b>	Hatuma Lime Co Ltd	GRUZ-O1	Support	Retain GRUZ-O1 as proposed.	Accept
.					
<b>S27.018</b>	Egg Producers Federation of New Zealand	GRUZ-O1	Support	Retain as proposed.	Accept
.					
<b>S121.175</b>	Federated Farmers of New Zealand	GRUZ-O2	Support	Retain GRUZ-O2 as proposed.	Accept in part
<b>FS9.175</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>FS11.009</b>	The Ministry of Education		Support		Accept in part
<b>S27.019</b>	Egg Producers Federation of New Zealand	GRUZ-O2	Support	Retain as proposed.	Accept in part
<b>FS11.007</b>	The Ministry of Education		Support		Accept in part
<b>S102.087</b>	Te Mata Mushrooms Land Company Limited	GRUZ-O2	Support	Retain GRUZ-O2.	Accept in part
<b>FS11.008</b>	The Ministry of Education		Support		Accept in part
<b>S81.105</b>	Horticulture New Zealand	GRUZ-O2	Amend	Amend GRUZ-O2 as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: 1. <b>Overall</b> low-density built form, with open space and few structures; 2. a predominance of rural and land-based primary production activities and	Accept in part

				associated buildings such as barns and sheds, <b>post harvest facilities, seasonal worker accommodation</b> and artificial crop protection structures and crop support structures, <b>which may vary across the district and seasonally</b> ; 3. sounds, and smells and traffic associated with <del>legitimate</del> primary production activities <b>and anticipated from a working rural environment</b> ; 4. ...'	
.					
<b>S73.018</b>	Ministry of Education	GRUZ-O2	Support	Retain GRUZ-O2 as proposed.	Accept in part
.					
<b>S121.176</b>	Federated Farmers of New Zealand	GRUZ-O3	Amend	Amend GRUZ-O3 as follows: 'Adverse effects of activities <b>that exceed limits</b> are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.'	Reject
<b>FS9.176</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
<b>FS17.84</b>	Horticulture New Zealand		Support		Reject
<b>S102.039</b>	Te Mata Mushrooms Land Company Limited	GRUZ-O3	Support	Retain GRUZ-O3 as proposed.	Accept
.					
<b>S27.020</b>	Egg Producers Federation of New Zealand	GRUZ-O3	Support	Retain as proposed.	Accept
.					
<b>S121.177</b>	Federated Farmers of New Zealand	GRUZ-O4	Support	Retain GRUZ-O4 as proposed.	Accept
<b>FS9.177</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.106</b>	Horticulture New Zealand	GRUZ-O4	Support	Retain GRUZ-O4.	Accept
.					
<b>S98.013</b>	Hatuma Lime Co Ltd	GRUZ-O4	Amend	Amend GRUZ-O4 to provide more explanation as to what are incompatible activities.	Reject
.					
<b>S102.040</b>	Te Mata Mushrooms Land Company Limited	GRUZ-O4	Amend	Amend GRUZ-O4, to provide more explanation as to what are incompatible activities.	Reject
.					
<b>S27.021</b>	Egg Producers Federation of New Zealand	GRUZ-O4	Support	Retain as proposed.	Accept
.					
<b>S121.178</b>	Federated Farmers of New Zealand	GRUZ-P1	Amend	Amend GRUZ-P1 as follows: 'To <del>allow</del> <b>enable</b> land-based primary production and ancillary activities which are compatible with the primary productive purpose and predominant	Accept in part (Note: GRUZ-P1 – refer also S102.041, S42.043

				character and amenity of the General Rural Zone.'	<i>addressed in Key Issues 13 &amp; 15)</i>
<b>FS9.178</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.107</b>	Horticulture New Zealand	GRUZ-P1	Oppose	Amend RPROZ-P1 as follows: ' <del>To allow land-based</del> <b>Enable</b> primary production and ancillary activities, <b>recognising the which are compatible with the</b> primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept
.					
<b>S98.014</b>	Hatuma Lime Co Ltd	GRUZ-P1	Support	Retain GRUZ-P1 as proposed.	Accept
.					
<b>S121.179</b>	Federated Farmers of New Zealand	GRUZ-P2	Amend	Amend GRUZ-P2 as follows: ' <del>To allow</del> <b>enable</b> activities of a limited scale which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.'	Accept in part
<b>FS9.179</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S27.022</b>	Egg Producers Federation of New Zealand	GRUZ-P2	Amend	Amend GRUZ-P2 as follows: 'To <b>only</b> allow <b>other non-production related</b> activities of a limited scale which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, <b>where the activity does not constrain the operation and establishment of activities otherwise anticipated within the General Rural Zone, and only</b> where adverse effects are avoided, remedied or mitigated.'	Accept in part
<b>FS17.89</b>	Horticulture New Zealand		Support		Accept in part
<b>S79.096</b>	Transpower New Zealand Ltd	GRUZ-P2	Amend	Amend GRUZ-P2 as follows: 'To allow activities of a limited scale <b>(such as Network Utilities)</b> which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, <del>where adverse effects are avoided, remedied or mitigated.</del>	Reject
<b>FS17.90</b>	Horticulture New Zealand		Oppose		Accept
<b>S73.019</b>	Ministry of Education	GRUZ-P2	Support	Retain GRUZ-P2 as proposed.	Accept in part
.					
<b>S102.042</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P2	Support	Retain GRUZ-P2 as proposed.	Accept in part
.					
<b>S57.138</b>	Fire and Emergency New Zealand	GRUZ-P2	Support	Retain GRUZ-P2 as notified.	Accept in part
.					



<b>S121.181</b>	Federated Farmers of New Zealand	GRUZ-P4	Support	Retain GRUZ-P4 as proposed.	Accept
<b>FS9.181</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S102.044</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P4	Support	Retain GRUZ-P4 as proposed.	Accept
.					
<b>S121.184</b>	Federated Farmers of New Zealand	GRUZ-P7	Support	Retain GRUZ-P7 as proposed.	Accept (Note: GRUZ-P7 – refer also S81.111 addressed in Key Issues 3)
<b>FS9.184</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S98.016</b>	Hatuma Lime Co Ltd	GRUZ-P7	Support	Retain GRUZ-P7 as proposed.	Accept
.					
<b>S42.045</b>	New Zealand Pork Industry Board	GRUZ-P7	Support	Retain GRUZ-P7 as proposed.	Accept
.					
<b>S102.047</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P7	Support	Retain GRUZ-P7 as proposed.	Accept
.					
<b>S121.185</b>	Federated Farmers of New Zealand	GRUZ-P8	Amend	Amend GRUZ-P8 as follows: 'To limit manage residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.'	Reject
<b>FS9.185</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
<b>FS17.91</b>	Horticulture New Zealand		Oppose		Accept
<b>S98.017</b>	Hatuma Lime Co Ltd	GRUZ-P8	Support	Retain GRUZ-P8 as proposed.	Accept
.					
<b>S102.048</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P8	Support	Retain GRUZ-P8 as proposed.	Accept
.					
<b>S121.186</b>	Federated Farmers of New Zealand	GRUZ-P9	Support	Retain GRUZ-P9 as proposed.	Accept
<b>FS9.186</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S102.049</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P9	Support	Retain GRUZ-P9 as proposed.	Accept
.					

- 3.1.1 In summary, these 39 submissions and 17 further submissions relate to the objectives and policies in the General Rural Zone.
- 3.1.2 This is not all the submissions relating to these objectives and policies. Other submissions relating to these objectives and policies are addressed in other sections of this report, where they are specific to

a particular issue/land use activity – for example, submissions seeking inclusion of specific references to 'rural industry' and/or 'intensive primary production activities' are addressed in the relevant key issues contained in Volume 3 of this report. The complete set of recommended changes in response to submissions relating to the General Rural Zone across all four volumes, is evident in the tracked changes version attached as Appendix A at the end of Volume 4.

### 3.2 Matters Raised by Submitters

#### General Submissions on the General Rural Zone

3.2.1 HBRC (S11.034) supports the provisions in the General Rural Zone, with no changes sought.

#### Issue GRUZ-I1

3.2.2 Hatuma Lime (S98.011) and Te Mata Mushrooms (S102.035) all support retention of Issue GRUZ-I1 as proposed.

GRUZ-I1	Protecting the Life-Supporting Capacity of the District's Soil Resource The District's soil resource is finite, and inappropriate development or subdivision into smaller lots for activities that are not related to land-based primary production could cumulatively, and irreversibly, diminish the productive capacity of this finite resource for current and future generations...
---------	---

#### Objective GRUZ-O1

3.2.3 Federated Farmers (S121.174), Hatuma Lime (S98.012), and the Egg Producers Federation (S27.018) all support retention of Objective GRUZ-O1 as proposed.

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

3.2.4 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

#### Objective GRUZ-O2

3.2.5 The Egg Producers Federation (S27.019), Te Mata Mushrooms (S102.087), and Federated Farmers (S121.175) all support retention of Objective RPROZ-O4 as proposed.

3.2.6 The Ministry of Education (S73.018) also supports retention of this objective – and further supports the three submissions above, in this regard (FS11.007, FS11.008, FS11.009).

3.2.7 Hort NZ (S81.105) supports the recognition of rural character as important, but seeks the following amendments '*to better reflect the range and nature of primary production activities*':

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

#### Objective GRUZ-O3

3.2.8 Te Mata Mushrooms (S102.039) and the Egg Producers Federation (S27.020) support retention of Objective GRUZ-O3 as proposed.

3.2.9 Federated Farmers (S121.176) seeks the following amendment on the basis that '*Some adverse effects are acceptable and consistent with the farming land uses, as recognised by objective GRUZ-O1 above. Any adverse effects that are excessive need to be managed*':

GRUZ-O3	Adverse effects of activities <b>that exceed limits</b> are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.
---------	---

- 3.2.10 Hort NZ (FS17.84) supports the submission of Federated Farmers, as they consider *'The wording sought by the submitter clarifies the intent of the objective'*.

#### Objective GRUZ-O4

- 3.2.11 Federated Farmers (S121.177), Hort NZ (S81.106), and the Egg Producers Federation (S27.021) support retention of Objective GRUZ-O4 as proposed.

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

- 3.2.12 Te Mata Mushrooms (S102.065) and Hatuma Lime (S98.013) support the intent of this objective, but seeks additional explanation within the objective to give certainty as to what constitutes incompatible activities (*'ie sensitive activities close to primary production activities?'*).

#### Policy GRUZ-P1

- 3.2.13 Hatuma Lime (S98.014) supports retention of Policy GRUZ-P1 as proposed.

- 3.2.14 Federated Farmers (S121.178) seeks the following amendment, stating that *'...it should go further than simply allowing primary production and should enable instead, as per the enabling intent of Section 5 of the RMA'*:

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

- 3.2.15 Hort NZ (S81.107) supports the direction of the policy but considers *'it implies that some primary production are not compatible (despite this being a role of the Zone). The policy should seek to 'enable' primary production activities. As mentioned elsewhere, the use of 'land-based primary production' is also unclear'*. Therefore, they seek the following amendments:

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

- 3.2.16 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

#### Policy GRUZ-P2

- 3.2.17 FENZ (S57.138) supports retention of Policy GRUZ-P2 as proposed, to the extent that the policy provides for activities of a limited scale, which support the function and wellbeing of rural communities – *'fire stations... need to be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively respond to emergency call outs in a timely way, thus avoiding or mitigating the potential for adverse effects associated with fire hazard and other emergencies'*.

- 3.2.18 Te Mata Mushrooms (S102.042) and the Ministry of Education (S73.019) also supports retention of this policy. The Ministry supports this policy and considers educational facilities as being *'necessary to support the function and wellbeing of rural communities. This has been provided for in Objective GRUZ-O2'*.

- 3.2.19 Transpower (S79.096) supports the policy in part *'but seeks specific recognition of Network Utilities on the basis of the functional and operational needs of these activities which often require and are appropriate within, a rural environment. The reference to "of a limited scale" is opposed given the ambiguity around the terms. The reference is avoid, remedy or mitigate is also opposed as it has minimal benefit to the policy'*. For these reasons, Transpower seeks the following amendments:

GRUZ-P2 To allow activities ~~of a limited scale,~~**(such as Network Utilities)** which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, ~~where adverse effects are avoided, remedied or mitigated.~~

- 3.2.20 Hort NZ (FS17.90) opposes Transpower's submission as they consider *'The changes sought by the submitter would enable activities which could have adverse effects on primary production in the rural zone. The focus should be on activities which have a functional or operational need to locate in the rural zone'*.

- 3.2.21 The Egg Producers Federation (S27.022) considers that the policy *'should be expanded to clarify what activities it intends to capture, and to ensure that allowing these activities will not have adverse reverse sensitivity effects on production activities'*, and seeks the following amendments:

GRUZ-P2 To **only** allow **other non-production related** activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, **where the activity does not constrain the operation and establishment of activities otherwise anticipated within the General Rural Zone, and only** where adverse effects are avoided, remedied or mitigated.

- 3.2.22 Hort NZ (FS17.89) supports the Egg Producers Federation submission, on the basis that they consider the changes sought *'better clarify the nature of other activities that may locate in the rural environment'*.

- 3.2.23 Federated Farmers (S121.179) seeks the following amendment, on the basis that *'Enabling activities that support the wellbeing of rural communities will be consistent with the enabling intent of Section 5 of the RMA'*:

GRUZ-P2 To **allowenable** activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment, and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated.

#### Policy GRUZ-P4

- 3.2.24 Federated Farmers (S121.181) and Te Mata Mushrooms (S102.044) support retention of Policy GRUZ-P4 as proposed.

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

#### Policy GRUZ-P7

- 3.2.25 Federated Farmers (S121.184), Te Mata Mushrooms (S102.047), Hatuma Lime (S98.016), and the Pork Industry Board (S42.045) all support retention of Policy GRUZ-P7 as proposed.

GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity will:

1. undermine the primary productive purpose and predominant character of the General Rural Zone;
2. constrain the establishment and use of land for primary production; and/or
3. result in reverse sensitivity and/or lead to land use conflict.

- 3.2.26 Note: there is another specific submission seeking amendments to this provision from Hort NZ, which is addressed elsewhere in this report as part of addressing a wider issue.

#### Policy GRUZ-P8

- 3.2.27 Hatuma Lime (S98.017) and Te Mata Mushrooms (S102.048) support retention of Policy GRUZ-P8 as proposed.

- 3.2.28 Federated Farmers (S121.185), seeks the following amendment on the basis that *'Some rural subdivision is acceptable and will have positive benefits, such as retired farmers remaining in their communities or people who work in support industries but aren't farmers themselves'*:

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

- 3.2.29 Hort NZ (FS17.91) opposes Federated Farmers' submission on the basis that *'A policy of 'limit' establishes a clear framework to address the identified effects of fragmentation and use of rural land'*.

#### Policy GRUZ-P9

- 3.2.30 Federated Farmers (S121.186) and Te Mata Mushrooms (S102.049) support retention of Policy GRUZ-P9 as proposed. Federated Farmers submit that *'Some industrial activities will be supporting primary production: like processing facilities, transport or servicing. The focus on activities unrelated to production is supported, as these are better located in an industrial zone'*.

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

Forest & Bird

- 3.2.31 Forest & Bird oppose all the submission of Federated Farmers (FS9.174, FS9.175, FS9.176, FS9.177, FS9.178, FS9.179, FS9.181, FS9.184, FS9.185, FS9.186) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

**3.3 Analysis**Submissions on the General Rural Zone and Zone Issues

- 3.3.1 HBRC supports retention of the GRUZ – General Rural Zone chapter in the PDP as proposed. This support is noted, and the decision sought is accepted insofar as the direction and provisions are largely retained, but subject to recommended amendments in response to submissions on specific provisions throughout this report. I note there are no submissions philosophically opposed to, or seeking removal of, the General Rural Zone.
- 3.3.2 Hatuma Lime and Te Mata Mushrooms support retention of Issue GRUZ-I1 as proposed. There are no other submissions on this issue, therefore no further analysis is considered necessary.

Objective GRUZ-O1

- 3.3.3 Submissions on Objective GRUZ-O1 are all in support, and no further analysis is considered necessary.
- 3.3.4 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

Objective GRUZ-O2

- 3.3.5 There is significant support for retention of Objective GRUZ-O2. However, I concur with Hort NZ that amendments to Objective GRUZ-O2 would improve and better reflect the range and nature of primary production activities within the context of the General Rural Zone in Central Hawke's Bay, and further strengthen the relationship between this objective and the subsequent rule framework.
- 3.3.6 As for the equivalent objective in the Rural Production Zone (Objective RPROZ-O2), I recommend Objective GRUZ-O2 be retained and amended, with some minor alteration to the wording proposed by the submitter, as follows:

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

Objective GRUZ-O3

- 3.3.7 Objective GRUZ-O3 addresses the adverse effects of activities on rural character and amenity, and I note the level of support for its retention.
- 3.3.8 I concur with Federated Farmers' position to the extent that some effects that might be considered adverse in other environments are acceptable and consistent with farming land uses. However, I do not agree that those effects are properly described as 'adverse' in the context of this zone. The subsequent rule framework includes Permitted Activity thresholds and standards that apply and these represent levels of effect that are not considered sufficiently adverse as to warrant control. I do not consider it correct for the Objective to refer to 'adverse effects that exceed limits', because that

suggests that effects below those limits might be 'adverse' which I do not consider to be correct. On that basis, I do not support the change requested.

#### Objective GRUZ-O4

3.3.9 There is a significant level of support of the intent of Objective GRUZ-O4. As for the equivalent objective in the Rural Production Zone (Objective RPROZ-O6), in terms of additional explanation to give certainty as to what constitutes incompatible activities sought by Te Mata Mushrooms and Hatuma Lime, I am of the view that this is well understood in the context of the General Rural Zone, and further explanation is unnecessary.

3.3.10 On that basis, I recommend retaining Objective GRUZ-O4 as notified.

#### Policy GRUZ-P1

3.3.11 In line with my recommendation on the equivalent policy in the Rural Production Zone (Policy RPROZ-P1), I concur with Federated Farmers and Hort NZ in amending the wording of Policy GRUZ-P1 from 'allowing' to 'enabling' primary production, in the context of the General Rural Zone, where this is the main role of the Zone. I also accept that the words 'land based primary production' is unnecessary and potentially unclear.

3.3.12 On that basis, I recommend amendments to Policy RPROZ-P1, as follows:

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

3.3.13 Note: there are other specific submissions seeking amendments to this provision from Te Mata Mushrooms and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

#### Policy GRUZ-P2

3.3.14 There is a level of support for the intent of Policy GRUZ-P2 but a number of submissions seek amendments to the policy, seeking to clarify what type of activities are envisaged by it.

3.3.15 I do not consider it appropriate to single out network utilities in this policy, as sought by Transpower. The amendments sought by Transpower also seek to remove the qualifying aspect of the policy around avoiding, remedying or mitigating adverse effects, which I also do not accept as appropriate. I concur with Hort NZ that the amendments sought by Transpower would enable activities which could have adverse effects on primary production in the General Rural Zone, and that the focus should be on activities which have a functional or operational need to locate in the General Rural Zone.

3.3.16 In line with my recommendation on the equivalent policy applying in the Rural Production Zone (Policy RPROZ-P2) in response to Hort NZ's submission on that policy, I consider the same wording appropriate for the General Rural Zone and recommend Policy GRUZ-P2 be amended as follows:

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

3.3.17 I consider the recommended amendments would address the submission of Federated Farmers, and would address the submission of the Egg Producers Federation in clarifying the nature of other activities that may locate in the rural environment that the policy intends to capture, and focusing on minimising reverse sensitivity effects.

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

- 3.3.18 The submitters on Policies GRUZ-P4, GRUZ-P7 and GRUZ-P9 support retention of those policies as proposed. In terms of Policy GRUZ-P4 and Policy GRUZ-P9, there are no other submissions on them, therefore no further analysis is considered necessary.
- 3.3.19 Note: there is another specific submission seeking amendments to Policy GRUZ-P7 from Hort NZ, which is addressed elsewhere in this report as part of addressing a wider issue.

Policy GRUZ-P8

- 3.3.20 There is a high level of support for retention of Policy GRUZ-P8 as notified, with Federated Farmers seeking an amendment.
- 3.3.21 I do not concur with the amendment sought by Federated Farmers that the policy to 'limit residential and rural lifestyle subdivision that results in fragmentation of rural land' within the General Rural Zone should be amended to 'manage residential and rural lifestyle subdivision...'.
- 3.3.22 The accompanying subdivision rule framework for residential and rural lifestyle subdivision as it applies to the General Rural Zone in the SUB – Subdivision chapter makes it clear that rural lifestyle subdivision is anticipated in the General Rural Zone where it is outside the coastal environment, as a Controlled Activity where the subdivision is for one lifestyle site at a time, once every three years, and where the minimum net site area for the balance lot is 20 hectares. Where located within the coastal environment, such subdivision is a Discretionary Activity. In my view, the wording of Policy GRUZ-P8 'to limit', as notified, accurately reflects this rule framework.
- 3.3.23 I note the wording in the equivalent policy in the Rural Production Zone (Policy RPROZ-P8) is to 'avoid', which better reflects the stricter subdivision rule framework applying to residential and rural lifestyle subdivision in that zone, in comparison to the General Rural Zone.

### 3.4 Recommendations

- 3.4.1 For the reasons outlined above, I recommend that the above objectives and policies of the General Rural Zone be retained, and that Objective GRUZ-O2 and Policies GRUZ-P1 & GRUZ-P2 be amended (as outlined in Recommended Amendments below).
- 3.4.2 I recommend that the following submission(s) be **accepted**:
- Hatuma Lime, S98.011, S98.012, S98.014, S98.016, S98.017
  - Te Mata Mushrooms, S102.035, S102.039, S102.044, S102.047, S102.048, S102.049
  - Federated Farmers, S121.174, S121.177, S121.181, S121.184, S121.186
  - Egg Producers Federation, S27.018, S27.020, S27.021
  - Hort NZ, S81.106, S81.107
  - Pork Industry Board, S42.045
- 3.4.3 I recommend that the following submission(s) be **accepted in part**:
- HBRC, S11.034
  - Federated Farmers, S121.175, S121.178, S121.179
  - Egg Producers Federation, S27.019, S27.022
  - Te Mata Mushrooms, S102.087, S102.042
  - Hort NZ, S81.105
  - Ministry of Education, S73.018, S73.019
  - FENZ, S57.138
- 3.4.4 I recommend that the following submission(s) be **rejected**:
- Hatuma Lime, S98.013
  - Te Mata Mushrooms, S102.040
  - Transpower, S79.096
  - Federated Farmers, S121.176, S121.185



- 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 amendment(s) is made:

GRUZ-O2	<p>The predominant character of the General Rural Zone is maintained, which includes:</p> <ol style="list-style-type: none"> <li>1. <u>overall</u> low-density built form, with open space and few structures;</li> <li>2. a predominance of <del>rural and land-based</del> primary production activities and associated buildings such as barns and sheds, <u>post-harvest facilities, seasonal workers accommodation, and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;</u></li> <li>3. <u>the sounds, and smells, and traffic</u> associated with <del>legitimate</del> primary production activities <u>anticipated from a working rural environment;</u></li> <li>4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;</li> <li>5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;</li> <li>6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</li> </ol>
GRUZ-P1	<p>To <del>enable</del><u>allow land-based</u> primary production and ancillary activities, <u>recognising which are compatible with</u> the primary productive purpose and predominant character and amenity of the General Rural Zone.</p>
GRUZ-P2	<p><del>To allow activities of a limited scale, which support the function and wellbeing of rural communities and/or enjoyment of the rural environment and contribute to the vitality and resilience of the District's economy, where adverse effects are avoided, remedied or mitigated</del><u>To provide for non-primary production related activities that have a functional need or operational need for a rural location, and where they are managed to ensure that:</u></p> <ol style="list-style-type: none"> <li>1. <u>their scale, intensity and built form are in keeping with the rural character of the General Rural Zone;</u></li> <li>2. <u>they maintain a level of amenity in keeping with the rural character of the General Rural Zone;</u></li> <li>3. <u>they minimise reverse sensitivity effects on activities otherwise anticipated within the General Rural Zone; and</u></li> <li>4. <u>adverse effects are avoided, remedied or mitigated.</u></li> </ol>

### 3.6 Section 32AA Evaluation

- 3.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 3.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.



## 4.0 Key Issue 6 – Rural Production Zone Rules, Standards, Assessment Matters etc. not addressed elsewhere

### 4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S121.216</b>	Federated Farmers of New Zealand	RPROZ-R1	Support	Retain RPROZ-R1 as proposed.	Accept
<b>FS9.216</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S97.016</b>	Ara Poutama Aotearoa the Department of Corrections	RPROZ-R1	Support	Retain RPROZ-R1.	Accept in part (insofar as rule is retained, but amended in response to another submission)
.					
<b>S41.001</b>	Jill Fraser	RPROZ-R1	Amend	Remove condition RPROZ-R1(a)(iii)(c) - the requirement for minor residential units to be located within 25m of the principal residential building on the site	Reject
.					
<b>S81.155</b>	Horticulture New Zealand	RPROZ-R1	Amend	Amend RPROZ-R1(2) as follows: '2. Activity status where compliance with condition RPROZ-R1(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ... <b>v. RPROZ-AM6.</b> ...'	Reject
.					
<b>S42.071</b>	New Zealand Pork Industry Board	RPROZ-R3	Support	Retain RPROZ-R3 as proposed.	Accept
.					
<b>S102.077</b>	Te Mata Mushrooms Land Company Limited	RPROZ-R3	Support	Retain RPROZ-R3(2), (3), and (4).	Accept
.					
<b>S27.014</b>	Egg Producers Federation of New Zealand	RPROZ-R3	Amend	Amend RPROZ-R3 as follows: 'Primary production activities (including <b>free-range poultry farming</b> , ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)'	Reject
.					
<b>S81.160</b>	Horticulture New Zealand	RPROZ-R7	Amend	Amend RPROZ-R7(2) as follows: '2. Activity status where compliance with condition RPROZ-R7(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ...'	Reject

				iii. ... iv. RPROZ-AM8. ...	
.					
<b>S42.073</b>	New Zealand Pork Industry Board	RPROZ-R9	Oppose	Delete RPROZ-R9 or change activity status.	Reject
<b>FS8.051</b>	Silver Fern Farms Limited		Support		Reject
<b>S97.006</b>	Ara Poutama Aotearoa the Department of Corrections	RPROZ-R18	Support	Retain RPROZ-R18.	Accept
.					
<b>S42.078</b>	New Zealand Pork Industry Board	RPROZ-S1	Oppose	Delete 'Restaurants' from RPROZ-S1.	Reject
<b>FS8.056</b>	Silver Fern Farms Limited		Support		Reject
<b>S121.220</b>	Federated Farmers of New Zealand	RPROZ-S1	Support	Retain RPROZ-S1(3) & (4) as proposed.	Accept
<b>FS9.220</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.167</b>	Horticulture New Zealand	RPROZ-S1	Amend	Amend RPROZ-S1 to delete 'restaurants' as follows: 'Commercial Activities Visitor Accommodation Home Businesses (excludes retail sales and restaurants) 1. ... 2. ... Retail Sales of produce reared or produced on the site 3. ... 4. ... Restaurants 5. Maximum gross floor area for serving customers per site is 100m <sup>2</sup> (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: a. 0800 – 2200 hours, seven days a week. ...'	Reject
.					
<b>S121.223</b>	Federated Farmers of New Zealand	RPROZ-S5	Oppose	Amend RPROZ-S5 as follows: '... Accessory Buildings associated with Primary Production Activities 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m. ...'	Reject
<b>FS9.223</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept

S81.171	Horticulture New Zealand	RPROZ-S5	Amend	Amend RPROZ-S4 as follows: 'Setback from Roads and Rail Network ... <del>Accessory Buildings</del> <b>Ancillary Buildings and Structures</b> associated with Primary Production Activities 4. ... 5. ... 6. ... ...'	Accept in part
.					
S57.191	Fire and Emergency New Zealand	RPROZ-S5	Support	Retain RPROZ-S5 as notified.	Accept in part
.					
S128.002	Surveying the Bay Ltd	[General]	Amend	Include exceptions in the 'RURZ - Rural Zones' section of the Proposed Plan to allow small sites created under the previous (currently operative) District Plan to apply a side yard setback of 5 metres.	Accept
FS27.5	Livingston Properties Limited		Support		Accept
FS17.77	Horticulture New Zealand		Oppose		Reject
S50.016	The Surveying Company (HB) Ltd	RPROZ-S6	Amend	Amend RPROZ-S6 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject
FS17.146	Horticulture New Zealand		Oppose		Accept
S121.224	Federated Farmers of New Zealand	RPROZ-S6	Amend	Amend RPROZ-S6 as follows: 'Setback from Neighbours Residential Activities adjacent to an existing plantation forest on an adjoining site 1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.  All Other Activities (excluding Accessory Buildings) 2. Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic <b>and farm</b> water storage tanks up to 2m in height are exempt from this standard.  Accessory Buildings 3. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic <b>and farm</b> water storage tanks up to 2m in height are exempt from this standard.'	Accept
FS9.224	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.172	Horticulture New Zealand	RPROZ-S6	Amend	Amend RPROZ-S6 as follows: 'Setback from Neighbours ... <del>Accessory Buildings</del> <b>Ancillary Buildings and Structures associated with Primary Production Activities</b> 3. ...' And include a new setback specific to 'residential activities' as follows: <b>'Residential Activities</b> 4. Minimum setback of buildings for an activity from internal boundaries is	Accept in part (refer also Key Issue 12 re: other parts of this submission point)

				<b>30m. Domestic water storage tanks up to 2m in height are exempt from this standard.'</b>	
.					
<b>S57.192</b>	Fire and Emergency New Zealand	RPROZ-S6	Support	Retain RPROZ-S6 as notified.	Accept in part
.					
<b>S27.016</b>	Egg Producers Federation of New Zealand	RPROZ-S6	Amend	Amend RPROZ-S6 as follows: 'Setback from Neighbours All Other Activities (excluding Accessory Buildings) 2. Minimum setback of buildings for an activity from internal boundaries is 15m <b>and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m.</b> Domestic water storage tanks up to 2m in height are exempt from this standard.'	Reject
.					
<b>S57.193</b>	Fire and Emergency New Zealand	RPROZ-S9	Support	Retain RPROZ-S9 as notified.	Accept
.					
<b>S81.175</b>	Horticulture New Zealand	RPROZ-AM1	Amend	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM1(1)(b).	Accept
.					
<b>S81.176</b>	Horticulture New Zealand	RPROZ-AM6	Amend	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM6(2).	Accept
.					
<b>S81.179</b>	Horticulture New Zealand	RPROZ-AM12	Amend	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM12(3).	Accept
.					
<b>S81.180</b>	Horticulture New Zealand	RPROZ-AM14	Amend	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM14(4).	Accept
.					
<b>S42.086</b>	New Zealand Pork Industry Board	RPROZ - Principal Reasons	Support	Retain RPROZ-Principal Reasons as proposed.	Accept
<b>FS17.155</b>	Horticulture New Zealand		Support		Accept

- 4.1.1 In summary, these 28 submissions and 10 further submissions relate to the rules, standards, assessment matters, and principal reasons in the Rural Production Zone (although one of the submissions from Surveying the Bay (S128.002) is similarly applicable to the General Rural Zone and Rural Lifestyle Zone also, but is solely addressed here under this Key Issue for ease).
- 4.1.2 This is not all the submissions relating to these provisions. Other submissions relating to these provisions are addressed in other sections of this report, where they are specific to a particular issue/land use activity – for example, submissions specifically addressing National Grid or Gas Transmission Network matters, or addressing setbacks from primary production, or relating to inclusion water supply servicing matters, are addressed in other key issues contained within this volume, or in relevant key issues contained in Volumes 3 and 4 of this report. The complete set of recommended changes in response to submissions relating to the General Rural Zone across all four volumes, is evident in the tracked changes version attached as Appendix A at the end of Volume 4.

## 4.2 Matters Raised by Submitters

### Rule RPROZ-R1 Residential Activities

- 4.2.1 Federated Farmers (S121.216) and the Department of Corrections (S97.016) both support retention of Rule RPROZ-R1 as proposed. Federated Farmers support the graduated approach allowing for more dwellings the bigger the property as *'this means that issues around density of dwellings in the rural production zone are managed while also providing for more houses for larger properties, enabling this essential social service'*.
- 4.2.2 Jill Fraser (S41.001) seeks removal of the requirement for minor residential units to be located within 25m of the principal residential building on the site, for the following reasons:
- 'The need for a minor residential unit to be in close proximity (within 25m) to the principal unit on a rural site that is greater than 12ha seems arbitrary and unnecessary. If the reasoning for the condition or standard is to ensure that the minor unit doesn't result in the loss of productive land then the gross floor area limit is the best mechanism to use. The rule itself requiring a separation of maximum 25m could have unintended consequences and actually result in more productive land being lost as the area between the dwellings would unlikely be used for farming or productive purposes. If the purpose of the maximum 25m separation is to ensure that infrastructure is shared - then the vehicle access rule addresses this issue. Vehicle accesses on farms greater than 12ha can be lengthy and it maybe that there is a need to house farm workers close to farming infrastructure such as yards or sheds etc for convenience and security reasons. The requirement for dwellings on farms to be in close proximity does not seem to have a clear environmental or resource management purpose and should be removed'*.
- 4.2.3 Hort NZ (S81.155) supports the requirement to meet a setback standard and assessment matters when these are not met, however considers Assessment Matter RPROZ-AM6 relates to residential activities and should be listed in Rule RPROZ-R1(2) as another matter over which discretion is restricted where compliance with the standards is not achieved.
- 4.2.4 Note: there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

### Rule RPROZ-R3 Primary Production Activities

- 4.2.5 The Pork Industry Board (S42.071) supports a permitted activity status for primary production activities, and therefore seeks retention of Rule RPROZ-R3 as proposed. Te Mata Mushrooms (S102.077) supports retention of clauses 2, 3, & 4 of this rule, in terms of support for the activity status applied.
- 4.2.6 The Egg Producers Federation (S27.014) supports the activity status and the conditions that must be met for establishing primary production activities, but recommend the rule is amended to include 'free-range poultry farming' as well.
- 4.2.7 Note: there are other specific submissions seeking amendments to this rule from Federated Farmers, Transpower, FENZ, Te Mata Mushrooms, and Hort NZ, which are addressed elsewhere in this report as part of addressing a wider issue.

### Rule RPROZ-R7 Home Businesses

- 4.2.8 Hort NZ (S81.160) supports this rule however considers Assessment Matter RPROZ-AM8 (relating to home businesses) should be listed in Rule RPROZ-R7(2) as another matter over which discretion is restricted where compliance with the standards is not achieved.
- 4.2.9 Note: there is another specific submission seeking amendments to this rule from Transpower, which is addressed elsewhere in this report as part of addressing a wider issue.

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

- 4.2.10 The Pork Industry Board (S42.073) seeks deletion of Rule RPROZ-R9. They oppose the permitted activity status for commercial activities in the Rural Production Zone on the basis that *'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'*.

- 4.2.11 Silver Fern Farms (FS8.051) supports the relief sought by the Pork Industry Board, for the following reasons:

*'The definition of 'commercial activity' includes "any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices)".*

*Given the breadth of this definition, a permitted activity status for 'commercial activities' in the RPROZ is inappropriate to manage potential reverse sensitivity effects generated by commercial activities.*

*This is particularly evident given the permitted activity performance standards of this rule do not account for the robust nature of rural activities beyond a 15 m boundary setback requirement under RPROZ-S6 (Setback from Neighbours).*

*Given the foregoing, Silver Fern Farms considers a resource consent process is appropriate to assess the effects of proposals to establish commercial activities in the RPROZ'.*

- 4.2.12 Note: there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, which are addressed elsewhere in this report as part of addressing a wider issue.

Rule RPROZ-R18 Any other activity not otherwise provided for

- 4.2.13 The Department of Corrections (S97.006) supports retention of Rule RPROZ-R18 as applying to 'community corrections activities', as they consider a Discretionary Activity is appropriate in the context of the potential future establishment and operation of a community corrections facility within these areas in the Central Hawke's Bay District – and that the effects of any proposed facility would be able to be assessed through the resource consent process.

Standard RPROZ-S1 Activity Threshold

- 4.2.14 Federated Farmers (S121.220) supports retention of clauses 3 & 4 of Standard RPROZ-S1, relating to 'Retail Sales of produce reared or produced on the site' as it enables *'sales of farm produce, as part of a growing trend of direct farmer-customer interaction'*.
- 4.2.15 The Pork Industry Board (S42.078) seeks deletion of 'restaurants' from Standard RPROZ-S1, as *'It is not clear what the activity status for Restaurants is in the RPROZ but 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'*.
- 4.2.16 Silver Fern Farms (FS8.056) supports the Pork Industry Board submission, and agrees with the deletion of restaurants from this standard *'given the potential reverse sensitivity effects on legitimate rural activities if restaurants are able to establish as a permitted activity pursuant to this standard and RPROZ-R9'*.
- 4.2.17 Hort NZ (S81.167) also seeks deletion of clauses 5, 6 & 7 in Standard RPROZ-S1 applying activity thresholds for 'restaurants'. They consider there is not a clear framework for restaurants, and that this should not be permitted in the Rural Production Zone.

Standard RPROZ-S5 Setback from Roads and Rail Network

- 4.2.18 FENZ (S57.191) supports the retention of Standard RPROZ-S5 *'as it allows buildings associated with emergency service activities to be located within the 20m setback from a road boundary. This supports the logistical and operational requirements of Fire and Emergency'*.
- 4.2.19 Federated Farmers (S121.223) seeks the deletion of clauses 5 & 6 of Standard RPROZ-S5 for the following reasons:
- 'Federated Farmers opposes the minimum setback of 20m for stockyards and loading ramps/races. These need to be accessible to trucks, and being roadside is the most accessible location and best for functionality. Stockyards and loading ramps should be considered an acceptable component of rural amenity. There won't be a discernible effect on amenity whether the stockyards are located roadside or 20 metres away, so they might as well be roadside and functional. These activities are only used intermittently for short periods of time, so any adverse effects will also be temporary. Animals and trucks should not be considered detrimental to rural amenity in any case. And when empty, stockyards are just fences.*

*Federated Farmers opposes the 5m setback from rail network boundary. There is no legislative need to setback buildings from the rail network, because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary. A farm building is not going to create a reverse sensitivity effect on the rail network'.*

- 4.2.20 For consistency/greater clarity, Hort NZ (S81.171) seeks the replacement of the words 'Accessory Buildings' with 'Ancillary Buildings and Structures' (associated with Primary Production Activities).
- 4.2.21 Note: there is one other specific submission on this standard from Central Hawke's Bay District Council, that will be addressed as part of their wider submission seeking adoption of the latest 'One National Road Classification' (ONRC) framework in the PDP, as part of the Transport topic to be heard during Hearing Stream 7.

#### Standard RPROZ-S6 Setback from Neighbours

- 4.2.22 FENZ (S57.192) supports the exemption of domestic water storage tanks up to 2m in height from the setback standards as *'This will support the community in providing water storage tanks without the need to require resource consent for a height in relation to boundary infringement'*, and seeks retention of Standard RPROZ-S6 as proposed.
- 4.2.23 Federated Farmers (S121.224) seeks amendments to the standard to include 'farm' water storage tanks in the exemption from the setbacks (as well as domestic water tanks). They consider *'farm storage tanks that feed troughs should also be included as being similar in scale and effect'*.
- 4.2.24 Hort NZ (S81.172) seeks to amend the standard as follows<sup>2</sup>:

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings)	2. Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
<b><u>Accessory Buildings</u></b> <b><u>Ancillary Buildings and Structures associated with Primary Production Activities</u></b>	3. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.
<b><u>Residential Activities</u></b>	4. <b><u>Minimum setback of buildings for an activity from internal boundaries is 30m. Domestic water storage tanks up to 2m in height are exempt from this standard.</u></b>

- 4.2.25 In terms of residential activities, Hort NZ identifies that *'there is clear policy direction on the plan which seeks to avoid compromising primary production (e.g. RLR-P4, and P5)'*, and considers *'that a greater setback for residential buildings would be more consistent with this policy direction, noting that it doesn't preclude development that is closer to this, but enables an effects assessment through a resource consent process'*.
- 4.2.26 The Egg Producers Federation (S27.016) considers there is no site standard in the Rural Production Zone that fully gives effect to Policy RPROZ-P5, and therefore seeks the following amendment to ensure there is sufficient separation between sensitive activities and existing primary production:

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings)	2. Minimum setback of buildings for an activity from internal boundaries is 15m <b><u>and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m.</u></b>

<sup>2</sup> Note: Hort NZ also seeks the inclusion of a minimum setback from internal boundaries specific to 'artificial crop protection structures' in Standard RPROZ-S6 – this particular aspect of their submission point is addressed separately alongside other submissions relating to 'artificial crop protection structures' in Volume 3 of this report.

	Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	3. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.

- 4.2.27 The Surveying Co (S50.016) considers a 15m setback from neighbours *'is too far especially as the rules for accessory buildings is only a setback of 5m'*.
- 4.2.28 They request an explanation as to why the setback from internal boundaries for Papakāinga housing is only 5m from any internal boundary (PKH-S7). They consider *'It is likely that Papakāinga housing will be of a higher density than lifestyle lot development, yet the setbacks are significantly different to all other residential development in the rural zones'* and that *'If the internal yard setbacks are reduced, it will allow for more productive rural land to be retained, as applicants will not be requiring such large lot sizes as will be required to achieve the current boundary setbacks'*. The Surveying Co therefore seeks amendments to the setbacks from internal boundaries to allow 5m for residential buildings and 10m for accessory buildings – being the same as those provided for in Standard PKH-S7.
- 4.2.29 Hort NZ (FS17.146) opposes The Surveying Co submission and seeks that it be rejected, as they consider *'There needs to be greater setbacks for residential buildings from internal boundaries to enable reverse sensitivity effects to be managed'*.

#### Side Yard Setback in the RURZ – Rural Zones

- 4.2.30 In addition to the submissions above relating to setbacks from neighbours, Surveying the Bay (S128.002) seeks to include exceptions in the 'RURZ - Rural Zones' section of the Proposed Plan to allow small sites created under the previous (currently operative) District Plan to apply a side yard setback of 5 metres. Their reasons are as follows:

*'Some of the Plan provisions proposed are significantly different from those currently in place under the Operative Plan and unless these are recognised many approvals will need further resource consents to achieve what the past consents had effectively granted. These consents add time, costs and uncertainty and are a process burden landowners and Council should strive to avoid by acknowledging the past approvals.'*

*For example the side yards in the Rural Zone are currently 5 metres (section 4.9.4 of the District Plan). Under the Proposed plan the side yards for Residential Buildings in the Rural Zone will increase (GRUZ – S5) to 15 metres which will prove a significant constraint on small sites created under the previous plan.*

*Hastings District Council addressed this type of situation by including exceptions to various rules. For example Section 8.2.5A.f – Density in the Havelock North Residential Environment - included the exception below. Without this exception the sites would not be able to be built on without Resource Consent contradicting the previous (legitimate) approval processes.*

f. Exceptions to (a), (d) and (e) above		
The following density standard shall apply under these circumstances below:		
Exceptions to 8.2.5A (a), (d) and (e) above		Density per site
i)	Sites created before 12 November 1997 and greater than 300m <sup>2</sup> net site area	One residential building
ii)	Sites created after 12 November 1997	One residential building
iii)	Where a subdivision consent application to create a site is lodged with Council before 12 September 2015, and accepted under Section 88 of the RMA 1991 and thereafter granted	One residential building



4.2.31 As noted above, given this submission applies to the rural zones, plural, this submission would similarly apply to the General Rural and Rural Lifestyle Zones as well as the Rural Production Zone.

4.2.32 Livingston Properties (FS27.5) supports this, for the following reasons:

*'LPL has an approved rural lifestyle subdivision which it may implement if its land is not rezoned, therefore the request from Surveying the Bay to apply a 5m side yard to residential buildings in the General Rural Zone on sites created under the Operative Plan is supported. The alternative is that landuse consent to reduce the 15m side yard is likely to be required for the majority of new residential buildings.'*

4.2.33 Hort NZ (FS17.77) opposes this submission of Surveying the Bay, on that basis that *'The submitter seeks that a 5m side yard setback apply to small sites created in under the Operative District Plan the Rural Zones. The provision is sought in all the Rural Zones – not just specific parts – and does not address the issue of reverse sensitivity from primary production activities'*, and therefore seeks that the submission be rejected.

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

4.2.34 FENZ (S57.193) supports retention of Standard RPROZ-S9 as proposed, as it requires all activities in the Rural Production Zone to be compliant with the provisions of TRAN - Transport chapter.

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

4.2.35 Hort NZ (S81.175) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 1(b) in Assessment Matter RPROZ-AM1, as being important to take potential for reverse sensitivity into account.

#### Assessment Matter RPROZ-AM6 Residential Activities

4.2.36 Hort NZ (S81.176) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 2 of Assessment Matter RPROZ-AM6, as being important to take potential for reverse sensitivity into account.

#### Assessment Matter RPROZ-AM12 Camping Grounds

4.2.37 Hort NZ (S81.179) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 3 of Assessment Matter RPROZ-AM12, as being important to take potential for reverse sensitivity into account.

#### Assessment Matter RPROZ-AM14 General

4.2.38 Hort NZ (S81.180) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 4 of Assessment Matter RPROZ-AM14, as being important to take potential for reverse sensitivity into account.

#### RPROZ – Principal Reasons

4.2.39 The Pork Industry Board (S42.086), supported by Hort NZ (FS17.155), supports retention of the Principal Reasons in the RPROZ – Rural Production Zone chapter of the PDP, as proposed, stating they:

*'Support the statement that the General Rural Zone contains much of the District's rural land resource and exhibits land use that is predominantly in primary production. As such, this zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production). This recognition needs to also be expressed in the rural zone objectives and policies and the strategic direction as identified in this submission.*

*Support the statement on the reasons for adopting policies and methods for Intensive Farming Activities. The methods used are all setbacks – from roads, property boundaries, zone boundaries and from sensitive activities. These methods can support a permitted activity status'.*

Forest & Bird

- 4.2.40 Forest & Bird oppose all the submission of Federated Farmers (FS9.216, FS9.220, FS9.223, FS9.224) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

**4.3 Analysis**Rule RPROZ-R1 Residential Activities

- 4.3.1 There is a good level of support for retention of Rule RPROZ-R1 in terms of the graduated approach to allowing more dwellings in the Rural Production Zone the bigger the property. Submissions seeking amendments are around the conditions applying to minor residential units (Jill Fraser), and the assessment matters that should be applied where conditions are not met (Hort NZ).
- 4.3.2 As noted above, there are also other submissions seeking amendments to this rule from Transpower, FENZ, and the Pork Industry Board, that are not specific only to this rule. As stated, these are addressed elsewhere in this report as part of addressing a wider issue.
- 4.3.3 The PDP recognises the importance of the concentration of highly productive land within the District, and that highly productive land forms the basis for the Rural Production Zone. In terms of residential activities, the approach in the PDP is to protect that resource from fragmentation and from being compromised by inappropriate subdivision, use and development, including from ad hoc urban expansion (Objective RPROZ-O1). Hence, Rule RPROZ-R1 aims to limit the number of residential units per site, with a view to focusing on the type of rural residential living that can reasonably be expected in support of the carrying out of primary production activities. This includes a principal residence, worker accommodation, and seasonal workers accommodation (the latter covered in Rule RPROZ-R2).
- 4.3.4 In addition, recognising that there are sometimes intergenerational requirements for residential living, including on a rural property, the PDP makes provision for an additional minor residential unit. The PDP adopts the National Planning Standards definition of minor residential unit as one *'that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site'*.
- 4.3.5 In terms of provision for a minor residential unit in the rural areas of the District, the PDP reinforces its 'ancillary' status through requiring a minor residential unit to be located close to the principal residential unit, and to share the same vehicle access. Those requirements seek to ensure there is a shared curtilage for both dwellings, which minimises the impact on highly productive land. Otherwise, in a rural setting, a minor residential unit could easily become another principal residential unit that just happens to have a smaller floor area. Rule RPROZ-R1 assigns a Discretionary Activity status to residential units or minor residential units that do not meet the Permitted Activity conditions, which allows consideration of the proposal on a case-by-case basis, including assessment of the proposal against the objectives and policies for the Rural Production Zone.
- 4.3.6 In contrast, provision in Rule RPROZ-R1 for an 'additional residential unit' for sites greater than 12ha, or provision for 'seasonal workers accommodation' in Rule RPROZ-R2, are not similarly constrained in terms of location in relation to the principal residential unit, reflecting that they have a different purpose to minor residential units in terms of their accommodation role in supporting primary production on the property. These can be sited on the property, according to where they are best located, for example, *'close to farming infrastructure such as yards or sheds etc for convenience and security reasons'*.
- 4.3.7 On that basis, I recommend retention of the requirement for minor residential units to be located within 25m of the principal residential building on the site as contained in Rule RPROZ-R1(1)(a)(iii)(c). I note that the General Rural Zone locational requirement for minor residential units is 50m, reflecting that the General Rural Zone is more likely to have greater contour/slope constraints affecting the positioning of residential units on a site, whereas the Rural Production Zone generally has a flatter contour and is over the District's scarce and finite highly productive land resource.
- 4.3.8 Hort NZ considers Assessment Matter RPROZ-AM6 should be listed in Rule RPROZ-R1(2) as another matter over which discretion is restricted where compliance with the standards is not achieved. Rule RPROZ-R1(2) relates to activities where compliance with condition RPROZ-R1(1)(b) is not achieved. Condition RPROZ-R1(1)(b) relates to the general standards applying in the Rural Production Zone

(being Standards RPROZ-S2 to RPROZ-S11), 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. Therefore, Rule RPROZ-R1(2) establishes the assessment matters over which discretion is restricted, as being those that are relevant to the infringed standard(s) only.

- 4.3.9 Assessment Matter RPROZ-AM6 is a broad set of assessment matters for assessing the effects of residential activities on the sustainable management of the soil resource and on the character and amenity of adjoining activities and the surrounding rural environment in a more general sense (not in response to an infringed standard). Therefore, adding Assessment Matter RPROZ-AM6 to the list of matters in Rule RPROZ-R1(2) is not in keeping with the rule framework adopted in the PDP.
- 4.3.10 On that basis, I do not recommend adding Assessment Matter RPROZ-AM6 to the list of matters to which discretion is restricted in Rule RPROZ-R1(2).
- 4.3.11 For clarification, where the assessment matters in RPROZ-AM6 do act as a useful list for consideration is in the assessment of residential activities that do not comply with the conditions in Rule RPROZ-R1(1)(a) as a Discretionary Activity (Rule RPROZ-R1(3)). This is acknowledged and anticipated in the 'Note' that sits at the front of the Assessment Matters sections in the various chapters across the PDP, which states as follows: *'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors)'.*

#### Rule RPROZ-R3 Primary Production Activities

- 4.3.12 There is a high level of support for retention of Rule RPROZ-R3 as notified. The Egg Producers Federation does, however, seek that the rule also specifically reference 'free-range poultry farming'.
- 4.3.13 The Egg Producers Federation are concerned to ensure that 'free-range poultry farming' is treated as 'primary production activity' and thus captured by Rule RPROZ-R3, and that it does not accidentally fall within the definition of 'intensive primary production'. The Egg Producers Federation has sought inclusion of a separate term for 'free range poultry farming' in the PDP, and that this be differentiated from 'intensive primary production', which is addressed in the wider context of Key Issue 13 of this report. The recommendation in Key Issue 13 is not to include a separate term for 'free range poultry farming' as it is seen as falling within the definition of 'primary production activity' without needing to be separately defined. Therefore, as a consequence of that recommendation, I similarly recommend inclusion of 'free range poultry farming' is unnecessary in Rule RPROZ-R3.
- 4.3.14 As noted above, there are also other submissions seeking amendments to this rule from Transpower, FENZ, Te Mata Mushrooms, and Hort NZ, that are not specific only to this rule. As stated, these are addressed elsewhere in this report as part of addressing a wider issue.

#### Rule RPROZ-R7 Home Businesses

- 4.3.15 Hort NZ supports this rule, but considers Assessment Matter RPROZ-AM8 should be listed in Rule RPROZ-R7(2) as another matter over which discretion is restricted where compliance with the standards is not achieved. Rule RPROZ-R7(2) relates to activities where compliance with condition RPROZ-R7(1)(b) is not achieved. Condition RPROZ-R7(1)(b) relates to the general standards applying in the Rural Production Zone (being Standards RPROZ-S2 to RPROZ-S11), 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. Therefore, Rule RPROZ-R7(2) establishes the assessment matters over which discretion is restricted, as being those that are relevant to the infringed standard(s) only.
- 4.3.16 Assessment Matter RPROZ-AM8 is a broad set of assessment matters for assessing the effects of commercial activities, visitor accommodation, and home businesses on the character and amenity of the surrounding area, compatibility with surrounding activities, and reverse sensitivity in a more general sense (not in response to an infringed standard). Therefore, adding Assessment Matter RPROZ-AM8 to the list of matters in Rule RPROZ-R7(2) is not in keeping with the rule framework adopted in the PDP.
- 4.3.17 On that basis, I do not recommend adding Assessment Matter RPROZ-AM8 to the list of matters to which discretion is restricted in Rule RPROZ-R7(2).
- 4.3.18 As noted above, there is another specific submission seeking amendments to this rule from Transpower, that is not specific to this rule. As stated, this is addressed elsewhere in this report as part of addressing a wider issue.

Rule RPROZ-R9 Commercial Activities not otherwise provided for

- 4.3.19 The Pork Industry Board and Silver Fern Farms seek deletion of Rule RPROZ-R9, based on a concern that commercial activities are broadly defined and are sensitive activities that could conflict with, and generate reverse sensitivity issues for, primary production activities. They consider a permitted activity rule for commercial activities is therefore not appropriate in this zone.
- 4.3.20 I do not concur that commercial activities are necessarily sensitive activities and, in my view, the permitted activity limits in Rule RPROZ-R9 work together to ensure that the type and scale of permitted commercial activities is likely to complement the predominant primary production role of the Rural Production Zone, rather than generate reverse sensitivity concerns. For example, Rule RPROZ-R9(1)(a) limits any retail sales to produce reared or produced on the site, there is a 100m<sup>2</sup> gross floor area and personnel limits imposed through the relevant activity thresholds in Standard RPROZ-S1 that limits the scale of any permitted commercial activity in this zone, and the imposition of a 15m setback requirement from neighbours under Standard RPROZ-S6. All these conditions are required to be met in order to be deemed a Permitted Activity under this rule.
- 4.3.21 Without making some limited provision for general commercial activities in this zone (other than as a home business, visitor accommodation, or educational facility etc), any enterprise selling primary produce on-site, for instance, would require a resource consent as a Discretionary Activity, regardless of scale. In my view, there is a legitimate place for small-scale, one-off, commercial enterprise in the Rural Production Zone, where it does not compromise the highly productive land resource or generate issues of reverse sensitivity.
- 4.3.22 On that basis, I recommend that Rule RPROZ-R9 be retained.
- 4.3.23 As noted above, there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, that are not specific to this rule. As stated, these are addressed elsewhere in this report as part of addressing wider issues.

Rule RPROZ-R18 Any other activity not otherwise provided for

- 4.3.24 There is only one submission on this default rule, in support of retention of Rule RPROZ-R18 as notified – no further analysis is considered necessary.

Standard RPROZ-S1 Activity Threshold

- 4.3.25 Federated Farmers supports retention of the thresholds in Standard RPROZ-S1 relating to 'Retail Sales of produce reared or produced on the site' – no other submissions have been made on this matter, therefore no further analysis is considered necessary in this particular regard.
- 4.3.26 The Pork Industry Board, Silver Fern Farms, and Hort NZ all seek deletion of the activity thresholds pertaining to 'restaurants' in Standard RPROZ-S1. They are concerned that such activities are sensitive activities and can have potential reverse sensitivity effects for legitimate rural activities.
- 4.3.27 In my view, provision for small-scale restaurants with a gross floor area limited to 100m<sup>2</sup> and maximum capacity of 40 customers, is reasonable and can be complementary in the rural environment – noting that such activities would also have to comply with the 15m setback from neighbours (Standard RPROZ-S6). This would allow for small cafés, coffee stops, and perhaps small-scale dining experiences associated with vineyards/wineries or other primary production activities, to serve and add to the vibrancy of rural communities.
- 4.3.28 If the separate threshold for restaurants is deleted from Standard RPROZ-S1, then the default threshold for commercial activities would apply in any case – which also imposes a 100m<sup>2</sup> gross floor area limit, but also personnel limits. However, the commercial activity threshold does not impose customer capacity or hours of operation thresholds. Retention of the 'restaurants' activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities.
- 4.3.29 On that basis, I recommend that Standard RPROZ-S1(5), (6) and (7) relating to 'restaurants' be retained, as notified.

Standard RPROZ-S5 Setback from Roads and Rail Network

- 4.3.30 I concur with Hort NZ and recommend, for consistency/greater clarity, that reference to 'Accessory Buildings associated with Primary Production Activities' in Standard RPROZ-S5 be replaced with

'Ancillary Buildings and Structures (Primary Production)' to be more consistent with the terminology used and specifically defined in the PDP.

- 4.3.31 However, I do not concur with Federated Farmers in seeking the deletion of clauses 5 & 6 of Standard RPROZ-S5 relating to the 20m setback from arterial roads applying to stockyards and stock loading ramps/races, and the 5m setback from the Rail Network
- 4.3.32 In my view, the 20m setback for stockyards and stock loading ramps/races is not about the activity and its acceptability in a rural environment, it is about recognising that these facilities are often adjacent to the road, and the 20m setback ensures that any loading or unloading happens within the site, and not within the road reserve of higher traffic volume 'Arterial' or 'Primary Collector Roads'. A setback of 20m provides for the safety and efficiency of the road network. I also note that this standard would only apply to a new or altered stockyard or loading ramp/race – existing facilities have existing use rights.
- 4.3.33 In terms of the Permitted Activity standard requiring a 5m setback from the rail corridor, I do not accept Federated Farmers reasons that there is no legislative need to setback buildings from the rail network just because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary – the rail corridor has many similarities with the road corridor, in my view, including in terms of the safety of people and communities. I consider a 5m setback standard to be appropriate, being the same as that applied to road boundaries in the Rural Production Zone.
- 4.3.34 On that basis, I recommend that the 20m setback for stockyards and loading ramps/races and the 5m setback from the rail corridor applying in Standard RPROZ-S5 be retained as notified, but that the terminology around accessory/ancillary buildings associated with primary production is amended as follows:

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

- 4.3.35 As noted above, there is one other submission on this standard from Central Hawke's Bay District Council, that is not specific to this provision. As stated, this will be addressed as part of the Transport topic to be heard during Hearing Stream 7.

#### Standard RPROZ-S6 Setback from Neighbours

- 4.3.36 The support for the exemption of domestic water storage tanks up to 2m in height from the setback standards is noted – no further analysis is considered necessary in that regard. I concur with Federated Farmers that there is merit in providing a similar exemption from the setback for farm water storage tanks, as well as for domestic water tanks, being similar in scale and effect, and recommend that this be added to Standard RPROZ-S6 accordingly (refer full set of recommended amendments below)<sup>3</sup>.

<sup>3</sup> whilst this request was not made in respect of the equivalent standard in the General Rural Zone (Standard GRUZ-S5), I consider that the amendment should be similarly applied, as a clause 16(2), Schedule 1, RMA amendment (refer paragraphs 57 & 58 of Council's opening legal submissions).

- 4.3.37 I note the submission of Hort NZ seeking to alter the reference to 'Accessory Buildings' to instead refer to 'Ancillary Buildings and Structures associated with Primary Production Activities' on the basis that it would provide more clarity. In my view however, the reference to 'Accessory Buildings' is important to retain, as the buildings referred to in this standard are not just those that are ancillary to primary production activities, but accessory buildings for all activities (including those buildings accessory to residential activities) within the Rural Production Zone.
- 4.3.38 Having said that, I do consider there is merit in clarifying that it includes 'Ancillary Buildings and Structures (Primary Production)' – as these are specifically defined in the PDP – but as an addition to, rather than as a replacement for, 'Accessory Buildings'. I therefore recommend that Standard RPROZ-S6 be amended to include this reference accordingly (refer full set of recommended amendments below).
- 4.3.39 Hort NZ also seeks the imposition of a greater setback requirement specifically applying to residential buildings (30m from internal boundaries), to better reflect the clear policy direction in the PDP to avoid compromising primary production. I accept that the PDP has a clear policy direction around enabling primary production in rural areas without being compromised by other activities demanding higher levels of amenity (refer Policies RLR-P4 & RLR-P5 and Policy RPROZ-P5). However, in my view, the current 15m setback requirement is appropriate, and I note that a 30m separation is achieved when applied on both sides of a shared boundary – which is the approach adopted in the adjacent Hastings District.
- 4.3.40 I consider that imposing a 30m setback for residential activities could also result in substantially more land inadvertently being lost from production in the effort to make new dwellings comply with the PDP, especially if applied on both sides of a shared boundary which could result in a 60m separation between. This would be inconsistent with the overarching strategic direction in the PDP to protect the District's highly productive land for primary production and minimise its loss (Objectives RLR-O1 & RLR-O2). Therefore, I do not support the amendment sought by Hort NZ in this respect.
- 4.3.41 Further, I disagree that there is no site standard in the Rural Production Zone that fully gives effect to Policy RPROZ-P5 in terms of separation between sensitive activities and existing primary production. This matter is clearly and specifically provided for in Standard RPROZ-S12 Setback from Existing Intensive Primary Production Activities, which imposes a 200m setback *'from any buildings or enclosure housing animals reared intensively, or other organic matter and effluent storage treatment and utilisation associated with intensive primary production activities'*. Therefore, I do not support the amendments sought by the Egg Producers Federation in this regard.
- 4.3.42 Conversely, The Surveying Co considers the 15m setback from neighbours is too great. They compare the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which is 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also consider that a reduced setback from neighbours would allow for more productive rural land to be retained. I concur with Hort NZ that greater setbacks for residential buildings are required to enable reverse sensitivity effects to be managed. In my view, a 5m setback from an internal rural boundary in the Rural Production Zone is not conducive to avoiding sensitive activities locating close to and potentially compromising primary production activities.
- 4.3.43 In my view, papakāinga housing multi-unit development can be differentiated from a residential dwelling in the Rural Production Zone. Therefore, I do not support the amendments sought by The Surveying Co in this regard.

#### *Side Yard Setback in the RURZ – Rural Zones*

- 4.3.44 In addition to the above, Surveying the Bay raise a valid issue around small sites granted prior to the PDP becoming operative that were established with a side yard setback of 5m applying in the Rural Zone under the current Operative District Plan (Standard 4.9.5 of the Operative District Plan), and that the move to a 15m side yard setback in the PDP may prove a constraint on development of those sites that would impose a time, cost, and process burden on landowners (and Council). Livingston Properties, quite rightly, note that the alternative is that land use consent to reduce the 15m side yard is likely to be required for the majority of new residential buildings on such existing sites.
- 4.3.45 I accept that a 15m side yard setback represents a substantial change from the 5m setback in the Operative District Plan and, on a very small site, could act as a significant development constraint that would not have necessarily been anticipated at the time that the site was created. I concur there is merit in acknowledging past approvals in this situation, and I agree that providing exceptions to the

side yard setback rule in the proposed Rural Production Zone, General Rural Zone, and Rural Lifestyle Zone, would avoid the imposition of unreasonable additional costs in the future in such circumstances.

- 4.3.46 While there may be reverse sensitivity issues, given such sites have already been lawfully applied for/approved before the provisions of the PDP have taken effect, those effects arise from the previous planning regime, and cannot be fully addressed by the new plan.
- 4.3.47 Reflecting all the above, I recommend Standards RPROZ-S6, GRUZ-S5 and RLZ-S5 are amended as follows:

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

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

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

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

- 4.3.48 The submission from FENZ on Standard RPROZ-S9 is the only submission relating to this provision, and is in support – no further analysis is considered necessary.

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

- 4.3.49 The submissions on Assessment Matters RPROZ-AM1, RPROZ-AM6, RPROZ-AM12 & RPROZ-AM14 and RPROZ – Principal Reasons, are the only submissions relating to these provisions, and are all in support – no further analysis is considered necessary.

#### 4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the above rules, standards, assessment matters and principal reasons in the Rural Production Zone be retained, and that Standards RPROZ-S5, RPROZ-S6, GRUZ-S5 & RLZ-S5 be amended (as outlined in Recommended Amendments below).

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

- Federated Farmers, S121.216, S121.220, S121.224
- Department of Corrections, S97.016, S97.006
- Pork Industry Board, S42.071, S42.086
- Te Mata Mushrooms, S102.077
- Surveying the Bay, S128.002
- FENZ, S57.193
- Hort NZ, S81.175, S81.176, S81.179, S81.180

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

- Hort NZ, S81.171, S81.172
- FENZ, S57.191, S57.192

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

- Jill Fraser, S41.001
- Hort NZ, S81.155, S81.160, S81.167
- Egg Producers Federation, S27.014, S27.016
- Pork Industry Board, S42.073, S42.078
- Federated Farmers, S121.223
- The Surveying Co, S50.016

- 4.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

#### 4.5 Recommended Amendments

- 4.5.1 I recommend the following amendment(s) is made:

RPROZ-S5 Setback from Roads and Rail Network	
Residential Activities (including accessory buildings)	1. Minimum setback of any building(s) from road boundaries is 5m. 2. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Seasonal Workers Accommodation	3. Minimum distance of any building(s) from road boundaries is 15m.
<b>Ancillary Buildings and Structures (Primary Production) Accessory Buildings associated with Primary Production Activities</b>	4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m.
All Other Buildings (including Post-Harvest Facilities)	7. Minimum setback of any building(s) from road boundaries is 20m, except that:



	<p>a. buildings less than 10m<sup>2</sup> in gross floor area, and buildings used by Emergency Service Activities, may be located within the above setbacks from road boundaries.</p> <p>8. Minimum setback of any building(s) from the Rail Network Boundary is 5m.</p>
--	--

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

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

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

## 4.6 Section 32AA Evaluation

- 4.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 4.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

### 5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S121.187</b>	Federated Farmers of New Zealand	GRUZ-R1	Support	Retain GRUZ-R1(1)(a)(i) to (iv) as proposed.	Accept
<b>FS9.187</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S97.014</b>	Ara Poutama Aotearoa the Department of Corrections	GRUZ-R1	Support	Retain GRUZ-R1.	Accept
.					
<b>S81.112</b>	Horticulture New Zealand	GRUZ-R1	Amend	Amend GRUZ-R1(2) as follows: '2. Activity status where compliance with condition GRUZ-R1(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ... <b>iv. GRUZ-AM5.</b> ...'	Reject
.					
<b>S121.188</b>	Federated Farmers of New Zealand	GRUZ-R3	Support	Retain GRUZ-R3 as proposed.	Accept
<b>FS9.188</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S42.047</b>	New Zealand Pork Industry Board	GRUZ-R3	Support	Retain GRUZ-R3 as proposed.	Accept
.					
<b>S102.053</b>	Te Mata Mushrooms Land Company Limited	GRUZ-R3	Support	Retain GRUZ-R3(2) and 'Restricted Discretionary' activity status.	Accept
.					
<b>S27.024</b>	Egg Producers Federation of New Zealand	GRUZ-R3	Amend	Amend GRUZ-R3 as follows: 'Primary production activities <b>and free-range poultry farming</b> (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying) ...'	Reject
.					
<b>S121.191</b>	Federated Farmers of New Zealand	GRUZ-R9	Support	Retain GRUZ-R9(1)(a) as proposed.	Accept
<b>FS9.191</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S42.049</b>	New Zealand Pork Industry Board	GRUZ-R9	Oppose	Delete GRUZ-R9 or change activity status.	Reject
<b>FS27.3</b>	Livingston Properties Limited		Oppose		Accept

S97.004	Ara Poutama Aotearoa the Department of Corrections	GRUZ-R18	Support	Retain GRUZ-R18.	Accept
.					
S42.055	New Zealand Pork Industry Board	GRUZ-S1	Oppose	Delete 'Restaurants' from GRUZ-S1.	Reject
.					
S81.123	Horticulture New Zealand	GRUZ-S1	Oppose	Amend GRUZ-S1 to delete 'restaurants' as follows: '... <b>Restaurants</b> 5. Maximum gross floor area for serving customers per site is 100m2 (excluding uncovered outdoor areas). 6. Maximum number of customers to be accommodated at any one time is 40 persons. 7. Limited to the following hours of operation: a. 0800 – 2200 hours, seven days a week. ...'	Reject
.					
S121.194	Federated Farmers of New Zealand	GRUZ-S4	Oppose	Amend GRUZ-S4 as follows: '... Accessory Buildings associated with Primary Production Activities 4. Minimum setback of any building(s) from road boundaries is 5m. 5. Minimum setback of stockyards and stock loading ramps/races fronting roads that are classified as Arterial or Primary Collector Roads is 20m. 6. Minimum setback of any building(s) from the Rail Network Boundary is 5m. ...'	Reject
FS9.194	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.126	Horticulture New Zealand	GRUZ-S4	Amend	Amend GRUZ-S4 as follows: 'Setback from Roads and Rail Network ... <del>Accessory Buildings</del> <b>Ancillary Buildings and Structures</b> associated with Primary Production Activities 4. ... 5. ... 6. ... ...'	Accept
.					
S57.152	Fire and Emergency New Zealand	GRUZ-S4	Support	Retain GRUZ-S4 as notified.	Accept in part
.					
S50.014	The Surveying Company (HB) Ltd	GRUZ-S5	Amend	Amend GRUZ-S5 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject
FS17.108	Horticulture New Zealand		Oppose		Accept
S105.023	James Bridge	GRUZ-S5	Oppose	Amend GRUZ-S5(2) as follows: 'All Other Activities (excluding Accessory Buildings) 2. Minimum setback of building for an activity from internal boundaries is 15m	Reject

				except as between sites of 2.5ha or less where the minimum setback is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.'	
FS17.109	Horticulture New Zealand		Oppose in part	Ensure reverse sensitivity issues adjacent to primary production sites are addressed	Accept in part
S57.153	Fire and Emergency New Zealand	GRUZ-S5	Support	Retain GRUZ-S5 as notified.	Accept in part
.					
S27.026	Egg Producers Federation of New Zealand	GRUZ-S5	Amend	Amend as follows: GRUZ-S6 Setback from Neighbours All Other Activities (excluding Accessory Buildings) 2. Minimum setback of buildings for an activity from internal boundaries is 15m <b>and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m.</b> Domestic water storage tanks up to 2m in height are exempt from this standard.	Reject
.					
S81.127	Horticulture New Zealand	GRUZ-S5	Oppose	Amend GRUZ-S6[S5?] as follows: 'Setback from Neighbours ... <del>Accessory Buildings</del> <b>Ancillary Buildings and Structures associated with Primary Production Activities</b> 3. ...'	Accept (refer also Key Issue 12 re: other parts of this submission point)
.					
S57.154	Fire and Emergency New Zealand	GRUZ-S8	Support	Retain GRUZ-S8 as notified.	Accept
.					
S81.131	Horticulture New Zealand	GRUZ-AM1	Support	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM1(1)(b).	Accept
.					
S81.132	Horticulture New Zealand	GRUZ-AM5	Support	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM5(2).	Accept
.					
S81.135	Horticulture New Zealand	GRUZ-AM11	Support	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM11(3).	Accept
.					
S81.136	Horticulture New Zealand	GRUZ-AM13	Support	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM13(4).	Accept
.					
S42.062	New Zealand Pork Industry Board	GRUZ - Principal Reasons	Support	Retain GRUZ-Principal Reasons as proposed.	Accept
.					

5.1.1 In summary, these 26 submissions and 7 further submissions relate to the rules, standards, assessment matters, and principal reasons in the General Rural Zone.

- 5.1.2 This is not all the submissions relating to these provisions. Other submissions relating to these provisions are addressed in other sections of this report, where they are specific to a particular issue/land use activity – for example, submissions specifically addressing National Grid or Gas Transmission Network matters, or addressing setbacks from primary production, or relating to inclusion of water supply servicing matters, are addressed in other key issues contained within this volume, or in relevant key issues contained in Volumes 3 and 4 of this report. The complete set of recommended changes in response to submissions relating to the General Rural Zone across all four volumes, is evident in the tracked changes version attached as Appendix A at the end of Volume 4.

## 5.2 Matters Raised by Submitters

### Rule GRUZ-R1 Residential Activities

- 5.2.1 Federated Farmers (S121.187) and the Department of Corrections (S97.014) both support retention of Rule GRUZ-R1 as proposed. Federated Farmers support the graduated approach allowing for more dwellings the bigger the property as *'this means that issues around density of dwellings in the rural production zone are managed while also providing for more houses for larger properties, enabling this essential social service'*.
- 5.2.2 Hort NZ (S81.112) supports the rule but considers Assessment Matter GRUZ-AM5 relates to residential activities and should be listed in Rule GRUZ-R1(2) as another matter over which discretion is restricted where compliance with the standards is not achieved.
- 5.2.3 Note: there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and the Pork Industry Board, which are addressed elsewhere in this report as part of addressing a wider issue.

### Rule GRUZ-R3 Primary Production Activities

- 5.2.4 Federated Farmers (S121.188) supports the permitted status of primary production activities in the rural zone, also that *'Aviation for weed spraying or fertiliser is necessary for a thriving farming sector'*, and seeks retention of Rule GRUZ-R3 as proposed.
- 5.2.5 The Pork Industry Board (S42.047) also supports a permitted activity status for primary production activities, and therefore seeks retention of the rule.
- 5.2.6 Te Mata Mushrooms (S102.053) supports retention of clause 2 of this rule, in terms of support for Restricted Discretionary activity status in this instance.
- 5.2.7 The Egg Producers Federation (S27.024) supports the activity status and the conditions that must be met for establishing primary production activities, but recommend the rule is amended to include 'free-range poultry farming' as well.
- 5.2.8 Note: there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, and a submission from Te Mata Mushrooms seeking clarification around what is permitted by the rule, which are addressed elsewhere in this report as part of addressing a wider issue.

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

- 5.2.9 Federated Farmers (S121.191) supports retention of Rule GRUZ-R9(1)(a) as proposed, limiting retail sales to produce reared or produced on the site *'as it will allow farmers and growers to sell produce that they have produced themselves'*.
- 5.2.10 The Pork Industry Board (S42.049) seeks deletion of Rule GRUZ-R9. They oppose the permitted activity status for commercial activities in the General Rural Zone on the basis that *'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'*.
- 5.2.11 Livingston Properties (FS27.3) opposes the Pork Industry Board submission as *'LPL is interested in carrying out rural commercial activities on its land and is therefore supportive of rule GRUZ-R9 being retained'*. Therefore, they seek that the submission be disallowed.
- 5.2.12 Note: there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, which are addressed elsewhere in this report as part of addressing a wider issue.

Rule GRUZ-R18 Any other activity not otherwise provided for

- 5.2.13 The Department of Corrections (S97.004) supports retention of Rule GRUZ-R18 as applying to 'community corrections activities', as they consider a Discretionary Activity is appropriate in the context of the potential future establishment and operation of a community corrections facility within these areas in the Central Hawke's Bay District – and that the effects of any proposed facility would be able to be assessed through the resource consent process.

Standard GRUZ-S1 Activity Threshold

- 5.2.14 The Pork Industry Board (S42.055) seeks deletion of 'restaurants' from Standard GRUZ-S1, as *'It is not clear what the activity status for Restaurants is in the GRUZ but 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'*.
- 5.2.15 Hort NZ (S81.123) also seeks deletion of clauses 5, 6 & 7 in Standard GRUZ-S1 applying activity thresholds for 'restaurants'. They consider there is not a clear framework for restaurants, and that this should not be permitted in the General Rural Zone.

Standard GRUZ-S4 Setback from Roads and Rail Network

- 5.2.16 FENZ (S57.152) supports the retention of Standard GRUZ-S4 *'as it allows buildings associated with emergency service activities to be located within the 20m setback from a road boundary. This supports the logistical and operational requirements of Fire and Emergency'*.
- 5.2.17 Federated Farmers (S121.194) seeks the deletion of clauses 5 & 6 of Standard GRUZ-S4 for the following reasons:
- 'Federated Farmers opposes the minimum setback of 20m for stockyards and loading ramps/races. These need to be accessible to trucks, and being roadside is the most accessible location and best for functionality. Stockyards and loading ramps should be considered an acceptable component of rural amenity. There won't be a discernible effect on amenity whether the stockyards are located roadside or 20 metres away, so they might as well be roadside and functional. These activities are only used intermittently for short periods of time, so any adverse effects will also be temporary. Animals and trucks should not be considered detrimental to rural amenity in any case. And when empty, stockyards are just fences.*
- Federated Farmers opposes the 5m setback from rail network boundary. There is no legislative need to setback buildings from the rail network, because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary. A farm building is not going to create a reverse sensitivity effect on the rail network'.*
- 5.2.18 For consistency/greater clarity, Hort NZ (S81.126) seeks the replacement of the words 'Accessory Buildings' with 'Ancillary Buildings and Structures' (associated with Primary Production Activities).
- 5.2.19 Note: there is one other specific submission on this standard from Central Hawke's Bay District Council, that will be addressed as part of their wider submission seeking adoption of the latest 'One National Road Classification' (ONRC) framework in the PDP, as part of the Transport topic to be heard during Hearing Stream 7.

Standard GRUZ-S5 Setback from Neighbours

- 5.2.20 FENZ (S57.153) supports the exemption of domestic water storage tanks up to 2m in height from the setback standards as *'This will support the community in providing water storage tanks without the need to require resource consent for a height in relation to boundary infringement'*, and seeks retention of Standard GRUZ-S5 as proposed.
- 5.2.21 Hort NZ (S81.127) seeks to amend the standard as follows<sup>4</sup>:

---

<sup>4</sup> Note: Hort NZ also seeks the inclusion of a minimum setback from internal boundaries specific to 'artificial crop protection structures' in Standard GRUZ-S5 – this particular aspect of their submission point is addressed separately alongside other submissions relating to 'artificial crop protection structures' in Volume 3 of this report.

RPROZ-S6 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	5. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings)	6. Minimum setback of buildings for an activity from internal boundaries is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
<b><u>Accessory Buildings</u></b> <b><u>Ancillary Buildings</u></b> <b><u>and Structures associated with Primary</u></b> <b><u>Production Activities</u></b>	7. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.

- 5.2.22 The Egg Producers Federation (S27.026) considers there is no site standard in the General Rural Zone that fully gives effect to Policy GRUZ-P5, and therefore seeks the following amendment to ensure there is sufficient separation between sensitive activities and existing primary production:

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings)	2. Minimum setback of buildings for an activity from internal boundaries is 15m <b><u>and the minimum setback of buildings from any buildings or enclosure housing animals, associated with primary production activities or free-range poultry farming is 200m.</u></b> Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings	3. Minimum setback of buildings for an activity from internal boundaries is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.

- 5.2.23 The Surveying Co (S50.014) considers a 15m setback from neighbours *'is too far especially as the rules for accessory buildings is only a setback of 5m'*.
- 5.2.24 They request an explanation as to why the setback from internal boundaries for Papakāinga housing is only 5m from any internal boundary (PKH-S7). They consider *'It is likely that Papakāinga housing will be of a higher density than lifestyle lot development, yet the setbacks are significantly different to all other residential development in the rural zones'* and that *'If the internal yard setbacks are reduced, it will allow for more productive rural land to be retained, as applicants will not be requiring such large lot sizes as will be required to achieve the current boundary setbacks'*. The Surveying Co therefore seeks amendments to the setbacks from internal boundaries to allow 5m for residential buildings and 10m for accessory buildings – being the same as those provided for in Standard PKH-S7.
- 5.2.25 Hort NZ (FS17.108) opposes The Surveying Co submission and seeks that the submission be rejected, as they consider *'There needs to be greater setbacks for residential buildings from internal boundaries to enable reverse sensitivity effects to be managed'*.
- 5.2.26 James Bridge (S105.023) seeks to amend the minimum setback of buildings from internal boundaries for 'All Other Activities (excluding Accessory Buildings)' in Standard GRUZ-S5, as follows:

All Other Activities (excluding Accessory Buildings)	1. Minimum setback of buildings for an activity from internal boundaries is 15m, <b><u>except as between sites of 2.5ha or less where the minimum setback is 5m.</u></b> Domestic water storage tanks up to 2m in height are exempt from this standard.
--	---

- 5.2.27 The reason given by the submitter is that:

*'Small rural lots are often clustered to reduce impacts on productive farming activities. A 15m setback from boundaries between smaller sized lots is not required to mitigate potential adverse effects associated with the development and use of small rural lots'.*

- 5.2.28 Hort NZ (FS17.109) opposes the submission of James Bridge, in part, in that they '*support the intent of the submitter, provided sufficient setbacks remain from primary production sites*'. They seek to ensure that reverse sensitivity issues adjacent to primary production sites are addressed.

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

- 5.2.29 FENZ (S57.154) supports retention of Standard GRUZ-S8 as proposed, as it requires all activities in the General Rural Zone to be compliant with the provisions of TRAN – Transport chapter.

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

- 5.2.30 Hort NZ (S81.131) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 1(b) in Assessment Matter GRUZ-AM1, as being important to take potential for reverse sensitivity into account.

Assessment Matter GRUZ-AM5 Residential Activities

- 5.2.31 Hort NZ (S81.132) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 2 of Assessment Matter GRUZ-AM5, as being important to take potential for reverse sensitivity into account.

Assessment Matter GRUZ-AM11 Camping Grounds

- 5.2.32 Hort NZ (S81.135) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 3 of Assessment Matter GRUZ-AM11, as being important to take potential for reverse sensitivity into account.

Assessment Matter GRUZ-AM13 General

- 5.2.33 Hort NZ (S81.180) supports retention of the reference to reverse sensitivity (and the need to assess this) in clause 4 of Assessment Matter GRUZ-AM13, as being important to take potential for reverse sensitivity into account.

GRUZ – Principal Reasons

- 5.2.34 The Pork Industry Board (S42.062) supports retention of the Principal Reasons in the GRUZ – General Rural Zone chapter of the PDP, as proposed, stating they:

*'Support the statement that the General Rural Zone contains much of the District's rural land resource and exhibits land use that is predominantly in primary production. As such, this zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production). This recognition needs to also be expressed in the rural zone objectives and policies and the strategic direction as identified in this submission.*

*Support the statement on the reasons for adopting policies and methods for Intensive Farming Activities. The methods used are all setbacks – from roads, property boundaries, zone boundaries and from sensitive activities. These methods can support a permitted activity status'.*

Forest & Bird

- 5.2.35 Forest & Bird oppose all the submission of Federated Farmers (FS9.187, FS9.188, FS9.191, FS9.194) on the basis that '*the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA*'.

## 5.3 Analysis

Rule GRUZ-R1 Residential Activities

- 5.3.1 There is a good level of support for retention of Rule GRUZ-R1 in terms of the graduated approach to allowing more dwellings in the General Rural Zone the bigger the property.
- 5.3.2 Hort NZ considers Assessment Matter GRUZ-AM5 should be listed in Rule GRUZ-R1(2) as another matter over which discretion is restricted where compliance with the standards is not achieved. Rule GRUZ-R1(2) relates to activities where compliance with condition GRUZ-R1(1)(b) is not achieved. Condition GRUZ-R1(1)(b) relates to the general standards applying in the General Rural Zone (being



Standards GRUZ-S2 to GRUZ-S10), such as height of buildings, height in relation to boundary, setbacks from roads and neighbours, shading, access, parking and loading, light, and noise. Therefore, Rule GRUZ-R1(2) establishes the assessment matters over which discretion is restricted, as being those that are relevant to the infringed standard(s) only.

- 5.3.3 Assessment Matter GRUZ-AM5 is a broad set of assessment matters for assessing the effects of residential activities on the sustainable management of the soil resource and on the character and amenity of adjoining activities and the surrounding rural environment in a more general sense (not in response to an infringed standard). Therefore, adding Assessment Matter GRUZ-AM5 to the list of matters in Rule GRUZ-R1(2) is not in keeping with the rule framework adopted in the PDP.
- 5.3.4 On that basis, I do not recommend adding Assessment Matter GRUZ-AM5 to the list of matters to which discretion is restricted in Rule GRUZ-R1(2).
- 5.3.5 For clarification, where the assessment matters in GRUZ-AM5 do act as a useful list for consideration is in the assessment of residential activities that do not comply with the conditions in Rule GRUZ-R1(1)(a) as a Discretionary Activity (Rule GRUZ-R1(3)). This is acknowledged and anticipated in the 'Note' that sits at the front of the Assessment Matters sections in the various chapters across the PDP, which states as follows: *'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors)'*.
- 5.3.6 As noted above, there are also other submissions seeking amendments to this rule from Transpower, FENZ, and the Pork Industry Board, that are not specific only to this rule. As stated, these are addressed elsewhere in this report as part of addressing a wider issue.

#### Rule GRUZ-R3 Primary Production Activities

- 5.3.7 There is a high level of support for retention of Rule GRUZ-R3 as notified. The Egg Producers Federation does, however, seek that the rule also specifically reference 'free-range poultry farming'.
- 5.3.8 The Egg Producers Federation are concerned to ensure that 'free-range poultry farming' is treated as 'primary production activity' and thus captured by Rule GRUZ-R3, and that it does not accidentally fall within the definition of 'intensive primary production'. The Egg Producers Federation has sought inclusion of a separate term for 'free range poultry farming' in the PDP, and that this be differentiated from 'intensive primary production', which is addressed in the wider context of Key Issue 13 of this report. The recommendation in Key Issue 13 is not to include a separate term for 'free range poultry farming' as it is seen as falling within the definition of 'primary production activity' without needing to be separately defined. Therefore, as a consequence of that recommendation, I similarly consider inclusion of 'free range poultry farming' is unnecessary in Rule GRUZ-R3.
- 5.3.9 As noted above, there are also other submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, and a submission from Te Mata Mushrooms seeking clarification around what is permitted by the rule, which are addressed elsewhere in this report as part of addressing a wider issue.

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

- 5.3.10 The Pork Industry Board seeks deletion of Rule GRUZ-R9, based on a concern that commercial activities are broadly defined and are sensitive activities that could conflict with, and generate reverse sensitivity issues for, primary production activities. They consider a permitted activity rule for commercial activities is therefore not appropriate in this zone.
- 5.3.11 I do not concur that commercial activities are necessarily sensitive activities and, in my view, the permitted activity limits in Rule GRUZ-R9 work together to ensure that the type and scale of permitted commercial activities is likely to complement the predominant primary production role of the General Rural Zone, rather than generate reverse sensitivity concerns. For example, Rule GRUZ-R9(1)(a) limits any retail sales to produce reared or produced on the site, there is a 100m<sup>2</sup> gross floor area and personnel limits imposed through the relevant activity thresholds in Standard GRUZ-S1 that limits the scale of any permitted commercial activity in this zone, and the imposition of a 15m setback requirement from neighbours under Standard GRUZ-S5. All these conditions are required to be met in order to be deemed a Permitted Activity under this rule.
- 5.3.12 Without making some limited provision for general commercial activities in this zone (other than as a home business, visitor accommodation, or educational facility etc), any enterprise selling primary produce on-site, for instance, would require a resource consent as a Discretionary Activity, regardless of scale. In my view, there is a legitimate place for small-scale, one-off, commercial enterprise in the

General Rural Zone, where it does not compromise the productive land resource or generate issues of reverse sensitivity.

5.3.13 On that basis, I recommend that Rule GRUZ-R9 be retained.

5.3.14 As noted above, there are other specific submissions seeking amendments to this rule from Transpower, FENZ, and Hort NZ, that are not specific to this rule. As stated, these are addressed elsewhere in this report as part of addressing wider issues.

Rule GRUZ-R18 Any other activity not otherwise provided for

5.3.15 There is only one submission on this default rule, in support of retention of Rule GRUZ-R18 as notified – no further analysis is considered necessary.

Standard GRUZ-S1 Activity Threshold

5.3.16 The Pork Industry Board and Hort NZ both seek deletion of the activity thresholds pertaining to 'restaurants' in Standard RPROZ-S1. They are concerned that such activities are sensitive activities and can have potential reverse sensitivity effects for legitimate rural activities.

5.3.17 In my view, provision for small-scale restaurants with a gross floor area limited to 100m<sup>2</sup> and maximum capacity of 40 customers, is reasonable and can be complementary in the rural environment – noting that such activities would also have to comply with the 15m setback from neighbours (Standard GRUZ-S5). This would allow for small cafés, coffee shops, and perhaps small-scale dining experiences associated with vineyards/wineries or other primary production activities, to serve and add to the vibrancy of rural communities.

5.3.18 If the specific threshold for restaurants is deleted from Standard GRUZ-S1, then the default threshold for commercial activities would apply in any case – which also imposes a 100m<sup>2</sup> gross floor area limit, but also personnel limits. However, the commercial activity threshold does not impose customer capacity or hours of operation thresholds. Retention of the 'restaurants' activity threshold specifically recognises the different characteristics of restaurants, as distinct from other commercial activities.

5.3.19 On that basis, I recommend that Standard GRUZ-S1(5), (6) and (7) relating to 'restaurants' be retained, as notified.

Standard GRUZ-S4 Setback from Roads and Rail Network

5.3.20 I concur with Hort NZ and recommend, for consistency/greater clarity, that reference to 'Accessory Buildings associated with Primary Production Activities' in Standard GRUZ-S4 be replaced with 'Ancillary Buildings and Structures (Primary Production)' to be more consistent with the terminology used and specifically defined in the PDP.

5.3.21 However, I do not concur with Federated Farmers in seeking the deletion of clauses 5 & 6 of Standard GRUZ-S4 relating to the 20m setback from arterial roads applying to stockyards and stock loading ramps/races, and the 5m setback from the Rail Network

5.3.22 In my view, the 20m setback for stockyards and stock loading ramps/races is not about the activity and its acceptability in a rural environment, it is about recognising that these facilities are often adjacent to the road, and the 20m setback ensures that any loading or unloading happens within the site, and not within the road reserve of higher traffic volume 'Arterial' or 'Primary Collector Roads'. A setback of 20m provides for the safety and efficiency of the road network. I also note that this standard would only apply to a new or altered stockyard or loading ramp/race – existing facilities have existing use rights.

5.3.23 In terms of the Permitted Activity standard requiring a 5m setback from the rail corridor, I do not accept Federated Farmers reasons that there is no legislative need to setback buildings from the rail network just because Kiwirail owns its own corridors and has an internal setback between the railway and the boundary – the rail corridor has many similarities with the road corridor, in my view, including in terms of the safety of people and communities. I consider a 5m setback standard to be appropriate, being the same as that applied to road boundaries in the General Rural Zone.

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

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

5.3.25 As noted above, there is one other submission on this standard from Central Hawke's Bay District Council, that is not specific to this provision. As stated, this will be addressed as part of the Transport topic to be heard during Hearing Stream 7.

#### Standard GRUZ-S5 Setback from Neighbours

5.3.26 The support for the exemption of domestic water storage tanks up to 2m in height from the setback standards is noted – no further analysis is considered necessary in that regard.

5.3.27 I note the submission of Hort NZ seeking to alter the reference to 'Accessory Buildings' to instead refer to 'Ancillary Buildings and Structures associated with Primary Production Activities' on the basis that it would provide more clarity. In my view however, the reference to 'Accessory Buildings' is important to retain, as the buildings referred to in this standard are not just those that are ancillary to primary production activities, but accessory buildings for all activities (including those buildings accessory to residential activities) within the General Rural Zone.

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

5.3.29 In response to the Egg Producers Federation submission, I disagree that there is no site standard in the General Rural Zone that fully gives effect to Policy GRUZ-P5 in terms of separation between sensitive activities and existing primary production. This matter is clearly and specifically provided for in Standard GRUZ-S11 Setback from Existing Intensive Primary Production Activities, which imposes a 200m setback *'from any buildings or enclosure housing animals reared intensively, or other organic matter and effluent storage treatment and utilisation associated with intensive primary production activities'*. Therefore, I do not support the amendments sought by them in this regard.

5.3.30 In terms of the 15m setback requirement from internal boundaries, The Surveying Co considers this is too great. They compare the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which is 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also consider that a reduced setback from neighbours would allow for more productive rural land to be retained. I concur with Hort NZ that greater setbacks for residential buildings are required to enable reverse sensitivity effects to be managed. In my view, a 5m setback from an internal rural boundary in the General Rural Zone is not conducive to avoiding sensitive activities locating close to and potentially compromising primary production activities.

5.3.31 In my view, papakāinga housing multi-unit development can be differentiated from a residential dwelling in the General Rural Zone. Therefore, I do not support the amendments sought by The Surveying Co in this regard.

- 5.3.32 In terms of the amendment sought by James Bridge to apply a reduced 5m setback for sites comprising 2.5ha or less in Standard GRUZ-S5, I concur with Hort NZ that greater setbacks from primary production sites should be retained in order to ensure that reverse sensitivity issues adjacent to primary production sites are addressed. Therefore, I do not support the amendment as sought by James Bridge. However, I note my recommendation in Key Issue 6 of this report, in response to a submission from Surveying the Bay (S128.002) seeking to include exceptions in the Rural Zones of the Proposed Plan to allow small sites created under the previous (currently operative) District Plan to apply a reduced side yard setback (refer sections 4.3.44 to 4.3.47 of this report). This may go some way to addressing some of the submitter's concerns.
- 5.3.33 As a result of my recommendations in response to the submission of Surveying the Bay, and incorporating the other amendments recommended above, I recommend Standard GRUZ-S5 be amended as follows:

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.
All Other Activities (excluding Accessory Buildings <u>and Ancillary Buildings and Structures (Primary Production)</u> )	2. Minimum setback of buildings for an activity from internal boundaries is 15m. <b>Farm<sup>5</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
Accessory Buildings <u>Ancillary Buildings and Structures (Primary Production)</u>	3. Minimum setback of buildings for an activity from internal boundaries is 5m. <b>Farm<sup>6</sup> and d</b> Domestic water storage tanks up to 2m in height are exempt from this standard.
<u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u> <u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u>	4. <u>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</u> 5. <u>Minimum setback of buildings for all other activities from internal boundaries is 10m.</u>

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

- 5.3.34 The submission from FENZ on Standard GRUZ-S8 is the only submission relating to this provision, and is in support – no further analysis is considered necessary.

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

- 5.3.35 The submissions on Assessment Matters GRUZ-AM1, GRUZ-AM5, GRUZ-AM11 & GRUZ-AM13 and GRUZ – Principal Reasons, are the only submissions relating to these provisions, and are all in support – no further analysis is considered necessary.

## 5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that the above rules, standards, assessment matters and principal reasons in the General Rural Zone be retained, and that Standards GRUZ-S5 and GRUZ-S6 be amended (as outlined in Recommended Amendments below).
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- Federated Farmers, S121.187, S121.188, S121.191
  - Department of Corrections, S97.014, S97.004
  - Pork Industry Board, S42.047, S42.062
  - Te Mata Mushrooms, S102.053
  - Hort NZ, S81.126, S81.127, S81.131, S81.132, S81.135, S81.136

<sup>5</sup> inserted as a clause 16(2), First Schedule, RMA amendment – refer S121.224 Federated Farmers relating to equivalent Standard RPROZ-S6, addressed in Key Issue 6 above

<sup>6</sup> as above

- FENZ, S57.154

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

- FENZ, S57.152, S57.153

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

- Hort NZ, S81.112, S81.123
- Egg Producers Federation, S27.024, S27.026
- Pork Industry Board, S42.049, S42.055
- Federated Farmers, S121.194
- The Surveying Co, S50.014
- James Bridge, S105.023

5.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 5.5 Recommended Amendments

5.5.1 I recommend the following amendments are made:

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

GRUZ-S5 Setback from Neighbours	
Residential Activities adjacent to an existing plantation forest on an adjoining site	<ol style="list-style-type: none"> <li>1. Minimum setback of buildings from an existing plantation forest on an adjoining site is 40m.</li> </ol>
All Other Activities (excluding Accessory Buildings <b>and Ancillary Buildings and Structures (Primary Production)</b> )	<ol style="list-style-type: none"> <li>2. Minimum setback of buildings for an activity from internal boundaries is 15m. <b>Farm and d</b>Domestic water storage tanks up to 2m in height are exempt from this standard.</li> </ol>
Accessory Buildings <b>Ancillary Buildings and Structures (Primary Production)</b>	<ol style="list-style-type: none"> <li>3. Minimum setback of buildings for an activity from internal boundaries is 5m. <b>Farm and d</b>Domestic water storage tanks up to 2m in height are exempt from this standard.</li> </ol>
<b><u>Sites created before 28 May 2021 and greater than 4000m<sup>2</sup> net site area</u></b> <b><u>Where a subdivision consent application to create a site is lodged with Council before 28 May 2021, and accepted under section 88 of the RMA 1991 and thereafter granted</u></b>	<ol style="list-style-type: none"> <li>4. <b><u>Minimum setback of buildings for a residential activity from internal boundaries is 5m.</u></b></li> <li>5. <b><u>Minimum setback of buildings for all other activities from internal boundaries is 10m.</u></b></li> </ol>

## **5.6 Section 32AA Evaluation**

- 5.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 5.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

### 6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S81.003</b>	Horticulture New Zealand	RLZ - Rural Lifestyle Zone	Support	Retain the 'RLZ - Rural Lifestyle Zone', subject to submissions on specific provisions in this chapter.	Accept in part
.					
<b>S57.158</b>	Fire and Emergency New Zealand	RLZ-P4	Support	Retain RLZ-P4 as notified.	Accept
.					
<b>S97.005</b>	Ara Poutama Aotearoa the Department of Corrections	RLZ-R12	Support	Retain RLZ-R12.	Accept
.					
<b>S81.138</b>	Horticulture New Zealand	RLZ-S5	Amend	Amend RLZ-S5 as follows: 'Minimum setback of buildings for an activity from internal boundaries, <b>or boundary with the General Rural or Rural Productive[Production?] Zone</b> is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.'	Accept
.					
<b>S57.170</b>	Fire and Emergency New Zealand	RLZ-S5	Support	Retain RLZ-S5 as notified.	Accept in part
.					
<b>S50.015</b>	The Surveying Company (HB) Ltd	RLZ-S5	Amend	Amend RLZ-S5 to allow setbacks from internal boundaries to be 5m for residential buildings and 10m for accessory buildings.	Reject
.					
<b>S57.173</b>	Fire and Emergency New Zealand	RLZ-S12	Support	Retain RLZ-S12 as notified.	Accept
.					

6.1.1 In summary, 5 of the above 7 submissions are in support of retaining the respective provision in the Rural Lifestyle Zone as proposed. The other 2 submission points seek amendments to Standard RLZ-S5 (Setback from Neighbours).

6.1.2 This is not all the submissions relating to the RLZ – Rural Lifestyle chapter of the PDP. Other submissions are addressed in other relevant key issues contained in Volumes 3 and 4 of this report. The complete set of recommended changes in response to submissions relating to the Rural Lifestyle Zone across all four volumes, is evident in the tracked changes version attached as Appendix A at the end of Volume 4.

### 6.2 Matters Raised by Submitters

#### General Submissions on the Rural Lifestyle Zone

6.2.1 Hort NZ (S81.003) supports retention of the RLZ – Rural Lifestyle Zone chapter, subject to their submissions on specific provisions in this chapter.

Policy RLZ-P4

- 6.2.2 FENZ (S57.158) supports retention of Policy RLZ-P4 as proposed, for the following reasons:

*'...it requires activities within the Rural Lifestyle Zone to provide on-site water supply where reticulated supply is unavailable. Fire and Emergency recognise that development within the Rural Lifestyle Zone is generally unreticulated.*

*In order for Fire and Emergency to achieve its principal objective which includes reducing the incidence of unwanted fire and the associated risk to life and property, protecting and preserving life, and preventing or limiting injury, damage to property land, and the environment, the provision for adequate water supply, especially in rural and isolated areas that do not have access to the reticulate network is critical.*

*It is important to Fire and Emergency that any new subdivision or development that does not have access to a reticulated water supply has access to an adequate firefighting water supply of some kind. This essential emergency supply will provide for the health, safety and wellbeing of people and the wider community, and therefore achieves the purpose of the RMA'*

RLZ-P4	To require activities within the Rural Lifestyle Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available to connect to.
--------	---

Rule RLZ-R12 Any other activity not otherwise provided for

- 6.2.3 The Department of Corrections (S97.005) supports retention of Rule RLZ-R12 as applying to 'community corrections activities', as they consider a Discretionary Activity is appropriate in the context of the potential future establishment and operation of a community corrections facility within these areas in the Central Hawke's Bay District – and that the effects of any proposed facility would be able to be assessed through the resource consent process.

Standard RLZ-S5 Setback from Neighbours

- 6.2.4 FENZ (S57.170) supports the exemption of domestic water storage tanks up to 2m in height from the setback standards as *'This will support the community in providing water storage tanks without the need to require resource consent for a height in relation to boundary infringement'*, and seeks retention of Standard RLZ-S5 as proposed.
- 6.2.5 Hort NZ (S81.138) supports the setbacks, but seeks clarification that setbacks also apply at rural zone boundaries, seeking the following amendment of Standard RLZ-S5:

All Buildings (excluding Accessory Buildings)	2. Minimum setback of buildings for an activity from internal boundaries, <u>or boundary with the General Rural or Rural Productive[sic] Zone</u> is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard.
---	--

- 6.2.6 The Surveying Co (S50.015) considers a 15m setback from neighbours 'is too far especially as the rules for accessory buildings is only a setback of 5m'.
- 6.2.7 They request an explanation as to why the setback from internal boundaries for Papakāinga housing is only 5m from any internal boundary (PKH-S7). They consider *'It is likely that Papakāinga housing will be of a higher density than lifestyle lot development, yet the setbacks are significantly different to all other residential development in the rural zones'* and that *'If the internal yard setbacks are reduced, it will allow for more productive rural land to be retained, as applicants will not be requiring such large lot sizes as will be required to achieve the current boundary setbacks'*.
- 6.2.8 The Surveying Co therefore seeks amendments to the setbacks from internal boundaries to allow 5m for residential buildings and 10m for accessory buildings – being the same as those provided for in Standard PKH-S7.

Standard RLZ-S12 Transport (Access, Parking, Loading)

- 6.2.9 FENZ (S57.173) supports retention of Standard RLZ-S12 as proposed, as it requires all activities in the Rural Lifestyle Zone to be compliant with the provisions of TRAN - Transport chapter.



### 6.3 Analysis

#### General Submissions on the Rural Lifestyle Zone

- 6.3.1 Hort NZ supports retention of the RLZ – Rural Lifestyle Zone chapter in the PDP, subject to their submissions on specific provisions in this chapter. This support is noted, and the decision sought is accepted in part insofar as the direction and provisions are largely retained, but subject to recommended amendments in response to the various submissions on specific provisions throughout this report. I note there are no submissions philosophically opposed to, or seeking removal of, the Rural Lifestyle Zone.

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

- 6.3.2 The submissions on Policy RLZ-P4, Rule RLZ-R12, and Standard RLZ-S12, are the only submissions relating to these provisions, and are all in support – no further analysis is considered necessary.

#### Standard RLZ-S5 Setback from Neighbours

- 6.3.3 The support for the exemption of domestic water storage tanks up to 2m in height from the setback standards is noted – no further analysis is considered necessary in that regard.
- 6.3.4 In response to Hort NZ's submission that the 15m setback from internal boundaries should also apply at rural zone boundaries, I agree that this is intended to be the case, and the amendment sought would clarify application of the setback standard in situations where the zone boundary does not follow a property boundary line. On that basis, I recommend Standard RLZ-S5 be amended as follows:

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

- 6.3.5 In terms of the 15m setback requirement from internal boundaries generally, The Surveying Co considers this is too great. They compare the setback requirement with the setback requirements proposed for papakāinga housing in the PDP, which is 5m for residential buildings and 10m for accessory buildings (refer Standard PKH-S7). They also consider that a reduced setback from neighbours would allow for more productive rural land to be retained. In my view, papakāinga housing multi-unit development can be differentiated from a residential dwelling in the Rural Lifestyle Zone.
- 6.3.6 I concur with Hort NZ that greater setbacks for residential buildings are required to enable reverse sensitivity effects to be managed. In my view, given that the Rural Lifestyle Zone is not exclusively residential in nature and continues to provide for primary production activities, a 5m setback from an internal rural boundary in the Rural Lifestyle Zone is not conducive to avoiding sensitive activities locating close to and potentially compromising such primary production activities.
- 6.3.7 On this basis, I do not support the amendments sought by The Surveying Co in this regard.

### 6.4 Recommendations

- 6.4.1 For the reasons outlined above, I recommend that Policy RLZ-P4, Rule RLZ-R12, and Standard RLZ-S12 in the Rural Lifestyle Zone be retained, and that Standard RLZ-S5 be amended (as outlined in Recommended Amendments below).

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

- FENZ, S57.158, S57.173
- Department of Corrections, S97.005
- Hort NZ, S81.138

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

- Hort NZ, S81.003
- FENZ, S57.170

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

- The Surveying Co, S50.015

6.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 6.5 Recommended Amendments

6.5.1 I recommend the following amendment(s) is made:

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

## 6.6 Section 32AA Evaluation

6.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.

6.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

## 7.0 Key Issue 9 – Shading from Trees

### 7.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S121.183</b>	Federated Farmers of New Zealand	GRUZ-P6	Oppose	Amend GRUZ-P6 as follows: 'To avoid <del>manage</del> adverse effects of shading from trees on adjoining public roads and properties.'	Accept in part
<b>FS9.183</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.110</b>	Horticulture New Zealand	GRUZ-P6	Amend	Amend RPROZ-P6[GRUZ-P6?] as follows: 'To avoid adverse effects of shading from trees on <del>Manage location of trees</del> so that adjoining public roads and properties are not adversely affected by shading.'	Accept in part
.					
<b>S102.046</b>	Te Mata Mushrooms Land Company Limited	GRUZ-P6	Support	Retain GRUZ-P6 as proposed.	Accept in part
.					
<b>S121.195</b>	Federated Farmers of New Zealand	GRUZ-S6	Oppose	Delete GRUZ-S6.	Reject
<b>FS6.12</b>	NZ Pork Industry Board		Support		Reject
<b>FS9.195</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
<b>S42.056</b>	New Zealand Pork Industry Board	GRUZ-S6	Oppose	Delete GRUZ-S6 Trees on Boundaries.	Reject
<b>FS17.110</b>	Horticulture New Zealand		Support		Reject
<b>S81.128</b>	Horticulture New Zealand	GRUZ-S6	Oppose	Retain the Operative Central Hawke's Bay District Plan provision.	Reject
.					
<b>S42.058</b>	New Zealand Pork Industry Board	GRUZ-AM2	Oppose	Delete GRUZ-AM2.	Reject
<b>FS17.115</b>	Horticulture New Zealand		Support		Reject
<b>S121.212</b>	Federated Farmers of New Zealand	RPROZ-P6	Oppose	Amend RPROZ-P6 as follows: 'To avoid <del>manage</del> adverse effects of shading from trees on adjoining public roads and properties.'	Accept in part
<b>FS9.212</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.151</b>	Horticulture New Zealand	RPROZ-P6	Amend	Amend RPROZ-P6 as follows: 'To avoid adverse effects of shading from trees on <del>Manage location of trees</del> so that adjoining public roads and properties are not adversely affected by shading.'	Accept in part
.					
<b>S121.225</b>	Federated Farmers of New Zealand	RPROZ-S7	Oppose	Delete RPROZ-S7.	Reject
<b>FS6.16</b>	NZ Pork Industry Board		Support		Reject

FS9.225	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS17.148	Horticulture New Zealand		Support		Reject
S81.173	Horticulture New Zealand	RPROZ-S7	Oppose	Retain the Operative Central Hawke's Bay District Plan provision.	Reject
.					
S42.080	New Zealand Pork Industry Board	RPROZ-S7	Oppose	Delete RPROZ-S7 Trees on Boundaries.	Reject
.					
S42.082	New Zealand Pork Industry Board	RPROZ-AM2	Oppose	Delete RPROZ-AM2 as notified.	Reject
FS17.154	Horticulture New Zealand		Support		Reject

7.1.1 In summary, there are 13 submissions and 10 further submissions addressing the issue of shading from trees across identical provisions contained in the Rural Production Zone and General Rural Zone.

## 7.2 Matters Raised by Submitters

### Policies GRUZ-P6 and RPROZ-P6

7.2.1 Te Mata Mushrooms (S102.046) supports retention of Policy GRUZ-P6 as proposed.

7.2.2 Federated Farmers (S121.183 & S121.212) seeks amendment of Policy GRUZ-P6, as follows:

GRUZ-P6 To ~~avoid~~manage adverse effects of shading from trees on adjoining public roads and properties.

RPROZ-P6 To ~~avoid~~manage adverse effects of shading from trees on adjoining public roads and properties.

7.2.3 They consider *'The word avoid needs to be replaced with manage, as avoid means to prohibit which won't be practical to achieve. The focus should be on managing trees so that adjoining properties and roads are not adversely affected'*.

7.2.4 Hort NZ (S81.110 & S81.151) seeks the following amendment to both policies:

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

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

7.2.5 Similar to Federated Farmers, they consider *'A policy of 'avoid' means that there can be no shading from trees onto public roads and properties. The focus should be on managing trees so that adjoining properties and roads are not adversely affected'*.

### Standards GRUZ-S6 and RPROZ-S7 (Shading of Land and Roads)

7.2.6 The Pork Industry Board (S42.056 & S42.080) seeks deletion of Standard GRUZ-S6 and Standard RPROZ-S7, for the following reasons:

*'Oppose the imposition of rules covering trees on all boundaries. Shelterbelts are part of the rural landscape and define the character and amenity of rural environments. Shelterbelts are planted primarily to provide shelter for stock, crops, or nonprincipal buildings from winds.*

*The rule should be deleted or relate to the sensitivity of the adjoining site both in terms of property size and land use. Where adjoining an existing Lifestyle Site or residential unit, a control may be justified. Where adjoining primary production, it may not.*

*The section 32 does not adequately address what effect on the road is of concern for the Central Hawkes Bay that justifies the resource management approach and why if this was a sound resource management response there is not national consistency. The rule imposes a control on trees forming a continuous line for a distance of more than 20 metres. It is not clear in the s32 why 20m is a trigger point for an issue of shading a road.'*

7.2.7 Hort NZ (FS17.110) also supports deletion as sought, as an alternative to the relief sought in their own submission on these standards.

- 7.2.8 Federated Farmers (S121.195 & S121.225), supported by the Pork Industry Board (FS6.12 & FS6.16) and Hort NZ (FS17.148), seeks deletion of Standard GRUZ-S6 and Standard RPROZ-S7, for the following reasons:

*'This standard is very specific and detailed, and perhaps overly prescriptive for a minor effect, and an activity that is already regulated under Property Law Act. The policy restricts that matter to shading of property and roads, so the rule must only be for this purpose. Farm shelterbelts will be restricted, meaning farmers will not be able to provide shade and shelter for livestock'.*

- 7.2.9 The Pork Industry Board (FS6.12 & FS6.16) supports these submissions as they *'Oppose the imposition of rules covering trees on all boundaries. Shelterbelts are part of the rural landscape and define the character and amenity of rural environments. The rule should be deleted or relate to the sensitivity of the adjoining site both in terms of property size and land use. It is not clear in the s32 why 20m is a trigger point for an issue of shading a road'.*

- 7.2.10 Hort NZ (FS17.148) also supports deletion as sought, as an alternative to the relief sought in their own submission on these standards.

GRUZ-S6 Shading of Land and Roads	
Trees on boundaries	<p>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <p>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</p> <p>b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</p>
Trees adjoining public roads	<p>2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.</p>
<p><i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	

RPROZ-S7 Shading of Land and Roads	
Trees on boundaries	<p>1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:</p> <p>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</p> <p>b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</p>
Trees adjoining public roads	<p>2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.</p>
<p><i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	

- 7.2.11 Hort NZ (S81.151 & S81.173) seeks a return to the wording of the corresponding provision applying in the Rural Zone in the Operative District Plan, being:

4.9.10 Tree Planting

*Setback from Neighbouring Properties*

No tree planting, except for amenity tree planting, shall be located on, or within, 10metres of the boundary of any property under a separate Certificate of Title unless prior written permission has been obtained from the affected landowner. A copy of the written permission shall be forwarded to the Council and will be registered on the land information property records. (Note: Where written permission is not obtained within this zone tree planting shall be a discretionary activity with respect to this matter).

*Setback from roads*

No tree planting shall be positioned such that when the trees grow they will shade a public road between the hours of 10am and 2pm on the shortest day of the year.

*Setback from residential units*

No tree planting shall be positioned such that when the trees grow they will shade a residential unit on a neighbouring property between the hours of 9am and 4pm on the shortest day of the year.

*Setback from stopbanks*

No tree shall be planted within 6 metres of a flood protection stopbank.

- 7.2.12 They give the following reasons:

*'There is no explanation in the Section 32 Report as to why the approach is being amended in the Proposed Plan (compared to the operative provision). On the face of it, it appears that the operative plan provisions are more effects-based. This may particularly impede on shelterbelts'.*

Assessment Matters GRUZ-AM2 and RPROZ-AM2 (Shading of Land and Roads)

- 7.2.13 The Pork Industry Board (S42.058 & S42.082), supported by Hort NZ (FS17.115 & FS17.154), seeks deletion of Assessment Matter GRUZ-AM2 and Assessment Matter RPROZ-AM2, for the following reasons:

*'The rule is titled Shading of Land and Roads but the criteria extends to the health of vegetation or stock, fire risk, windfall, and root damage.*

*How planting within the setback area can adversely affect the health of vegetation or stock is not established in the s32.*

*How the shading or land might cause a significant increase in the risk of fire is not established in the s32.*

*How the shading land may result in the loss of productive land is not established in the s32.*

*Typically, shelterbelts enhance rural production.*

*There is no s32 to explain the method is an appropriate response to the risk of damage to structures due to wind fall or root growth and to quantify this as a district problem.*

*There is no s32 to explain why a 20m limit avoids the risk associated with ice forming on roads.*

*There is no s32 to explain the method is an appropriate response to root damage on roads and to quantify this as a district problem.*

*There is no s32 to explain the method is an appropriate response to road safety risk from windfall and to quantify this as a district problem.'*

- 7.2.14 Hort NZ (FS17.115 & FS17.154) support deletion of these assessment matters on the basis that *'The matters go beyond shading of land and roads'*.

GRUZ-AM2 Shading of Land and Roads

1. Trees on Boundaries

- a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
- b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
- c. The degree to which trees may potentially damage structures due to wind fall or root growth.

2. Trees adjoining Public Roads

- a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
- b. The degree to which trees may potentially cause a road safety risk due to wind fall.

RPROZ-AM2 Shading of Land and Roads

1. Trees on Boundaries



- a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
- b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
- c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
  - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
  - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

### Forest & Bird

- 7.2.15 Forest & Bird oppose all the submission of Federated Farmers (FS9.183, FS9.195, FS9.212, FS9.225) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

## 7.3 Analysis

- 7.3.1 There is considerable issue taken in the submissions from Federated Farmers, Hort NZ, and the Pork Industry Board on this topic around the application of standards relating to shading of trees on roads and properties as it relates to shelterbelts specifically, but also generally in terms of whether they are appropriate at all.
- 7.3.2 The policies, rules and standards subject to these submissions all fall under the title of 'Shading of Land and Roads'. I agree that this has created some confusion as to what adverse effects these provisions are attempting to address.
- 7.3.3 From my understanding through the development of the PDP, the matters outlined in Assessment Matters RPROZ-AM2 and GRUZ-AM2 best outline the intent of these provisions in terms of the concerns that the associated policies and standards are attempting to address.
- 7.3.4 These range from adverse effects on the health of vegetation and stock on adjoining sites; increased fire risk for neighbouring properties, reduced sunlight/daylight and overshadowing impacts on adjoining productive land, and damage to structures due to wind fall or root growth. Further, the aspects of concern in terms of adjoining public roads, is around the impact of planting on road safety risk (shading and ice formation, and wind fall onto roads). I remain of the view that these are all valid issues in the context of Central Hawke's Bay, and warrant some level of management.
- 7.3.5 Such matters are similarly addressed in the adjoining Hastings District, and the provisions in the PDP are closely aligned with the provisions in the Hastings District Plan – refer Standard 6.2.5H Shading of Land, Buildings and Roads below:

#### 6.2.5H SHADING OF LAND, BUILDINGS AND ROADS

##### 1. Trees on Boundaries

Trees forming a shelterbelt for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership:

- i. shall be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and
- ii. where planted between 5m and 10m from an adjoining property boundary shall be maintained at a height of no more than their distance from the boundary +4m (e.g. at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13).

##### 2. Trees Adjoining Public Roads

Trees forming a shelterbelt for a distance of more than 20 metres within 5 metres of a public road shall be maintained at a height of less than 9 metres.

##### 3. Buildings on Sites Adjoining Residentially Zoned Land

Buildings adjacent to any boundary of a residentially zoned site, shall not project beyond a building envelope constructed from recession planes from points 2.75 metres above the boundary. The angle of such recession planes shall be determined for each site by use of the recession plane indicator in Appendix 60.

##### Outcome

Adjoining land will not be significantly adversely affected by shading or root invasion from trees. The safety of Roads will be maintained by preventing ice forming in shaded areas.

- 7.3.6 Unlike the Operative District Plan provisions which capture *'any tree planting (except for amenity tree planting) within 10m of the boundary of any property'*, the approach taken in the PDP is to capture only trees forming a continuous line for a distance of more than 20m within 10m of a property boundary or road boundary. In that respect, I do not agree with Hort NZ that reinstatement of the provisions of

the Operative District Plan would be preferable in this respect. I consider the Operative District Plan provisions are more draconian, more complex to interpret (e.g. require determining whether trees will grow to 'shade a public road between the hours of 10am and 2pm on the shortest day of the year', and to 'shade a residential unit on a neighbouring property between the hours of 9am and 4pm on the shortest day of the year'), and introduce a third party written permission component from the affected landowner (a third party approval in this manner, is potentially ultra vires and in any event is not best practice). I also note that where the Operative District Plan standard is not met, the any tree planting other than amenity planting is deemed a Discretionary Activity. Under the provisions of the PDP, non-compliance with this standard would fall to a Restricted Discretionary activity status.

- 7.3.7 On that basis, I recommend retention of the respective policies, standards, and assessment matters, but with amendments to clarify the issue being addressed and to better reflect the intent of the PDP.
- 7.3.8 In my view, the use of the title 'Shading of Land and Roads' does not fully encapsulate all the potential environmental effects these provisions seek to address. I concur that implications for fire risk, and potential damage to structures due to wind fall or root growth, are not 'shading' effects. I note that the title for the corresponding standards in the Rural Zone in the Operative District Plan fall under the broad title 'Tree Planting'. I consider a broad title of 'Continuous Tree Planting along Road and Property Boundaries' would be better suited.
- 7.3.9 I concur with Federated Farmers and Hort NZ that the use of the word 'avoid' in the policies relating to these matters in the General Rural Zone (Policy GRUZ-P6) and Rural Production Zone (Policy RPROZ-P6) can infer that adverse effects must be nil, which is impractical to achieve and is not the intent of the policies and subsequent rule framework. I agree that the policies should instead reflect a 'management' approach, with the aim that any effects from continuous tree planting on boundaries does not adversely affect adjoining public roads or adjoining properties.
- 7.3.10 Therefore, in line with a more accurate reflection of the actual tree planting activity causing concern, I recommend that Policies GRUZ-P6 and RPROZ-P6 be amended, as follows:

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

- 7.3.11 While I accept the Pork Industry Board and Federated Farmer's contention that shelter belts are part of the rural landscape, the adverse effects of this type of continuous planting on adjoining properties and roads are a legitimate environmental effect to address in a District Plan, in my view.
- 7.3.12 The Property Law Act (as raised by Federated Farmers) allows a court to order removal or trimming of trees in certain circumstances, including where an order is fair and reasonable, and is necessary for a number of reasons, including to remove, prevent or prevent the recurrence of risk to life, health or property, and undue interference with use of land for growing trees or crops. Given the Property Law Act applies only after there is a reasonably significant issue, that it is remedial rather than preventative, and requires a relatively complex court process, I do not consider the Property Law Act is appropriate. Again, District Plan provisions are an appropriate method to manage the adverse effects of continuous planting on adjoining properties and roads. I do not concur with Federated Farmers that the standards in the PDP are overly prescriptive, or that farmers will not be able to provide shade and shelter for livestock as a result – the standards merely apply setback and height thresholds, beyond which a resource consent application can be made.
- 7.3.13 On the basis of the above, I recommend that Standards GRUZ-S6 and RPROZ-S7 are retained, but that they are amended as follows:

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



	is 9m; at a distance of 9m from the boundary, the height limit is 13m).
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

**RPROZ-S7 Continuous Tree Planting along Boundaries Shading of Land and Roads**

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

7.3.14 Similarly, I recommend that Assessment Matters GRUZ-AM2 and RPROZ-AM2 are retained, but that they are amended as follows:

**GRUZ-AM2 Continuous Tree Planting along Boundaries Shading of Land and Roads**

1. Trees on Boundaries
  - The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
  - The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
  - The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
  - The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
  - The degree to which trees may potentially cause a road safety risk due to wind fall.

**RPROZ-AM2 Continuous Tree Planting along Boundaries Shading of Land and Roads**

1. Trees on Boundaries
  - The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
  - The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
  - The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
  - The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
  - The degree to which trees may potentially cause a road safety risk due to wind fall.

## 7.4 Recommendations

7.4.1 For the reasons outlined above, I recommend that Policies GRUZ-P6 & RPROZ-P6, Standard GRUZ-S6 & RPROZ-S7, and Assessment Matters GRUZ-AM2 & RPROZ-AM2 be retained, subject to amendment (as outlined in Recommended Amendments below).

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

- Federated Farmers, S121.183, S121.212
- Hort NZ, S81.110, S81.151
- Te Mata Mushrooms, S102.046

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

- Federated Farmers, S121.195, S121.225
- Pork Industry Board, S42.056, S42.058, S42.080, S42.082
- Hort NZ, S81.128, S81.173

7.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 7.5 Recommended Amendments

7.5.1 I recommend the following amendment(s) is made:

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

### GRUZ-S6 Continuous Tree Planting along Boundaries~~Shading of Land and Roads~~

Trees on boundaries	1. Trees forming a continuous line for a distance of more than 20 metres on a side or rear boundary of a property under separate ownership: <ol style="list-style-type: none"> <li>a. must be planted a minimum distance of 5m from an adjoining property boundary and be maintained so that the branches do not extend over that boundary; and</li> <li>b. where planted a distance between 5m and 10m from an adjoining property boundary, must be maintained at a height of no more than their distance from the boundary +4m (for example, at a distance of 5m from the boundary, the height limit is 9m; at a distance of 9m from the boundary, the height limit is 13m).</li> </ol>
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.

*Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*

### RPROZ-S7 Continuous Tree Planting along Boundaries~~Shading of Land and Roads~~

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

	is 9m; at a distance of 9m from the boundary, the height limit is 13m).
Trees adjoining public roads	2. Trees forming a continuous line for a distance of more than 20 metres within 5 metres of a public road must be maintained at a height of less than 9 metres.
<i>Note: this standard does not apply to plantation forestry, which is subject to permitted activity setback conditions for afforestation specified in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	

**GRUZ-AM2 Continuous Tree Planting along Boundaries Shading of Land and Roads**

1. Trees on Boundaries
  - a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
  - b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
  - c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
  - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
  - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

**RPROZ-AM2 Continuous Tree Planting along Boundaries Shading of Land and Roads**

1. Trees on Boundaries
  - a. The degree to which planting within the setback area can adversely affect the health of vegetation or stock, or cause a significant increase in the risk of fire.
  - b. The degree to which the planting of trees will overshadow adjoining sites and result in reduced sunlight and daylight, and/or result in the loss of productive land.
  - c. The degree to which trees may potentially damage structures due to wind fall or root growth.
2. Trees adjoining Public Roads
  - a. The degree to which planting will cause shading and ice forming on roads in winter, or root damage to the road.
  - b. The degree to which trees may potentially cause a road safety risk due to wind fall.

## 7.6 Section 32AA Evaluation

- 7.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified. The amendment to Policies GRUZ-P6 & RPROZ-P6 to refer to 'manage' rather than 'avoid' adverse effects, better reflect the nature of the subsequent rule framework applying to tree planting – which is to introduce setbacks and to manage the height of continuous lines of trees in relation to boundaries, rather than to prevent such planting altogether.
- 7.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions and alignment of the relevant policies with the approach adopted, therefore S32AA re-evaluation is not warranted.

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

### 8.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S121.107</b>	Federated Farmers of New Zealand	NOISE-P3	Support	Retain NOISE-P3 as proposed.	Accept
<b>FS9.107</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S42.037</b>	New Zealand Pork Industry Board	NOISE-P3	Support	Retain NOISE-P3 as proposed.	Accept
.					
<b>S42.038</b>	New Zealand Pork Industry Board	NOISE-S5	Support	Retain Noise-S5 as proposed	Accept
.					
<b>S27.028</b>	Egg Producers Federation of New Zealand	NOISE-S5	Support	Retain as proposed	Accept
.					
<b>S121.108</b>	Federated Farmers of New Zealand	NOISE-S5	Support	Retain NOISE-S5(7) as proposed.	Accept
<b>FS9.108</b>	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
<b>S81.099</b>	Horticulture New Zealand	NOISE-S5	Amend	Amend NOISE-S5(7) to include 'stock' in the exemption.	Reject
.					
<b>S81.103</b>	Horticulture New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(27) and NOISE-S5(29) as follows: 'Audible Bird Scaring Devices 27. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB LZpeak, when measured within the notional boundary of any other site in the General Rural, or Rural Production or Rural Lifestyle Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlements Zones. 28. ... 29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA-LAE <b>65dB ASEL</b> when assessed at the notional boundary of any other site in the General Rural, or Rural Production, or Rural Lifestyle Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.'	Accept in part
.					
<b>S81.104</b>	Horticulture New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(30) as follows: 'Frost Fans 30. Noise generated by frost fans must not exceed 55dB LAeq 10min <b>65dB LAeq 15min</b> when assessed within the notional boundary of any other site in	Accept in part

				the General Rural, or Rural Production, or Rural Lifestyle Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.'	
.					

- 8.1.1 In summary, these 8 submissions and 2 further submissions address noise provisions in the PDP relevant to primary production.
- 8.1.2 This is not all the submissions relating to noise relevant to the rural environment. Other submissions specific to rural activities are addressed in other relevant key issues contained in Volume 3 of this report.
- 8.1.3 Note: The remaining submissions addressing the provisions in the NOISE – Noise chapter of the PDP have been covered in the Section 42A Noise and Signs Report addressed as part of Hearings Stream 2.

## 8.2 Matters Raised by Submitters

### Policy NOISE-P3

- 8.2.1 Federated Farmers (S121.107) and the Pork Industry Board (S42.037) both support retention of Policy NOISE-P3 as proposed, as it recognises that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment.
- 8.2.2 Two other submissions supporting this policy have already been accepted as part of Hearing Stream 2 in relation to the general 'Noise and Signs' topic.

NOISE-P3	To recognise that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment by exempting it from the noise limits. The operation of noisy equipment (in particular, rural airstrips, audible bird scaring devices and frost fans) is provided for, subject to appropriate controls.
----------	--

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

- 8.2.3 The Pork Industry Board (S42.038) and the Egg Producers Federation (S27.028) both support the exemption for 'activities involving stock, vehicles and mobile machinery associated with primary production', and seek retention of Standard NOISE-S5 as proposed.
- 8.2.4 Similarly, Federated Farmers (S121.108) supports retention of clause 7 of Standard NOISE-S5 as proposed, which they consider *'is an appropriate planning response for the stated objectives and policies'*, as *'activities which generate noise for rural production purposes, including stock noise, should be exempt from the noise limits'* of the PDP.

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>	
Activities involving stock, vehicles and mobile machinery associated with primary production	7. Exempt, providing noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied. Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery.

- 8.2.5 Hort NZ (S81.099) seeks an amendment to clause 7 of Standard NOISE-S5 to include 'stock' in the exemption, as 'The heading for the exemption in clause 7 includes 'stock' but animals or stock are not included in the specific exemption'.

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

- 8.2.6 Hort NZ (S81.103) seeks amendments to clauses 27 & 29 of Standard NOISE-S5 relating to 'audible bird scaring devices' so Rural Lifestyle is measured at the notional boundary as for the General Rural and Rural Production Zones, and to amend the applicable noise limit, as follows:

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

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

## Audible bird scaring devices

27. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB  $L_{Zpeak}$  when measured within the notional boundary of any other site in the General Rural, **or** Rural Production **or** Rural Lifestyle Zones, or within the site boundary of any site in the **Rural Lifestyle**, General Residential or Settlements Zones.
28. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.
29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than **50dBA  $L_{AE}$  65dB ASEL** when assessed at the notional boundary of any other site in the General Rural, **or** Rural Production, **or** Rural Lifestyle Zones, or within the site boundary of any site in the **Rural Lifestyle**, General Residential or Settlement Zones.

## 8.2.7 The reasons given are:

*'The timing for the use of audible bird scarers in (27) is supported but consider that the measurement in the Rural Lifestyle should also be from the notional boundary, rather than the site boundary.*

*LAE is defined as meaning the same as sound exposure level. A 50dBA LAE is a low level of sound for bird scaring devices. Other plans (eg Central Otago, Hurunui, Marlborough, Whangarei, WBOP, Horowhenua and Gisborne) have a limit of 65dBA ASEL or LAE which better reflects the exposure over time.'*

Standard NOISE-S5(30) Frost Fans

- 8.2.8 Hort NZ (S81.104) seeks amendments to clause 30 of Standard NOISE-S5 relating to 'frost fans' so Rural Lifestyle is measured at the notional boundary as for the General Rural and Rural Production Zones, and to amend the applicable noise limit *'to be consistent with Hastings District'*, as follows:

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

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

## Frost Fans

30. Noise generated by frost fans must not exceed **55 dB  $L_{Aeq-10min}$  65dB  $L_{Aeq-15min}$**  when assessed within the notional boundary of any other site in the General Rural, **or** Rural Production **or** Rural Lifestyle Zones, or within the site boundary of any site in the **Rural Lifestyle**, General Residential or Settlement Zones.

Forest & Bird

- 8.2.9 Forest & Bird oppose all the submission of Federated Farmers (FS9.107, FS9.108) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

**8.3 Analysis**Policy NOISE-P3

- 8.3.1 The submissions on Policy NOISE-P3 are all in support – no further analysis is considered necessary.

Standard NOISE-S5(7) Primary Production

- 8.3.2 There is considerable support for retention of Standard NOISE-S5(7) relating to noise associated with primary production.

- 8.3.3 I disagree with Hort NZ that the exemption wording in clause 7 requires specific reference to 'stock'. In my view, the heading of clause 7 clearly references 'activities involving stock' as being subject to the exemption, and the exemption wording captures those activities in a general 'Exempt'. The remainder of the wording in clause 7 merely expresses how that exemption applies in relation to vehicles and mobile machinery. On that basis, I recommend Standard NOISE-S5(7) be retained as notified.

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

- 8.3.4 I have discussed Hort NZ's proposed amendments to clauses 27 & 29 of Standard NOISE-S5 relating to 'audible bird scaring devices' with Council's acoustic expert, Damian Ellerton (Marshall Day Acoustics) who has advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be 'within the notional boundary'.

- 8.3.5 However, in his view, the change to the proposed noise limits for bird scaring devices is not recommended, for the following reasons:

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

*The proposed 50dB LAE is used to control the audible avian distress alarm type bird scaring devices as these can operate for a variable duration – and the LAE acoustic parameter is a function of 'loudness' and time by its definition. I have reviewed several of the other District Plans referenced by HortNZ and their use of a higher limit – 65dBA SEL. The Plans referenced are using SEL in that case to control their percussive bird scaring noise and not the audible avian distress alarm type. CHBDP proposes Lzpeak noise limit of 100dB for percussive bird scaring noise because it is more practical way to measure that type of noise.'*

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

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

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

- 8.3.7 As for bird scaring devices above, I have discussed Hort NZ's proposed amendments to clause 30 of Standard NOISE-S5 relating to 'frost fans' with Council's acoustic expert, Damian Ellerton (Marshall Day Acoustics) who has similarly advised that the measurement and assessment position for noise for Rural Lifestyle zoned land should be 'within the notional boundary'.

- 8.3.8 However, in his view, the change to the proposed noise limits for frost fans is not recommended, for the following reasons:

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



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

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

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

## 8.4 Recommendations

- 8.4.1 For the reasons outlined above, I recommend that Policy NOISE-P3 and Standard NOISE-S5(7) be retained as notified, and that Standard NOISE-S5(27), (28), (29) & (30) be amended (as outlined in Recommended Amendments below).
- 8.4.2 I recommend that the following submission(s) be **accepted**:
- Federated Farmers, S121.107
  - Pork Industry Board, S42.037, S42.038
  - Egg Producers Federation, S27.028
  - Federated Farmers, S121.108
- 8.4.3 I recommend that the following submission(s) be **accepted in part**:
- Hort NZ, S81.103, S81.104
- 8.4.4 I recommend that the following submission(s) be **rejected**:
- Hort NZ, S81.099
- 8.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 8.5 Recommended Amendments

- 8.5.1 I recommend the following amendment(s) is made:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4	
Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.	
Audible bird scaring devices	<p>27. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB LZpeak, when measured within the notional boundary of any other site in the General Rural, <del>or</del> Rural Production <del>or</del> Rural Lifestyle Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del>, General Residential or Settlements Zones.</p> <p>28. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p>



	29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA LAE when assessed at the notional boundary of any other site in the General Rural, <del>or</del> Rural Production, <del>or</del> Rural Lifestyle Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del> , General Residential or Settlement Zones.
--	--

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

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

Frost Fans	30. Noise generated by frost fans must not exceed 55 dB L <sub>Aeq 10min</sub> when assessed within the notional boundary of any other site in the General Rural, <del>or</del> Rural Production <del>or</del> Rural Lifestyle Zones, or within the site boundary of any site in the <del>Rural Lifestyle</del> , General Residential or Settlement Zones.
------------	--

## 8.6 Section 32AA Evaluation

- 8.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 8.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

### 9.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
<b>S28.001</b>	Gerard Pain	SUB - Subdivision	Amend	Consideration should be allowed for exceptions.	Accept in part
.					
<b>S28.002</b>	Gerard Pain	SUB - Subdivision	Amend	If not a rumour, the resource consent process for the 312-lot subdivision near Ongaonga needs to be open to the public for meaningful consultation.	Reject (as subject to a separate RMA process)
.					
<b>S128.001</b>	Surveying the Bay Ltd	SUB - Subdivision	Amend	Adopt the Hastings District Plan framework for 'Farm Park' lifestyle developments, into the 'SUB - Subdivision' section of the Proposed Plan for the corresponding zones of Central Hawkes Bay (but not the 'Rural Production Zone') [i.e. 'General Rural' and 'Rural Lifestyle' zones?].	Reject
<b>FS4.3</b>	James Bridge		Support		Reject
<b>S94.005</b>	Surveying the Bay Ltd	SUB - Rules	Amend	Include provision for 'Farm Parks' in the 'General Rural Zone'.	Reject
.					
<b>S50.009</b>	The Surveying Company (HB) Ltd	SUB - Rules	Amend	Inclusion of a Farm Park option within the rural zones, similar to the Hastings District Council rules.	Reject
<b>FS4.4</b>	James Bridge		Support		Reject
<b>S81.081</b>	Horticulture New Zealand	SUB-R5	Oppose	Amend SUB-R5(1) as follows: 'General Rural Zone (outside of the Coastal Environment Area 1. Activity Status: CON Where the following conditions are met: a. Limited to: i. ... ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created. iii. ...' And amend SUB-R5(5) as follows: 'Rural Production Zone 5. Activity Status: CONRDIS ...'	Reject
<b>FS8.038</b>	Silver Fern Farms Limited		Support		Reject
<b>S107.002</b>	Thomas Collier	SUB-R5	Oppose	Reject SUB-R5, and revert to the current subdivision rules in the Operative District Plan.	Reject
<b>FS8.039</b>	Silver Fern Farms Limited		Oppose		Accept
<b>FS4.2</b>	James Bridge		Support		Reject
<b>S6.002</b>	IA & PD Waldrom	SUB-R5	Oppose	Do not limit frequency of subdivision (currently proposed as one every three years, also the number of sections that can be subdivided in that timeframe - Rule SUB-R5(1)(a)(i) & (ii)).	Reject

.					
<b>S94.003</b>	Surveying the Bay Ltd	SUB-R5	Amend	Amend SUB-R5(1)(a) to clarify that the commencement of the three year period only applies to titles from which lifestyle sites were previously created.	Accept
.					
<b>S55.061</b>	Heritage New Zealand Pouhere Taonga	SUB-R5	Support	Retain SUB-R5 as notified.	Accept in part
.					
<b>S50.007</b>	The Surveying Company (HB) Ltd	SUB-R5	Amend	A possible option is to amend SUB-R5(1)(a) to allow the creation of 1 lifestyle lot per 20ha up to a maximum of 5 new sites. The time provision could remain.	Reject
.					
<b>S124.002</b>	Regeneration Holdings Ltd	SUB-R5	Oppose	Maintain the frequency at 'one application every three years' but increase the maximum quantity to five lots per application per property rather than one.	Reject
.					
<b>S50.008</b>	The Surveying Company (HB) Ltd	SUB-R5	Amend	Amend SUB-R5(5)(a)(ii) to remove the requirement to amalgamate a balance lot if the balance lot is more than 12ha.	Reject
.					
<b>S116.023</b>	Silver Fern Farms Limited	SUB-R5	Oppose	Amend SUB-R5 as follows: 'Rural Production Zone 5. Activity Status: CON Where the following conditions are met: a. Limited to: i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares. ii. No additional sites are created (amalgamation of the balance lot is required). iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares. b. ... c. ... d. ... e. ... ... 6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS ... 7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS 8. Activity status where compliance with conditions <b>SUB-R5(5)(a)</b> , SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC'	Reject
.					
<b>S120.023</b>	Heretaunga Tamatea Settlement Trust	SUB-S1	Amend	Amend SUB-S1(8) as follows: 'Rural Lifestyle Zone 8. <b>A 2,500m2 minimum lot size where a 4,000m2 average is achieved.</b> '	Accept in part
<b>FS5.089</b>	Ngā hapū me ngā marae o Tamatea		Support in part		Accept in part
<b>FS27.6</b>	Livingston Properties Limited		Support		Accept in part

<b>S127.003</b>	Livingston Properties Limited	SUB-S1	Amend	Amend SUB-S1 as follows: 'Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots) ... Rural Lifestyle Zone 8. 4000m2 <b>9. 2500m2 where an average Net Site Area of 4,000m2 is achieved per lot over the subdivision.</b> ...' And make any consequential amendments to the Proposed Plan to support the provision of an average minimum net site area as for the Rural Lifestyle Zone as requested above.	Accept in part
.					
<b>S123.001</b>	Riverfield Holdings Ltd	SUB-S1	Oppose	Reduce minimum lot sizes.	Reject
.					
<b>S12.001</b>	Kenneth (John) MacLennan	SUB-S1	Oppose	Oppose going to 12.6ha. Stay at the existing subdivision size.	Reject
.					
<b>S13.001</b>	Kevin Williams	SUB-S1	Amend	Allow existing Lots within the Rural Production Zone less than 20 hectares to be further subdivided to create 1 additional Lot every 3 year period, not less than 2 hectares.	Reject
.					
<b>S124.001</b>	Regeneration Holdings Ltd	SUB-S1	Oppose	Amend SUB-S1(9) and SUB-S1(10) as follows: 'General Rural Zone 9. <del>20 hectares</del> <b>10,000m2</b> Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below. Rural Production Zone 10. <del>12 hectares</del> <b>4,000m2</b> Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.'	Reject
<b>FS17.60</b>	Horticulture New Zealand		Oppose		Accept
<b>S50.030</b>	The Surveying Company (HB) Ltd	SUB-S2	Support	Retain minimum lot size for lifestyle lots at 2500m2.	Accept
.					
<b>S105.022</b>	James Bridge	SUB-S2	Oppose	Amend SUB-S2(1) as follows: 'General Rural Zone 1. Minimum net site area for Lifestyle Lot - 4000 <b>2500</b> m². 2. ...'	Accept
.					
<b>S50.013</b>	The Surveying Company (HB) Ltd	SUB-S2	Amend	Amend SUB-S2(4) as follows: 'Rural Production Zone 3. ... 4. Maximum net site area for Lifestyle Lot - 4000m2- <b>1ha</b> .'	Accept
.					
<b>S81.082</b>	Horticulture New Zealand	SUB-S4	Support	Retain SUB-S4 (subject to amendments sought in zone setbacks). OR	Accept (insofar as SUB-S4 is retained)

				Amend SUB-S4 to require a 30m setback for a building platform from internal boundary in the RPROZ - Rural Production Zone.	
.					
<b>S42.024</b>	New Zealand Pork Industry Board	SUB-S4	Amend	Amend SUB-S4 (General Rural Zone, Rural Production Zone, Rural Lifestyle Zone) as follows: 1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited)..... <b>2. The building platform shall be setback 400m from the closest outer edge of any paddocks, hardstand areas, structures, or buildings used to hold or house stock, and wastewater treatment systems used for intensive primary production.</b> <b>3. The establishment of a building platform on the same site as the intensive primary production are exempt from this rule requirement.'</b>	Reject
.					
<b>S81.083</b>	Horticulture New Zealand	SUB-AM11	Support	Retain SUB-AM11.	Accept in part
.					
<b>S116.024</b>	Silver Fern Farms Limited	SUB-AM11	Amend	Amend SUB-AM11 as follows: 'Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural, or intensive primary production, <b>or rural industry</b> activities 1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered: a. ... b. ... c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being <b>created or exacerbated</b> experienced. d. ...'	Accept
.					
<b>S42.025</b>	New Zealand Pork Industry Board	SUB-AM11	Support	Retain SUB-AM11 as proposed.	Accept in part
.					
<b>S81.084</b>	Horticulture New Zealand	SUB-AM12	Support	Retain SUB-AM12.	Accept in part
.					
<b>S116.025</b>	Silver Fern Farms Limited	SUB-AM12	Amend	Amend SUB-AM12 as follows: 'Lifestyle Sites in the Rural Production Zone 1. Maximum area exceeded The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m <sup>2</sup> for a lifestyle site is appropriate: a. ... ...	Accept in part

				<p>f. Provision for buffer areas (greater than the minimum yard requirements) to <b>avoid or</b> mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production <b>or rural industry</b> activities.</p> <p>2. ...</p> <p>3. Amalgamated sites not adjoining</p> <p>In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:</p> <p>a. ...</p> <p>b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is <b>precluded by the registration of restrictive covenants and/or consent notices (where these are offered) against the certificate of title(s) for all sites being amalgamated low.</b></p>	
.					
<b>S42.026</b>	New Zealand Pork Industry Board	SUB-AM12	Support	Retain SUB-AM12 as proposed.	Accept in part
.					
<b>S124.003</b>	Regeneration Holdings Ltd	SUB-AM13	Oppose	<p>Amend SUB-AM13(6) to reflect increasing scale of development to 5 lots per development [as per submission point S124.002].</p> <p>Delete SUB-AM13(7).</p>	Reject
.					
<b>S81.085</b>	Horticulture New Zealand	SUB-AM13	Amend	<p>Retain SUB-AM13, but make minor amendment to SUB-AM13(2)(c) as follows:</p> <p>' ...</p> <p>c. Any lifestyle site proposed within 400 metres of an existing <del>rural</del><b>primary</b> production activity;</p> <p>...'</p>	Accept in part
.					
<b>S42.027</b>	New Zealand Pork Industry Board	SUB-AM13	Amend	<p>Amend SUB-AM13(2)(c) as follows:</p> <p>'Any lifestyle site proposed within 400 metres of an existing <del>rural production activity</del> <b>primary production activity including intensive primary production;</b></p>	Accept in part
.					
<b>S116.026</b>	Silver Fern Farms Limited	SUB-AM13	Amend	<p>Amend SUB-AM13 as follows:</p> <p>'Subdivisions within the General Rural Zone and Rural Production Zone - Lifestyle Sites</p> <p>1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to <b>avoid, mitigate</b> or manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.</p> <p>2. The ability to <b>avoid or</b> mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or</p>	Accept in part

				existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these): a. ... b. ... c. Any lifestyle site proposed within 400 metres of an existing rural <b>industry or primary</b> production activity; d. ... e. ... 3. ... ...	
.					

9.1.1 In summary, these 35 submissions and 8 further submissions address subdivision provisions relating specifically to the General Rural, Rural Production, and Rural Lifestyle Zones.

9.1.2 Note: All other submissions addressing provisions in the SUB – Subdivision chapter of the PDP will be covered in the Section 42A Subdivision Report to be addressed as part of Hearings Stream 5.

## 9.2 Matters Raised by Submitters

### Rural Subdivision in General

9.2.1 Gerard Pain (S28.001) supports the concept of protecting production zone land from subdivision for housing, but submits that *'if an applicant can easily present compelling evidence that a small area within encompassing Land Use Classification 1, 2 or 3 is not that productive (say for example it is former creek or river bed) then... consideration should be allowed for exceptions'*.

9.2.2 Gerard Pain (S28.002) also raises the matter of a rumoured 312-lot subdivision on a farm in the Ongaonga District, and that if the farm is in the LUC 1, 2, or 3 zone, queries how it could be considered to be 'Protecting Our Land Resources', let alone 'Providing Sustainable Growth', 'Protecting Rural Townships' or 'Recognising Our Cultural Values and Heritage Areas'.

9.2.3 The submitter considers that, if the rumour is true, *'the resource consent process needs to be open to the public for meaningful consultation'*.

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

#### *General Rural and Rural Production Zones*

9.2.4 Regeneration Holdings (S124.001) seeks to reduce the minimum lot size for the General Rural Zone and Rural Production Zones in Standard SUB-S1(8) & (9) to reduce impact of development on versatile land through maintaining smaller minimum lot sizes, as follows:

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots).	
General Rural Zone	8. <b>20 hectares</b> <u>10,000m<sup>2</sup></u>  <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i>
Rural Production Zone	9. <b>12 hectares</b> <u>4000m<sup>2</sup></u>  <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i>

9.2.5 Hort NZ (FS17.60) opposes this submission, and seeks that it be rejected. They *'support the intent of the submitter (reducing impact of development on versatile land), but are concerned that a minimum lot size of 10,000m<sup>2</sup> in the General Rural Zone and 4000m<sup>2</sup> in the Rural Production Zone may allow for fragmentation of rural land and potential reverse sensitivity effects'*.

- 9.2.6 Riverfield Holdings (S123.001) seeks a reduction in minimum lot sizes, as *'We are seeing rapid growth in Central Hawke's Bay – more than planners realised would happen and not all our rural land is highly productive. This limits existing land owners the rights to subdivide for family or financial survival'*.
- 9.2.7 John MacLennan (S12.001) is opposed to going to 12.6ha[sic] lot size (presumably referring to the Rural Production Zone), and gives 'rates' and 'land going into trees' as the reasons for their submission. It is inferred that this submitter seeks that minimum lot size revert back to the existing subdivision lot size for the Rural Zone in the Operative District Plan.
- 9.2.8 Kevin Williams (S13.001) seeks an amendment to allow 'existing lots within the Rural Production Zone less than 20 hectares may be further subdivided to create 1 additional Lot every 3 year period, not less than 2 hectares', and gives the following reasons:

*'Section 9.10 of the CHBDC Operative Plan permits subdivision to minimum Lot sizes of 4000 square metres. For a 12 hectare property this would allow up to 30 new Lots.*

*The CHBDC Draft District Plan proposes to restrict rural subdivision in the Rural Production Zone to a minimum 20 hectares, to protect the high value for primary production purposes. A 12 hectare property is unlikely to be able to be used for any purpose other than a lifestyle block, and is therefore already lost to primary productive purposes.*

*It is unreasonable to have the Operative Plan which allows up to 30 new Lots for a 12 hectare property, change under the Proposed Plan to not allowing any subdivision at all (for existing properties less than 20 hectares). This is particularly unreasonable when the objective for this change cannot be met because the property is already lost to primary production. Allowing limited subdivision of 2 hectares every 3 years would align with the allowance for properties over 20 hectares, whilst ensuring that new Lots have minimal impact on the environment.*

*Although I live outside the CHB district, I own 12 hectares that will be zoned Rural Production Zone. Because of the proposed changes, I am forced to subdivide before the Proposed Plan is made - and am permitted under the Operative Plan to create many more Lots than I would like or believe is reasonable for my property'.*

#### Rural Lifestyle Zone

- 9.2.9 Livingston Properties (S127.003 & FS27.6) and Heretaunga Tamatea Settlement Trust (S120.023) both seek to amend the minimum net site area requirement for the Rural Lifestyle Zone in Standard SUB-S1(10) as follows:

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots).	
Rural Lifestyle Zone	10. <b><u>A 2,500m<sup>2</sup> minimum lot size where a 4000m<sup>2</sup> average is achieved.</u></b>

- 9.2.10 Their reasons are as follows:

*'Such an approach would encourage a greater variety of lot sizes... Such an approach provides for positive benefits to the community with public open space and walkways being created for the benefit of all rather than being tied up in the privately owned balance areas of lifestyle sites.*

*A minimum sites size of 2,500m<sup>2</sup> is consistent with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal. With this rezoning however there is the potential for the Rural Lifestyle Zone to be connected to reticulated wastewater and water services.'*

- 9.2.11 In promoting the relief sought, Livingston Properties refers to their Golden Hills Concept, and Heretaunga Tamatea Settlement Trust refers to their Lake Whatumā and Pukeora Concept Development Areas, as examples where they consider this amendment would facilitate better outcomes – these concepts will be addressed separately in Hearings Stream 6, when considering submissions seeking rezonings.
- 9.2.12 Ngā hapū me ngā marae o Tamatea (FS5.089) supports the submission of Heretaunga Tamatea Settlement Trust in part, as *'Provision for smaller rural lifestyle lots can be an appropriate way to more efficiently provide for rural living without compromising natural resource and amenity values, and to provide for more variety in living situations'*.



Lifestyle Site Subdivision

*Rule SUB-R5*

9.2.13 Heritage NZ (S55.061) supports the Controlled Activity status for lifestyle site subdivision, and the exemption for land containing HH and SASM, in Rule SUB-R5.

SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)		
General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON: Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. Only one lifestyle site can be created.</li> <li>ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</li> <li>iii. The minimum site area for the balance lot is 20 hectares.</li> </ul> <p>b. Compliance with SUB-S2(1) and SUB-S2(2).</p> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> <li>i. HH-SCHED2.</li> <li>ii. SASM-SCHED3.</li> <li>iii. ECO-SCHED5.</li> <li>iv. ONL or ONF in NFL-SCHED6.</li> <li>v. CE-SCHED7.</li> </ul> <p>d. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S4(1);</li> <li>ii. SUB-S5;</li> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> <p>e. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>f. SUB-AM1.</li> <li>g. SUB-AM2.</li> <li>h. SUB-AM3.</li> <li>i. SUB-AM4.</li> <li>j. SUB-AM5.</li> <li>k. SUB-AM6.</li> <li>l. SUB-AM7.</li> <li>m. SUB-AM8.</li> <li>n. SUB-AM9.</li> <li>o. SUB-AM10.</li> <li>p. SUB-AM11.</li> <li>q. SUB-AM13.</li> </ul>	<p>2. Activity status where compliance with condition SUB-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul>
		<p>3. Activity status where compliance with conditions SUB-R5(1)(a), SUB-R5(1)(b) and/or SUB-R5(1)(c) is not achieved: DIS</p>
		<p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
Rural Production Zone	<p>5. Activity Status: CON: Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares.</li> <li>ii. No additional sites are created (amalgamation of the balance lot is required).</li> <li>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</li> <li>iv. The newly amalgamated lot contains no more than two residential units.</li> </ul> <p>b. Compliance with:</p> <ul style="list-style-type: none"> <li>i. SUB-S2(3) and SUB-S2(4)</li> </ul> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p>	<p>6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> </ul>

	<ul style="list-style-type: none"> <li>i. HH-SCHED2.</li> <li>ii. SASM-SCHED3.</li> <li>iii. ECO-SCHED5.</li> <li>iv. ONL or ONF in NFL-SCHED6.</li> <li>v. CE-SCHED7.</li> <li>d. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(1);</li> <li>ii. SUB-S5;</li> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> </li> <li>e. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> </li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM13.</li> </ul>	<ul style="list-style-type: none"> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul>
		7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS
		8. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC
General Rural Zone (Coastal Environment Area)	9. Activity Status: DIS Where the following conditions are met: <ul style="list-style-type: none"> <li>a. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> </li> </ul>	10. Activity status where compliance with condition SUB-R5(5)(a) is not achieved: NC

- 9.2.14 Thomas Collier (S107.002) seeks deletion of Rule SUB-R5 and that the PDP revert back to the current subdivision rules in the Operative District Plan, for the following reasons:

*'The current rules for subdividing land in CHB are sensible for our district, therefore I reject the proposed rules of Sub R1 & Sub R5.'*

*I fear that the proposed rules have been "cut and pasted" from the Hastings District Council Plan, which would be inappropriate for our CHB district. We do not have the same quality of soils as the Hastings district and to restrict the growth of our population in CHB by changing to the proposed subdivision rules would be a step backwards for the prosperity of our great district.*

*As a Waipawa farm land owner, any planned residential subdivision I would embark on would naturally be on the more marginal farm land (i.e poor and infertile clay soils). As a landowner I put a significant amount of consideration into any land-based decision I make. Large scale plans and decisions are invariably multifactorial and therefore require nuance throughout the whole process, I fear the proposed subdivision rule changes have not been considered with this nuanced view.'*

- 9.2.15 James Bridge (FS4.2) supports the submission of Thomas Collier, for similar reasons:

*'Retaining the current rules for subdivision with the rural areas of the District is farm[sic] more appropriate than adopting rules that have been designed to manage growth within Hastings District having particular regard to the unique characteristics and challenges facing that area which are substantially different from the characteristics and challenges within Central Hawke's Bay District.'*

- 9.2.16 However, this is opposed by Silver Fern Farms (FS8.039) for the following reasons:

*'Silver Fern Farms disagrees with the submitter's view that the Operative District Plan lifestyle site subdivision provisions should be retained.'*

*Rule 9.10(a) of the Operative District Plan provides for subdivision to create an 0.4 ha lifestyle site in the Rural Zone as a controlled activity subject to basic performance standards relating to lot dimensions, access and services.*

*The operative Subdivision (and Rural Zone) policy directions do not consider the reverse sensitivity effects of lifestyle site subdivision on lawfully established rural activities.*

*As such, the Operative District Plan enables lifestyle site subdivision without regard to the potential conflict with primary production and other rural activities that have a functional need to occupy the rural zones and a range of unavoidable effects on residential amenity.*

*In Silver Fern Farms' view, the Operative District Plan provisions for lifestyle site subdivision are outdated and inappropriate.'*

- 9.2.17 Hort NZ (S81.081), supported by Silver Fern Farms (FS8.038), seeks removal of the condition limiting lifestyle subdivision in the General Rural Zone (outside of the Coastal Environment Area) to a site once every 3 years, and for the activity status in the Rural Production Zone to be Restricted Discretionary rather than Controlled (defaulting to Discretionary). This is on the basis that the rule 'creates an expectation of subdivision', and that they consider 'a more conservative approach would be warranted in the Rural Production Zone for subdivision for a lifestyle site'.
- 9.2.18 IA & PD Waldrom (S6.002) also seek removal of the condition limiting to a site once every three years, also the number of sections that can be subdivided in that timeframe, stating:
- 'We farm close to Waipawa and have received requests from people to sell them a section to build a house. We have to date refused but it may be something we may consider in the future especially if the extension of the Waipawa adversely affects us.'*
- 9.2.19 Surveying the Bay (S94.003) seeks that the commencement of the 3 year period only apply to titles from which lifestyle sites were previously created. As written, the rule 'assumes the existing title resulted from a previous use of this Rule, however this is not always the case. Titles are often created through boundary adjustments, legalisations, or the reorganization of parcels and titles'.
- 9.2.20 The Surveying Co (S50.007) seeks the possible option of amending the rule to allow the creation of 1 lifestyle lot per 20ha up to a maximum of 5 new sites, and the 3 year period could remain. They raise a concern that 'in order to bypass the three year stand down period, as a Controlled activity (SUB-R1), an applicant could subdivide a large lot into multiple 23ha (or thereabouts) Lot sizes, so that each Lot can then have a lifestyle lot subdivision under SUB-R5. This will result in a number of 20ha lots that are not amalgamated and the fracturing of the productive land that you wish to preserve'.
- 9.2.21 Regeneration Holdings (S124.002) seeks to retain the 3 year period, but that the maximum quantity be increased to 5 lots per application per property rather than 1 lot. Their reasons are as follows:
- '... to reduce impact of development, particularly on versatile land through maintaining smaller Min Lot size, and reducing the frequency of development to every three years as proposed.*
- Increasing the scale of development to 5 lots per development helps reduce costs per Lot to ensure that rural lifestyle blocks will be affordable and to maintain some development interest to meet future demand. The ability to stage a development over multiple three year horizons ensures that land most suited to development continues to be developed in an orderly and planned manner with clear signalling of intention to council.'*
- 9.2.22 Silver Fern Farms (S116.023) in contrast, seeks that lifestyle subdivision in the Rural Production Zone revert to Non-Complying activity status where it is unable to comply with condition 5(a). Currently where compliance with this condition is not achieved, the subdivision reverts to a Discretionary activity status. They give the following reasons:
- 'Silver Fern Farms considers that a Non-Complying activity status for a "lifestyle site" subdivision that fails to comply with Rule SUB-R5(5)(a) would more appropriately align with the strategic directions set for the RPROZ (e.g., RPROZ-P8), and with the outcomes sought by Silver Fern Farms submission.'*

## Standard SUB-S2

- 9.2.23 James Bridge (S105.022) seeks a reduction in the minimum net site area for lifestyle lots in the General Rural Zone, as follows:

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

- 9.2.24 The submitter considers that a minimum net site area of 4000m<sup>2</sup> is excessive, for the following reasons:

*'The minimum size required for lifestyles sites created under the rules for conservation lots is 2500m<sup>2</sup>, confirming that a smaller lot size is sufficient to accommodate lifestyle development within rural areas. If lifestyle site provisions are to remain, the minimum site area should be reduced to 2500m<sup>2</sup> within the General Rural zone to be consistent with the conservation lot provisions.'*

- 9.2.25 The Surveying Co (S50.030 & S50.013) seeks retention of the 2500m<sup>2</sup> minimum net site area, but an increase in the maximum net site area for lifestyle lots in the Rural Production Zone, as follows:

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

- 9.2.26 They consider *'4000m<sup>2</sup> is a small lot size to support the existing features that many rural properties have, including effluent fields, garages and sheds, existing planting and physical features. If you are going to require a lifestyle site be created around an existing dwelling, we believe that a maximum size of 1ha is more appropriate'*.

## Assessment Matter SUB-AM11

- 9.2.27 Hort NZ (S81.083) and the Pork Industry Board (S42.025) both support retention of Assessment Matter SUB-AM11 as proposed.

- 9.2.28 Silver Fern Farms (S116.024) seeks the insertion of direct reference to 'rural industry' in this assessment matter, and to alter the wording to refer to reverse sensitivity effects being 'created or exacerbated' instead of 'experienced', as follows:

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

- 9.2.29 Note: the insertion of references to 'rural industry' is addressed in Key Issue 15 (Rural Industry) in Volume 3 of this report.

## Assessment Matter SUB-AM12

9.2.30 Hort NZ (S81.084) and the Pork Industry Board (S42.026) both support retention of Assessment Matter SUB-AM12 as proposed.

9.2.31 Silver Fern Farms (S116.025) seeks amendments to this assessment matter to reference 'rural industry' and to better manage potential adverse reverse sensitivity effects on lawfully established or permitted activities in the RPROZ, as follows:

SUB-AM12	<p>Lifestyle Sites in the Rural Production Zone</p> <ol style="list-style-type: none"> <li>1. Maximum area exceeded           <p>The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m<sup>2</sup> for a lifestyle site is appropriate:</p> <ol style="list-style-type: none"> <li>a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.</li> <li>b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).</li> <li>c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.</li> <li>d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.</li> <li>e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.</li> <li>f. Provision for buffer areas (greater than the minimum yard requirements) to <u>avoid or</u> mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production <u>or rural industry</u> activities.</li> </ol> </li> <li>2. Balance area smaller than 12 hectares           <p>In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:</p> <ol style="list-style-type: none"> <li>a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.</li> <li>b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.</li> </ol> </li> <li>3. Amalgamated sites not adjoining           <p>In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:</p> <ol style="list-style-type: none"> <li>a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.</li> <li>b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is <u>precluded by the registration of restrictive covenants and/or consent notices (where these are offered) against the certificate of title(s) for all sites being amalgamated low.</u></li> </ol> </li> </ol>
----------	---

9.2.32 Note: as above, the insertion of references to 'rural industry' is addressed in Key Issue 15 (Rural Industry) in Volume 3 of this report.

## Assessment Matter SUB-AM13

9.2.33 Regeneration Holdings (S124.003) seeks amendments to Assessment Matter SUB-AM13 to delete clause 7, and that *'The reduced frequency as per Cl 6 will reduce subdivisional impact. There should be a provision to plan and stage development intentionally every three years'*.

9.2.34 Hort NZ (S81.085) supports retention of Assessment Matter SUB-AM13 on that basis that *'robust assessment criteria relating to reverse sensitivity are important when assessing subdivision'*, but seeks minor amendment to replace 'rural production activity' (as it is not a defined term) with 'primary production activity'.

9.2.35 The Pork Industry Board (S42.027) supports clear assessment criteria while noting that *'SUB-AM13(2)(c) should be translated to a Building Platform standard to avoid sensitive residential activity locating next to existing intensive primary production. Furthermore, the term rural production activity is not defined and should be replaced with defined terms'*, as follows:

SUB-AM13	Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites
	1. ...
	2. The ability to mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
	a. ...;
	b. ...;
	c. Any lifestyle site proposed within 400 metres of an existing <b>rural production activity primary production activity including intensive primary production</b> ;
	d. ...;
	e. ...

- 9.2.36 Silver Fern Farms (S116.026) seeks amendments to this assessment matter to reference 'rural industry', emphasise the need for consideration of the avoidance of reverse sensitivity effects, and to appropriately manage potential adverse effects from newly created 'lifestyle sites' and associated residential activities on rural activities in the Rural Production Zone, as follows:

SUB-AM13	Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites
	1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to <b>avoid, mitigate or</b> manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
	2. The ability to <b>avoid or</b> mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
	a. ...;
	b. ...;
	c. Any lifestyle site proposed within 400 metres of an existing rural <b>industry or primary production activity</b> ;
	d. ...;
	e. ...

- 9.2.37 Note: as above, the insertion of references to 'rural industry' is addressed in Key Issue 15 (Rural Industry) in Volume 3 of this report.

#### Provision for Farm Park Developments

- 9.2.38 Surveying the Bay (S128.001) seeks adoption of the Hastings District Plan framework for 'Farm Park' lifestyle developments in the PDP.

*'Some of the premier lifestyle developments undertaken in recent years in Hawkes Bay have been completed under the Farm Park rules of the Hastings District Plan. These rules apply in both the Rural and the Rural Residential Zones of Hastings District and we request that these be added, adopting the Hastings framework, into the subdivision section for the corresponding zones of Central Hawkes Bay (but not the production zone).*

*The Farm Park approach takes a very holistic approach to subdivision, does not remove all of a landholding from productive use, and brings restrictions on further subdivision of the land in question. This approach often requires inputs from a range of experts and can be an expensive consenting process. Where this is the only rule framework in the District for the creation of multiple lifestyle sites it can be justified for properties suited to high quality lifestyle site development.*

*We will be happy to present Hawkes Bay examples to Council as part of the hearing process.'*

- 9.2.39 The Surveying Co (S50.009) similarly seeks inclusion of a farm park option within the rural zones, similar to the Hastings District Council rules, as they consider 'Farm Parks are an effective way of allowing for rural residential living and maintaining a working farm'.

- 9.2.40 The above submissions of Surveying the Bay and The Surveying Co are both supported by James Bridge (FS4.3 & FS4.4), stating that:

*'If Council insist on adopting subdivision rules that are better suited to Hastings District, it is appropriate to also adopt the farm park subdivision provisions to provide opportunities for integrated lifestyle subdivisions to improve long term environmental outcomes.'*



- 9.2.41 Surveying the Bay (S94.005) also seeks provision for 'farm parks' in the General Rural Zone, stating that the Hastings District Plan includes provisions for farm park developments, some of which the submitter considers have been successfully established.

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

- 9.2.42 Hort NZ (S81.082) seeks retention of the building platform requirement in Standard SUB-S4, or requirement for a 30m setback from internal boundary standard in the Rural Production Zone chapter (sought elsewhere in their submission), on the basis that *'Building platform requirements provide a mechanism for achieving setbacks, a method to assist in managing reverse sensitivity effects'*.
- 9.2.43 The Pork Industry Board (S42.024) *'supports the identification of Building Platform as a useful method to assess and address any actual or potential conflicts between the more sensitive lifestyle activity and surrounding primary production where that might be occurring'*, but seeks a reciprocal setback to apply to new Lifestyle Sites that would introduce a sensitive activity into the rural production environment, as follows:

SUB-S4 Building Platform	
General Rural Zone	<ol style="list-style-type: none"> <li>1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone).</li> <li>2. <b><u>The building platform shall be setback 400m from the closest outer edge of any paddocks, hardstand areas, structures, or buildings used to hold or house stock, and wastewater treatment systems used for intensive primary production.</u></b></li> <li>3. <b><u>The establishment of a building platform on the same site as the intensive primary production are exempt from this rule requirement.</u></b></li> </ol>
Rural Production Zone	
Rural Lifestyle Zone	

- 9.2.44 This is on the basis that *'upon erection of a residential dwelling, an existing intensive primary production activity would (unreasonably) then be required to meet more restrictive light and noise standards'*.

## 9.3 Analysis

### Overarching Approach to Rural Subdivision in the PDP

- 9.3.1 Subdivision in the Rural Zone in the Operative District Plan is currently a Controlled Activity down to a minimum lot size of 4000m<sup>2</sup> (subject to performance standards around general matters such as lot dimensions, property access, and servicing).
- 9.3.2 Land has been identified as a critical and finite resource for the future of New Zealand, meeting various competing demands, and that the conversion rate of productive land to non-productive uses (such as urban expansion) is highest for those most versatile soils (Class I and II land).
- 9.3.3 During the process of reviewing the District Plan provisions in relation to the rural environment, Council commissioned LandVision Ltd to assess the value of the rural land resource in Central Hawke's Bay. The results of that assessment have been comprehensively summarised in section 3 of the Section 32 Rural Environment Report that accompanied notification of the PDP.
- 9.3.4 The LandVision Report identified approximately 89,000ha of the District as being highly productive (total land area for the District is approximately 332,000ha). The highly productive land identified in the LandVision Report ultimately underpinned the creation of the Rural Production Zone in the PDP, encompassing the major concentration of the District's highly productive/versatile land (largely LUC 1-3 soils) centred in and around the Ruataniwha Plains and flat to rolling land surrounding the main urban areas of Waipukurau, Waipawa and Otane township.

- 9.3.5 The LandVision Report concluded that because versatile soils and the accompanying highly productive land are particularly rare in New Zealand, the highly productive/versatile land in the District should be classified as a resource of national significance, or at the very least, regional significance – noting that very few other places in the country exhibit the concentration and extent of highly productive soils/land supporting a wide range of land uses as found in the central Hawke's Bay, and:
- 'Therefore, it is imperative that the protection of the versatile soils/land of the District be one of the core objectives of the Central Hawke's Bay District Plan. This is vital in "sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations" and "safeguarding the life capacity of... soil" (RMA).' (pg 19)*
- 9.3.6 The Section 32 report notes that the majority of land parcels under 10 hectares are concentrated around Waipukurau, Waipawa and, to a lesser extent, Otane, Ongaonga, Takapau and Porangahau, which supports on-the-ground observation that there has been increased rural residential development in close proximity to urban amenities and services (particularly in the period since the current District Plan was made operative). Further, there are some land parcels under 10 hectares on the Ruataniwha Plains, which may suggest some demand for rural lifestyle blocks has been occurring on the more elite soils of the District, albeit pepper-potted and more dispersed in nature. However, some of these could also be for small-scale rural production or rural residential blocks legitimately supporting the needs of rural landowners and workers.
- 9.3.7 Whilst the Section 32 report acknowledges that the Ruataniwha Plains does not reflect a high level of historical fragmentation in comparison with the neighbouring Heretaunga Plains, for instance, there is concern that the level of fragmentation seen on the Heretaunga Plains could develop in Central Hawke's Bay if conditions were to change, and those conditions led to demand for more intensive farming of the Ruataniwha Plains and flat land around Waipawa and Waipukurau in the future.
- 9.3.8 For these reasons, the decision was that continuing with the current 4,000m<sup>2</sup> minimum lot size for subdivision across the Rural Zones in the District Plan would be imprudent. Instead, the approach taken to rural subdivision in the PDP has been directed at preserving the lower level of fragmentation on the Ruataniwha Plains and stopping any further fragmentation of versatile land around the urban centres in terms of sustainable management of this resource for current and future generations.
- 9.3.9 Consequently, rural subdivision provisions in the PDP are significantly different to those in the Operative District Plan – developed to enable a more nuanced approach to fragmentation of the rural land resource in the District, in order to better protect the District's productive land, with larger minimum lot size thresholds, and differing controls depending on the purpose of each of the three rural zones concerned, as follows:
1. Rural Lifestyle Zone (RLZ) – provides extensively for rural lifestyle subdivision;
  2. General Rural Zone (GRUZ) – essentially provides for the creation of one lifestyle lot every 3 years with a complying balance lot of 20ha or more; and
  3. Rural Production Zone (RPROZ) – essentially only provides for the creation of a lifestyle lot where it is around an existing dwelling, and where there is also amalgamation with an adjoining site combining to achieve a complying balance lot of 12ha or more (i.e. the net number of sites remains the same).
- 9.3.10 The objectives and policies applying to these zones reflect the above
- 9.3.11 For example, Objective SUB-O1 determines that subdivision of land is consistent with the objectives and policies of the relevant zones etc. In the Rural Lifestyle Zone, Objective RLZ-O1 and Policy RLZ-P1 address meeting low-density residential needs and maintaining open space character with larger section sizes sufficient to accommodate residential activities with open space for amenity and/or productive purposes. In the General Rural Zone, Objectives GRUZ-O1 and Policy GRUZ-P8 address the predominant use being for primary production activities and limiting residential and rural lifestyle subdivision that results in fragmentation of rural land. In the Rural Production Zone, Objectives RPROZ-O1 & RPROZ-O2 and Policy RPROZ-P8 address the predominant use being for primary production activities, protecting the rural land resource from fragmentation and ad hoc urban expansion, and avoiding residential and rural lifestyle subdivision that results in fragmentation of the land. The rules in the PDP then give effect to those objectives and policies.
- 9.3.12 The above underpins my recommendations below in response to submissions to the PDP relating to rural subdivision, and rural lifestyle subdivision in particular.



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

- 9.3.13 Given the above, I do not consider it appropriate to reduce the minimum lot sizes for the General Rural Zone or Rural Production Zone (e.g. to 10,000m<sup>2</sup> and 4,000m<sup>2</sup> respectively), or to revert back to the 4000m<sup>2</sup> minimum lot size currently applying across the entire rural area of the District in the Operative District Plan, as variously sought by Regeneration Holdings, Riverfield Holdings, and John McLennan. Based on the advice of LandVision, and general alignment with the neighbouring Hastings District Plan, I consider that it is appropriate and prudent to retain the 20ha and 12ha minimums for the General Rural Zone and Rural Production Zone set out in Standard SUB-S1(9) & (10) respectively, as notified. These areas appropriately give effect to the objectives and policies of the relevant zones, whereas the reduced lot sizes sought would clearly not. I consider it appropriate to assess the effects of any subdivision proposal where these minimums are not met, on a case-by-case basis as a Discretionary Activity (as per Rule SUB-R1(3)).
- 9.3.14 Similarly, I do not support providing an exemption for existing lots within the Rural Production Zone that are less than 20ha to further subdivide to create an additional lot of not less than 2ha, every 3 years, as sought by Kevin Williams. Given that there are considerable lots within the Rural Production Zone that are less than 20ha in size, such an approach would enable significant levels of fragmentation to continue on the District's finite highly productive land resource, which would undermine the PDP's strategic direction and policy framework applying to the protection of this resource for current and future generations.
- 9.3.15 Conversely, in terms of the submissions of Livingston Properties and Heretaunga Tamatea Settlement Trust, and supported by Ngā hapū me ngā marae o Tamatea, I consider there is some merit in considering a reduction in the minimum net site area requirement for the Rural Lifestyle Zone. The Rural Lifestyle Zone has been specifically developed to provide sustainable opportunities for rural living on land that has lower productive potential, and that is close to the main townships. This reflects that there is a clear community desire to have rural lifestyle options available in the District.
- 9.3.16 In this respect, I concur that a reduction in the 'minimum' net site area requirement in the Rural Lifestyle Zone, along with the introduction of an 'average', can be an appropriate way to provide for rural living more efficiently without compromising natural resources and amenity values, to provide for more variety in living situations, and potentially facilitates the more flexible provision of public open space. As highlighted by the submitters, a minimum site size of 2,500m<sup>2</sup> is consistent with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal.
- 9.3.17 On that basis, I recommend Standard SUB-S1(9) & (10) be retained as notified, but that Standard SUB-S1(8) be amended, as follows:

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

- 9.3.18 In response to the submissions of Gerard Pain, a Discretionary activity status for subdivision that does not comply with the minimum net site areas above, enables assessment of subdivision applications on a case-by-case basis, whereby an applicant has the opportunity to present a case for the granting of consent. Depending on the circumstances of the case, even with '*compelling evidence that a small area within encompassing Land Use Classification 1, 2 or 3 is not that productive (say for example it is former creek or river bed)*', such an argument may or may not be successful, as any consideration of the adverse effects of such a subdivision is not reliant on the productivity of the soils alone. There may be other reasons why the subdivision consent application may be declined.
- 9.3.19 Regarding the rumoured 312-lot subdivision on a farm in the Ongaonga District, I understand that an application for consent has been lodged and must be assessed by Council's 'Planning and Resource Consents' team against the provisions of the current (Operative) District Plan, which does not reflect the community's more recent core principles of 'Protecting Our Land Resources', 'Providing

Sustainable Growth', 'Protecting Rural Townships' or 'Recognising Our Cultural Values and Heritage Areas'. Public consultation is the prerogative of the applicant, and Council's ability to notify such an application is strictly determined by following the statutory process for this, as set out in section 95A of the RMA. These matters are not within the realm of the PDP process.

#### Lifestyle Site Subdivision

##### *Rule SUB-R5*

- 9.3.20 Similar to the above, I do not consider it appropriate to delete Rule SUB-R5 and revert back to the rural subdivision rules currently applying across the entire rural area of the District in the Operative District Plan, as sought by Thomas Collier and James Bridge.
- 9.3.21 I also do not support removal of the condition limiting lifestyle subdivision in the General Rural Zone (outside of the Coastal Environment Area) to a site once every 3 years), as sought by Hort NZ and IA & PD Waldrom. Without this 'limitation', there would be no differentiation from what can occur currently under the Operative District Plan rules, and therefore there would be little control over the quantity and speed at which land fragmentation could occur within the General Rural Zone into the future. The subdivision rules in the PDP work collectively and in tandem with each other, and the amendment sought would effectively circumvent the application of the minimum net site areas set out in Standard SUB-S1, rendering them ineffective.
- 9.3.22 I also do not support increasing the quantity of lifestyle lots provided for in Rule SUB-R5 from 1 lot per 3 year cycle, to 5 lots per 3 year cycle, as sought by The Surveying Co. Again, this would significantly reduce any gains through the ability to manage the quantity and speed at which land fragmentation could occur within the General Rural Zone into the future. In my view, allowing for one rural lifestyle lot per 3 year cycle, offers landowners in the General Rural Zone some limited ability to carve off such titles, whilst still ensuring the General Rural Zone retains its focus, providing for and supporting primary production in the District.
- 9.3.23 The PDP establishes clear differentiation between the Rural Production Zone, General Rural Zone and Rural Lifestyle Zone – which collectively acts to direct rural lifestyle subdivision more to the Rural Lifestyle Zones, in keeping with the strategic direction in the PDP to protect the District's valuable productive land for current and future generations (particularly the District's highly productive land which is of regional, if not national, significance). Any move to make lifestyle subdivision more readily achievable in the General Rural Zone and Rural Production Zone, reduces the effectiveness of having a dedicated Rural Lifestyle Zone.
- 9.3.24 I accept that this 3-year aspect of the rule could result in unintended consequences, in that an applicant could theoretically subdivide a large lot into multiple 23ha (or thereabouts) lot sizes, so that each lot can then have a lifestyle lot subdivision under Rule SUB-R5, resulting in a number of 20ha lots that are not amalgamated and the fragmentation of the productive land that the PDP seeks to protect, as suggested by The Surveying Co. However, I am of the view that there is reasonable disincentive for this to occur in reality, with the substantial costs involved in applying for multiple subdivision consents and associated physical land survey costs. Therefore, I do not believe this is a significant risk and, having spoken to Hastings District Council planning staff, my understanding of Hastings District's experience in applying an almost identical approach suggests this issue is of limited concern, and that it can work effectively. Further, the LandVision Report indicates that a 20ha lot is productive in the context of the area covered by the General Rural Zone in this District, so multiple 20ha lots is less of a concern than a proliferation of rural lifestyle lots.
- 9.3.25 I also note that item 7 of Assessment Matter SUB-AM13 specifically anticipates this situation, as follows:

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

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

- 9.3.26 I do, however, concur with Surveying the Bay that the 3-year period should only apply to titles from which lifestyle sites were previously created. This makes practical sense, in that the first lifestyle site subdivided from a property should logically then trigger the first 3-year standdown period. On that

particular aspect, I recommend wording to that effect be added to Rule SUB-R5 accordingly (refer recommended amendment below).

- 9.3.27 With respect to the submissions seeking a more restrictive activity status for rural lifestyle subdivision in the Rural Production Zone (Hort NZ & Silver Fern Farms), I concur that the Rural Production Zone warrants greater protection from land fragmentation given the significance of the District's highly productive land as a valuable and finite resource. However, I consider the current Controlled activity status for complying rural lifestyle subdivision provides clear messaging to landowners about what rural lifestyle subdivision is anticipated and deemed acceptable in the zone, and defaulting to Discretionary enables full consideration of the adverse effects on the environment for those rural lifestyle subdivisions that do not comply with the Controlled Activity conditions.
- 9.3.28 There is some logic to reverting to a Non-Complying activity status where a rural lifestyle subdivision in the Rural Production Zone is unable to comply, in terms of signalling that such subdivision is not anticipated within the Rural Production Zone, and this would potentially better align with the strategic direction and zone policy framework in the PDP, particularly Objective RPROZ-O2 which refers to protecting the resource from fragmentation.
- 9.3.29 I note Hastings District Council has a Non-Complying status for such subdivisions. While the Panel may consider that status appropriate, I remain comfortable with Discretionary status on the basis that consideration under section 104 RMA requires full regard to be had to the effects of the proposal and its 'fit' with relevant objectives and policies in the same way as Non-Complying status, albeit without the additional threshold test applying. CHB does not have the same historical fragmentation and ongoing subdivision pressure as applies in Hastings in respect of the Heretaunga Plains at this point in time. It may be that rural lifestyle subdivision in this zone is best to be monitored and reviewed, with the option to trigger a future plan change, if there is a significant increase in demand/applications leading to greater pressure on the resource.
- 9.3.30 On the basis of the above, I recommend that Rule SUB-R5 be retained, with an amendment to clause 1(a) as follows:

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

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

*Standard SUB-S2*

- 9.3.31 I consider there is some merit in considering a reduction in the minimum net site area requirement for lifestyle sites in the General Rural Zone as contained in Standard SUB-S2(1), as sought by James Bridge.
- 9.3.32 I accept that the 2500m<sup>2</sup> minimum size required for lifestyles sites created under the rules for conservation lots supports the contention that a smaller lot size is sufficient to accommodate lifestyle development within rural areas. I also consider that 2,500m<sup>2</sup> is sizeable enough for a lifestyle development to be able to still fully comply with the associated bulk and location standards applying in this zone, including setbacks from boundaries (being 15m), ensuring reverse sensitivity issues for existing primary production activities on adjoining sites are appropriately managed. I also note that a minimum site size of 2,500m<sup>2</sup> is consistent with the permitted activity standards in the Regional Resource Management Plan for onsite wastewater disposal.
- 9.3.33 Similarly, I consider there is merit in considering an increase in the maximum net site area requirement for lifestyle sites in the Rural Production Zone as contained in Standard SUB-S2(4), as sought by The Surveying Co. I accept that as a lifestyle site in this zone is anticipated to be created around an existing dwelling, a maximum size of 1ha is reasonable to support the existing features that many rural properties have *'including effluent fields, garages and sheds, existing planting and physical features'*.
- 9.3.34 On that basis, I recommend Standard SUB-S2 be amended, as follows:

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

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

- 9.3.35 There is considerable support for retention of Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13 as proposed. However, there are some minor amendments sought by Silver Fern Farms, Hort NZ, and the Pork Industry Board.
- 9.3.36 I concur with Silver Fern Farms that there is merit in referencing existing rural industry in Assessment Matters SUB-AM11, SUB-AM12 & SUB-AM13. As already stated, inclusion of 'rural industry' as a separately defined and anticipated activity is addressed separately in Key Issues 15 & 16 in Volume 3 of this report. However, there is long-standing existing rural industry located in the rural areas of Central Hawke's Bay (such as Silver Fern Farms) that warrant consideration in terms of the potential for new development in the vicinity of these rural industries to create or exacerbate the potential for reverse sensitivity. I also concur that 'avoidance' of reverse sensitivity effects is also a legitimate consideration to be reflected in Assessment Matters SUB-AM12 & SUB-AM13, in addition to consideration of ability to 'mitigate'/'manage' such effects. However, I do not support the additional wording sought by this submitter relating to restrictive covenants and/or consent notices in Assessment Matter SUB-AM12(3)(b) – in my view, such a covenant is par for the course in any such application, and I am not sure what the submitter is attempting to achieve.
- 9.3.37 I also concur with Federated Farmers that 'rural production activity' is not a defined term in the PDP and use of this term in Assessment Matter SUB-AM13 should revert to the defined term 'primary production activity'. I also
- 9.3.38 With regards to Assessment Matter SUB-AM13(2)(c), this assessment matter responds to the requirement in the zone provisions for new sensitive activities to be setback 200m from existing intensive primary production activities (refer Standards GRUZ-S11, RPROZ-S12 & RLZ-S6), and requirement for new intensive primary production activities to be setback 200m from existing property boundaries (refer Rules GRUZ-R14(1)(a)(ii) & RPROZ-R14(1)(a)(ii)). I therefore concur with the Pork Industry Board in this respect, that the assessment matter should refer to intensive primary production activities.
- 9.3.39 Regeneration Holdings also seeks deletion of item 7 of Assessment Matter SUB-AM13. In my view, this matter is important in terms of signaling that subdivision in the General Rural Zone with the

intention to 'set up' future lifestyle site subdivisions, is not endorsed – refer paragraphs 9.3.22 & 9.3.23 above. Therefore, I consider this matter should remain.

9.3.40 On the basis of the above, I recommend that Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13 be amended as follows:

SUB-AM11	<p>Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural, <del>or</del> intensive primary production, <del>or rural industry</del> activities</p> <ol style="list-style-type: none"> <li>1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered: <ol style="list-style-type: none"> <li>a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.</li> <li>b. The location of the house sites which will avoid any potential for reverse sensitivity effects.</li> <li>c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being <del>created or exacerbated</del> <b>experienced</b>.</li> <li>d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.</li> </ol> </li> </ol>
SUB-AM12	<p>Lifestyle Sites in the Rural Production Zone</p> <ol style="list-style-type: none"> <li>1. Maximum area exceeded <p>The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m<sup>2</sup> for a lifestyle site is appropriate:</p> <ol style="list-style-type: none"> <li>a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.</li> <li>b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).</li> <li>c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.</li> <li>d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.</li> <li>e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.</li> <li>f. Provision for buffer areas (greater than the minimum yard requirements) to <del>avoid or</del> mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production <del>or rural industry</del> activities.</li> </ol> </li> <li>2. Balance area smaller than 12 hectares <p>In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:</p> <ol style="list-style-type: none"> <li>a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.</li> <li>b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.</li> </ol> </li> <li>3. Amalgamated sites not adjoining <p>In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:</p> <ol style="list-style-type: none"> <li>a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.</li> <li>b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.</li> </ol> </li> </ol>
SUB-AM13	<p>Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites</p> <ol style="list-style-type: none"> <li>1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to <del>avoid, mitigate or</del> manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.</li> </ol>



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

### Provision for Farm Park Developments

- 9.3.41 Surveying the Bay, The Surveying Co and James Bridge would like to see the PDP include 'farm park' subdivision provisions for the General Rural and Rural Lifestyle Zones, similar to the Hastings District Plan.
- 9.3.42 The concept of a 'farm park' is to provide for a cluster(s) of lifestyle sites within a working farm property. The idea is to provide flexibility for the 'balance' area to continue to operate as a working farm or to be set up as a conservation/recreation area. Owners of the lifestyle sites have exclusive use of their own site, but may also have access to communal land and amenities.
- 9.3.43 The Hastings District Plan provisions applying to 'farm park' subdivision can be summarised as follows:
1. Rural Residential Zone – Controlled Activity, subjective to complying with all the relevant subdivision site standards and general site performance standards (Rule SLD3):
    - Site Standards require a minimum area of a parent site or amalgamated sites of 20 hectares, contained within one continuous perimeter boundary; one common accessway or road to a single access point with a public road; and minimum net site areas of 2500m<sup>2</sup> and a minimum balance area of 75% of the parent site or amalgamated sites.
    - General Site Performance Standards include building platform requirements, water supply, wastewater disposal, vehicular access, and esplanade reserves/strips provisions.
 Where unable to comply with all the general site performance standards, the proposal would fall to a Restricted Discretionary Activity (Rule SLD17), and where unable to comply with the relevant subdivision site standards it would fall to a Non-Complying Activity (Rule SLD25).
  2. Rural Zone – Discretionary Activity, subject to compliance with all the relevant subdivision site standards and general performance standards (Rule SLD21):
    - Site Standards require a minimum area of a parent site or amalgamated sites of 60 hectares, contained within one continuous perimeter boundary; one common accessway or road to a single access point with a public road, and minimum net site areas of 2500m<sup>2</sup> and a minimum balance area of the 92% of the parent site or amalgamated sites.
    - General site performance standards are as above.
 Where unable to comply with the relevant subdivision site standards, the proposal would fall to a Non-Complying Activity (Rule SLD25).
  4. Specific Assessment Matters applying to 'Residential Farm Parks' (section 30.1.8.2(10)) – including consideration of: the operation of the balance farm in the long term; mechanisms to secure long term administration and maintenance of common areas and servicing, and to prevent further subdivision; compatibility with the pattern of development on adjoining land and avoidance of conflict; landscape features; protection of indigenous vegetation and habitats; satisfactory stormwater and effluent disposal systems; geotechnical constraints; presence of sites and areas of significance to Māori; and ability of the existing transportation network to sustainably accommodate additional development.
  5. Specific Zone Standards (section 5.2.6D (Rural Zone) & 5.3.6A (Rural Residential Zone)) – one residential building and one supplementary residential building per residential site on a residential farm park.

- 9.3.44 There are currently no specific 'farm park' provisions in the Operative District Plan. I am also unaware of any such developments having taken place in Central Hawke's Bay over the life of the current District Plan, which may be due in part to the very permissive approach to subdivision in the Rural Zone (with its current 4000m<sup>2</sup> minimum lot size).
- 9.3.45 Currently, a farm park subdivision would be assessed as a Discretionary Activity in both the General Rural Zone (Rule SUB-R5(3)) and in the Rural Lifestyle Zone (Rule SUB-R1(3)) under the provisions of the PDP.
- 9.3.46 Therefore, a farm park in the General Rural Zone in Central Hawke's Bay would have the same activity status as a complying farm park subdivision in the Hastings District Plan, but in the Hastings District, a farm park subdivision would fall to a Non-Complying Activity where the specific farm park standards are not met.
- 9.3.47 Conversely, complying farm parks in the equivalent Rural Residential Zone in the Hastings District Plan would be a Controlled Activity, and a Restricted Discretionary/Discretionary Activity where the specific farm park standards in the Hastings District Plan are not met.
- 9.3.48 Whilst I accept that 'farm parks' can be an effective way of allowing for rural residential living whilst maintaining a working farm, I do not consider that there is evidence of any significant demand for such developments in the Central Hawke's Bay District at this time, to warrant adopting a raft of additional special provisions.
- 9.3.49 A subdivision consent for a farm park development in the General Rural Zone or the Rural Lifestyle Zone can still be applied for under the current subdivision rules in the PDP, and assessed on their merits, on a case-by-case basis, as a Discretionary Activity.
- 9.3.50 In preparing this report, I approached Hastings District Council's Environmental Policy Manager, who advised that whilst he could not supply any firm statistics, his feeling was that significant demand for farm park developments in Hastings has not eventuated. He estimates there have probably only been 6 or 7 applications in total since farm park provisions were introduced in 1997, and a number of these have not progressed and the approvals have since lapsed.
- 9.3.51 On that basis, I do not consider there is any substantial benefit in incorporating a set of specific 'farm park' subdivision provisions for the General Rural Zone or Rural Lifestyle Zone in the PDP, at this time.

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

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



## 9.4 Recommendations

9.4.1 For the reasons outlined above, I recommend that Rule SUB-R5, Standards SUB-S1 and SUB-S2, and Assessment Matters SUB-AM11, SUB-AM12, & SUB-AM13 be retained but amended (as outlined in Recommended Amendments below).

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

- Surveying the Bay, S94.003
- The Surveying Co, S50.030, S50.013
- James Bridge, S105.022
- Hort NZ, S81.082
- Silver Fern Farms, S116.024

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

- Gerard Pain, S28.001
- Heritage NZ, S55.061
- Heretaunga Tamatea Settlement Trust, S120.023
- Livingston Properties, S127.003
- Hort NZ, S81.083, S81.084, S81.085
- Pork Industry Board, S42.025, S42.026, S42.027
- Silver Fern Farms, S116.025, S116.026

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

- Gerard Pain, S28.002
- Surveying the Bay, S128.001
- Surveying the Bay, S94.005
- The Surveying Co, S50.009, S50.007, S50.008
- Hort NZ, S81.081
- Thomas Collier, S107.002
- IA & PD Waldrom, S6.002
- Regeneration Holdings, S124.002, S124.001, S124.003
- Silver Fern Farms, S116.023
- Riverfield Holdings, S123.001
- Kenneth (John) MacLennan, S12.001
- Kevin Williams, S13.001
- Pork Industry Board, S42.024

9.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 9.5 Recommended Amendments

9.5.1 I recommend the following amendment(s) is made:

SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)		
General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Only one lifestyle site can be created.</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site <b>3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</b></p>	<p>2. Activity status where compliance with condition SUB-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> <p>b. SUB-AM2</p> <p>c. SUB-AM3.</p> <p>d. SUB-AM4.</p>

	<ul style="list-style-type: none"> <li>iii. The minimum site area for the balance lot is 20 hectares.</li> <li>b. Compliance with SUB-S2(1) and SUB-S2(2).</li> <li>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ul style="list-style-type: none"> <li>i. HH-SCHED2.</li> <li>ii. SASM-SCHED3.</li> <li>iii. ECO-SCHED5.</li> <li>iv. ONL or ONF in NFL-SCHED6.</li> <li>v. CE-SCHED7.</li> </ul> </li> <li>d. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(1);</li> <li>ii. SUB-S5;</li> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> </li> <li>e. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> </li> </ul> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> <li>f. SUB-AM1.</li> <li>g. SUB-AM2.</li> <li>h. SUB-AM3.</li> <li>i. SUB-AM4.</li> <li>j. SUB-AM5.</li> <li>k. SUB-AM6.</li> <li>l. SUB-AM7.</li> <li>m. SUB-AM8.</li> <li>n. SUB-AM9.</li> <li>o. SUB-AM10.</li> <li>p. SUB-AM11.</li> <li>q. SUB-AM13.</li> </ul>	<ul style="list-style-type: none"> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul> <p>3. Activity status where compliance with conditions SUB-R5(1)(a), SUB-R5(1)(b) and/or SUB-R5(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
Rural Production Zone	<p>5. Activity Status: CON: Where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Limited to: <ul style="list-style-type: none"> <li>i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares.</li> <li>ii. No additional sites are created (amalgamation of the balance lot is required).</li> <li>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</li> <li>iv. The newly amalgamated lot contains no more than two residential units.</li> </ul> </li> <li>b. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S2(3) and SUB-S2(4)</li> </ul> </li> <li>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ul style="list-style-type: none"> <li>i. HH-SCHED2.</li> <li>ii. SASM-SCHED3.</li> <li>iii. ECO-SCHED5.</li> <li>iv. ONL or ONF in NFL-SCHED6.</li> <li>v. CE-SCHED7.</li> </ul> </li> <li>d. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(1);</li> <li>ii. SUB-S5;</li> <li>iii. SUB-S6;</li> <li>iv. SUB-S7;</li> <li>v. SUB-S8; and</li> <li>vi. SUB-S9.</li> </ul> </li> <li>e. Compliance with: <ul style="list-style-type: none"> <li>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</li> <li>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</li> </ul> </li> </ul>	<p>6. Activity status where compliance with condition SUB-R5(5)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>a. SUB-AM1.</li> <li>b. SUB-AM2.</li> <li>c. SUB-AM3.</li> <li>d. SUB-AM4.</li> <li>e. SUB-AM5.</li> <li>f. SUB-AM6.</li> <li>g. SUB-AM7.</li> <li>h. SUB-AM8.</li> <li>i. SUB-AM9.</li> <li>j. SUB-AM10.</li> <li>k. SUB-AM11.</li> <li>l. SUB-AM12.</li> <li>m. SUB-AM13.</li> </ul> <p>7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS</p> <p>8. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>

	<p>Matters over which control is reserved:</p> <p>f. SUB-AM1. g. SUB-AM2. h. SUB-AM3. i. SUB-AM4. j. SUB-AM5. k. SUB-AM6. l. SUB-AM7. m. SUB-AM8. n. SUB-AM9. o. SUB-AM10. p. SUB-AM11. q. SUB-AM13.</p>	
General Rural Zone (Coastal Environment Area)	<p>9. Activity Status: DIS Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p>	10. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC

## SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots).

Rural Lifestyle Zone	8. <b>2,500m<sup>2</sup>, with a minimum 4000m<sup>2</sup> average.</b>
General Rural Zone	<p>9. 20 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i></p>
Rural Production Zone	<p>10. 12 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i></p>

## SUB-S2 Lifestyles Sites (not in association with the creation of a Conservation Lot)

General Rural Zone	<p>1. Minimum net site area for Lifestyle Lot – <b>2500m<sup>2</sup>4000m<sup>2</sup></b>.</p> <p>2. Maximum net site area for Lifestyle Lot – 2.5 hectares.</p>
Rural Production Zone	<p>3. Minimum net site area for Lifestyle Lot – 2500m<sup>2</sup>.</p> <p>4. Maximum net site area for Lifestyle Lot – <b>1 hectare4000m<sup>2</sup></b>.</p>

SUB-AM11	<p>Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural, <del>or</del> intensive primary production, <u>or rural industry</u> activities</p> <p>1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:</p> <p>a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.</p> <p>b. The location of the house sites which will avoid any potential for reverse sensitivity effects.</p> <p>c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being <b>created or exacerbatedexperienced</b>.</p> <p>d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.</p>
SUB-AM12	<p>Lifestyle Sites in the Rural Production Zone</p> <p>1. Maximum area exceeded</p> <p>The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m<sup>2</sup> for a lifestyle site is appropriate:</p>

- a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
  - b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
  - c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.
  - d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
  - e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
  - f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production or rural industry activities.
2. Balance area smaller than 12 hectares
- In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:
- a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.
  - b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.
3. Amalgamated sites not adjoining
- In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:
- a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
  - b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

## SUB-AM13

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

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

## 9.6 Section 32AA Evaluation

- 9.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 9.6.2 The above recommendations are considered minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.