

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

General Rural Zone

Jon Trewin

11 February 2022

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List of submitters and further submitters addressed in this report

Original Submitters and Further Submitters

Bold denotes both an original and further submitter

Submitter ID	Submitter Name	Abbreviation
DPR-0016	Luke Arndt	
DPR-0022	Grant Carr	
DPR-0032	Christchurch City Council	CCC
DPR-0033	Davina Louise Penny	
DPR-0043	Poultry Industry Association of New Zealand & Egg Producers Federation of New Zealand	Poultry Industry & Egg Producers
DPR-0044	Xiaojiang Chen	
DPR-0048	Brian Thompson & Helen Davey	
DPR-0057	Road Metals Co Ltd	
DPR-0078	Ian Laurenson	
DPR-0079	Gillian Button	
DPR-0080	Philip J Hindin	
DPR-0082	Andrew and Justine Marshall	
DPR-0088	Jane Ross	
DPR-0096	John Frizzell	
DPR-0100	Annette Shankie	
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Chorus, Spark and Vodafone
DPR-0104	Luka Travnicek	
DPR-0105	Stephen and Janet Harris	
DPR-0111	Brian E Pegler	
DPR-0122	Frews Quarries Ltd	
DPR-0126	Foster Commercial	
DPR-0128	Joyce Family Trust	
DPR-0136	Lynn & Malcolm Stewart, Lyn & Carol Townsend & Rick Fraser	
DPR-0141	Waihora Clay Target Club Inc	
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0144	Mt Algidus Station, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Station (The Stations)	The Stations
DPR-0150	Barry Moir	
DPR-0156	Peter Stafford	
DPR-0157	Kevin & Bonnie Williams	
DPR-0161	Koning Dairies – Francis & Lea Koning	Koning Dairies
DPR-0163	Mikyung Jang	
DPR-0164	Inwha Jung	
DPR-0166	Saunders Family Trust	
DPR-0169	Anna & Martin Harris	
DPR-0181	Ravensdown Limited	Ravensdown
DPR-0182	Joshua Thomas	
DPR-0184	Mike Ransome	
DPR-0190	Vanessa Lukes	
DPR-0198	Anita Collie	
DPR-0205	Lincoln University	
DPR-0206	Urban Holdings Limited, Suburban Estates Limited & Cairnbrae Developments Limited	Urban Holdings et al
DPR-0207	Selwyn District Council	SDC
DPR-0209	Manmeet Singh	
DPR-0212	Ellesmere Sustainable Agriculture Inc.	ESAI

DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) & Landcare Research (Landcare)	Plant and Food and Landcare
DPR-0214	Ahuriri Farm & The Graham Family	
DPR-0215	Winstone Aggregates	
DPR-0219	Lester & Dina Curry	
DPR-0232	Mary Herrick	
DPR-0234	Mary Booker & Alexandra Roberts	
DPR-0245	Brendan Herries	
DPR-0249	Lyn Nell	
DPR-0258	Coal Action Network Aotearoa	
DPR-0260	Canterbury Regional Council	CRC
DPR-0265	L.J.Manion	
DPR-0270	Jose Roberts	
DPR-0277	Graham Fowler	
DPR-0280	Peter William Ireland	
DPR-0285	AJ Bennett	
DPR-0296	House Movers Section of the New Zealand Heavy Haulage Association Inc	House Movers
DPR-0297	Clover Hill Charitable Trust	
DPR-0298	Trices Road Rezoning Group	
DPR-0301	Upper Waimakiriri/Rakaia Group	UWRG
DPR-0305	April Fitzjohn	
DPR-0313	Glen McDonald	
DPR-0314	David Mitton	
DPR-0338	Rocky Renquist	
DPR-0342	AgResearch Limited	AgResearch
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	
DPR-0349	Natalie Edwards	
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0356	Aggregate and Quarry Association	
DPR-0357	Siana Fitzjohn	
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0367	Orion New Zealand Limited	Orion
DPR-0368	Beef + Lamb New Zealand Ltd & Deer Industry New Zealand	Beef + Lamb & DINZ
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0372	Dairy Holdings Limited	DHL
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0377	Terracostosa Limited	
DPR-0378	The Ministry of Education	MOE
DPR-0379	Jill Thomson	
DPR-0381	Coleridge Downs Limited	
DPR-0382	Ellesmere Motor Racing Club	EMRC
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0385	Aviation New Zealand	
DPR-0387	Hugh & Thomas Macartney & Families	
DPR-0388	Craigmore Farming Services Limited	CFSL
DPR-0390	Rakaia Irrigation Limited	RIL
DPR-0392	CSI Property Limited	
DPR-0394	McMillan Civil Limited	
DPR--0400	S J Shamy	

DPR-0406	Nevele R Stud	
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest and Bird
DPR-0413	Blakes Road Kingcraft Group	
DPR-0414	Kainga Ora – Homes & Communities	Kainga Ora
DPR-0415	Fulton Hogan Limited	
DPR-0420	Synlait Milk Limited	
DPR-0422	Federated Farmers of New Zealand - North Canterbury	NCFF
DPR-0423	PHC Terrace Downs Resort Limited	
DPR-0427	Lou Sanson, Director General of Conservation	DOC
DPR-0431	Lance Roper	
DPR-0432	Birchs Village Limited	
DPR-0434	Lincoln University	
DPR-0437	The Stations	The Stations
DPR-0439	Rayonier Matariki Forests	Rayonier
DPR-0441	Trustpower Limited	Trustpower
DPR-0442	Castle Hill Community Association Inc.	
DPR-0444	Andover Limited	
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0448	New Zealand Defence Force	NZDF
DPR-0450	Lance Roper	
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0454	Central Plains Water Limited	CPW
DPR-0455	Paul & Fay McOscar	
DPR-0456	Four Stars Development & Gould Developments Ltd	
DPR-0457	Flynn Washington	
DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0460	Marama Te Wai Ltd	
DPR-0463	Katie Bootsma	
DPR-0464	New Zealand Motor Caravan Association Inc	
DPR-0470	James Barber, Frances Mountier, Alfie Mountier & Florrie Mountier	
DPR-0472	Gourlie Family	
DPR-0481	Graeme and Virginia Adams	
DPR-0482	Jayne Grace Philp	
DPR-0486	Coleridge Downs Ltd	
DPR-0488	Dally Family Trust and Julia McIlraith	
DPR-0494	Julia Banks and Alastair Herreman	
DPR-0507	Judith Sachdeva	
DPR-0508	Cameron and Lydia Adams	
DPR-0510	Greg Tod	
DPR-0519	Dee-Ann Bolton	
DPR-0524	Nelson Early	
DPR-0527	Dr Peter Almond	
DPR-0528	Nichole and Ben Schon	
DPR-0537	Stephen Lycett	
DPR-0561	The Small Biling Home Trust	
DPR-0562	Richard Bolton	
DPR-0588	Michael House	
DPR-0589	Richard George Barratt	
DPR-0590	Margaret Elizabeth Barratt	
DPR-0591	Neville Greenwood and Dianne Greenwood	

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
APP	Appendix
CARP	Canterbury Air Regional Plan
CE	Coastal Environment
CMUZ	Commercial and Mixed Use Zone
CRPS	Canterbury Regional Policy Statement 2013
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure
EIB	Ecosystems and Indigenous Biodiversity
EW	Earthworks
GIZ	General Industrial Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
HH	Historic Heritage
IMP	Mahaanui Iwi Management Plan 2013
NATC	Natural Character
NES-F	National Environmental Standards for Freshwater
NES-PF	National Environmental Standards for Plantation Forestry
NFL	Natural Features and Landscapes
NH	Natural Hazards
NPS	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
PDP	Proposed Selwyn District Plan
PORTZ	Port Zone
RESZ	Residential Zone
RMA	Resource Management Act 1991
SASM	Sites and Areas of Significance to Maori
SD	Strategic Directions
SKIZ	Porters Ski Zone
The Council	Selwyn District Council
TRAN	Transport

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the General Rural Zone chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the s42A report on Strategic Directions prepared by Mr Love and the Overview s42A report that addresses the higher order statutory planning and legal context. In addition I have also had regard to the s42a reports for: Part 1 – Introduction and General Provisions by Ms Tuilaepa, Energy and Infrastructure and Noise by Ms Barker, Natural Hazards by Ms Carruthers, Earthworks by Mr Mayes and Transport, authored by myself.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Jon Trewin. I am employed by the Council as a Strategy and Policy Planner. My qualifications include a MSc in Development Planning from Reading University, UK.
- 2.2 I have 15 years experience as a resource management planner, with this including working in the UK and New Zealand on a variety of policy and planning related work concerning natural resource management, transport planning, economic development and land use planning.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the General Rural Zone. It is recommended that this report be read in conjunction with the S42a reports mentioned in paragraph 1.2 above as there is an element of cross referencing and overlap.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the

provision without amendment are not footnoted. Appendix 2 also contains a table setting out recommended spatial amendments to the PDP Planning Maps.

- 3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements

Resource Management Act 1991

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the [‘Overview’ Section 32 Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
- [Strategic Directions](#);
 - [Rural Zone](#)
- 4.4 A number of reports were used to inform the development of the General Rural Zone chapter and S32 analysis. These are listed in **Appendix 3** below.
- 4.5 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation, where they are of a scale that alters the original S32 conclusions. This has been undertaken for each sub-topic addressed in this report. Where amendments have been made but no s32AA has been included, the amendments have been assessed as being within scope of the conclusions of the S32.

National Planning Standards

- 4.6 As set out in the PDP Overview s42A Report, the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and

¹ Section 74 RMA

came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards. District Plans may contain more than one rural zone where required – the options include general rural zone, rural production and rural lifestyle zones. The PDP contains only one rural zone, the General Rural Zone or 'GRUZ' to manage all activities. In addition, to manage residential density in GRUZ, various 'specific control areas' apply across the zone. As with other zones in the PDP, overlays apply where there are specific values, risks or other factors where an additional management approach is required.

National Environmental Standards on Plantation Forestry

4.7 National Environmental Standards (NES) are regulations made under the Resource Management Act 1991 (RMA)

4.7.1 An NES prevails over district or regional plan rules except where the NES specifically allows more stringent or more lenient plan rules. The National Environmental Standards for Plantation Forestry (NES-PF) were published on 3 August 2017 and came into force on 1 May 2018. The NES-PF applies to any forest of at least one hectare that has been planted specifically for commercial purposes and will be harvested. Specific activities that the NESPF regulates include:

4.7.1.1 afforestation (planting new forest)

4.7.1.2 pruning and thinning to waste (selective felling of trees where the felled trees remain on site)

4.7.1.3 earthworks

4.7.1.4 river crossings

4.7.1.5 forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)

4.7.1.6 harvesting

4.7.1.7 mechanical land preparation

4.7.1.8 replanting.

4.8 Under the regulations, district plans can restrict plantation forestry in unique and sensitive environments, to protect matters of national importance and to give effect to national policy statements.

National Environmental Standards for Freshwater

4.9 The NES-Freshwater (NES-F) sets requirements for carrying out certain activities identified as posing risks to the health of freshwater and freshwater ecosystems. Anyone seeking to undertake those activities within the GRUZ will be subject to the NES-F, as well as any relevant rules under the applicable regional and district plan.

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

Points reallocated to GRUZ

- 5.2 The following submission points are dealt with in this hearing report having been deferred from other hearing streams:

- 5.2.1 EMRC DPR-0382:005 and 006 reallocated from the Noise Hearing Stream and 007 relocated from the Subdivision Hearing Stream.
- 5.2.2 Ceres Professional Trustee Company Ltd and Sally Jean Tohill DPR-0346:011 to 017 reallocated from the Transport Hearing Stream.

Points reallocated to other hearing streams

- 5.3 The following submission points initially allocated to the General Rural Zone Hearing Stream have been reallocated to the Rezoning Hearing Stream:

- 5.3.1 HortNZ DPR-0353:139 to 145 relating to the conversion of Specific Control Area's 8 – 18 to a Rural Living Zone.

Points concerning an issue already addressed in preceding hearing streams

- 5.4 Lincoln Envirotown Trust², Bevin Fitzsimmons³, Vanessa Lukes⁴, Coal Action Network Aotearoa⁵, Peter William Ireland⁶, David Evans⁷, April Fitzjohn⁸, Rocky Renquist⁹, Flynn Washington¹⁰, David Zwartz¹¹, James Barber, Frances Mountier, Alfie Mountier and Florrie Mountier¹² are seeking greater controls on the mining of coal and other fossil fuels in Selwyn due to their contributing factor to climate change. These matters have largely been addressed by Ms Tuilaepa through the Part 1 – Introductions and General Provisions S42a Report and Mr Love through the Strategic Directions S42a Report and whilst recorded in this report, I do not make a recommendation for that reason.

EMRC/Ceres Submissions

- 5.5 EMRC (DPR-0382) and Ceres Professional Trustee Ltd (DPR-0346) submission points are addressed in Section 15 of this report. Two submission points by Ceres that relate to signs (DPR-346:018 and 019) will be addressed in the Signs Chapter Hearing Stream.

² DPR-0159:003 Lincoln Envirotown Trust

³ DPR-0167:001 Bevin Fitzsimmons

⁴ DPR-0190:001 Vanessa Lukes

⁵ DPR-0258:003 Coal Action Network Aotearoa

⁶ DPR-0280:002 Peter William Ireland

⁷ DPR-0283:002 David Evans

⁸ DPR-0305:004 April Fitzjohn

⁹ DPR-0338:001 Rocky Renquist

¹⁰ DPR-0457:002 Flynn Washington

¹¹ DPR-0469:001 David Zwartz

¹² DPR-0470:001 James Barber, Frances Mountier, Alfie Mountier and Florrie Mountier

Errors and Omissions

5.6 In addition several submission points were omitted or wrongly recorded in the summary of submissions. These include:

- 5.6.1 NZ Pork DPR-0142:057. Here the relief was wrongly recorded as retaining GRUZ-R31 as notified however the submitter sought that the rule be deleted. The submitter's position was to oppose the rule.
- 5.6.2 CIAL seek a new policy to protect important infrastructure by avoiding adverse effects (including reverse sensitivity effects) from incompatible activities on rural land through avoiding noise sensitive activities within the 50db Christchurch Airport Noise Control Overlay. This submission point was not summarised in the notified summary of submissions however is similar to an issue raised in the Noise Hearing Stream and is consistent with the theme of other submission points by the submitter in GRUZ seeking non-complying activity status for noise sensitive activities in the 50db Christchurch Airport Noise Control Overlay.
- 5.6.3 HortNZ submitted on GRUZ-R3 and GRUZ-R4 seeking that new residential units be setback 30m from the internal boundary of any site. These submission points were not summarised in the notified summary of submissions however is similar to an issue raised in the Natural Hazards Hearing Stream and through other submission points in GRUZ by the submitter.

6. Consideration of submissions

Overview of submissions

6.1 There were 120 submissions made on GRUZ and 65 further submissions. I note that there were around 544 submission points categorised as being related to GRUZ. Submission points concerning a number of definitions specific to GRUZ have also been dealt with below rather than in the Part 1 – Introduction and General Provisions Hearing Stream. Out of the 544 submission points, 182 were supportive and requested that particular provisions be retained as notified. The other 362 submission points request amendments or deletion of particular provisions. The main changes sought by submitters were:

- 1. Changes to the rural density provisions to:
 - a. Change the rural density specific control area mapping at a site specific level, or over a broader geographical area.
 - b. Amend Schedule 2 – Residential Density, to change the minimum size of a site per residential unit.
 - c. Amend GRUZ-R4 Residential Unit on an Undersized Site (Grandfather Clause) to enable grandfather clause rights to be exercised across a greater range of specific control areas specified in the PDP.
- 2. Amendments to provisions to make the PDP more enabling of quarrying (including a quarry zone) and intensive farming operations, and to require greater setback distances from these activities to avoid reverse sensitivity effects from sensitive activities. Conversely other

submitters sought more restrictive rules on the operation of quarrying and intensive farming activities.

3. Amendments to the minor residential unit rule to increase gross floor area and distance from the principal dwelling.
4. Prohibiting the mining of coal.
5. Providing greater recognition of specific activities in GRUZ.
6. Strengthening protection for primary production, rural industry and important infrastructure from reverse sensitivity.
7. Amendments to the rules to make the PDP more enabling of rural production and ancillary activities.
8. Amendments to the rule on helicopter landing pads and aircraft movements to either enable or restrict operations.
9. To include site specific rural precincts to enable more intense commercial and industrial development, while retaining the underlying zoning as GRUZ.

Structure of this report

- 6.2 This report is structured by firstly addressing overarching issues on the chapter, the overview and any definitions specific to GRUZ. I then address the submission points as they relate to:

1. Objectives
2. Policies
3. Rules
4. Rule requirements
5. Matters for control and discretion
6. Schedules
7. Mapping
8. Ellesmere Motor Racing Club Proposed Specific Control Area, Proposed Rural Service Precinct, Appendix 3

7. General matters

Introduction

- 7.1 This section addresses miscellaneous matters (i.e. all those matters not concerning specific objectives, policies, rules, rule requirements, matters of control or discretion, schedules or mapping changes). This includes submissions that relate to the rural chapter in general (overarching submissions) including the use of non-notification clauses. This section also deals with submission

points on the overview text to the chapter. In addition, a number of definitions have been identified that are specific to this chapter and are dealt with below.

Rural chapter in general

7.2 Nine submission points and 41 further submission points were received on the rural chapter in general.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	425	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS211	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS942	Non-notification clauses	Support	Accept submission
DPR-0353	HortNZ	FS150	Non-notification clauses	Oppose	Reject
DPR-0371	CIAL	FS063	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS375	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0381	Coleridge Downs Limited	FS108	Non-notification clauses	Support In Part	Allow
DPR-0414	Kāinga Ora	FS136	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS063	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS032	Non-notification clauses	Support	Accept submission
DPR-0486	Coleridge Downs Limited	FS108	Non-notification clauses	Support In Part	Allow
DPR-0363	IRHL	336	GRUZ	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0363	IRHL	445	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS240	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS971	Non-notification clauses	Support	Accept submission
DPR-0353	HortNZ	FS157	Non-notification clauses	Oppose	Reject
DPR-0371	CIAL	FS161	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS376	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0381	Coleridge Downs Limited	FS102	Non-notification clauses	Support In Part	Allow
DPR-0414	Kāinga Ora	FS165	Non-notification clauses	Support	Not Specified
DPR-0415	Fulton Hogan Limited	FS049	Non-notification clauses	Support In Part	Disallow the submission or accept the submission subject to appropriate amendments.
DPR-0415	Fulton Hogan Limited	FS053	Non-notification clauses	Oppose In Part	Disallow the submission or accept the submission subject to appropriate amendments.
DPR-0422	NCCF	FS218	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	LPC	FS159	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS061	Non-notification clauses	Support	Accept submission
DPR-0486	Coleridge Downs Limited	FS102	Non-notification clauses	Support In Part	Allow
DPR-0374	RIHL	342	GRUZ	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	RIHL	491	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS278	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS025	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS091	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS377	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS199	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS091	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS095	Non-notification clauses	Support	Accept the submission
DPR-0384	RIDL	372	GRUZ	Support	Retain as notified.
DPR-0384	RIDL	524	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS313	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1032	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS125	Non-notification clauses	Support In Part	Accept in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0375	Waka Kotahi	FS378	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0381	Coleridge Downs Limited	FS105	Non-notification clauses	Support In Part	Allow
DPR-0414	Kāinga Ora	FS233	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS125	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS129	Non-notification clauses	Support	Accept the submission
DPR-0486	Coleridge Downs Limited	FS105	Non-notification clauses	Support In Part	Allow
DPR-0388	Craigmore Farming Services Limited	051	GRUZ	Support	Retain as notified
DPR-0407	Forest & Bird	053	GRUZ	Support In Part	Not specified.
DPR-0301	UWRG	FS131	GRUZ	Support	Allow in full
DPR-0422	NCFF	FS079	GRUZ	Neither Support Nor Oppose	That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.

Analysis

- 7.3. RWRL, IRHL, RIHL and RIDL¹³ seek non-notification clauses for each rule and rule requirement with a restricted discretionary activity consistent with relief sought by these submitters across the PDP. I do not consider sweeping exemptions to notification requirements to be sound planning practice as there may be occasions when activities give rise to adverse effects where specific parties or the community should be consulted. This would be tested under S95 RMA on a case by case basis depending on the circumstances of any resource consent application. I recommend that the request for blanket non-notification clauses is rejected, notwithstanding that in some specific cases I may recommend notification clauses for other reasons.
- 7.4. Forest and Bird¹⁴ state that in general terms (and to integrate with relief sought elsewhere in their submission), changes may be required to objectives, policies and rules in GRUZ. Whilst the submitter refers to two rules that could be changed to be more restrictive, GRUZ-R21 and R24 (this relief has been recorded as separate submission points against these two rules), the generality of the relief sought makes it difficult to know what changes the submitter seeks. I therefore recommend the submission point is rejected.

¹³ DPR-0358:400 RWRL, 0363:425 IRHL, 0374:471 RIHL, 0384:504 RIDL

¹⁴ DPR-0407:053 Forest and Bird

- 7.4. IRHL, RIHL, RIDL ¹⁵ and CFSL ¹⁶ seek that the GRUZ chapter is retained as notified. I recommend these submissions are accepted in part as I am recommending amendments to provisions in the chapter.

Recommendations and amendments

- 7.5. I recommended for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.

- 7.6. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Definitions

- 7.7. 68 submission points and 43 further submission points were received on the definitions that pertain to the rural chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	036	Amenity Planting	Support In Part	Amend the definition to limit it to Residential zones.
<i>DPR-0212</i>	<i>ESAI</i>	<i>FS008</i>	<i>Amenity Planting</i>	<i>Support In Part</i>	<i>Allow in part</i>
DPR-0422	NCFF	022	Amenity Planting	Oppose In Part	Amend to limit the definition to Residential zones only.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS071</i>	<i>Amenity Planting</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0353	HortNZ	057	Artificial Crop Protection Structure (New)	Support	Insert as follows: <u>Artificial Crop Protection Structures means structures with material used to protect crops and/or enhance growth (excluding greenhouses)</u>
<i>DPR-0212</i>	<i>ESAI</i>	<i>FS012</i>	<i>Artificial Crop Protection Structure (New)</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS467</i>	<i>Artificial Crop Protection Structure (New)</i>	<i>Oppose In Part</i>	<i>Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.</i>
DPR-0142	NZ Pork	003	Building – Mobile Pig Shelter (New)	Oppose In Part	Insert a definition that provides relief from the rules for buildings as they might apply to mobile pig shelters as appropriate.
<i>DPR-0464</i>	<i>New Zealand Motor Caravan Association Inc.</i>	<i>FS001</i>	<i>Building</i>	<i>Support</i>	<i>Not specified</i>

¹⁵ DPR-0363:336 IRHL, 0374:342 RIHL, 0384:372 RIDL

¹⁶ DPR-0388:51 CFSL

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0142	NZ Pork	075	Building - Farrowing Huts (New)	Support In Part	Insert a definition that provides relief from the rules for buildings as they might apply to farrowing huts as appropriate..
DPR-0142	NZ Pork	078	Business Activity (New)	Oppose In Part	Insert a definition of business activity.
DPR-0212	ESAI	002	Conservation Activity	Support In Part	Amend as follows: <i>The use of land for the management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. It includes <u>but is not limited to</u>:</i> <i>a. Wweed, <u>invasive species</u> and pest control;</i> <i>b. Ffencing; and</i> <i>c. Restoration planting.</i>
DPR-0422	NCFF	037	Conservation Activity	Support In Part	Amend as follows: <i><u>Activities to manage, maintain and/or enhance</u> The use of land for the management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. It may include <u>includes</u>:</i> <i>a. Wweed, <u>invasive species</u> and pest control;</i> <i>b. Ffencing; and</i> <i>c. Restoration planting.</i>
DPR-0407	Forest & Bird	FS078	Conservation Activity	Oppose In Part	Reject the submission
DPR-0427	DOC	007	Conservation Activity	Oppose	Amend as follows: <i>The use of land <u>and/or buildings for any activity undertaken for the purposes of</u> management, maintenance and enhancement of <u>natural, historic and</u> ecological values <u>of a natural or historic resource for indigenous vegetation and fauna and their habitats</u>. It includes:-</i> <i>a. weed and pest control;</i> <i>b. fencing; and</i> <i>c. restoration planting.</i>
DPR-0212	ESAI	FS021	Conservation Activity	Support In Part	Allow in part but include those matters this submission point proposed to delete as included activities along with those suggestions made in the ESAI original submission.
DPR-0301	UWRG	FS149	Conservation Activity	Support	Allow in full
DPR-0407	Forest & Bird	FS174	Conservation Activity	Support	Accept the submission
DPR-0353	HortNZ	058	Crop Support Structure (New)	Support	Insert as follows: <u>Crop Support Structure means an open structure on which plants are grown</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	FS823	Crop Support Structure (New)	Oppose In Part	Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.
DPR-0122	Frews Quarries Ltd	003	Farm Quarry	Oppose In Part	Delete most of the definitions that could apply to a quarry operation and replace with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan definition.
DPR-0407	Forest & Bird	FS378	Farm Quarry	Support In Part	Accept the submission in part
DPR-0372	DHL	004	Farm Quarry	Neither Support Nor Oppose	Retain as notified
DPR-0422	NCFF	041	Farm Quarry	Support In Part	Amend as follows: <i>An open pit or excavation from which domestic quantities of soil, stone, gravel, or mineral is extracted for farming activities on the same site.</i>
DPR-0372	DHL	FS053	Farm Quarry	Support	Accept the submission.
DPR-0388	Craigmore Farming Services Limited	FS014	Farm Quarry	Support	Accept the submission.
DPR-0407	Forest & Bird	FS081	Farm Quarry	Oppose In Part	Reject the submission
DPR-0427	DOC	010	Farm Quarry	Oppose In Part	Amend as follows: <i>means an open pit or excavation from which domestic quantities of soil, stone, sand, gravel or mineral is extracted for farming activities on the same site. It does not include earthworks <u>indigenous vegetation clearance or disturbance of the habitat of indigenous fauna</u> or the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</i>
DPR-0301	UWRG	FS152	Farm Quarry	Support	Allow in full
DPR-0407	Forest & Bird	FS177	Farm Quarry	Support	Accept the submission
DPR-0448	NZDF	002	Firearms Range	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	001	Free Range Poultry Farming	Oppose In Part	Amend the definition of Free Range Poultry Farming by adding a clause 'd' and a note: <i><u>d) weatherproof buildings are provided for birds to roost. Note it is accepted that permanent vegetation ground cover is not practical in areas of high foot traffic.</u></i>
DPR-0353	HortNZ	059	Greenhouse (New)	Support	Insert as follows: <i><u>Greenhouses means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures.</u></i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	FS469	Greenhouse (New)	Oppose In Part	Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.
DPR-0142	NZ Pork	079	Hard Stand Area (New)	Support In Part	Insert a definition of hard-stand areas as paved, concreted, sealed or otherwise impervious areas.
DPR-0353	HortNZ	045	Helicopter Landing Areas	Oppose In Part	Amend to add an exclusion for helicopter landing areas ancillary to rural production activities.
DPR-0422	NCFF	047	Helicopter Landing Areas	Oppose In Part	Amend to add an exclusion for helicopter landing areas ancillary to rural production activities
DPR-0407	Forest & Bird	FS082	Helicopter Landing Areas	Oppose	Reject the submission
DPR-0448	NZDF	004	Helicopter Landing Areas	Support	Retain as notified
DPR-0212	ESAI	003	Horticultural Planting	Oppose	Delete as notified.
DPR-0422	NCFF	050	Horticultural Planting	Oppose	Delete as notified.
DPR-0407	Forest & Bird	FS083	Horticultural Planting	Support	Accept the definition
DPR-0043	Poultry Industry & Egg Producers	003	Intensive Outdoor Primary Production	Support In Part	Amend as follows: <i>means primary production activity....it excludes.....and free range poultry farming.</i>
DPR-0142	NZ Pork	007	Intensive Outdoor Primary Production	Support In Part	Insert a definition of extensive pig farming operations as follows: <u>Extensive pig farming: means the keeping of pigs outside on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.</u>
DPR-0368	Beef + Lamb & DINZ	002	Intensive Outdoor Primary Production	Support In Part	Amend to define by stocking rate and to exempt sacrifice paddocks.
DPR-0043	Poultry Industry & Egg Producers	FS017	Intensive Outdoor Primary Production	Support	Allow in full
DPR-0142	NZ Pork	FS001	Intensive Outdoor Primary Production	Neither Support Nor Oppose	Allow in part
DPR-0407	Forest & Bird	FS425	Intensive Outdoor Primary Production	Oppose	Reject the submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	NCFF	FS024	Intensive Outdoor Primary Production	Support	Allow the submission point.
DPR-0372	DHL	011	Intensive outdoor primary production	Support In Part	Amend as follows: <i>Primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period and cropping and intensive winter grazing of livestock), that principally occurs outdoors</i>
DPR-0342	AgResearch	FS006	Intensive outdoor primary production	Support	Allow in full
DPR-0388	Craigmore Farming Services Limited	004	Intensive Outdoor Primary Production	Support In Part	Amend as follows: <i>Primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period and cropping and intensive winter grazing of livestock), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover.</i> ...
DPR-0342	AgResearch	FS005	Intensive Outdoor Primary Production	Support	Allow in full
DPR-0422	NCFF	060	Intensive Outdoor Primary Production	Oppose	Delete as notified and replace with a definition of Intensive Farming: <u>Intensive Farming means the commercial raising and keeping of fungi or animals where either:</u> <u>- The regular feed source is substantially provided from other sources other than from grazing the site concerned;</u> <u>Or it involves the:</u> <u>- keeping of pigs outdoors at a rate not exceeding 25 pigs or poultry per hectare</u> <u>- use of wintering sheds or feed pads where stock is generally confined for any period greater than three months</u> <u>- farming of poultry, rabbits, mushrooms, or fish farming.</u>
DPR-0142	NZ Pork	FS015	Intensive Outdoor Primary Production	Neither Support Nor Oppose	Allow in part
DPR-0370	Fonterra	FS002	Intensive Outdoor Primary Production	Support	Accept submission.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	FS091	Intensive Outdoor Primary Production	Oppose	Reject the submission
DPR-0043	Poultry Industry & Egg Producers	004	Intensive Primary Production	Support	Retain as notified.
DPR-0142	NZ Pork	008	Intensive Primary Production	Support	Retain as notified.
DPR-0353	HortNZ	050	Intensive Primary Production	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	FS016	Intensive Primary Production	Support	Allow in full
DPR-0372	DHL	012	Intensive Primary Production	Neither Support Nor Oppose	Retain as notified
DPR-0122	Frews Quarries Ltd	005	Mineral Extraction	Oppose In Part	Delete most of the definitions that could apply to a quarry operation and replace with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan definition.
DPR-0407	Forest & Bird	FS380	Mineral Extraction	Support In Part	Accept the submission in part
DPR-0215	Winstone Aggregates	012	Mineral Extraction	Support	Retain as notified
DPR-0415	Fulton Hogan Limited	003	Mineral Extraction	Oppose In Part	Amend the plan to replace 'mineral extraction' with the terms 'mining' and 'quarrying' or Amend the definition of mineral extraction as follows: <i>Mineral extraction <u>activity</u> - Any mining or quarrying activity</i>
DPR-0215	Winstone Aggregates	013	Mineral Prospecting	Support	Retain as notified
DPR-0439	Rayonier Matariki Forests	008	Plantation Forestry Activity (New)	Support	Insert a definition of Plantation Forestry Activity as defined in the NESPF.
DPR-0122	Frews Quarries Ltd	008	Primary Industry	Oppose In Part	Delete most of the definitions that could apply to a quarry operation and replace with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan definition.
DPR-0407	Forest & Bird	FS383	Primary Industry	Support In Part	Accept the submission in part
DPR-0353	HortNZ	066	Primary Industry	Oppose In Part	Delete as notified and replace references to Primary Industry throughout the Plan to Rural Service Industry.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	010	Primary Industry	Support In Part	Retain as notified if there is a clear distinction between the definition of primary industry rural industry, otherwise, delete in favour of the definition of 'rural industry'.
DPR-0209	Manmeet Singh	FS743	Primary Industry	Oppose In Part	Reject submission in part
DPR-0372	DHL	015	Rural Home Business	Oppose	Amend as follows: An activity that is: ... b. ...; <u>but</u> c. <u>excludes a primary production business.</u>
DPR-0381	Coleridge Downs Limited	FS018	Rural Home Business	Support	Allow
DPR-0486	Coleridge Downs Limited	FS018	Rural Home Business	Support	Allow
DPR-0388	Craigmore Farming Services Limited	006	Rural Home Business	Oppose	Amend as follows: An activity that is: b. ...; <u>but</u> c. <u>excludes a primary production business.</u>
DPR-0043	Poultry Industry & Egg Producers	006	Rural Production	Support	Retain as notified.
DPR-0122	Frews Quarries Ltd	011	Rural Production	Oppose In Part	Delete most of the definitions that could apply to a quarry operation and replace with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan definition.
DPR-0407	Forest & Bird	FS386	Rural Production	Support In Part	Accept the submission in part
DPR-0142	NZ Pork	012	Rural Production	Oppose	Use definition of Primary Production in the construct of permitted activity rules and include extensive pig farming in this format.
DPR-0353	HortNZ	069	Rural Production	Support	Retain as notified
DPR-0372	DHL	014	Rural Production	Oppose	Amend as follows: <u>Means an industry or business primary production undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>
DPR-0379	Jill Thomson	030	Rural Production	Support In Part	Review 'rural production' and 'primary production' to determine if they are sufficiently different to give effect to objectives and policies and rules. If not delete one of them.
DPR-0388	Craigmore Farming Services Limited	005	Rural Production	Oppose	Amend as follows: <u>Means an industry or business primary production undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0390	RIL	007	Rural Production	Oppose	Delete definition or amend as follows: Means an industry or business, primary production undertaken in a rural environment that directly supports, services, or is dependent on primary production.
DPR-0353	HortNZ	FS051	Rural Production	Oppose	Reject
DPR-0422	NCFE	078	Rural Production	Support	Retain as notified
DPR-0353	HortNZ	070	Rural Selling Place	Oppose In Part	Amend as follows: The use of land and/or buildings on, or within which, rural produce grown or produced on site , and products manufactured from it, are offered for sale to the general public.
DPR-0142	NZ Pork	013	Rural Service Activity	Oppose	Use definition of Rural Industry.
DPR-0353	HortNZ	071	Rural Service Activity	Oppose In Part	Delete as notified
DPR-0372	DHL	016	Rural Service Activity	Support	Retain as notified provided the relief in DPR-0372.015 is granted
DPR-0390	RIL	008	Rural Service Activity	Support	Retain 'rural service activity' definition as notified
DPR-0422	NCFE	079	Rural Service Activity	Oppose In Part	Delete as notified.
DPR-0422	NCFE	080	Rural Tourism	Oppose In Part	Amend as follows: means the use of land and/or buildings where participants are attracted to experience rural production, primary industry.....
DPR-0353	HortNZ	061	Seasonal worker accommodation (New)	Support	Insert as follows: <u>Seasonal worker accommodation: means the use of land and buildings for the sole purpose of accommodating the short term labour requirement of a farming activity, rural industry or post harvest facility.</u>
DPR-0371	CIAL	FS025	Seasonal worker accommodation (New)	Neither Support Nor Oppose	Accept in part
DPR-0422	NCFE	081	Seasonal worker accommodation (New)	Neither Support Nor Oppose	Insert as follows: <u>Seasonal worker accommodation Means the use of land and buildings for the sole purpose of accommodating the short term labour requirement of a farming activity, rural industry, or post-harvest facility.</u>
DPR-0142	NZ Pork	015	Shelterbelt	Support	Retain as notified.
DPR-0353	HortNZ	063	Shelterbelt	Support	Amend the definition of shelterbelt to include a minimum dimension (width and height) as smaller, well managed shelterbelts would be less of a fire risk.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0381	Coleridge Downs Limited	FS064	Shelterbelt	Support	Allow
DPR-0486	Coleridge Downs Limited	FS064	Shelterbelt	Support	Allow
DPR-0353	HortNZ	073	Shelterbelt	Support	Retain as notified
DPR-0379	Jill Thomson	031	Shelterbelt	Support In Part	Amend as follows: <i>Any trees planted primarily to provide shelter for stock, crops, or non-principal buildings from winds, and which are no greater than 20 30 metres wide.</i>
DPR-0406	Nevele R Stud	002	Training of Horses	Support In Part	Amend as follows: <i>means the use of any rural land, building or structure for the boarding, training, <u>breeding</u> or care of horses. This excludes competitions or open days or ancillary commercial services.</i>
DPR-0444	Andover Limited	006	Visual Amenity Landscape	Support In Part	Retain SCA-RD1 only over 42 Gerkins Road (Lot 1 DP 354703), or an alternative overlay provided a density of 1 household per 4 hectares is provided for.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	001	Woodlot	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS005	Woodlot	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS001	Woodlot	Support	Refer Section 15
DPR-0422	NCFF	092	Woodlot	Support In Part	Amend as follows: <i>A stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry, <u>shelter belts and trees planted for conservation purposes.</u></i>
DPR-0407	Forest & Bird	FS099	Woodlot	Oppose	Reject the submission

Analysis

Amenity Planting

7.8 HortNZ¹⁷ and NCFF¹⁸ seek an amendment to the definition of amenity planting, so that it is restricted only to residential zones. The submitters consider that the definition is too extensive as planting on rural properties can serve several purposes, not just amenity. I recommend these submission points are rejected for the following reasons:

¹⁷ DPR-0353:36 HortNZ

¹⁸ DPR-0422:22 NCFF

- 7.8.1 The definition is primarily tied to GRUZ-R22 and this for the purposes of protecting approach and take-off angles from Springfield Airfield and West Melton Aerodrome. I consider that the definition is important to support this rule and rule requirement to avoid over-height trees and bushes that could compromise aircraft safety. It would be ineffective restricting amenity planting to residential zones as no residential zone is within the approach and take-off angles of these airfields (the underlying zone for these activities is GRUZ).
- 7.8.2 GRUZ is structured so that any activity that is not expressly a permitted activity is a discretionary activity. If the definition is restricted to residential zones this could have the effect of making amenity planting a discretionary activity in GRUZ. I do not support this as I consider, except where it needs to be controlled (such as for reasons of aircraft safety), this is an appropriate activity in GRUZ.
- 7.8.3 I also note the term is used in DPZ-R2, although no DPZ is within the approach and take-off paths of those two airfields. Again if not specified as a permitted activity, amenity planting may require consent, in this case as a non-complying activity.
- 7.8.4 The term is also used in EIB-R1.4.g where indigenous vegetation clearance is permitted if it is amenity planting. It would be beneficial to land users to ensure the definition remains as broad as possible to avoid unnecessary restrictions and allow this type of clearance to apply in any zone, particularly GRUZ.

Artificial Crop Structures

- 7.9 HortNZ¹⁹ considers that a new definition of 'artificial crop protection structures' is required. The submitter requires this definition in order to facilitate a broader package of amendments to enable artificial crop structures which, the submitter states, could be caught under the definition of a building. The submitter is concerned that if captured as a building, crop protection structures could be subject to rules that restrict buildings such as building coverage. The amendments seek exemptions from rules for buildings and structures governing building coverage, setbacks, height and height in relation to boundary requirements. I discuss this below in more detail under the 'rule and rule requirements' sections (Sections 10 and 11) of this report.
- 7.10 I recommend this submission point is accepted in part for the following reasons:
- 7.10.1 I question whether netting can be considered to be a roof and therefore a building as asserted by the submitter. However there is a broader issue at stake. Whilst large expanses of building and structures in GRUZ would typically be inappropriate for reasons of character and amenity, crop protection structures as well as tunnel houses and glasshouses where they use the productive potential of the soil (i.e. do not have a built-in floor) are a key part of horticultural production and need to be enabled given the purpose of GRUZ.
- 7.10.2 I am recommending amendments to the rule requirement (GRUZ-REQ1) relating to building coverage, to take into account the needs of horticultural activities. To assist with the implementation of this amendment, I recommend this definition is included, although it may be simpler to omit the word 'artificial'. This would enable crop protection structures to be

¹⁹ DPR-0353:57 HortNZ

included under the ambit of GRUZ-REQ1 (accepting, as the submitter asserts, that there may be a 'grey area' as to whether they are a building or not and this would help to avoid doubt).

- 7.10.3 I also recommend changes to GRUZ-REQ4 relating to setback requirements to take into account the different nature of these activities and to facilitate a less restrictive setback. This would recognise that these structures are transparent and therefore different in appearance and effects to other more solid structures.

Building

- 7.11 NZ Pork²⁰ oppose mobile pig shelters falling within the definition of building (being fully or partially roofed) and seek an exemption from the definition of building. NZ Pork²¹ also seek that farrowing huts associated with the weaning of piglets are excluded from the definition of building. I recommend both these submission points are rejected as the definition of building is defined in the NPS and cannot be amended. I note that the submitters are seeking these changes to facilitate relief from rule requirements that would otherwise apply to buildings in general. I address this separately under GRUZ-REQ1 and am recommending amendments that may provide relief to the submitter.

Business Activity

- 7.12 NZ Pork²² seek the insertion of a definition of 'Business Activity' to clarify that the rule requirements of GRUZ-REQ6 and GRUZ-REQ7 do not apply to primary production activities. I do not consider that this is needed. GRUZ-R16 permits rural production activities without requiring compliance with GRUZ-REQ6 and GRUZ-REQ7. Those requirements only apply to rural business and rural industry type activities. I therefore recommend the submission point is rejected.

Conservation Activity

- 7.13 ESAI²³ and NCFF²⁴ seek an amendment to the definition of 'conservation activity' with similar changes sought to better encapsulate the range of activities that can occur within the range of conservation works. Both submitters state that the definition needs to account for the removal of invasive species (e.g. willows) that are not necessarily recognised as pests. DOC²⁵ are seeking changes to align the definition with the meaning of 'conservation' under the Conservation Act 1987 which includes 'natural and historic values'.
- 7.14 The use of the term can be found in several rules across the plan, including TEMP-R7 (Aircraft and Helicopter Movements), GRUZ-R26 (Conservation Activity), DPZ-R2 (General Rural Zone Activities) and TEZ-R16 (Conservation Activity).
- 7.15 The primary purpose of the definition in GRUZ is to support GRUZ-R26, to protect the approaches and take-off angles of airfields and to permit the activity without requiring a resource consent (to avoid it being inadvertently captured under 'catch-all rule' GRUZ-R39).

²⁰ DPR-0142:003 NZ Pork

²¹ DPR-0142:075 NZ Pork

²² DPR-0142:078 NZ Pork

²³ DPR-0212:002 ESAI

²⁴ DPR-0422:037 NCFF

²⁵ DPR-0427:007 DOC

- 7.16 I recommend that DOC's submission point is accepted in part. Alignment with the definition of 'conservation' in the Conservation Act is broad enough to encompass a range of activities relating to natural and built heritage and is thus more enabling of these activities. As this also gives relief to ESAI and NCCF submission points, I recommend they are accepted in part. In my opinion, this would not change the intent of other rules which use the definition in TEMP, DPZ and TEZ.

Crop Support Structure

- 7.17 HortNZ²⁶ consider that a definition of 'crop support structure' to compliment a proposed definition of 'artificial crop protection structure' is required. I am recommending changes to the rule requirements to facilitate horticultural activities which includes the need to define their elements. This includes GRUZ-REQ1, in terms of exempting structures such as these from building coverage requirements and GRUZ-REQ4, where there is merit in considering reduced setbacks for transparent structures. I recommend this submission point is accepted.

Farm Quarry

- 7.18 Frews Quarries²⁷ are seeking that the definition of farm quarry be deleted and replaced with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan, as part of broader opposition to definitions that could apply to a quarry operation. I do not consider that the definition of farm quarry should be deleted as this relates to small scale extraction for use in association with rural production activities which is completely different in scale to large scale commercial extractive activities. Because of the different scale, the effects are different and therefore managing them differently is appropriate, hence the separate definition. I therefore recommend this submission point is rejected.
- 7.19 NCCF²⁸ are seeking that the reference to extraction activities having to be on the same site be deleted. They submit that it is not practical to require it be limited to the same site as material may be used across the farming property. I agree that this could be more flexible and recommend that the wording be changed to a requirement that the material be used only on land associated with the farming property, including that which the farm quarry is situated on. I therefore recommend this submission point is accepted in part.
- 7.20 DOC²⁹ are seeking that the definition of farm quarry exclude the disturbance and clearance of indigenous vegetation. Indigenous vegetation clearance is addressed through the EIB Chapter and any quarrying activity would be required to comply with the indigenous vegetation clearance thresholds. I therefore recommend this submission point is rejected.

Firearms Range

- 7.21 NZDF³⁰ support the definition of firearms range and seeks that it be retained as notified. As no amendments are sought to the definition, I recommend the submission point is accepted.

²⁶ DPR-0353:058 HortNZ

²⁷ DPR-0122:003 Frews Quarries

²⁸ DPR-0422:041 NCCF

²⁹ DPR-0427:010 DOC

³⁰ DPR-0448:002 NZDF

Free Range Poultry Farming

- 7.22 The Poultry Industry and Egg Producers³¹ seek a change to account for shelters, where the birds roost, and a note to say that it is not practical to require permanent vegetation coverage in all areas such as where there is high foot traffic.
- 7.23 The definition for free range poultry farming is derived from the Canterbury Regional Air Plan. It would be preferable to remain aligned with this definition to remain consistent. The presence of weatherproof buildings are already implied through clause (c) and the reference to stocking rates. The exception of permanent vegetation ground cover in areas of high foot traffic is problematic if there is high foot traffic across the site due to high stocking rates. The preferred approach, which I support, is to take a common sense approach (as contemplated by the preferred options report³²) that would allow each situation to be assessed on its merits by monitoring staff. Alternative approaches considered included grass concentrations counts, which were deemed to be too onerous to assess, as well as the use of stocking rates which do not relate to the real world as farms are run differently in different climates and have different soils and bird types (broiler vs laying). Essentially a stocking rate may maintain grass cover on one farm but not on another.
- 7.24 I therefore recommend the submission point is rejected.

Greenhouse

- 7.25 HortNZ³³ consider that a definition of 'greenhouse' should be included which would include a glass or otherwise transparent structure used for the growing of crops. Consistent with my recommendation for 'artificial crop protection structures' and 'crop support structure' above and for similar reasons, I recommend this submission point is accepted.

Hard-stand areas

- 7.26 NZ Pork³⁴ seek a definition of 'hardstand areas' be inserted into the PDP in association with rule requirement GRUZ-REQ10 (Sensitive Activity Setback from Intensive Primary Production). They seek to clarify that hardstand areas are paved or otherwise impervious areas. I note that the term hardstand is used in relation to two other rules, EW-REQ4 (Rehabilitation and Reinstatement) and SKIZ-R5 (Parking Areas) so it is important to avoid changing the intent of these rules. I assume the submitter is seeking to avoid areas laid down with gravel, sand and other such porous materials being captured as 'hardstand'. The rule requirement is focused on areas where animals are housed and to apply a setback. To avoid any changing of the intent of these other rules, I recommend deleting 'hard-stand' from GRUZ-REQ8 and GRUZ-REQ9 and replaced with 'areas of paved or otherwise impervious material used to house stock'. I therefore recommend the submission is accepted in part to the extent that an amendment is made for clarity.

³¹ DPR-0043:001 Poultry Industry and Egg Producers

³² Preferred Options Report – Intensive Farming RU007

³³ DPR-0353:059 HortNZ

³⁴ DPR-0142:079 NZ Pork

Helicopter Landing Area

- 7.27 HortNZ³⁵ and NCF³⁶ are seeking a change to the definition of 'helicopter landing areas' to exclude helicopter landing areas ancillary to rural production activities. This activity is largely permitted under GRUZ-R28 (Helicopter Landing Areas and Airfields), as a note in that rule excludes aircraft/helicopter landings/takeoffs associated with activities ancillary to rural production from the rule requirements, the exception being for any base of operations (refer to GRUZ-R28 for discussion on this issue). I therefore consider that no change is needed and recommend that the submission points are rejected.

Horticultural Planting

- 7.28 ESAI³⁷ and NCF³⁸ seek that the definition of horticultural planting is deleted on the basis that the definition is sufficiently covered under the definitions of 'rural production' and 'primary' production.
- 7.29 The definition is intended to manage this activity specifically in relation to ONFL's, natural character and the coastal environment, which I consider is appropriate due to the sensitive nature of these environments. The activity would otherwise be permitted in the vast majority of GRUZ outside of these areas because it would also be captured under the definition of rural/primary production. I therefore recommend that these submission points are rejected.

Intensive Outdoor Primary Production

- 7.30 The Poultry Industry and Egg Producers³⁹ seek a change to the definition of Intensive Outdoor Primary Production to explicitly exclude free range poultry farming. The definition of Intensive Outdoor Primary Production is targeted at those activities which by their nature, preclude the maintenance of pasture or ground cover. This would not include free-range poultry farming where permanent vegetation ground cover is to be maintained. I therefore recommend this submission point is rejected.
- 7.31 NZ Pork⁴⁰ seek a definition of extensive pig farming to clearly differentiate between intensive/extensive outdoor pig farming operations. The definition, which appears to be based on that in the Canterbury Regional Air Plan is as follows:

Extensive pig farming: means the keeping of pigs outside on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.

I recommend this submission point is rejected as this is implicit by exclusion from the definition of intensive outdoor primary production – i.e. outdoor pig farming that has a stocking rate able to maintain ground cover is not considered to be intensive outdoor primary production.

³⁵ DPR-0353:045 HortNZ

³⁶ DPR-0422:047 NCF

³⁷ DPR-0212:003 ESAI

³⁸ DPR-0422:050 NCF

³⁹ DPR-0043:003 Poultry Industry and Egg Producers

⁴⁰ DPR-0142:007 NZ Pork

- 7.32 Beef and Lamb⁴¹ are seeking that the definition is defined by stocking rates and is amended to exclude sacrifice paddocks. I recommend this submission point is accepted in part for the following reasons:
- 7.32.1 Using stocking rates was considered in the drafting of the PDP as an alternative to ground cover for the purposes of defining an intensive outdoor farming use. However it was rejected on the basis that it may not be an accurate measure depending on soil characteristics, climate conditions, animal type and management technique.
- 7.32.2 I am recommending that land with fodder crops for intensive winter grazing purposes are excluded from the definition of intensive outdoor primary production (refer to discussion below and under GRUZ-REQ9 for a full explanation). This may provide some relief to the submitter.
- 7.33 Dairy Holdings Ltd⁴² and Craigmore Farming Services Ltd⁴³ seek that the requirement for calf rearing to be for a specified time period be deleted to provide a clearer definition and for the definition to incorporate exclusions for cropping and intensive winter grazing. Intensive winter grazing is defined and managed through the NES-F (2020). The intent of the regulations is to manage the practice of this activity and its effects on freshwater and estuary health. Intensive winter grazing activities would, due to their nature, be unable to maintain a permanent ground cover during the winter months when livestock graze on fodder crops.
- 7.34 I tend to agree with the submitter that the growing of fodder crops and paddocks for intensive winter grazing are typically extensive farming activities and should therefore be excluded from the definition of outdoor intensive primary production. Applying a specified time period to calf-rearing is to ensure consistency with the definition of 'intensive indoor primary production' which is defined as such under the NPS. I therefore recommend the submission point is accepted in part.
- 7.35 NCFF⁴⁴ consider that the definition captures normal pastoral farming, in particular because the definition appears to capture winter grazing activities. These seek the definition instead relates to where the feed source is substantially provided from other sources (other than grazing on site). I recommend this submission point is accepted in part in that I am recommending that the definition excludes intensive winter grazing and cropping activities. The Operative District Plan definitions of intensive livestock production and intensive piggery production were linked to underlying soil fertility and the use of outside feed. This was found to be problematic in the Preferred Options Report⁴⁵ due to its ambiguous nature – the definitions did not go into any detail on how reliant the farm's operation should be on outside feed. The definitions were also subject to an Environment Court case (Bates v SDC [2014] NZEnvC 32) which found that the definitions could not necessarily be taken at face value and the plan reader needs to interpret what the rule or definition was trying to achieve.

Intensive Primary Production

⁴¹ DPR-0368:002 Beef and Lamb

⁴² DPR-0372:011 Dairy Holdings Ltd

⁴³ DPR-0388:004 CF

⁴⁴ DPR-0422:060 NCFF

⁴⁵ Preferred Options Report – Intensive Farming RU007

- 7.36 The Poultry Industry and Egg Producers, NZ Pork, HortNZ and Dairy Holdings Ltd⁴⁶ seek the definition is retained as notified. As no amendments have been sought, I recommend the submission points are accepted.

Mineral Extraction

- 7.37 Frews Quarries⁴⁷ are seeking that the definition of mineral extraction be deleted and replaced with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan as part of broader opposition to definitions that could apply to a quarry operation. I recommend this submission point is rejected as 'Quarrying Activity' is defined in the NPS and cannot be amended. I also do not consider that the definition should be deleted as mineral extraction includes 'mining' as well as 'quarrying'.
- 7.38 Fulton Hogan⁴⁸ seek that the definition is either split into 'mining' and 'quarrying' or amended to 'mineral extraction activity'. This is on the basis that the term relates to only 'mining' and 'quarrying' activities and the term 'mineral extraction' is only used sporadically throughout the PDP. I recommend this submission point is accepted in part. 'Quarrying' is defined in the NPS and 'Mining' is defined under the Crown Minerals Act 1991. In addition 'farm quarries' exist as a subset of quarries in the PDP where a (usually) more permissive approach is envisaged. Where 'Quarrying' and 'Mining' are used together in the PDP and where the two activities are not distinguished for the purposes of determining a particular management approach, I recommend replacing with the term 'Mineral Extraction' to ensure a more consistent approach.
- 7.39 Winstone Aggregates⁴⁹ seek that the definition is retained as notified. I recommend this submission point is accepted as I am not recommending any amendments to the definition.

Mineral Prospecting

- 7.40 Winstone Aggregates⁵⁰ seek that the definition is retained as notified. I recommend this submission is accepted as I am not recommending any amendments.

Plantation Forestry Activity

- 7.41 Rayonier⁵¹ seek that a definition of Plantation Forestry Activity be included that is consistent with that used in the NES-PF to account for the specific activities managed in the NES-PF. I recommend this submission is rejected as this level of detail is not required. The provisions of the NES-PF exist on their own terms and the PDP only imposes rules that are more stringent than the NES-PF where this is necessary and provided for by the regulations. In the context of the GRUZ chapter, GRUZ-R24 exists to manage Plantation Forestry within the land and approach vectors for airfields. In other chapters (for example NFL), provisions restrict the establishment of Plantation Forestry, not manage the individual components of the activity. A definition of Plantation Forestry, consistent with the

⁴⁶ DPR-0043:004 Poultry Industry and Egg Producers, DPR-0142:008 NZ Pork, DPR—0353:050 HortNZ, DPR-0372:012 DHL

⁴⁷ DPR-0122:005 Frews Quarries

⁴⁸ DPR-0415:003 Fulton Hogan

⁴⁹ DPR-0215:012 Winstone Aggregates

⁵⁰ DPR-0215:013 Winstone Aggregates

⁵¹ DPR-0439:008 Rayonier

NES-PF is already present in the PDP and the insertion of further definitions from the NES-PF is not necessary, in my opinion, to assist with the implementation of PDP provisions.

Primary Industry

- 7.42 Frews Quarries⁵² are seeking that the definition of primary industry be deleted and replaced with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan, as part of broader opposition to definitions that could apply to a quarry operation. I recommend this submission is accepted in part in that I am recommending the term 'primary industry' be deleted for reasons set out below.
- 7.43 HortNZ⁵³ and Fonterra⁵⁴ consider that there is potential confusion with this term and 'rural industry'. HortNZ seeks the term is replaced with 'rural service industry'. Fonterra seeks either a clear distinction is made between 'primary industry' and 'rural industry' or the term is deleted in favour of using 'rural industry'.
- 7.44 I concur with both submitters that the distinction could create unnecessary confusion and I recommend accepting the submission points. Both 'primary industry' and 'rural service industry' should be deleted in favour of relying only on the NPS definition of a 'rural industry'. I also recommend consequential changes to both GRUZ-R8 and GRUZ-R11 which is dealt with under the 'rules' section (Section 10) of this report. I discuss this in more depth under submission on 'rural service industry' below. I also note that consequential changes will be required in other chapters where these terms are used.

Rural Home Business

- 7.45 DHL⁵⁵ and CFSL⁵⁶ oppose the definition of 'rural home business' as in their view, the definition may unintentionally capture a farm business where employees live on site. Whilst I consider the risk of this is low (the activity has to be 'ancillary' to the principal use of the site as a residential activity whereas with a farm business, the principle use of the site is as a farm), I recommend that the extra clause be added to make the intent of the definition clear, c. excludes primary production. Therefore I recommend these submission points be accepted in part.

Rural Production

- 7.46 NZ Pork⁵⁷ and Jill Thomson⁵⁸ seek the deletion of 'rural production' as it appears to duplicate the definition of 'primary production'. Both terms are used throughout the PDP. Primary production is defined in the NPS and includes 'mining' and 'quarrying' as well as agricultural, pastoral, forestry and other similar uses of the land. However I consider that the use of this term on its own would create an issue. This is because in the PDP, mineral extraction activities require resource consent. To separate out other primary production activities (agricultural, pastoral, forestry and the like) in order to permit these activities it has been necessary to create a new term 'rural production

⁵² DPR-0122:005 Frews Quarries

⁵³ DPR-0353:066 HortNZ

⁵⁴ DPR-0370:010 Fonterra

⁵⁵ DPR-0372:015 DHL

⁵⁶ DPR-0388:006 CFSL

⁵⁷ DPR-0142:012 NZ Pork

⁵⁸ DPR-0379:030 Jill Thomson

activities'. I therefore recommend these submission points are rejected. I note that NZ Pork wish to ensure that 'extensive pig farming' is provided for in the PDP. As an 'agricultural' and 'pastoral' activity within the ambit of rural production, this would be a permitted activity under GRUZ-R16.

- 7.47 DHL⁵⁹, CFSL⁶⁰ and RIL⁶¹ submit that the definition of 'rural production' is duplicative of 'primary production' and should be deleted or amended so that is clear that rural production is primary production in a rural environment. However all three submitters have appeared to confuse the definition of 'rural industry' with 'rural production'. The definition of 'rural industry' (which is an NPS definition) is designed to apply in a different context and therefore the amendment would have the effect of making the associated provisions unworkable. In any case the definition cannot be amended as it is prescribed in the NPS. I disagree that 'rural production' should be deleted for reasons stated above. I therefore recommend the submission points are rejected.
- 7.48 Frews Quarries⁶² are seeking that the definition of rural production be deleted and replaced with a comprehensive definition for 'Quarrying Activity' similar to the Christchurch District Plan, as part of broader opposition to definitions that could apply to a quarry operation. Rural production includes 'farm quarries' but, as stated above, not 'mining' and 'quarrying'. As stated above, this is seeking to recognise that farm quarries are small scale extraction activities for use in association with rural production activities and are completely different in scale to large scale commercial extractive activities. I therefore recommend this submission point is rejected.
- 7.49 The Poultry Industry and Egg Producers, HortNZ and NCFF⁶³ seek that the definition is retained as notified. As I am not recommending any changes, I recommend that these submissions are accepted.

Rural Selling Place

- 7.50 HortNZ⁶⁴ seek that the deletion of the requirement that produce at a rural selling place must be grown on-site as sometimes growers may sell multiple items. The corresponding rule (GRUZ-R9) permits both a 'rural selling place', which by definition limits sales to produce and related goods grown/produced on the site, and commercial activities, where there is no such restriction. Both types of activity must be under 100sqm and comply with requirements on operating hours and staffing levels. The distinction given to a rural selling place is that non-compliance with the 100sqm limit defaults to a discretionary activity while for a commercial activity the non-compliance defaults to a non-complying activity. I consider the structure of the rule gives sufficient flexibility for vendors to operate as a permitted commercial activity and thus sell a variety of goods on site.
- 7.51 I note that submitters are seeking various changes to GRUZ-R9 to increase the potential scale and intensity of a 'rural selling place' as a permitted activity. This would have the effect of changing the characteristics of the activity and in this context, I would resist the deletion of the above wording and recommend the submission point is rejected.

Rural Service Activity

⁵⁹ DPR-0372:014 DHL

⁶⁰ DPR-0388:005 CFSL

⁶¹ DPR-0390:007 RIL

⁶² DPR-0122:011 Frews Quarries

⁶³ DPR-0043:006 Poultry Industry and Egg Producers, DPR-0353:069 HortNZ, DPR-0422:078 NCFF

⁶⁴ DPR-0353:070 HortNZ

7.52 HortNZ⁶⁵, NZ Pork⁶⁶ and NCFE⁶⁷ seek that the definition of 'rural service activity' be deleted as they consider it is too similar to the definition of 'rural industry'. I recommend these submission points are accepted in part for the following reasons:

7.52.1 The definition of 'rural industry' is derived from the National Planning Standards and means *'an industry or business undertaken in a rural environment that directly supports, services or is dependent on primary production'*.

7.52.2 The PDP attempts to distinguish between industries and businesses that operate in a rural environment. 'Primary industry' relates to an industrial activity undertaken in a rural environment that is dependent on primary production. An example might be an abattoir or dairy factory that is dependent on receipt of animal carcasses or raw milk. A 'rural service activity' relates to a business in a rural environment that directly services a rural production activity. An example of this would be a fencing contractor that constructs and maintains wired fences for farms.

7.52.3 However there are a number of instances where a primary industry could overlap with the definition of a rural service activity (for example a contractor cutting and bailing hay would require the receipt of plant matter).

7.52.4 It is also noted that the corresponding rules (GRUZ-R8 and GRUZ-R11) are somewhat similar. Both activities are permitted in the Inner Plains and Specific Control Areas within ONL/VAL's up to 200sqm and up to 500sqm in the case of the West Plains and Foothills and East Plains Specific Control Areas. Rule requirements GRUZ-REQ6 and REQ7 do not apply to a rural service activity under 500sqm in the West Plains and Foothills and East Plains Specific Control Areas but do apply to a primary industry.

7.52.5 I concur with the submitters that the distinction could create unnecessary confusion and I recommend deleting both terms and relying only on the NPS definition of a rural industry. I also recommend consequential changes to both rules which is dealt with under the 'rules' section of this report (Section 10). I also note that consequential changes are required in other chapters where the terms are used.

Seasonal worker accommodation

7.53 HortNZ⁶⁸ and NCFE seek a definition of seasonal worker accommodation to distinguish this activity from visitor accommodation. HortNZ propose corresponding policy and rules for this activity (dealt with separately in the report below). Both submitters propose a similar definition. I recommend this definition is accepted. The proposed definition does appear to address a gap in the PDP in that this activity would not meet the definition of a temporary activity and does not appropriately align with the definition of visitor accommodation. I consider that worker accommodation should be treated differently to visitor accommodation as it is of a different nature and is directly linked to supporting

⁶⁵ DPR-0353:071 HortNZ

⁶⁶ DPR-0142:013 NZ Pork

⁶⁷ DPR-0422:079 NCFE

⁶⁸ DPR-0353:061 HortNZ, DPR-0422:081 NCFE

rural production. As worker accommodation does not fit neatly into existing definitions/activities it needs to be managed differently and therefore defined.

Shelterbelt

- 7.54 HortNZ⁶⁹ are supportive of the definition of shelterbelt however also suggest a change may be warranted to include a minimum dimension (width and height) so that smaller, well managed shelterbelts would not be subject to setback requirements to manage wildfire risk. Landowners should instead build back from the boundary to mitigate this risk. I recommend this submission point is rejected for the following reasons:

7.54.1 I note that the author for the S42a report for the Natural Hazards hearing recommends that a new policy and rule framework be established to restrict new residential dwellings from locating near the internal boundary of a site to manage the risk of wildfires. This change is made on the basis of a submission by HortNZ. The effect of accepting this change would be to enable new shelterbelts to be established along the boundary of a site without increasing the risk of wildfire spreading to neighbouring residential uses and to maintain the ability to use the site for primary production.

7.54.2 The above change is also an attempt to 'level the playing field' as in the notified PDP, rules restrict the establishment of shelterbelts within 30m of a neighbouring residential use. HortNZ seek the change in definition to restrict the application of this setback. In my opinion, whilst a 'small-scale' and 'well-managed' shelterbelt may start out this way, this may not always be the case during its lifespan. It is better to address the effects of its location from the outset rather than attempting to monitor height and width to ensure ongoing compliance.

- 7.55 Jill Thomson⁷⁰ considers there is inconsistency between the size of shelterbelts in the definition of 'Plantation Forestry' and 'Shelterbelt'. The submitter seeks the width of a shelterbelt is increased to 30m from 20m. I note that this issue was picked up in the Preferred Option Report for Vegetation under the Rural Topic workstream with a recommendation that the width of a shelterbelt be increased to 30m to ensure consistency with the NES-PF which defines 'Plantation Forestry' as larger than a shelterbelt of 30m in width. I agree with the submitter that the definition of shelterbelt should be amended and recommend the submission point be accepted.

Training of Horses

- 7.56 Nevele R Stud⁷¹ are seeking that the definition of 'Training of Horses' is expanded to include the breeding of horses as they often occur on the same farm. I recommend this submission is rejected. The breeding of horses already falls under the PDP definition of 'rural production' as a permitted agricultural activity, no different to the breeding of other livestock on farms. The definition of 'training of horses' is intended to capture the 'boarding' of horses where they are kept on-site overnight in association with their training. Under the Operative District Plan this type of activity

⁶⁹ DPR-0353:063 HortNZ, DPR-0353:073 HortNZ

⁷⁰ DPR-0379:031 Jill Thomson

⁷¹ DPR-0406:002 Nevele R Stud

was required to be assessed in the same manner as a dog boarding facility and requiring consent where setback rules could not be complied with. However the effects of boarding dogs (mainly noise) is greater than boarding horses. The effects of boarding horses for training is not considered to be significant and hence the rule in the PDP making the activity permitted.

Woodlot

7.57 NCFF⁷² seek a change to definition of woodlot to exclude trees planted as shelterbelts or for conservation purposes. Shelterbelt is defined elsewhere in the PDP and therefore does not need to be excluded from the definition (it stands on its own terms). I am recommending that 'conservation activity' is broadened to encompass a wider range of activities but this is not intended to include stands of trees planted for the purposes of erosion control, pest or wilding tree management purposes where they would fall under the definition of a woodlot. I recommend this submission point is accepted in part to the extent that the definition of conservation activity is recommended to be broadened although no change is made to woodlot.

Recommendations and amendments

7.58 I recommend for the reasons given above, that the Hearings Panel:

- 7.58.1 Insert a definition of Crop Protection Structure, Crop Support Structure, Greenhouse and Seasonal Worker Accommodation for reasons of clarity.
- 7.58.2 Amend the definition of Conservation Activity, Farm Quarry, Intensive Outdoor Primary Production, Rural Home Business and Shelterbelt for reasons of clarity.
- 7.58.3 Amend GRUZ-REQ8 and GRUZ-REQ9 by deleting reference to 'Hard Stand Area' and replace with 'areas of paved or otherwise impervious material used to house stock' for reasons of clarity (refer also to recommend changes to GRUZ-REQ8 and GRUZ-REQ9).
- 7.58.4 Delete the definition of Primary Industry and Rural Service Activity and make consequential amendments where these terms are used elsewhere in the PDP and replace with 'Rural Industry' for reasons of clarity.

7.59 Refer also to Section 15 'Proposed Rural Service Precinct' for a recommended change to woodlot.

7.60 The amendments recommend to the definitions listed above are set out in a consolidated manner in **Appendix 2**.

7.61 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁷² DPR-0422:092 NCFF

- 7.62 A consolidated S32AA is included for the package for seasonal workers accommodation and crop protection structures (and other amendments designed to facilitate horticultural activities) in Section 16.

Overview

- 7.62. 11 submission points and 11 further submission points were received on the overview.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	042	Oppose In Part	Amend GRUZ overview to describe the zone purpose as providing for primary production including intensive indoor and outdoor primary production and a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.
DPR-0342	AgResearch	006	Support In Part	Add the following sentence to the end of GRUZ-Overview: <u>However, the District also contains significant tertiary education providers and research institutes who are important contributors to the social and cultural well-being of the community and create significant economic activity in the District, Region and on a national basis. As well as having Campuses within Lincoln township located within the Special Purpose Knowledge Zone, these organisations own and operate extensive Research Farms located within the General Rural Zone, primarily in the vicinity of Lincoln township. The research undertaken is of regional and national significance to the agricultural sector, so it is essential existing and future research activities are adequately recognised, provided for and protected.</u>
DPR-0205	Lincoln University	FS007	Support	Allow the submission point Lincoln University supports the amendment to the GRUZ Overview.
DPR-0213	Plant and Food and Landcare	FS005	Support	Allow the submission point
DPR-0353	HortNZ	FS010	Support	Accept
DPR-0434	Lincoln University	FS007	Support	Allow the submission point Lincoln University supports the amendment to the GRUZ Overview.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	003	Oppose In Part	Refer Chapter 15
DPR-0157	Kevin & Bonnie Williams	FS007	Neither Support Nor Oppose	Refer Chapter 15
DPR-0394	McMillan Civil Limited	FS003	Support	Refer Chapter 15
DPR-0353	HortNZ	246	Oppose In Part	Retain reference to the "primary purpose being to provide for primary production activities ...", but include additional commentary about the importance of these activities in the District.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	284	Oppose In Part	Amend to tighten up the wording/ add more specifically in referring to "other compatible uses".
DPR-0353	HortNZ	287	Oppose In Part	Amend to include reference to the importance and finite nature of the soils resource that is valued for rural production purposes, including versatile soils and highly productive land.
DPR-0422	NCFF	FS057	Support	Allow the submission point
DPR-0353	HortNZ	289	Oppose In Part	Amend to include a description of rural character that includes that the rural environment can have noises, smells and structures associated with rural production activities.
DPR-0353	HortNZ	291	Oppose In Part	Amend to add at the bottom that it is not anticipated that educational facilities, healthcare facilities and community correction activities will be located within the General Rural Zone.
DPR-0378	MOE	FS003	Oppose	Reject - Accept the Ministry's request to change the activity status from NC to RDIS.
DPR-0353	HortNZ	293	Oppose In Part	Amend as follows: <u>Small lot subdivision is provided within the Rural Lifestyle Zone.</u>
DPR-0156	Peter Stafford	FS009	Support	Allow the submission
DPR-0371	CIAL	064	Support In Part	Amend as follows: <i>While residential activities are part of the General Rule Zone, they should not compromise the ability of the Zone to be used for primary production. To assist this and to protect the open space character and amenity of the rural area, the Zone has been separated into areas, primarily for the purpose of controlling residential density. Areas comprising more open space have more stringent density requirements to maintain the existing rural character. <u>Within the 50 dB Ldn Air Noise Contour residential density is also restricted, and noise sensitive activities are avoided, in order to, in turn, avoid adverse reverse sensitivity effects on Christchurch International Airport.</u></i>
DPR-0353	HortNZ	FS126	Oppose	Reject
DPR-0422	NCFF	249	Oppose In Part	Delete as notified and replace with: <u>The rural landscape includes:</u> <u>- rural production activities and associated sounds, dust and odours;</u> <u>- rural buildings and structures ((including crop support and artificial crop protections structures);</u> <u>- the presence of large numbers of farmed animals; and</u> <u>- extensive areas of plant vine or fruit crops and areas of forestry.</u>
DPR-0407	Forest & Bird	FS152	Oppose In Part	Reject the submission

Analysis

7.63. NZ Pork⁷³ request that the overview to the GRUZ chapter be amended to describe the zone purpose as providing for primary production, supporting industries and other activities including those that require a rural location. HortNZ⁷⁴ are also seeking additional commentary on the importance of rural

⁷³ DPR-0142:042 NZ Pork

⁷⁴ DPR-0353:246 HortNZ, DPR-0353:284 HortNZ, DPR-0353:287 HortNZ, DPR-0353:289 HortNZ

production activities and the need to retain highly versatile and productive soil resources, as well as stating that rural character can include noise, odour and structures within the environment. NCF⁷⁵ opposes the description of rural landscapes and seeks that this be amended to include rural production activities and associated effects, rural structures, farmed animals and horticulture and forestry.

- 7.64. I consider it important that the explanation provides a reasonably concise description of the purpose of the zone. On the other hand, I agree with the submitters that the description in the overview does not adequately reference primary production activities in relation to character and amenity (compared for example with the overview for GIZ). I consider that it would be appropriate to include a fuller description of the activities that contribute to what constitutes rural character and amenity. This would include primary production activities and their associated effects. I therefore recommend these submission points are accepted in part.
- 7.65. AgResearch Ltd⁷⁶ seek the addition of wording to the overview text to account for tertiary education providers and research institutes that have research farms within GRUZ, primarily in the vicinity of Lincoln township. They consider that this research is of regional and national significance.
- 7.66. Whilst I appreciate this is an important activity, I do not consider that the longer addition proposed by the submitter is necessary. However a shorter reference could be appropriate as part of the recommended amended wording to the explanation to identify that there are research institutes that include a combination of farming, education and research activities in Selwyn. This also recognises that there are provisions in GRUZ that manage this activity. I therefore recommend this submission point is accepted in part.
- 7.67. HortNZ⁷⁷ seek that those activities identified as non-complying activities (educational, healthcare and community correction activities) should be identified in the overview as not anticipated in the GRUZ. I agree with the submitter that certain sensitive activities are discouraged from being established in GRUZ through the provisions. I recommend amending the overview to note that there are certain sensitive activities that would generally be inappropriate if they established in GRUZ and recommend the submission point is accepted
- 7.68. CIAL⁷⁸ seek that the overview be amended to account for density controls on residential development and controls on noise sensitivity activities within the 50db Airport Noise Control Overlay being important to protect the operation of Christchurch International Airport. I recommend this submission point is accepted in part. While the predominant mechanism of managing reverse sensitivity activities in the Christchurch Airport Noise Control Overlay is located in the Noise chapter, including by requiring noise mitigation for new noise sensitive activities in the 55db Airport Noise Control Overlay, the density requirements and restrictions on noise sensitive

⁷⁵ DPR-0422:249 NCF

⁷⁶ DPR-0342:006 AgResearch Ltd

⁷⁷ DPR-0353:291 HortNZ

⁷⁸ DPR-0371:064 CIAL

activities in the GRUZ chapter effectively functions to protect the larger 50db Christchurch Airport Airport Noise Control Overlay, which in Selwyn District is entirely located within GRUZ.

Recommendations and amendments

- 7.69. I recommend for the reasons given above, that the Hearings Panel amend the Overview as shown in **Appendix 2** to provide greater clarity.
- 7.70. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

8. Objectives

GRUZ-O1

8.1. 20 submission points and 11 further submission points were received on GRUZ-O1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	007	Support	Retain as notified.
DPR-0142	NZ Pork	043	Support	Retain as notified.
DPR-0205	Lincoln University	001	Oppose In Part	Amend as follows: <i>2. prioritises primary production and recognises the importance of rural research activities, over other activities...</i> <i>3. allows primary production, including rural research activities, to operate...</i>
DPR-0353	HortNZ	FS003	Oppose In Part	Reject in part <i>Include consequential amendments throughout the plan to refer to research farms rather than research facilities in this context.</i>
DPR-0422	NCCF	FS173	Support	Allow the submission point.
DPR-0213	Plant and Food and Landcare	001	Oppose In Part	Amend as follows: <i>2. prioritises primary production and recognises the importance of rural research activities, over other activities...</i> <i>3. allows primary production, including rural research activities, to operate...</i>
DPR-0353	HortNZ	FS007	Oppose In Part	Reject in part <i>Include consequential amendments throughout the plan to refer to research farms rather than research facilities in this context.</i>
DPR-0215	Winstone Aggregates	052	Support	Retain as notified
DPR-0260	CRC	164	Support	Retain as notified.
DPR-0342	AgResearch	007	Support In Part	Amend Objective GRUZ-O1 as follows: <i>Subdivision, use and development in rural areas that:</i> <i>1. supports, maintains, or enhances the function and form, character, and amenity value of rural areas;</i> <i>2. prioritises primary production and rural research activities, over other activities to recognise its their importance to the economy and wellbeing of the district;</i> <i>3. allows primary production and rural research activities to operate without being compromised by reverse sensitivity; and</i> <i>4. retains a contrast in character to urban areas.</i>
DPR-0353	HortNZ	FS011	Oppose In Part	Reject in part

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	238	Support	Amend as follows: <i>3. Allows primary production to operate without being compromised by reverse sensitivity <u>and the location of incompatible activities.</u></i>
<i>DPR-0142</i>	<i>NZ Pork</i>	<i>FS033</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0356	Aggregate and Quarry Association	009	Support	Retain as notified
DPR-0368	Beef + Lamb & DINZ	037	Support	Retain as notified.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS460</i>	<i>Oppose</i>	<i>Reject the submission</i>
DPR-0370	Fonterra	078	Support In Part	Amend as follows: Subdivision, use, and development in rural areas that: ... <i>3. allows primary production, <u>rural industry and important infrastructure</u> to operate without being compromised by reverse sensitivity; and</i> 4.
<i>DPR-0209</i>	<i>Manmeet Singh</i>	<i>FS810</i>	<i>Oppose In Part</i>	<i>Reject submission in part</i>
<i>DPR-0375</i>	<i>Waka Kotahi</i>	<i>FS256</i>	<i>Support In Part</i>	<i>Consider the precise wording of the proposed new objectives and its implications.</i>
DPR-0371	CIAL	065	Support In Part	Amend as follows: Subdivision, use, and development in rural areas that: ... <i>3. allows primary production <u>and important infrastructure</u> to operate without being compromised by reverse sensitivity; and</i> ...
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS042</i>	<i>Oppose</i>	<i>Reject</i>
<i>DPR-0375</i>	<i>Waka Kotahi</i>	<i>FS258</i>	<i>Support In Part</i>	<i>Accept proposed amendment.</i>
DPR-0372	DHL	101	Support In Part	Amend as follows: Subdivision, use, and development in rural areas that: <i>1. supports, maintains, <u>and, where appropriate,</u> or enhances the function and form, character, and amenity value of rural areas;</i> ...
<i>DPR-0043</i>	<i>Poultry Industry & Egg Producers</i>	<i>FS021</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0375	Waka Kotahi	186	Oppose	Amend GRUZ-O1 to include reference to infrastructure.
DPR-0388	Craigmore Farming Services Limited	052	Support In Part	Amend as follows: Subdivision, use, and development in rural areas that: <i>1. supports, maintains, <u>and, where appropriate,</u> or enhances the function and form, character, and amenity value of rural areas;</i> ...
DPR-0390	RIL	080	Support	Retain as notified.
DPR-0415	Fulton Hogan Limited	006	Support	Retain the Objective as notified
<i>DPR-0033</i>	<i>Davina Louise Penny</i>	<i>FS002</i>	<i>Oppose</i>	<i>Primary production to be defined whereby priority for Highly Productive land is given to those who do not have other sites that can be used. In line with National Policy Statement and Regional Policy statement, primary consideration to be for food production</i>
DPR-0422	NCCF	250	Support	Retain as notified.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0446	Transpower	122	Support In Part	Amend as follows: Subdivision, use, and development in rural areas that: <i>2. prioritises primary production, over <u>residential, commercial or industrial</u> other activities to recognise its importance to the economy and wellbeing of the district;</i>
DPR-0353	HortNZ	FS067	Oppose	Reject
DPR-0481	Graeme and Virginia Adams	004	Support	Retain GRUZ-O1 as notified

Analysis

- 8.2. Lincoln University⁷⁹, Plant and Food and Landcare⁸⁰ and AgResearch Ltd⁸¹ seek greater recognition for rural research activities in the wording of GRUZ-O1 to ensure that they are not impacted by reverse sensitivity effects and to link to policies that implement this objective. Fonterra⁸² seek wording to the effect that reverse sensitivity effects are avoided on rural industry.
- 8.3. I recommend these submission points are accepted in part for the following reasons:
- 8.3.1. The objective is focused on supporting and protecting ‘primary production’. Whilst this is the main focus of the Chapter, it is not the sole focus as there are activities that are dependent on primary production and unable to functionally locate elsewhere. These include rural industry, rural selling places and rural research activities.
- 8.3.2. In my view it is appropriate to recognise in GRUZ-O1, those activities that both support primary production and have a functional need to locate in GRUZ and to protect them from reverse sensitivity effects from sensitive activities.
- 8.4. HortNZ⁸³ seek that the zone objectives are amended to clearly identify the anticipated development outcomes of the zones. This broad relief applies across all zones in the PDP but needs to be considered for each one in turn. In my view, GRUZ-O1 is sufficiently clear in identifying intended outcomes for the zone. I therefore recommend this submission point is rejected.
- 8.5. HortNZ⁸⁴ seek to amend GRUZ-O1 (3) to include reference to incompatible activities alongside reverse sensitivity effects. I agree with the submitter as this wording is used elsewhere in the PDP and recommend this submission point be accepted for consistency.

⁷⁹ DPR-0205:001 Lincoln University

⁸⁰ DPR-0213:001 Plant and Food and Landcare

⁸¹ DPR-0342:007 AgResearch Ltd

⁸² DPR-0370:078 Fonterra

⁸³ DPR-0353:188 HortNZ

⁸⁴ DPR-0353:238 HortNZ

- 8.6. Waka Kotahi⁸⁵ and CIAL⁸⁶ seek that infrastructure is referenced in the GRUZ-O1 in terms of how it may intersect with rural activities. Fonterra⁸⁷ also seek wording to the effect that reverse sensitivity effects are avoided on important infrastructure. Transpower⁸⁸ seek changes to narrow 'other activities' in clause 2 to 'residential, commercial or industrial activities' as the current wording appears to prioritise primary production over nationally important infrastructure such as the National Grid.
- 8.7. I recommend these submission points are rejected as important infrastructure is enabled and prioritised as well as protected from reverse sensitivity through the EI Chapter and the provisions are designed to be stand-alone within that Chapter (as set out in the NPS). Adding a reference to infrastructure in the GRUZ chapter could potentially cause confusion and amending the objective to just focus on three activities may also miss sensitive activities that fall outside of being considered residential, commercial or industrial activities'.
- 8.8. DHL and CFSL⁸⁹ support the objective but seek an amendment to clause 1 to ensure that the enhancement of the function, form, character and amenity values of rural areas is only 'where appropriate'. However the wording of the objective is not an imperative that function, form, character and amenity values aspects of the rural area must be enhanced. The current wording (emphasised in italics) is 'supports, maintains *or* enhances....' which indicates that any of these three aspects are appropriate. I therefore recommend these submission points are rejected.
- 8.9. The Poultry Industry and Egg Producers⁹⁰, NZ Pork⁹¹, Winstone Aggregates⁹², CRC⁹³, Aggregate and Quarry Association⁹⁴, Beef & Lamb⁹⁵, RIL⁹⁶, Fulton Hogan⁹⁷, NCFE⁹⁸ and Graeme and Virginia Adams⁹⁹ seek that the objective be retained as notified. I recommend that these submission points are accepted in part due to the changes I am recommending above.

Recommendations and amendments

- 8.10. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-O1 as shown in **Appendix 2** to acknowledge those activities that both support primary production and have a functional need to locate in GRUZ and to protect them from reverse sensitivity effects and incompatible activities.

⁸⁵ DPR-0375:186 Waka Kotahi

⁸⁶ DPR-0371:065 CIAL

⁸⁷ DPR-0370:078 Fonterra

⁸⁸ DPR-0446:122 Transpower

⁸⁹ DPR-0372:101 DHL, CFSL DPR-0388:052

⁹⁰ DPR-0043:007 Poultry Industry and Egg Producers

⁹¹ DPR-0142:043 NZ Pork

⁹² DPR-0215:052 Winstone Aggregates

⁹³ DPR-0260:164 CRC

⁹⁴ DPR-0356:009 Aggregate and Quarry Association

⁹⁵ DPR-0368:037 Beef & Lamb

⁹⁶ DPR-0390:080 RIL

⁹⁷ DPR-0415:006 Fulton Hogan

⁹⁸ DPR-0422:250 NCFE

⁹⁹ DPR-0481:004 Graeme and Virginia Adams

8.11. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

8.12. A s32AA is necessary due to the scale of the amendments. This can be found in Section 16.

Objective - New

8.13. Two submission points and three further submission points were received on new objectives in GRUZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	128	New	Neither Support Nor Oppose	Insert as follows: <i><u>The operation and security of important infrastructure is not compromised by other activities.</u></i>
DPR-0353	HortNZ	FS027	New	Oppose	Reject
DPR-0375	Waka Kotahi	FS254	New	Support	Consider the precise wording of the proposed new objectives and its implications.
DPR-0407	Forest & Bird	FS697	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0390	RIL	081	New	Support	Insert new objective recognising the importance of irrigation infrastructure in the Selwyn District.

Analysis

8.14. RIL¹⁰⁰ seek that a new objective is inserted expressly recognising the importance of irrigation infrastructure. I recommend this submission point is rejected as irrigation infrastructure is recognised as 'important infrastructure' under the PDP and is therefore enabled and protected through the EI Chapter.

8.15. Orion¹⁰¹ seek a new objective to support corridor protection rules for significant electricity distribution lines that Orion seek to insert into the GRUZ. I recommend this submission point is rejected as important infrastructure is enabled and protected (from reverse sensitivity) through the EI Chapter and the provisions are designed to be stand-alone within that Chapter (as set out in the NPS).

¹⁰⁰ DPR-0390:081 RIL

¹⁰¹ DPR-0367:128 Orion

Recommendations and amendments

- 8.16. I recommend for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.
- 8.17. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9. Policies

GRUZ-P1

- 9.1. 16 submission points and ten further submission points were received on GRUZ-P1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	015	Oppose In Part	Amend to provide clear direction in the PDP policies that will enable quarry operations in rural areas, as part of rural primary production.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS030</i>	<i>Oppose In Part</i>	<i>Accept the submission in part</i>
DPR-0142	NZ Pork	044	Support	Retain as notified.
DPR-0215	Winstone Aggregates	053	Support	Retain as notified
DPR-0260	CRC	165	Support	Retain as notified.
DPR-0353	HortNZ	241	Support	Amend to either more clearly specify 'rural character' in the overview or define it.
DPR-0356	Aggregate and Quarry Association	010	Support	Retain as notified
DPR-0370	Fonterra	079	Oppose	Retain as notified
<i>DPR-0209</i>	<i>Manmeet Singh</i>	<i>FS811</i>	<i>Oppose In Part</i>	<i>Reject submission in part</i>
DPR-0371	CIAL	066	Support	Retain as notified
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS127</i>	<i>Oppose</i>	<i>Reject</i>
DPR-0372	DHL	102	Support	Retain as notified
DPR-0381	Coleridge Downs Limited	008	Oppose In Part	Amend GRUZ-REQ8 (and make consequential amendments to related rules and/or insert a new definition in the Plan) to: - remove any setback required for land use of paddocks associated with breakfeeding of stock; and - reduce the minimum setback required for all other activities in GRUZ-REQ8 to 50m Consequential amendments to GRUZ-P1.2 to reflect the relief requested to GRUZ-REQ8.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS515</i>	<i>Oppose</i>	<i>Reject the submission</i>
<i>DPR-0422</i>	<i>NCCF</i>	<i>FS174</i>	<i>Support</i>	<i>Allow the submission point.</i>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0382	EMRC	002	Neither Support Nor Oppose	<u>Refer Section 15.</u>
DPR-0422	NCFF	FS175	Oppose In Part	<u>Refer Section 15.</u>
DPR-0390	RIL	082	Support	Retain as notified.
DPR-0394	McMillan Civil Limited	001	Oppose In Part	Amend as follows: <i>Maintain or enhance rural character and amenity values of rural areas by:</i> ... <i>4. retaining a clear delineation and contrast between the district's rural areas and urban areas, including Christchurch City.</i>
DPR-0157	Kevin & Bonnie Williams	FS001	Support	Accept submission point
DPR-0422	NCFF	251	Support In Part	Amend as follows: ... <i>1. retaining a low overall building density, and predominance of vegetation cover;...</i>
DPR-0407	Forest & Bird	FS153	Oppose	Reject the submission
DPR-0481	Graeme and Virginia Adams	005	Support	Retain GRUZ-P1 as notified
DPR-0482	Jayne Grace Philp	008	Oppose	Amend the statement to reflect that these matters haven't been considered or alter the ability for subdivisions in SCA-RD11. Consider changing the approval to already developed land and returning the undeveloped parts of SCA-RD11 to rural land with restrictions on subdivision.
DPR-0481	Graeme and Virginia Adams	FS008	Support	Allow all points.
DPR-0524	Nelson Early	FS009	Support	Amend SCA RD 11 provisions to SCA RD

Analysis

- 9.2. Frews Quarries Ltd¹⁰² oppose GRUZ-P1 as part of a broad opposition to policies in GRUZ that in their opinion create conflicting and inconsistent direction for quarry operations. They seek that the policy is amended to provide clear direction to enable quarry operations. I recommend this submission point is rejected as the policy (in clause 2) is already enabling of mineral extraction activities (subject to managing adverse effects) in combination with GRUZ-P8.
- 9.3. HortNZ¹⁰³ support the policy however link this to their relief seeking that the overview more clearly specifies 'rural character' or that it is defined. I recommend this submission point is accepted in part as I am recommending changes to the wording of the overview that will further set out the components that contribute to rural character.
- 9.4. Coleridge Downs Limited¹⁰⁴ seek consequential amendments to GRUZ-P1 (2) to reflect relief requested for GRUZ-REQ8 which is to remove any setback required for land use of paddocks

¹⁰² DPR-0122:015 Frews Quarries Ltd

¹⁰³ DPR-0353:241 HortNZ

¹⁰⁴ DPR-0381:008 Coleridge Downs Limited

associated with breakfeeding of stock and to reduce the minimum setback for all other activities to 50m. I recommend this submission point is rejected as the overall principle of the policy remains sound by recognising that mineral extraction and intensive farming activities are more likely to give rise to adverse effects than other primary production activities. However I understand the submitter's primary concern is intensive winter grazing being captured as an intensive farming activity. I am recommending changes to the definition of intensive outdoor primary production to exclude intensive winter grazing.

- 9.5. McMillan Civil Ltd¹⁰⁵ seek the deletion of 'Christchurch City' from GRUZ-P1 as they consider that it appears to carry over the policy framework from the Operative District Plan and does not give effect to the CRPS. I recommend the submission point is accepted. I agree that there is no policy imperative in the current CRPS to protect the rural landscape to the west of Christchurch City. However the CRPS through Policy 6.3.1 (in respect of Greater Christchurch) does require settlement consolidation and intensification as does Policy 5.3.1 (Wider Region). It is appropriate therefore to continue to maintain a distinction between urban and rural areas. I also note that the urban growth provisions of the PDP provide a strong imperative that growth only occur in areas identified in the PDP or CRPS. This will effectively manage urban growth pressure and help maintain rural character near the Christchurch/Selwyn boundary.
- 9.6. NCFF¹⁰⁶ seek that 'the predominance of vegetation cover' is deleted from GRUZ-P1.1 as the chapter is mainly focused on building density. I agree with the submitter but only to the extent that this could be a separate clause in the policy as I consider that the predominance of vegetation cover is a relevant feature of GRUZ. I therefore recommend that the wording is moved to a new point which focusses on the degree of openness and vegetation, consistent with the explanation to the Chapter. I recommend the submission point is accepted in part.
- 9.7. Jayne Grace Philp¹⁰⁷ considers that GRUZ-P1 (although GRUZ-O1 is referred to in the submission text) has not been considered when allowing for subdivision in SCA-RD11 and seeks that the plan wording be amended to reflect this. The submission point seems to be focused on seeking changes to SCA-RD11 rather than specific changes to the policy wording. I therefore recommend the submission point is rejected.
- 9.8. NZ Pork¹⁰⁸, Winstone Aggregates¹⁰⁹, CRC¹¹⁰, Aggregate and Quarry Association¹¹¹, Fonterra¹¹², CIAL¹¹³, DHL¹¹⁴, RIL¹¹⁵, Graeme and Virginia Adams¹¹⁶ seek that the policy is retained as notified. As I am recommending some amendments, I recommend these submission points are accepted in part.

¹⁰⁵ DPR-0394:001 McMillan Civil Ltd

¹⁰⁶ DPR-0422:251 NCFF

¹⁰⁷ DPR-0482:008 Jayne Grace Philp

¹⁰⁸ DPR-0142:044 NZ Pork

¹⁰⁹ DPR-0215:053 Winstone Aggregates

¹¹⁰ DPR-0260:165 CRC

¹¹¹ DPR-0365:010 Aggregate and Quarry Association

¹¹² DPR-0370:079 Fonterra

¹¹³ DPR-0371:066 CIAL

¹¹⁴ DPR-0372:102 DHL

¹¹⁵ DPR-0390:082 RIL

¹¹⁶ DPR-0481:005 Graeme and Virginia Adams

Recommendations and amendments

9.9. I recommend for the reasons given above, that the Hearings Panel make the following amendments, as shown in **Appendix 2**:

9.9.1. Delete the reference to Christchurch City in GRUZ-P1.4

9.9.2. Include a new clause on the predominance of vegetation cover to separate this out from building coverage.

9.10. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P2

9.11. Ten submission points and three further submission points were received on GRUZ-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0078	Ian Laurensen	002	Oppose In Part	Amend by adding an additional exception clause: <i>...the development includes environmental biodiversity initiatives including suitable screening such that the rural / natural landscape is enhanced...</i>
DPR-0142	NZ Pork	045	Support	Retain as notified.
DPR-0234	Mark Booker & Alexandra Roberts	003	Oppose In Part	Amend GRUZ-P2 to provide more flexibility in uses.
DPR-0260	CRC	166	Support	Retain as notified.
DPR-0353	HortNZ	243	Oppose In Part	Amend as follows: ... <i>c. the development is for a temporary activity, or temporary accommodation or seasonal worker accommodation.</i>
DPR-0371	CIAL	FS029	Neither Support Nor Oppose	Accept in part.
DPR-0422	NCCF	FS059	Support	Allow the submission point
DPR-0371	CIAL	067	Support In Part	Amend as follows: <i>Avoid the development of residential units on sites that are smaller than the required minimum site size, except where the development is outside of the 50 dB Ldn Air Noise Contour and: a.</i>
DPR-0353	HortNZ	FS128	Oppose	Reject
DPR-0390	RIL	083	Support	Retain as notified.
DPR-0406	Nevele R Stud	003	Support In Part	Amend as follows: <i>Avoid the development of residential units on sites that are smaller than the required minimum site size, except where: a. the development has been provided for through a grandfather</i>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>clause, or the development exhibits extraordinary characteristics; b. ...</i>
DPR-0422	NCCF	252	Support	Retain as notified.
DPR-0453	LPC	075	Support In Part	Amend as follows: <i>Avoid the development of residential units on sites that are smaller than the required minimum site size, <u>except for where the development is located outside the 45dBA LAeq Noise Control Overlay, and where</u></i> ...

Analysis

- 9.12. Ian Laurenson¹¹⁷ seeks an amendment to GRUZ-P2 to insert an additional clause to exempt residential units from meeting density requirements where a development proposes environmental and biodiversity enhancement. Council are currently developing a biodiversity strategy to strategically guide ecological enhancement in the district. Whilst I agree with the submitter that such an outcome is desirable and could be a reason to exempt development from the density requirements of the PDP, it would be better to develop a comprehensive approach first. Such an approach would ideally be developed following the release of the Council's biodiversity strategy and potentially, the National Policy Statement on Indigenous Biodiversity. Taken in isolation, it would be difficult for a policy to be implemented without clear guidance on what type of ecological enhancement would be acceptable and what additional development rights would be appropriate. I therefore recommend the submission point is rejected.
- 9.13. Mark Booker and Alexandra Roberts¹¹⁸ seek that GRUZ-P2 and other provisions are amended to increase flexibility in home occupation rules including appropriate larger sizes for minor residential dwellings. The PDP increases the gross floor area allowance for a minor residential dwelling in the rural zone from 70sqm in the Operative District Plan to 90sqm. I am also recommending¹¹⁹ this does not include garage space (currently this is not clearly stated in relation to GRUZ but is in the various residential zones). I recommend this submission point is accepted in part (to the extent that garages are excluded). I consider this is permissive overall in the context of GRUZ and no change to this policy is required.
- 9.14. HortNZ¹²⁰ seek that seasonal worker accommodation is excluded from the density requirement (as for a temporary activity or temporary accommodation). I recommend this submission point is accepted and that seasonal worker accommodation is excluded in clause c of the policy, consistent with accepting a definition for the activity and a specific new rule discussed further below in Section 10¹²¹.

¹¹⁷ DPR-0078:002 Ian Laurenson

¹¹⁸ DPR-0234:003 Mark Booker and Alexandra Roberts

¹¹⁹ Refer to discussion on GRUZ-R6

¹²⁰ DPR-0353:243 HortNZ

¹²¹ Refer to discussion under Rules - New

- 9.15. CIAL¹²² seek that GRUZ-P2 and the exceptions to avoiding development do not apply when within the 50db Noise Control Overlay for Christchurch Airport. I recommend this submission point is rejected. I agree that residential units on land at lower densities than anticipated in GRUZ is less desirable within the 50db Airport Noise Control Overlay for reasons of reverse sensitivity. However no grandfather clause through the PDP applies to rural density on land within the 50db Airport Noise Control Overlay and the balance land provisions are designed to maintain appropriate rural density, consistent with the CRPS which defines rural activity as being a minimum of one dwelling per 4ha.
- 9.16. Nevele R Stud¹²³ seeks that the policy is amended to account for situations where there may be extraordinary characteristics with a site which could deliver positive outcomes. 'Extraordinary characteristics' is a subjective term that could be interpreted in different ways. For example a bonus lot/residential unit or exception to minimum density requirement could be desirable where good outcomes are proposed but it should be clear where this applies (for example where ecological enhancement is proposed). As discussed above, this specific outcome would be better as part of a comprehensive approach following the development of Council's biodiversity strategy. I therefore recommend this submission point is rejected.
- 9.17. LPC¹²⁴ seek that GRUZ-P2 and the exceptions to avoiding development do not apply when the site is within the 45db Port Noise Control Overlay. I recommend this submission point is rejected. There are only two sites, Lot 1 DP 489 and Lot 3 DP 306083, that are affected by the 45db Port Noise Control Overlay in GRUZ and both these sites are well over 4ha and are unlikely to be subject to the undersized sites policy in GRUZ-P2.
- 9.18. NZ Pork, CRC, Rakaia Irrigation Ltd and NCFF¹²⁵ seek that the policy is retained as notified. As I am recommending some amendments, I recommend these submission points are accepted in part.

Recommendations and amendments

- 9.19. I recommend for the reasons given above, that the Hearings Panel, as show in **Appendix 2**, exclude seasonal worker accommodation from the application of this policy through an amendment to clause 2.
- 9.20. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 9.21. A consolidated S32AA is included for the package for seasonal workers accommodation in Section 10.

¹²² DPR-0371:067 CIAL

¹²³ DPR-0406:003 Nevele R Stud

¹²⁴ DPR-0453:075 LPC

¹²⁵ DPR-0142:045 NZ Pork, DPR-0260:166 CRC, DPR-0390:083 RIL, DPR-0422:252 NCFF,

GRUZ-P3

9.22. Five submission points and four further submission points were received on GRUZ-P3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	248	Oppose In Part	Amend as follows: <u>Except as required for farm worker accommodation</u>
DPR-0142	NZ Pork	FS034	Support	Allow in full
DPR-0372	DHL	FS047	Support	Accept the submission.
DPR-0422	NCFF	FS060	Support	Allow the submission point
DPR-0371	CIAL	068	Support In Part	Amend as follows: Avoid the creation of minor residential units that: ...; or <u>3. are located within the 50 dB Ldn Air Noise Contour.</u>
DPR-0353	HortNZ	FS129	Oppose	Reject
DPR-0372	DHL	103	Support	Retain as notified
DPR-0390	RIL	084	Support	Retain as notified.
DPR-0422	NCFF	253	Support	Retain as notified.

Analysis

9.23. CIAL¹²⁶ seek that GRUZ-P3 also applies when the site is within the 50db Noise Control Overlay for Christchurch Airport. I recommend this submission point is rejected for the following reasons:

9.23.1. The submitter also submitted on the Noise Chapter of the PDP seeking policy (ideally in GRUZ) to avoid noise sensitive activities establishing in the 50db Airport Noise Control Overlay. There is direction in the CRPS Policy 6.3.5.4 which seeks to manage reverse sensitivity effects with respect to strategic infrastructure, including by avoiding noise sensitive activities within the 50 dB Ldn air noise contour, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A.

9.23.2. I note the author of that report considers the policy by itself does not give an effective mandate to avoiding all noise sensitive activities in the 50db Airport Noise Control Overlay (when read in conjunction with other policies in the CRPS) and recommends the above relief is rejected. This may come down to a matter for interpretation between readers of the CRPS and I will rely on the Panel's direction on this issue (as the Noise hearing precedes the hearing for GRUZ).

9.23.3. In terms of minor residential dwellings, I consider that they are part of rural activity as envisaged by the CRPS and thus should not be subject to an 'avoid' approach as 'noise

¹²⁶ DPR-0371:068 CIAL

sensitive activities'¹²⁷. I note also that the submitter is not opposing outright visitor accommodation within the 50db Airport Noise Control Overlay (subject to noise mitigation being provided). This is probably to recognise that the CRPS enables visitor accommodation in the 50db overlay where it has been designed to minimise noise. Visitor accommodation permitted under GRUZ-R15 enables up to five guests (in addition to the owner who must live on site).

- 9.23.4. There seems to be little difference in my opinion between a minor residential unit and a normal dwelling that also encompasses visitor accommodation (up to five paying guests) in terms of reverse sensitivity effects from noise generating activities. I consider that if visitor accommodation is enabled (i.e. not to be avoided) within this noise control overlay, so should a minor residential unit.
- 9.23.5. Avoiding outright minor residential units within the 50db Airport Noise Control Overlay would also make this a more onerous test than for the same activity within the 55db Airport Noise Control Overlay where it is provided for, subject to noise mitigation standards being met.
- 9.24. HortNZ¹²⁸ seek that there is an exclusion from the policy test where minor residential units are required for farm worker accommodation. I recommend this submission point is rejected. A separate definition and rule framework is proposed by the submitter for seasonal worker accommodation. Whilst I agree with the overall approach of this, in my view it is important that this type of accommodation is not conflated with minor residential units which are for a different purpose and where a different rule approach is proposed.
- 9.25. DHL, RIL and NCCF¹²⁹ seek that the policy is retained as notified. As I am not recommending any amendments, I recommend these submissions are accepted.

Recommendations and amendments

- 9.26. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-P3 as notified.
- 9.27. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

¹²⁷ CPRS- definition of noise sensitive activities: Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008; • Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan; • Travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; • Hospitals, healthcare facilities and any elderly persons housing or complex. But does not include: • Commercial film or video production activity

¹²⁸ DPR-0353:248 HortNZ

¹²⁹ DPR-0372:103 DHL, DPR-0390:084 DHL, DPR-0422:253 NCCF

GRUZ-P4

9.28. 11 submission points and four further submission points were received on GRUZ-P4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	016	Oppose In Part	Amend to provide clear direction in the PDP policies that will enable quarry operations in rural areas, as part of rural primary production.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS031</i>	<i>Oppose In Part</i>	<i>Accept the submission in part</i>
DPR-0142	NZ Pork	047	Support	Retain as notified.
DPR-0215	Winstone Aggregates	054	Support In Part	Amend as follows: <i>Provide for the economic development potential of the rural area by enabling a range of activities that:</i> <i>1. ... ;and/or</i> <i>2. ... ;and</i> <i>3....</i> <i>4. maintain or enhance the rural character and amenity values of the surrounding area.</i>
DPR-0260	CRC	167	Support	Retain as notified.
DPR-0353	HortNZ	251	Support	Amend as follows: <i>Provide for the economic development potential of the rural area by enabling providing for a range of activities that:</i> <i>...</i> <i>2. have a functional need, or operational need to locate in the rural area; and</i> <i>...</i> <i>5. Will not create potential for reverse sensitivity effects with rural production activities.</i>
DPR-0368	Beef + Lamb & DINZ	038	Support	Retain as notified.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS461</i>	<i>Oppose</i>	<i>Reject the submission</i>
DPR-0372	DHL	104	Support	Retain as notified
DPR-0390	RIL	085	Support	Retain as notified.
DPR-0422	NCFF	254	Support In Part	Amend to include recognition of existing rural businesses and enable them to continue to contribute strongly to the Selwyn District economy.
DPR-0441	Trustpower	142	Support	Retain as notified
DPR-0482	Jayne Grace Philp	009	Oppose	Amend the statement to reflect that these matters haven't been considered or alter the ability for subdivisions in SCA-RD11. Consider changing the approval to already developed land and returning the undeveloped parts of SCA-RD11 to rural land with restrictions on subdivision.
<i>DPR-0481</i>	<i>Graeme and Virginia Adams</i>	<i>FS009</i>	<i>Support</i>	<i>Allow all points.</i>
<i>DPR-0524</i>	<i>Nelson Early</i>	<i>FS010</i>	<i>Support</i>	<i>Amend SCA RD 11 provisions to SCA RD</i>

Analysis

- 9.29. Frews Quarries¹³⁰ seek that GRUZ-P4 is amended to provide clear direction that will enable quarry operations in the GRUZ as part of rural primary production. However I note that there is a dedicated policy, GRUZ-P8, that provides for mineral extraction in the GRUZ. I consider that this represents clear direction and that no amendments to GRUZ-P4 in this regard are required. I recommend this submission point is rejected. I am recommending some changes to GRUZ- P8 as a result of other submissions which may provide relief to the submitter.
- 9.30. Winstone Aggregates¹³¹ seek changes to GRUZ-P4 to clarify the wording and the relationship between clauses. The submitter uses the example of quarrying where, as drafted, it is not clear that clause 2 applies to quarrying in combination with clause 1. Additionally clause 1 does not include the economic contribution of primary production itself. They also seek that 'character' referred to in clause 4 is clarified as 'rural' character. I recommend this submission point is rejected for the following reasons:
- 9.30.1. The list in the policy follows the convention of the PDP where each clause applies unless otherwise specified. Whilst all the clauses are intended to be applied, the policy applies only to those activities that rely on primary production. Primary production and mineral extraction are already enabled through GRUZ-P1.2 and GRUZ-P4 does not apply to primary production itself.
- 9.30.2. I agree with the submitter that it is important to clarify what is meant by rural character (hence my recommend changes to the overview) however the surrounding area may not necessarily be entirely GRUZ, if the quarry is located close to another zone boundary.
- 9.31. HortNZ¹³², similar to Winstone Aggregates, seek that the relationship between clauses in GRUZ-P4 is clarified. They also seek the insertion of a new clause 5 requiring that any new activity will not create the potential for reverse sensitivity effects on rural production activities. I recommend this submission point is rejected for reasons stated above. I also consider that a new clause 5 as proposed is unnecessary as GRUZ-P7 already requires that reverse sensitivity effects on established primary production activities is avoided. I also do not agree with changing 'enabling' to 'providing' in the 'lead in' sentence as this adds little and doubles up with the use of the word 'provide' earlier in the sentence.
- 9.32. NCF¹³³ seek that the policy is amended to provide greater recognition of existing rural businesses and enable them to continue to contribute to the Selwyn economy. I recommend this submission point is rejected as this is already enabled through GRUZ-P4 which could apply to the expansion of existing or establishment of new economic activities. I also note that the overview (including proposed additional wording if accepted) provides some detail about existing activities and how they form part of the rural environment.

¹³⁰ DPR-0122:016 Frews Quarries

¹³¹ DPR-0215:054 Winstone Aggregates

¹³² DPR-0353:251 HortNZ

¹³³ DPR-0422:254 NCF

9.33. Jayne Grace Phillip¹³⁴ opposes GRUZ-P4 as part of their opposition to the ability to subdivide rural productive land within SCA-RD11 (Greendale). The relief sought does not specifically relate to GRUZ-P4 and therefore I recommend the submission point is rejected.

9.34. NZ Pork, CRC, Beef + Lamb & DINZ, DHL, RIL and Trustpower¹³⁵ all seek that GRUZ-P4 is retained as notified. I recommend these submission points are accepted in part as I am recommending some changes to GRUZ-P4.

Recommendations and amendments

9.35. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-P4 as notified.

9.36. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P5

9.37. Five submission points and two further submission points were received on GRUZ-P5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	017	Oppose In Part	Amend to provide clear direction in the PDP policies that will enable quarry operations in rural areas, as part of rural primary production.
DPR-0407	Forest & Bird	FS032	Oppose In Part	Accept the submission in part
DPR-0260	CRC	168	Support	Retain as notified.
DPR-0353	HortNZ	254	Oppose In Part	Amend as follows: <u>Will not create potential for reverse sensitivity effects with rural production activities.</u>
DPR-0142	NZ Pork	FS035	Support	Allow in full
DPR-0372	DHL	105	Neither Support Nor Oppose	Retain as notified
DPR-0422	NCFF	255	Support In Part	Review and amend the policy to ensure normal packing and processing of agricultural goods, on farm, is permitted. Alternatively, include another policy to enable rural industrial activities and make any consequential amendments.

¹³⁴ DPR-0482:009 Jayne Grace Phillip

¹³⁵ DPR-0142:047 NZ Pork, DPR-0260:167 CRC, DPR-0368:038 Beef+Lamb, & DINZ, DHL DPR-0372:104, RIL DPR-0390:085, DPR-0441:142 Trustpower

Analysis

- 9.38. Frews Quarries¹³⁶ seek that GRUZ-P5 is amended to provide clear direction that will enable quarry operations in the GRUZ as part of rural primary production. However there is a dedicated policy in the rural chapter, GRUZ-P8, that provides for mineral extraction in GRUZ. I consider that this represents clear direction and that no amendments to GRUZ-P5 in this regard are required. I recommend this submission point is rejected.
- 9.39. HortNZ¹³⁷ seek an amendment so that any new activity will not create the potential for reverse sensitivity effects on rural production activities. I recommend this submission point is rejected as the change is unnecessary. GRUZ-P7 already requires that reverse sensitivity effects on established primary production activities is avoided.
- 9.40. NCF¹³⁸ seek that GRUZ-P5 is amended to ensure that normal packaging and processing activities of agricultural goods on a farm is permitted or in the alternative, another policy is inserted to enable rural industrial activities. I recommend this submission point is accepted in part for the following reasons:
- 9.40.1. The submitter does make a valid point that rural industry appears to be captured by GRUZ-P5, which is a more restrictive policy, as well as GRUZ-P4 which is intended to be more enabling.
- 9.40.2. I note the NPS definition of 'rural industry' which refers to industrial and business that is dependent on, or services primary production. In the PDP this is further separated into 'rural service activity' and 'primary industry' however I am recommending these terms are removed in favour of just relying on the term 'rural industry'¹³⁹. Regardless, both these activities are permitted or, in the case where performance standards cannot be complied with, discretionary activities.
- 9.40.3. By contrast 'other' industrial, and commercial activities over 100sqm are non-complying activities in the rural area. This suggests there is a clear distinction intended in the rule framework in the GRUZ chapter between rural industry and 'other' industry and commercial activity. It is appropriate therefore that this is reflected in the policy, which provides a very strong direction to 'avoid' expansion and new industrial and commercial activity.
- 9.40.4. I recommend that there is an exception to the application of the policy to 'rural industry' which would be more appropriately considered under GRUZ-P4 and not the separate and more restrictive test of GRUZ-P5.

¹³⁶ DPR-0122:017 Frews Quarries

¹³⁷ DPR-0353:254 HortNZ

¹³⁸ DPR-0422:255 NCF

¹³⁹ Refer to discussion under GRUZ-R8 and GRUZ-R11

9.41. CRC and DHL¹⁴⁰ seek that the policy is retained as notified. As I am recommending amendments to the policy, I recommend these submission points are accepted in part.

Recommendations and amendments

9.42. I recommend for the reasons given above, that the Hearings Panel exclude GRUZ-P5's application to rural industry as set out in **Appendix 2**.

9.43. I recommend for the reasons given above, that the Hearings Panel, as set out in **Appendix 2** amend GRUZ-P5 to avoid the establishment or expansion of health centres, education facilities and community correction activities unless there is an operational or functional need to establish/expand in GRUZ (refer to 'Rule-New' for more detail on this).

9.44. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P6

9.45. Seven submission points and two further submission points were received on GRUZ-P6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0205	Lincoln University	002	Support	Retain as notified.
DPR-0213	Plant and Food and Landcare	002	Support	Retain as notified
DPR-0342	AgResearch	008	Oppose In Part	Amend Policy GRUZ-P6 as follows: <i>Enable the establishment and operation of research activities that directly relate to rural production or are reliant on the rural resource., where they:</i> 1. will not generate adverse effects on the character and amenity values of the rural area that cannot be mitigated; and 2. avoid reverse sensitivity effects on primary production.
DPR-0353	HortNZ	257	Support	Retain as notified
DPR-0372	DHL	106	Neither Support Nor Oppose	Retain as notified
DPR-0422	NCFF	256	Support	Retain as notified.

¹⁴⁰ DPR-0372:105 CRC and DPR-0260:168 DHL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0482	Jayne Grace Philp	010	Oppose	Amend the statement to reflect that these matters haven't been considered or alter the ability for subdivisions in SCA-RD11. Consider changing the approval to already developed land and returning the undeveloped parts of SCA-RD11 to rural land with restrictions on subdivision.
DPR-0481	Graeme and Virginia Adams	FS010	Support	Allow all points.
DPR-0524	Nelson Early	FS011	Support	Amend SCA RD 11 provisions to SCA RD

Analysis

9.46. AgResearch Ltd¹⁴¹ seek that clauses 1 and 2 of GRUZ-P6 are deleted on the basis that research farms are generally compatible with primary production activities, do not cause reverse sensitivity issues and any adverse effects on character and amenity are comparable to those generated by primary production activities.

9.47. I recommend this submission point is accepted for the following reasons:

9.47.1. I note that the activity is permitted under GRUZ-R13, subject to being directly related to rural production and subject to an hours of operation rule requirement. This lessens the importance of the policy for guiding resource consent applications and means the policy does not really relate to the management approach and it is unclear for example how the policy in its current form is to be implemented through the rules.

9.47.2. Whilst the submitter states that research farms are likely to be predominantly compatible with the character and amenity of the rural environment, the definition of a research activity is broad and includes: *the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, and conference facility.*

9.47.3. Taken as a whole, this could be a significant activity. On the other hand, as stated, the activity is permitted under GRUZ-R13 which suggests that the effects are 'tolerable' in GRUZ, where related to rural production. Where the activity 'strays away' from being related to rural production it could be deemed a non-complying activity under GRUZ-R13 or even a commercial activity under GRUZ-R9. Here GRUZ-P5 and GRUZ-P7 could be applied.

9.47.4. As GRUZ-P6, clauses 1 and 2, do not appear to be required, I recommend that they are deleted.

¹⁴¹ DPR-0342:008 AgResearch Ltd

9.48. Jayne Grace Phillip¹⁴² opposes GRUZ-P6 as part of opposition to the ability to subdivide rural productive land within SCA-RD11 (Greendale). The relief sought does not specifically relate to GRUZ-P6 and therefore I recommend the submission point is rejected.

9.49. Lincoln University, NZ Plant and Food and Landcare, HortNZ, DHL and NCFF¹⁴³ all seek that GRUZ-P6 is retained as notified. I recommend these submission points are accepted in part as I am recommending that GRUZ-P6 is amended.

Recommendations and amendments

9.50. I recommend for the reasons given above, that the Hearings Panel delete GRUZ-P6, clauses 1 and 2 as shown in **Appendix 2**.

9.51. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P7

9.52. 22 submission points and 23 further submission points were received on GRUZ-P7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	013	Support	Retain as notified.
DPR-0122	Frews Quarries Ltd	018	Oppose In Part	Amend to provide clear direction in the PDP policies that will enable quarry operations in rural areas, as part of rural primary production.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS033</i>	<i>Oppose In Part</i>	<i>Accept the submission in part</i>
DPR-0142	NZ Pork	048	Support In Part	Amend policy to cover other permitted activities.
<i>DPR-0043</i>	<i>Poultry Industry & Egg Producers</i>	<i>FS003</i>	<i>Support</i>	<i>Allow in full</i>

¹⁴² DPR-0482:010 Jayne Grace Phillip

¹⁴³ DPR-0205:002 Lincoln University, DPR-0213:002 NZ Plant and Food and Landcare, DPR-0353:257 HortNZ, DPR-0372:106 DHL, DPR-0422:256 NCFF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0205	Lincoln University	003	Oppose In Part	Amend as follows: <i>Avoid reverse sensitivity effects on lawfully established primary production activities <u>and lawfully established research activities that directly relate to rural production or are reliant on the rural resource.</u></i>
DPR-0353	HortNZ	FS004	Oppose In Part	Reject in part
DPR-0212	ESAI	098	Support In Part	Amend wording of Policy 7 to read: <i>Avoid reverse sensitivity effects on lawfully established primary <u>and rural</u> production activities.</i>
DPR-0043	Poultry Industry & Egg Producers	FS009	Support	Allow in full
DPR-0213	Plant and Food and Landcare	003	Oppose In Part	Amend as follows: <i>Avoid reverse sensitivity effects on lawfully established primary production activities <u>and lawfully established research activities that directly relate to rural production or are reliant on the rural resource.</u></i>
DPR-0043	Poultry Industry & Egg Producers	FS011	Oppose	Disallow in full
DPR-0353	HortNZ	FS008	Oppose In Part	Reject in part
DPR-0215	Winstone Aggregates	055	Support	Retain as notified
DPR-0260	CRC	169	Support	Retain as notified.
DPR-0342	AgResearch	009	Support In Part	Amend Policy GRUZ-P7 as follows: <i>Avoid reverse sensitivity effects on lawfully established primary production activities <u>and lawfully established research activities that directly relate to rural production or are reliant on the rural resource.</u></i>
DPR-0353	HortNZ	FS012	Oppose In Part	Reject in part
DPR-0353	HortNZ	263	Support	Amend as follows: <i>Avoid reverse sensitivity effects on lawfully established primary production activities <u>by ensuring that incompatible and sensitive activities are not inappropriately located within the Rural Zone.</u></i>
DPR-0142	NZ Pork	FS037	Support	Allow in full
DPR-0454	Central Plains Water Limited	FS004	Support	Allowed in full
DPR-0356	Aggregate and Quarry Association	011	Support In Part	Amend the policy to extend to activities that have been authorised but have not yet been established.
DPR-0368	Beef + Lamb & DINZ	039	Support	Retain as notified.
DPR-0407	Forest & Bird	FS462	Oppose	Reject the submission
DPR-0370	Fonterra	080	Support In Part	Amend as follows: <i>Avoid reverse sensitivity effects on lawfully established primary production activities, <u>rural industry activities and important infrastructure.</u></i>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	Manmeet Singh	FS812	Oppose In Part	Reject submission in part
DPR-0375	Waka Kotahi	FS257	Support In Part	Consider the precise wording of the proposed new objectives and its implications.
DPR-0371	CIAL	069	Support In Part	Amend as follows: Avoid reverse sensitivity effects on lawfully established primary production activities <u>and important infrastructure.</u>
DPR-0353	HortNZ	FS043	Oppose	Reject
DPR-0375	Waka Kotahi	FS259	Support In Part	Consider the precise wording of the proposed new objectives and its implications
DPR-0372	DHL	107	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	FS022	Support	Allow in full
DPR-0454	Central Plains Water Limited	FS005	Support	Allowed in full
DPR-0390	RIL	086	Support	Retain as notified.
DPR-0415	Fulton Hogan Limited	008	Support	Amend as follows: Avoid reverse sensitivity effects on lawfully established <u>and authorised</u> primary production activities.
DPR-0215	Winstone Aggregates	FS011	Support	Accept the submission.
DPR-0454	Central Plains Water Limited	FS006	Support	Allowed in full
DPR-0422	NCFF	257	Support In Part	Amend as follows: Avoid reverse sensitivity effects on lawfully established primary <u>and rural</u> production activities.
DPR-0441	Trustpower	143	Oppose	Amend as follows: Avoid reverse sensitivity effects on lawfully established primary production activities <u>and regionally significant infrastructure which has a functional and operational need to be located in the GRUZ.</u>
DPR-0353	HortNZ	FS057	Support In Part	Reject
DPR-0454	Central Plains Water Limited	FS003	Support	Allowed in full
DPR-0453	LPC	076	Support In Part	Amend as follows: Avoid reverse sensitivity effects on <u>important infrastructure</u> and lawfully established primary production activities.
DPR-0375	Waka Kotahi	FS263	Support	Accept proposed amendment.
DPR-0481	Graeme and Virginia Adams	006	Support	Retain GRUZ-P7 as notified
DPR-0482	Jayne Grace Philp	011	Oppose	Amend the statement to reflect that these matters haven't been considered or alter the ability for subdivisions in SCA-RD11. Consider changing the approval to already developed land and returning the undeveloped parts of SCA-RD11 to rural land with restrictions on subdivision.
DPR-0481	Graeme and Virginia Adams	FS011	Support	Allow all points.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0524	Nelson Early	FS012	Support	Amend SCA RD 11 provisions to SCA RD

Analysis

9.53. Frews Quarries¹⁴⁴ seek that GRUZ-P7 is amended to provide clear direction that will enable quarry operations in the GRUZ as part of rural primary production. However there is a dedicated policy in the rural chapter, GRUZ-P8, that provides for mineral extraction in GRUZ. I consider that this represents clear direction and that no amendments to GRUZ-P7 in this regard are required. I recommend this submission point is rejected.

9.54. ESAI¹⁴⁵ and NCFE¹⁴⁶ seek an amendment to include 'rural' production activities in order to provide further protection of permitted/consented rural activities. I recommend this submission point is rejected as it is not required. 'Primary production' encompasses 'rural production' as well as mineral extraction activities and therefore the additional wording as proposed is not needed.

9.55. NZ Pork¹⁴⁷ seek an amendment to GRUZ-P7 so that the policy also includes other permitted activities. Fonterra¹⁴⁸ seek that reverse sensitivity effects are avoided on rural industry and important infrastructure. AgResearch Ltd¹⁴⁹, NZ Plant and Food and Landcare¹⁵⁰ and Lincoln University¹⁵¹ seek that reverse sensitivity effects on research facilities dependent on primary production are avoided. I recommend these submission points are accepted in part for the following reasons:

9.55.1. The GRUZ chapter enables development in rural areas that has an operational or functional need to locate there and has a direct relationship with, or is dependent on, primary production.

9.55.2. Given the above, it is appropriate to consider that these activities require similar protection to primary production itself from reverse sensitivity effects, being a functional and necessary part of the rural environment and having interdependence with primary production.

9.55.3. I therefore recommend amending GRUZ-P7 to include activities that have a direct relationship to primary production or are reliant on a rural resource. This would include rural industry and rural research facilities.

9.56. CIAL¹⁵² and LPC¹⁵³ seek that reverse sensitivity effects are avoided on important infrastructure and Trustpower¹⁵⁴ seek that reverse sensitivity effects are avoided on regionally significant

¹⁴⁴ DPR-0122:018 Frews Quarries

¹⁴⁵ DPR-0212:098 ESAI

¹⁴⁶ DPR-0422:257 NCFE

¹⁴⁷ DPR-0142:048 NZ Pork

¹⁴⁸ DPR-0370:080 Fonterra

¹⁴⁹ DPR-0342:009 AgResearch Ltd

¹⁵⁰ DPR-0213:003 NZ Plant and Food and Landcare

¹⁵¹ DPR-0205:003 Lincoln University

¹⁵² DPR-0371:069 CIAL

¹⁵³ DPR-0453:076 LPC

¹⁵⁴ DPR-0441:143 Trustpower

infrastructure that has a functional and operational need to be located in the rural area. I recommend that these submission points are rejected as this is addressed in the EI Chapter, specifically EI-P6 that seeks to avoid reverse sensitivity effects on important infrastructure.

9.57. The Aggregate and Quarry Association¹⁵⁵ and Fulton Hogan¹⁵⁶ seek that the policy is amended to extend to activities that have been authorised but not yet established. This would apply where, for example, a mineral extraction area has been consented but no extraction has yet occurred or there may be unresolved appeals that mean the resource consent cannot be exercised. I recommend these submission points are accepted as I agree with the submitters that activities may be at risk of reverse sensitivity from new sensitive activities in the intervening period before an activity becomes established.

9.58. HortNZ¹⁵⁷ seek that the policy is expanded to include ensuring that incompatible and sensitive activities are not inappropriately located within the rural area. I recommend the submission point is accepted in part for the following reasons:

9.58.1. To some extent, this is covered by GRUZ-P4 and P5 which require that activities have a functional or operational need to locate in the rural area or are directly related to, or are dependent on, primary production. There are other activities however, such as health centres, educational facilities and community correction activities that are also signaled in the rules as being generally inappropriate (non-complying activities) in the rural area but are not understood to be 'economic development' activities as such.

9.58.2. In my view this represents a gap in the policy framework and I therefore recommend an amendment to GRUZ-P5 that restricts these activities, unless they have a functional or operational need to locate in GRUZ. I note the submitter is also seeking a new policy to restrict such activities from establishing in GRUZ. As there is an overlap between the relief sought here and the request for a new policy I have dealt with both these points together under 'Policy-New' below.

9.59. Jayne Grace Phillip¹⁵⁸ opposes GRUZ-P7 as part of opposition to the ability to subdivide rural productive land within SCA-RD11 (Greendale). The relief sought does not specifically relate to GRUZ-P7 and therefore I recommend the submission point is rejected.

¹⁵⁵ DPR-0356:011 Aggregates and Quarry Association

¹⁵⁶ DPR-0415:008 Fulton Hogan

¹⁵⁷ DPR-0353:266 HortNZ

¹⁵⁸ DPR-0482:011 Jayne Grace Phillip

9.60. The Poultry Industry and Egg Producers¹⁵⁹, Winstone Aggregates¹⁶⁰, CRC¹⁶¹, DHL¹⁶², RIL¹⁶³ and Graeme and Virginia Adams¹⁶⁴ seek that the policy is retained as notified. I recommend these submission points are accepted in part due to the changes recommend above.

Recommendations and amendments

9.61. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-P7 as shown in **Appendix 2** to:

9.61.1. Include activities that have a direct relationship with or are dependent on primary production within the scope of the policy.

9.61.2. Include primary production that has been authorised but not yet exercised within the scope of the policy.

9.62. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.63. The scale of the change require a S32AA which can be found in Section 16.

GRUZ-P8

9.64. Seven submission points and four further submission points were received on GRUZ-P8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	019	Oppose In Part	Amend to provide clear direction in the PDP policies that will enable quarry operations in rural areas, as part of rural primary production.
DPR-0407	Forest & Bird	FS034	Oppose In Part	Reject the submission
DPR-0215	Winstone Aggregates	057	Support In Part	Amend as follows: <i>Provide for mineral extraction in the General Rural Zone to meet the District's and region's supply needs, while:</i> <i>3. managing the location of mineral extraction activities <u>in proximity to sensitive activities and Residential Zones.</u></i>
DPR-0260	CRC	170	Support	Retain as notified.

¹⁵⁹ DPR-0043:013 Poultry Industry and Egg Producers

¹⁶⁰ DPR-0215:055 Winstone Aggregates

¹⁶¹ DPR-0260:169 CRC

¹⁶² DPR-0372:107 DHL

¹⁶³ DPR-0390:086 RIL

¹⁶⁴ DPR-0481:006 Graeme and Virginia Adams

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	266	Oppose In Part	Amend as follows: <u>4. Managing effects on adjacent land uses, including rural production.</u>
DPR-0422	NCCF	FS061	Support	Allow the submission point
DPR-0356	Aggregate and Quarry Association	012	Support In Part	Amend GRUZ-P8.3 so it acknowledges that the location of mineral extraction activities are constrained by the location of the resource and that its clear it refers to mineral extraction in proximity to sensitive activities and residential zones and not more broadly.
DPR-0415	Fulton Hogan Limited	009	Oppose In Part	Amend as follows: <u>Enable Provide for mineral extraction-mining and quarrying activities in the General Rural Zone to meet the District's and region's supply needs, while:</u> 1. maintaining the amenity values of sensitive activities in the surrounding area; 2. internalising adverse environmental effects as far as practicable using industry best practice and management plans; and 3. managing the location of mineral extraction activities.
DPR-0032	CCC	FS082	Oppose	Retain GRUZ-P8 as notified
DPR-0033	Davina Louise Penny	FS004	Oppose	Preclude quarrying from the definition of primary production, or clearly state that Highly Productive land / versatile soil is to be prioritised and preserved for use for food production - now or in the future. Maintain the clauses which require the operator to maintain amenity values of sensitive activities in the surrounding area, internalise adverse environmental effects and also require the operator to utilise industry best practice and management plans. The industry best practice should be explained and include the requirement to utilise technology to remove dust as well as suppress dust. Best practice should be cited as the absolute minimum for internalising effects, and should be expected to incorporate measures other than water application and centralising of processing plant.
DPR-0422	NCCF	258	Support	Retain as notified.

Analysis

9.65. Frews Quarries¹⁶⁵ seek that GRUZ-P8 is amended to provide clear direction that will enable quarry operations in the GRUZ as part of rural primary production. Winstone Aggregates¹⁶⁶ and the Aggregate and Quarry Association¹⁶⁷ seek that Clause 3 is clarified so as to apply to proximity to residential areas and sensitive activities, not more broadly in the District. Fulton Hogan¹⁶⁸ seek that, given GRUZ-O1 prioritises primary production, the policy should be more positive than simply 'providing' for primary production. In the submitter's view, Clauses 1 -3 do not adequately recognise that primary production activities have priority, in the case of aggregates are location specific and clause 3 in particular lacks meaningful guidance.

¹⁶⁵ DPR-0122:019 Frews Quarries

¹⁶⁶ DPR-0215:057 Winstone Aggregates

¹⁶⁷ DPR-0356:012 Aggregate and Quarry Association

¹⁶⁸ DPR-0415:009 Fulton Hogan

9.66. I recommend these submission points are accepted in part for the following reasons:

- 9.66.1. Clause 3 lacks specificity, especially in relation to GRUZ-P8.1 which addresses maintaining the amenity values of the surrounding area.
- 9.66.2. Clause 3 and Clause 1 could be combined, which would maintain the intent of the policy and is consistent with the approach for airfields, helicopter landing areas and air movements in GRUZ-P10.
- 9.66.3. The policy should, in addition, recognise that mineral extraction can be a location specific activity (it needs to be near the most suitable resource) and this should be a factor weighing on whether a particular location is appropriate.

9.67. HortNZ¹⁶⁹ seek an additional clause is added on managing effects on adjacent land uses including rural production as effects on horticulture are not amenity related and horticulture is not defined as a sensitive activity. I recommend this submission point is rejected for the following reasons:

- 9.67.1. The PDP manages the effects from mineral extraction activities that relate to the district council's functions under the RMA. In this case, the effects the PDP is seeking to manage are amenity effects. Issues concerning odour, dust, spray and smoke as contaminants which I assume are the main effects that impact on horticulture from mineral extractions activities, are dealt with through regional planning frameworks.
- 9.67.2. GRUZ-P8, to the extent that district plans manage adverse effects from mineral extraction, requires that these effects are internalised as far as practicable using management plans and best practice.. I consider this is suitable direction for managing effects on adjacent land uses such as horticulture.

9.68. CRC and NCF¹⁷⁰ seek that the policy is retained as notified. As I am recommending amendments, I recommend these submission points are accepted in part.

Recommendations and amendments

9.69. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-P8 as set out in **Appendix 2** to:

- 9.69.1. Combine clause 3 and clause 1.
- 9.69.2. Include recognition in the policy that mineral extraction can be a location specific activity.

¹⁶⁹ DPR-0353:266 HortNZ

¹⁷⁰ DPR-0260:170 CRC and DPR-0422:258 NCF

- 9.70. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P9

- 9.71. Five submission points and three further submission points were received on GRUZ-P9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	037	Support In Part	Amend to require that rehabilitation plans include measures to mitigate potential instability of land / susceptibility to subsidence and erosion.
DPR-0215	Winstone Aggregates	FS004	Support	Accept the submission.
DPR-0415	Fulton Hogan Limited	FS028	Oppose In Part	Disallow the submission or accept the submission subject to appropriate amendments.
DPR-0215	Winstone Aggregates	058	Support	Retain as notified
DPR-0260	CRC	171	Support	Retain as notified.
DPR-0356	Aggregate and Quarry Association	013	Support	Retain as notified
DPR-0415	Fulton Hogan Limited	010	Oppose In Part	Amend as follows: <i>Ensure that mineral extraction sites <u>mines and quarries</u> are progressively rehabilitated to:</i> <i>1. enable use of the land for an alternative permitted or consented activity that provides economic, environmental, social, or cultural benefit; and</i> <i>2. an appropriate final landform that maintains or enhances the amenity values of the surrounding area.</i>
DPR-0033	Davina Louise Penny	FS005	Oppose	The requirement for end use to be stipulated to be retained, and an effort made that shows the operator can restore the land which does have benefit once operations are concluded. If this is not possible, then consideration should be given to not granting consent. The land has to be viable once operations are concluded. Rehabilitation is a key component / aspect of quarrying and should be undertaken to the best standard that is possible.

Analysis

- 9.72. CCC¹⁷¹ request that GRUZ-P9 is amended to require that rehabilitation plans also include measures to mitigate potential erosion and subsidence. This is part of broad relief to include more directive rules seeking a similar outcome. I recommend this relief is accepted. This is consistent with district council functions under Section 31 RMA (1) (b) (i) and is an understood legacy risk for mineral

¹⁷¹ DPR-0032:037 CCC

extraction activities. Nowhere else in the PDP are there provisions that specifically address this issue in relation to mineral extraction activities (including the Earthworks and Natural Hazards chapters).

9.73. Fulton Hogan¹⁷² seek that the requirement to rehabilitate land to enable the use of land for an alternative permitted or consented activity that provides economic, environmental, social or cultural benefit is deleted as in their view this is inequitable (no other activity is required to do this) and difficult to enforce. Additionally they consider that the requirement for an appropriate final landform is subjective and should also be deleted. The submitter supports a progressive rehabilitation approach through the course of the activity and removal of the term 'mineral extraction sites' in favour of 'mines' and 'quarries' for reasons previously discussed. I recommend this submission point is accepted in part for the following reasons:

9.73.1. I agree with the submitter that it is difficult to predict a future use of land, especially beyond 30 or 40 years. As a minimum however, the land should be returned to a state that would enable a suitable alternative use, which is compatible with and maintains or enhances the amenity values of the surrounding area. I recommend that the policy is amended to focus more on enabling this than the more nebulous focus on economic, social, environmental and cultural benefit.

9.73.2. In terms of whether there should be a stated requirement to return the land to a final landform that is consistent with the amenity of the surrounding area, I consider that this could be achieved through the above amendment and therefore the specific reference to a landform could be deleted.

9.73.3. I agree with the submitter that 'progressive' rehabilitation is an appropriate addition to the policy. This is consistent with the approach other Councils take (e.g. Quarry Rehabilitation Plan Guidance August 2018, CCC). This minimises the risk that a quarry would be left in a completely un-rehabilitated state.

9.73.4. I do not agree that mineral extraction activity should be removed in favour of using the terms 'mining' and 'quarrying' for reasons previously discussed.

9.74. Winstone Aggregates, CRC and the Aggregate and Quarry Association¹⁷³ seek that the policy is retained as notified. As I am recommending amendments, I recommend these submission points are accepted in part.

Recommendations and amendments

9.75. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-P9 as set out in **Appendix 2** to:

¹⁷² DPR-0415:010 Fulton Hogan

¹⁷³ DPR-0215:058 Winstone Aggregates, DPR-0260:171 CRC, DPR-0356:013 Aggregate and Quarry Association

- 9.75.1. Include reference to a requirement to mitigate erosion and subsidence risk.
- 9.75.2. Include a reference to progressive rehabilitation.
- 9.75.3. Delete reference to 'final landform' and amend reference to a permitted or consented activity that provides economic, social, environmental or cultural benefit to a 'suitable alternative use'.
- 9.76. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P10

- 9.77. Three submission points and one further submission point was received on GRUZ-P10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	006	Support	Retain as notified.
DPR-0297	Clover Hill Charitable Trust	001	Support	Retain as notified
DPR-0353	HortNZ	269	Oppose In Part	Amend as follows: <i>Manage the location and operation of airfield and helicopter landing areas, <u>other than for rural production purposes</u>, within the rural area to maintain the amenity values of the surrounding rural and residential areas.</i>
DPR-0422	NCCF	FS058	Support	Allow the submission point

Analysis

- 9.78. HortNZ¹⁷⁴ seek that GRUZ-P10 be amended to exclude the management of the location and operation of airfield and helicopter landing areas where they are associated with rural production purposes. The intent is to manage airfields and helicopter landing areas associated with rural production where they are the base of operations but enable aircraft and helicopter movements generally around GRUZ, including the landing of those aircraft and helicopters on sites during the course of their operation (as enabled through GRUZ-P11). I therefore recommend the submission point is rejected.
- 9.79. Anita Collie¹⁷⁵ and Clover Hill Charitable Trust¹⁷⁶ seek that the policy is retained as notified. As I am not recommending amendments, I recommend these submission points are accepted.

¹⁷⁴ DPR-0353:269 HortNZ

¹⁷⁵ DPR-0198:006 Anita Collie

¹⁷⁶ DPR-0297:001 Clover Hill Charitable Trust

Recommendations and amendments

9.80. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-P10 as notified.

9.81. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-P11

9.82. Two submission points were received on GRUZ-P11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	007	Support	Retain GRUZ-P11 as notified.
DPR-0353	HortNZ	271	Support	Amend as follows: <i>Enable aircraft and helicopter movements within the rural area for purposes ancillary to rural production on <u>an intermittent or seasonal and short-term basis</u>.</i>

Analysis

9.83. HortNZ¹⁷⁷ seek that 'intermittent' is included within GRUZ-P11. I recommend this is accepted as this is within the intent of the policy which is to enable aircraft/helicopter movements associated with primary production

9.84. Anita Collie¹⁷⁸ seeks that the policy is retained as notified. As I am recommending an amendment, I recommend this submission is accepted in part.

Recommendations and amendments

9.85. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-P11, as set out in **Appendix 2**, to include 'intermittent' aircraft/helicopter movements associated with primary production.

9.86. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

¹⁷⁷ DPR-0353:271 HortNZ

¹⁷⁸ DPR-0297:002 Anita Collie

GRUZ-P12

9.87. One submission point was received on GRUZ-P12.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0297	Clover Hill Charitable Trust	002	GRUZ-P12	Support	Retain as notified

Analysis

9.88. Clover Hill Charitable Trust¹⁷⁹ seek that the policy is retained as notified. As no amendments have been requested, I recommend this submission point is accepted.

Recommendations and amendments

9.89. I recommended for the reasons given above, that the Hearings Panel retain GRUZ-P12 as notified.

9.90. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

¹⁷⁹ DPR-0297:002 Clover Hill Charitable Trust

Policy - New

9.91. Seven submission points and 17 further submission points were received on new policies in GRUZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0033	Davina Louise Penny	003	New	Oppose In Part	Amend Proposed District Plan to include Highly Productive Land (Land Use Classes 1 - 3) and to ensure it is protected in line with the Proposed National Policy Statement on Highly Productive Land. Include 'land use' as well as 'development' to avoid loopholes being exploited.
DPR-0032	CCC	FS335	New	Support	<i>Introduce a new policy that protects highly productive land from both urban development and other activities that effectively remove its primary production potential.</i>
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	FS006	New	Oppose	<i>Reject submission</i>
DPR-0157	Kevin & Bonnie Williams	FS083	New	Oppose	<i>Reject submission</i>
DPR-0209	Manmeet Singh	FS070	New	Oppose	<i>Reject submission</i>
DPR-0298	Trices Road Re-zoning Group	FS914	New	Oppose	<i>Reject submission</i>
DPR-0456	Four Stars Development & Gould Developments Ltd	FS003	New	Oppose	<i>Reject submission</i>
DPR-0488	Dally Family Trust and Julia McIlraith	FS007	New	Oppose	<i>Reject submission</i>
DPR-0141	Waihora Clay Target Club Inc	001	New	Oppose In Part	Amend policy framework in the GRUZ to include recognition of existing noise generating Community Facilities and provide specific framework for their retention and expansion. An example is provided: 'Enable Community Facilities (and associated noise generation) to continue and support their redevelopment and expansion subject to the avoidance of significant adverse effects and the management of other adverse effects on the health and well-being of people and communities and their amenity values'.
DPR-0142	NZ Pork	046	New	Oppose In Part	Insert policy support for workers accommodation (following on from a definition of the activity).
DPR-0371	CIAL	FS012	New	Neither Support Nor Oppose	<i>Neutral</i>
DPR-0372	DHL	FS007	New	Support	<i>Accept the submission.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	260	New	Support	Insert as follows: <u>GRUZ-PX: Educational facilities, community correction facilities and healthcare facilities and community facilities must have a clear functional or operational need to locate in the rural environment and avoid potential reverse sensitivity effects on rural production activities.</u>
DPR-0142	NZ Pork	FS036	New	Support	Allow in full
DPR-0378	MOE	FS002	New	Oppose	Reject – Does not support the Ministry’s stance on schools in the General rural zone
DPR-0367	Orion	129	New	Neither Support Nor Oppose	Insert as follows: <u>Protect important infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on rural land by avoiding buildings, structures, sensitive activities on rural land that may compromise the Significant Electricity Distribution Lines within an identified buffer corridor.</u>
DPR-0353	HortNZ	FS028	New	Oppose	Reject
DPR-0375	Waka Kotahi	FS255	New	Support In Part	Consider the precise wording of the proposed new objectives and its implications.
DPR-0407	Forest & Bird	FS698	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	FS037	New	Oppose	Not specified
DPR-0375	Waka Kotahi	187	New	Neither Support Nor Oppose	Insert an additional policy to include reference to infrastructure.
DPR-0371	CIAL	FS031	New	Support	Accept in part.
DPR-0415	Fulton Hogan Limited	007	New	Support	Insert as follows: <u>GRUZ-PX</u> <u>Recognise that Primary Production activities can produce noise, odour, nuisance dust and traffic that may be noticeable to residents and visitors in rural areas.</u>
DPR-0033	Davina Louise Penny	FS003	New	Oppose	The District plan should not prescribe or quantify what are classed amenity values and rural characteristics. Such a list if classed as definitive may not be representative of any given community. It will restrict the ability of residents or communities to present as to how quarrying activities will impact on these values.

Analysis

9.92. Davina Louise Penny¹⁸⁰ requests the PDP is amended to include highly versatile soils and to protect them in accordance with the Proposed National Policy Statement on Highly Productive Land. This

¹⁸⁰ DPR-0033:003 Davina Louise Penny

matter has been addressed through the Part 1 – Introductions and General Provisions S42a Report. Here the author stated that

The Ministry for the Environment is currently in the process of developing a National Policy Statement for highly productive land (NPS-HPL). The PDP complies with the current higher level planning requirements related to highly productive land (currently described as ‘versatile soils’ in the RPS) through the GRUZ and UG chapters. Until the NPS-HPL is released, I do not consider it appropriate to make changes to the PDP that seek to pre-empt this NPS.

I agree with the author’s recommendation and recommend that the submission point is rejected.

9.93. Waihora Clay Target Club¹⁸¹ seeks a new policy framework in GRUZ to recognise existing noise generating activities that are community facilities and to provide for their retention and expansion. The submitter is concerned that changes to the intensity of activities at the club that exceed existing use rights may trigger the requirement for a resource consent under the Noise Chapter. I recommend the submission point is accepted in part for the following reasons:

9.93.1. The submitter raises a valid point that there appears to be a policy gap for community facilities that are already located in the GRUZ or may need to locate there. GRUZ-P4 provides for economic development activities to locate in the GRUZ provided they are tied to primary production and there is a functional or operational need to locate there. This would appear to exclude community activities as they are not typically tied to primary production. Under GRUZ-R33 community facilities are a discretionary activity. Some community facilities could be sensitive to primary production and therefore a discretionary activity is appropriate in my opinion in order to manage their location, although there should be a more explicit policy basis for the rule.

9.93.2. I recommend a new policy that includes consideration of community activities if they can demonstrate that they have a functional or operational need to locate in GRUZ.

9.94. NZ Pork¹⁸² are seeking a policy specifically providing for workers accommodation. I recommend this submission is accepted in part to the extent that I am recommending a change to GRUZ-P2 to accord with relief sought from HortNZ.

9.95. HortNZ¹⁸³ note that educational facilities, community correction facilities, healthcare facilities and community facilities which are non-complying and discretionary activities do not have a specific policy framework for their consideration. The submitter requests that a dedicated policy be included in the Plan. I agree with the submitter for reasons discussed under GRUZ-P7 above however consider this could be achieved by modifying GRUZ-P5 to include these activities (alongside industrial and

¹⁸¹ DPR-0141:001 Waihora Clay Target Club

¹⁸² DPR-0142:046 NZ Pork

¹⁸³ DPR-0353:260 HortNZ

commercial activities). For community facilities, I am recommending a new policy (as discussed above). I therefore recommend the submission point is accepted in part.

- 9.96. Orion and Waka Kotahi¹⁸⁴ both seek a new policy to provide for infrastructure. Orion specifically wish to see support for corridor protection rules for significant electricity distribution lines which would be inserted into GRUZ. I recommend these submission point are rejected as important infrastructure is enabled and protected (from reverse sensitivity) through the EI Chapter and the provisions are designed to be stand-alone within that Chapter (as set out in the NPS).
- 9.97. Fulton Hogan¹⁸⁵ seek a new policy to clarify what contributes to rural character and amenity (including noise, odour, dust and traffic). I recommend this submission point is rejected. I am recommending some additional wording in the overview on what constitutes rural character however I do not consider it necessary to have a stand-alone policy.
- 9.98. I also note that CIAL have requested a new policy which has not been picked up in the summary of submissions (refer to 'procedural matters' in Section 5 of this report). The submitter also submitted on the Noise Chapter of the PDP seeking policy (ideally in GRUZ) to avoid noise sensitive activities establishing in the 50db Airport Noise Control Overlay. There is direction in the CRPS Policy 6.3.5.4 which seeks to manage reverse sensitivity effects with respect to strategic infrastructure, including by avoiding noise sensitive activities within the 50 dB Ldn air noise contour, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A.
- 9.99. I note the author of the S42a report for the Noise Hearing Stream considers the policy by itself does not give an effective mandate to avoiding all noise sensitive activities in the 50db Airport Noise Control Overlay (when read in conjunction with other policies in the CRPS) and recommends the above relief is rejected. This may come down to a matter for interpretation between readers of the CRPS and I will rely on the Panel's direction on this issue (as the Noise hearing precedes the hearing for GRUZ).

Recommendations and amendments

- 9.100. I recommend for the reasons given above, that the Hearings Panel, as set out in **Appendix 2**:
- 9.100.1. Amend GRUZ-P5 to avoid the establishment or expansion of health centres, education facilities and community correction activities unless there is an operational or functional need to establish/expand in GRUZ.
- 9.100.2. Insert a new policy to manage the establishment and expansion of community facilities in GRUZ.

¹⁸⁴ DPR-0367:129 Orion, DPR-0375:187 Waka Kotahi

¹⁸⁵ DPR-0415:007 Fulton Hogan

9.101. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.102. The scale of these changes requires a S32AA evaluation. This can be found in Section 16.

10. Rules

GRUZ-R1 Residential Activities

10.1. Three submission points were received on GRUZ-R1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	108	Support	Retain as notified
DPR-0390	RIL	087	Support	Retain as notified.
DPR-0453	LPC	077	Support	Retain as notified

Analysis

10.2. DHL, RIL and Middleton Port¹⁸⁶ seek that the rule is retained as notified. As no amendments have been requested, I recommend these submission points are accepted.

Recommendations and amendments

10.3. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R1 as notified.

10.4. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R2 Structures

10.5. Eight submission points and three further submissions were received on GRUZ-R2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone Aggregates	059	Support	Retain as notified

¹⁸⁶ DPR-0372:108 DHL, DPR-0390:087 RIL, DPR-0453:077 Middleton Port

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	038	Neither Support Nor Oppose	Amend to incorporate rules requiring consents for structures on masse such as for large solar farms and for off grid villages where people live in structures less than 10m2.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS346</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0353	HortNZ	274	Oppose In Part	Retain as notified, subject to submission points in relation to Artificial Crop Protection Structures, Crop Support Structures and the rule requirements, particularly GRUZ-REQ4 and GRUZ-REQ1.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS472</i>	<i>Oppose In Part</i>	<i>Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.</i>
DPR-0372	DHL	109	Support	Retain as notified
DPR-0381	Coleridge Downs Limited	002	Support	Retain as notified.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS509</i>	<i>Oppose</i>	<i>Reject the submission</i>
DPR-0390	RIL	088	Support	Retain as notified.
DPR-0422	NCFF	259	Support In Part	Amend as follows: <i>GRUZ-REQ3 Height in Relation to Boundary</i>
DPR-0441	Trustpower	144	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

10.6. The UWRG¹⁸⁷ seek that the PDP should require consent for large solar farms and other structures en-masse. The submitter also queries where the rules are for low structures less than 2m high or 10sqm in area and where people might live in off-grid villages. Under the first example, large scale solar farms and wind farms would require consent as a discretionary activity under EI-R31 and could be subject to overlays (ONFL) which have stricter requirements (i.e. non-complying activity). Under the second example, a small structure as described would likely be a permitted activity as it would meet building coverage (GRUZ-REQ1) and structure height requirements (GRUZ-REQ2). I therefore recommend this submission point is rejected to the extent that what the submitter seeks is already provided for through the PDP.

10.7. NCFF¹⁸⁸ seek that rule requirement GRUZ-REQ3 (height in relation to boundary) is not applied to GRUZ-R2 as in their opinion this is an inappropriate measure in GRUZ. I recommend that this submission point is rejected. Under GRUZ-REQ2, a 12m height is allowed for non-habitable buildings and 25m for silos. Internal boundary setbacks under GRUZ-REQ4 are 5m and 10-20m from road boundaries. A 12m building or 25m silo, 5m from the boundary could still give rise to adverse amenity impacts on neighbouring properties (e.g. shading). This makes the height in relation to boundary calculation (in APP3) a relevant factor.

¹⁸⁷ DPR-0301:038 UWRG

¹⁸⁸ DPR-0422:259 NCFF

10.8. Winstone Aggregates, HortNZ, DHL, Coleridge Downs Ltd, RIL and Trustpower¹⁸⁹ seek that the rule is retained as notified. As I am not recommending any changes, I recommend these submissions are accepted.

Recommendations and amendments

10.9. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R2 as notified.

10.10. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R3 Residential Unit

10.11. Six submission points and two further submissions were received on GRUZ-R3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0370	Fonterra	081	Support	Retain as notified
DPR-0209	Manmeet Singh	FS813	Oppose In Part	Reject submission in part
DPR-0371	CIAL	071	Support	Retain as notified
DPR-0353	HortNZ	FS130	Oppose	Reject
DPR-0372	DHL	110	Support	Retain as notified
DPR-0390	RIL	089	Support	Retain as notified.
DPR-0415	Fulton Hogan Limited	013	Oppose In Part	Amend GRUZ-REQ3 as discussed in GRUZ-REQ11
DPR-0422	NCFF	260	Support In Part	Amend as follows: GRUZ-REQ3 Height in Relation to Boundary

Analysis

10.12. NCFF¹⁹⁰ seek that rule requirement GRUZ-REQ3 (height in relation to boundary) is not applied to GRUZ-R3 as in their opinion this is an inappropriate measure in the rural zone. I recommend that this submission point is conditionally accepted for the following reasons:

10.12.1. The author of the S42a report for the Natural Hazards Hearing Stream has recommended a 30m setback for residential units from the internal boundary of a site and 10-20m from a road boundary under GRUZ-REQ4. While this is intended to manage wildfire risk, it also would have

¹⁸⁹ DPR-0215:059 Winstone Aggregates, DPR-0353:274 HortNZ, DPR-0372:109 DHL, DPR-0381:002 Coleridge Downs Ltd, DPR-0390:088 RIL, DPR-0441:144 Trustpower

¹⁹⁰ DPR-0422:260 NCFF

an associated benefit for amenity and reverse sensitivity management (the change was sought by HortNZ).

10.12.2. Combined with the height requirement in GRUZ-REQ2, it is unlikely a residential unit would generate adverse amenity effects on a neighbouring property as a permitted activity and therefore the height to boundary rule is not required.

10.12.3. I recommend the requirement to comply with GRUZ-REQ3 is deleted, subject to the change being made to the setback from boundary rule in GRUZ-REQ4 in respect of residential units as a result of and if the relief sought in the Natural Hazards Hearing Stream is accepted. If it is not, I recommend that this submission point is rejected as there exists the potential for overshadowing with current setbacks.

10.13. Fulton Hogan¹⁹¹ oppose GRUZ-R3 to the extent it is linked to GRUZ-REQ11 which they seek be amended (refer to GRUZ-REQ11 for further discussion). The submission point is noted, but as no amendment is sought to the rule, I am not recommending changes in response to this submission point.

10.14. Fonterra, CIAL, DHL and RIL¹⁹² seek the rule be retained as notified. As I am recommending amendments, I recommend these submissions are accepted in part.

Recommendations and amendments

10.15. I recommend conditionally for the reasons given above, that the Hearings Panel amend GRUZ-R3 to delete GRUZ-REQ3 as set out in **Appendix 2**.

10.16. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R4 Residential Unit on an Undersized Site – Grandfather Clause

10.17. 11 submission points and 15 further submissions were received on GRUZ-R4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0080	Philip J Hindin	001	Oppose In Part	Amend GRUZ-R4 1.c as follows: <i>is at least 20 ha in area <u>or the allotment is a separately saleable allotment with a continuous area of at least 4 ha in area and the allotment has been bought or sold on or after 12 September 1991 but before 12 September 2001.</u></i>

¹⁹¹ DPR-0415:013 Fulton Hogan

¹⁹² DPR-0370:081 Fonterra, DPR-0371:071 CIAL, DPR-0372:110 DHL, DPR-0390:089 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0161	Koning Dairies - Francis & Lea Koning	FS001	Support	Accept submission points in full
DPR-0591	Neville Greenwood and Dianne Greenwood	FS002	Support	Grant the relief sought by amending GRUZ-R4
DPR-0082	Andrew & Justine Marshall	002	Oppose	Make necessary amendments to include grandfather clause rights.
DPR-0161	Koning Dairies - Francis & Lea Koning	FS002	Support	Accept submission points in full
DPR-0105	Stephen & Janet Harris	002	Oppose	Amend to allow residential units to be built on existing sites that are smaller than the required minimum site size and so that the minimum density requirement does not have to be achieved through balance land.
DPR-0161	Koning Dairies - Francis & Lea Koning	FS003	Support	Accept submission points in full
DPR-0342	AgResearch	FS025	Oppose	Disallow in full
DPR-0453	LPC	FS004	Oppose	Reject
DPR-0150	Barry Moir	003	Oppose	Amend plan to retain existing grandfather clause rights.
DPR-0161	Koning Dairies - Francis & Lea Koning	FS004	Support	Accept submission points in full
DPR-0342	AgResearch	FS027	Oppose	Disallow in full
DPR-0591	Neville Greenwood and Dianne Greenwood	FS003	Support	Grant the relief sought, and retain the existing grandfather clause rights.
DPR-0161	Koning Dairies - Francis & Lea Koning	001	Oppose	Retain the Grandfather Clause as it applies to the entire East Plains and West Plains Area, as per the Rural Volume Chapter 3 (Buildings) Rule 3.10.2 (Grandfather Clause) in the operative Rural Outer Plains / proposed East Plains and West Plains Zone.
DPR-0342	AgResearch	FS026	Oppose	Disallow in full
DPR-0591	Neville Greenwood and Dianne Greenwood	FS001	Support	Grant the relief sought, and Retain the Grandfather Clause as it applies to the entire East Plains and West Plains Area, as per the Rural Volume Chapter 3 (Buildings) Rule 3.10.2 (Grandfather Clause) in the operative Rural Outer Plains / proposed East Plains and West Plains Zone.
DPR-0212	ESAI	099	Support	Retain as notified
DPR-0214	Ahuriri Farm & The Graham Family	002	Oppose In Part	Retain grandfather clauses as notified in relation to: Inner Plains - Banks Peninsula ONL; Port Hills Lower Slopes - Banks Peninsula ONL; and Do not remove grandfather clauses as proposed in relation to: Inner Plains - Banks Peninsula VAL below 60m; Port Hills Lower Slopes - Banks Peninsula VAL above 60m; Port Hills Upper Slopes - Banks Peninsula VAL above 60m; and Port Hills Lower Slopes - Banks Peninsula ONL.
DPR-0161	Koning Dairies - Francis & Lea Koning	FS005	Support	Accept submission points in full
DPR-0422	NCCF	FS184	Support	Allow the submission point.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0277	Graham Fowler	001	Oppose	Not specified.
DPR-0161	Koning Dairies - Francis & Lea Koning	FS006	Support	Accept submission points in full
DPR-0371	CIAL	072	Support	Retain as notified
DPR-0353	HortNZ	FS131	Oppose	Reject
DPR-0372	DHL	111	Neither Support Nor Oppose	Retain as notified
DPR-0422	NCCF	261	Support In Part	Amend as follows: 1. GRUZ REQ3 Height in Relation to Boundary 3. GRUZ REQ3 Height in Relation to Boundary 5. GRUZ REQ3 Height in Relation to Boundary

Analysis

10.18. Phillip J Hindin¹⁹³, Barry Moir¹⁹⁴, and Koning Dairies¹⁹⁵ seek that GRUZ-R4 is amended to include all allotments with a continuous area of at least 4ha and where the allotment has been bought or sold on or after 12 September 1991 but before 12 September 2001 (in essence retaining grandfather clause rights in the Operative District Plan). Koning Dairies in their submission through a mapping analysis found that out of 10,539 Outer Plain allotments, 257 meet the historical grandfather rights criteria. Graham Fowler¹⁹⁶ seeks that in the eastern Outer Plains in general, undersized sites can be developed as a restricted discretionary activity (to a minimum of 4ha) under a grandfather clause prior to the decision date of the PDP. Stephen and Janet Harris¹⁹⁷ seek that residential units can be built on undersized sites without the use of balance land.

10.19. I recommend these submission points are rejected for the following reasons:

10.19.1. The PDP has included a grandfather clause where densities are proposed to be changed through the PDP allowing existing vacant lots which were at the density provided for in the Operative District Plan to be built on. However, the PDP does not include or roll over any grandfather clauses that are currently in the Operative District Plan which were included as a result of a previous density change. Koning Dairies states that as the historical grandfather clause was not timebound, landowners may be financially disadvantaged as they may have bought land expecting to be able to build a residential dwelling in the future, a right that is now being withdrawn. The submitter also references the Macfarlane Rural Business Farm Advisory Review of Options Report (November 2017) which states that farming units under 20ha may not be economical.

¹⁹³ DPR—0080:001 Phillip J Hindin

¹⁹⁴ DPR-0150:003 Barry Moir

¹⁹⁵ DPR-0161:001 Koning Dairies

¹⁹⁶ DPR-0277:001 Graham Fowler

¹⁹⁷ DPR-0105:002 Stephen and Janet Harris

- 10.19.2. It is noted that the PDP enables exceptions to the minimum density requirements where balance land can be provided. This allows rural density to be maintained by offsetting an undersized site by restricting development rights on the identified balance land.
- 10.19.3. The current (historical) grandfather clause has existed for about 20+ years and has been rarely exercised. The purpose of a grandfather clause is to facilitate a transition, not to last indefinitely. The objective of GRUZ is for rural production, to maintain the productive use of land and avoid fragmentation and to reduce reverse sensitivity triggers. This is consistent with direction in CRPS Policies 5.3.2 and 5.3.12.
- 10.19.4. Koning Dairies have identified a number of sites in the Outer Plains that are undersized (between 4 - 20ha). Most of these are in the eastern part of the Outer Plains where the minimum density remains at 20ha. As a response to economic evidence, it is proposed to increase the minimum lot size to 40ha in the western part of the Outer Plains while retaining 20ha in the eastern part. This reflects the fact that on their own, 20ha is not likely to be economically viable but these blocks rarely exist in isolation and often support other farming activities. Additionally, further development of irrigation infrastructure and proximity to Christchurch Airport suggests that smaller blocks in this area may become more viable in the future. Therefore whilst I agree with the submitter that smaller blocks are unlikely to be viable on their own, they often exist as part of a larger farm. In addition smaller blocks may become increasingly viable in the future depending on the development of infrastructure.
- 10.20. Andrew and Justine Marshall¹⁹⁸ seek that grandfather clause rights are reinstated at their property at 8/108 Holmes Road, 1 Lot 1 DP 486188 near Tai Tapu. I recommend this submission point is accepted for the following reasons:
- 10.20.1. Under the Operative District Plan, a 160m contour is applied to distinguish between differing densities on the Upper (100ha) and Lower (40ha) slopes of the Port Hills. In the Proposed District Plan, the focus has been more on landscape values rather than arbitrary contour lines. Thus the more restrictive 100ha density would align with the boundary of the ONL and the less restrictive 40ha would apply to VAL. A contour is still applied for VAL, to mark the transition into the Inner Plains which is at 60m. Any land below this is at a density of one dwelling to 4ha, regardless of VAL.
- 10.20.2. A grandfather clause under GRUZ-R4 applies to land that is ONL but under the 60m contour as this will no longer retain a density allowance of one dwelling to 4ha. The submitter however owns land that is located between the 60m to 160m Port Hill contour and therefore would not benefit from GRUZ-R4 as currently worded.
- 10.20.3. I recommend that grandfather clause rights for SCA-RD6 (Port Hills ONL) apply to land that is located below the 160m contour, rather than 60m contour. This would be consistent with the

¹⁹⁸ DPR-0082:002 Andrew and Justine Marshall

approach that Council has taken to provide a grandfather clause where a proposed change in density is to take place. Grandfather clause rights are recommend to apply between 160-60m in ONL at one dwelling per 40ha and below 60m at one dwelling per 4ha (as currently proposed).

10.20.4. A further issue that is apparent is that under GRUZ-R4.5, the grandfather clause applies only to a site wholly below the 60m contour. However in my opinion the whole site need not be below the 60m contour, only enough of the site area to meet the minimum density requirements where the residential unit is proposed. This should logically also apply to land between 60-160m contour.

10.21. Ahuriri Farm and the Graham Family¹⁹⁹ seek that grandfather clause rights are retained as they relate to Banks Peninsular ONL (SCA-RD6), Banks Peninsular VAL below 60m (SCA-RD4) and above 60m (SCA-RD5). I recommend this submission is accepted in part for the following reasons:

10.21.1. I recommend that the grandfather clause is applied between 60-160m for SCA-RD6 (refer to the Marshall submission above for more discussion on this) at one dwelling per 40ha. This is because under the PDP, the density requirements are proposed to increase to one dwelling per 100ha and the approach has been to apply a grandfather clause in the PDP where more restrictive density requirements are to be imposed. As above, the requirement for the whole site to be within the relevant density area should be changed so that it need only be a portion of the site where the residential unit is proposed to be located, provided this portion meets the density requirement.

10.21.2. One dwelling per 4ha remains the minimum density requirement for SCA-RD4 (VAL below the 60m contour). There is therefore no need to have a grandfather clause for this rural density category as no change to density is proposed.

10.21.3. Retaining historic grandfather clause rights of one dwelling per 4ha for SCA-RD5 and SCA-RD6 is not recommended for the reason above, namely that the purpose of a grandfather clause is to facilitate a transition, not to last indefinitely. Additionally, the Selwyn Rural Character Analysis and Selwyn Landscape Study have highlighted that the Port Hills have a high degree of sensitivity to development and the proliferation of denser development in this area should be discouraged.

10.21.4. I note the submitter is also referring to the loss of subdivision rights however the historic grandfather clause applies to sections created, bought or sold between 12 September 1991, but before 12 September 2001 and does not apply to sites newly created by subdivision.

¹⁹⁹ DPR-0214:002 Ahuriri Farm and the Graham Family

10.22. NCF²⁰⁰ seek that rule requirement GRUZ-REQ3 (height in relation to boundary) does not apply to GRUZ-R4 as in their opinion this is an inappropriate measure in the rural zone. I recommend that this submission point is conditionally accepted for the reasons stated above in GRUZ-R3.

10.23. ESAI²⁰¹, CIAL²⁰² and DHL²⁰³ seek the rule be retained as notified. As I am recommending amendments, I recommend these submissions are accepted in part.

Recommendations and amendments

10.24. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R4 as set out in **Appendix 2** to:

10.24.1. (Conditionally) delete GRUZ-REQ3.

10.24.2. Insert a grandfather clause applied to sites within the Port Hills below the 160m contour and above the 60m contour at least 40ha in area.

10.24.3. Delete the requirement for the whole site to be located below the 60m and make it clear that it need only be a portion of the site where the residential unit is located, provided that the portion meets the density requirements.

10.25. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R5 Residential Unit on an Undersized Site

10.26. Five submission points and two further submissions were received on GRUZ-R5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	049	Support	Retain as notified.
DPR-0353	HortNZ	286	Support	Retain as notified

²⁰⁰ DPR-0422:261 NCF

²⁰¹ DPR-0212:099 ESAI

²⁰² DPR-0371:072 CIAL

²⁰³ DPR-0372:111 DHL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	073	Support In Part	Amend as follows: 1. The establishment or placement of a new residential unit <i>Where</i> <u><i>e. the site is not located within the 50 dB Ldn Air Noise Contour.</i></u> <u><i>x. Where compliance with GRUZ-R5.1(e) is not achieved, any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</i></u>
DPR-0353	HortNZ	FS132	Oppose	Reject
DPR-0422	NCFF	262	Support In Part	Amend as follows: 1. <i>GRUZ-REQ3 Height in Relation to Boundary</i> 2. <i>g. The appropriateness and legal effectiveness of the legal mechanism used to ensure the balance land remains free of any residential unit.</i>
DPR-0372	DHL	FS066	Support	Accept the submission.
DPR-0453	LPC	079	Oppose	Amend as follows: 1. The establishment or placement of a new residential unit on an undersized site where the activity does not comply with either GRUZ-SCHED2 Residential Density, or GRUZ-R4. contained within those respective zones, or cross referenced within those provisions. <i>Where:</i> ... <u><i>c. the site is not located with the Port 45dBA LAeq Noise Control Overlay.</i></u> <u><i>e.d. ...</i></u>

Analysis

10.27. CIAL²⁰⁴ and LPC²⁰⁵ seek that the rule does not apply to land within the 50db Airport Noise Control Overlay or 45db Port Noise Control Overlay. Consistent with my recommendations for GRUZ-P2 and related submission points by these submitters, I recommend these submission points are rejected. Whilst lots as small as 1ha in size are possible, overall density of one dwelling per 4ha is maintained through the provision of balance land. The rule therefore does not grant additional development rights.

10.28. NCFF²⁰⁶ are seeking that rule requirement GRUZ-REQ3 (height in relation to boundary) does not apply to GRUZ-R5 as in their opinion this is an inappropriate measure in the rural zone. As discussed under GRUZ-R3, I recommend that this submission point is conditionally accepted.

10.29. NCFF²⁰⁷ also seek the deletion of ‘appropriateness and legal effectiveness’ in matter of discretion 2g as they consider this would make the clause easier to understand. I agree that repetition of ‘legal’ is

²⁰⁴ DPR-0371:073 CIAL

²⁰⁵ DPR-0453:079 LPC

²⁰⁶ DPR-0422:262 NCFF

²⁰⁷ DPR-0422:262 NCFF

unnecessary but ‘appropriateness’ and ‘effectiveness’ are needed to provide guidance to plan users as to how the proposed legal mechanism will be assessed.

10.30. NZ Pork²⁰⁸ and HortNZ²⁰⁹ seek the rule be retained as notified. As I am recommending amendments, I recommend these submissions are accepted in part.

Recommendations and amendments

10.31. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R5, as set out in **Appendix 2**, to:

10.31.1. (Conditionally) delete reference to GRUZ-REQ3.

10.31.2. Delete the repetition of ‘legal’ from clause 2g.

10.32. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R6 Minor Residential Unit

10.33. 28 submission points and 11 further submissions were received on GRUZ-R6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0016	Luke Arndt	001	Support In Part	Amend GRUZ-R6 to exclude a garage from the maximum area calculation.
DPR-0022	Grant Carr	001	Support In Part	Retain as notified but seeks to have relevant conditions attached to their existing resource consent varied to align with proposed policy.
DPR-0078	Ian Laurenson	011	Support	Requests that rule has immediate legal effect.
DPR-0079	Gillian Button	001	Support	Retain these elements of GRUZ-R6 as notified.
DPR-0079	Gillian Button	002	Support In Part	Request that a second story be allowed within the 90sqm building coverage.
DPR-0079	Gillian Button	003	Support In Part	Retain allowing for consideration of the need to exceed the 30m distance requirement where requested.
DPR-0079	Gillian Button	004	Support	Retain as notified.
DPR-0079	Gillian Button	005	Support	Retain as notified.
DPR-0088	Jane Ross	001	Support In Part	Retain the new proposed maximum size of a family flat/minor residential unit of 90sqm but amend the distance between dwellings by increasing this from 30m to 150m.
DPR-0422	NCFE	FS192	Support	Allow submission point.
DPR-0100	Annette Shankie	005	Support	Retain as notified.

²⁰⁸ DPR-0142:049 NZ Pork

²⁰⁹ DPR-0353:286 HortNZ

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0128	Joyce Family Trust	002	Oppose In Part	Amend maximum size of a minor residential dwelling to 110sqm, excluding garaging, decking and verandas.
<i>DPR-0371</i>	<i>CIAL</i>	<i>FS010</i>	<i>Oppose In Part</i>	<i>Reject in part</i>
<i>DPR-0372</i>	<i>DHL</i>	<i>FS002</i>	<i>Support</i>	<i>Accept the submission.</i>
DPR-0128	Joyce Family Trust	003	Oppose	Amend maximum separation distance of a minor residential dwelling from a principal dwelling to 100 metres.
<i>DPR-0372</i>	<i>DHL</i>	<i>FS003</i>	<i>Support</i>	<i>Accept the submission and exempt worker accommodation from GRUZ-R6.</i>
DPR-0184	Mike Ransome	002	Oppose	Delete GRUZ-R6.1.c and retain existing rules on location.
DPR-0184	Mike Ransome	003	Support	Retain GRUZ-R6 except CRUZ-R6.1.c.
DPR-0207	Selwyn District Council	070	Oppose In Part	Amend GRUZ-R6.1.a by removing the reference to 'building coverage' and replace it with 'gross floor area'. Additionally amend GRUZ-R6.1.a to include an exemption for any attached garage.
<i>DPR-0128</i>	<i>Joyce Family Trust</i>	<i>FS003</i>	<i>Oppose In Part</i>	<i>Further amend GRUZ-R6.1.a to include exemptions for decking, verandas and storage areas such as a mezzanine or loft</i>
<i>DPR-0142</i>	<i>NZ Pork</i>	<i>FS044</i>	<i>Oppose In Part</i>	<i>Disallow in part</i>
<i>DPR-0371</i>	<i>CIAL</i>	<i>FS018</i>	<i>Support</i>	<i>Accept</i>
DPR-0234	Mark Booker & Alexandra Roberts	004	Oppose In Part	Amend GRUZ-R6 Minor residential unit to address submitter's concerns.
DPR-0270	Jose Roberts	001	Support In Part	Not specifically stated.
DPR-0285	AJ Bennett	005	Support	Retain as notified
DPR-0314	David Mitton	001	Oppose In Part	Amend rule to increase minor residential unit size limit from 90sqm to 120sqm.
DPR-0314	David Mitton	002	Oppose In Part	Amend so that minor residential units can be sited anywhere on a 4ha block and do not require the sharing of the same servicing connections as the main house.
DPR-0349	Natalie Edwards	001	Support In Part	Not specified.
DPR-0353	HortNZ	288	Oppose In Part	Amend to provide a more realistic area for a residential unit to accommodate worker accommodation.
<i>DPR-0142</i>	<i>NZ Pork</i>	<i>FS041</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0372</i>	<i>DHL</i>	<i>FS048</i>	<i>Support</i>	<i>Accept the submission.</i>
DPR-0371	CIAL	074	Support In Part	Amend as follows: 1. <i>The establishment of a new, or placement, or alteration, or expansion of an existing minor residential unit.</i> Where: <i>e. It is not located within the 50 dB Ldn Air Noise Contour.</i> Activity status when compliance not achieved: 2. <i>When compliance with any of GRUZ-R6.1.a or GRUZ-R6.1.b or GRUZ-R6.1.e is not achieved: NC</i> 7. <i>Where compliance with GRUZ-R5.1(e) is not achieved, any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</i>
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS133</i>	<i>Oppose</i>	<i>Reject</i>
DPR-0372	DHL	112	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	NCCF	263	Support In Part	Amend as follows: 1. GRUZ-REQ3 Height in Relation to Boundary
DPR-0453	LPC	080	Support	Amend as follows: 1. The establishment of a new, or placement, or alteration, or expansion of an existing minor residential unit. Where: ... <u>e. Is located outside of the Port 45dBA LAeq Noise Control Overlay.</u> Activity status when compliance not achieved: 2. When compliance with any of GRUZ-R6.1.a or GRUZ-R6.1.b or GRUZ-R6.1.e is not achieved: NC ...
DPR-0455	Paul & Fay McOscar	026	Support In Part	A minimum property size needs to be set that would allow a principal residence and a smaller unit that would not affect current built space rules, service, access or visual site appearances.
DPR-0371	CIAL	FS034	Oppose	Reject
DPR-0463	Katie Bootsma	005	Support	Retain as notified.

Analysis

10.34. Luke Arndt²¹⁰ seeks that GRUZ-R6 is amended to exclude a garage from the calculation of floor area.

The submitter states that this was excluded in the definition of family flat in the Operative District Plan however if this does count towards the floor area, this could limit the use of buildings constructed in good faith in the future. SDC²¹¹ also request the exclusion of garages from the floor area calculation as the intention was that the area restriction only apply to the 'living area' of the unit. I recommend these submission points are accepted for the following reasons:

10.34.1. Garages are excluded from the calculation of floor space for minor residential units in corresponding rules in the residential zones within the PDP.

10.34.2. To ensure the PDP has a consistent approach and because including garaging would negate the purpose of increasing the size of permitted minor residential units from 70sqm to 90sqm in the rural zone, I recommend garaging is excluded.

10.35. SDC²¹² seek that reference to 'building coverage' is amended to 'gross floor space'. I recommend this submission point is accepted as this was the original intent of the rules and is consistent with the approach for minor residential units in residential zones.

10.36. Grant Carr²¹³ seeks the rule be retained but that specific conditions attached to their resource consent limiting occupation to specific family members be altered or removed to align with the

²¹⁰ DPR-0016:001 Luke Arndt

²¹¹ DPR-0207:070 SDC

²¹² DPR-0207:070 SDC

²¹³ DPR-0022:001 Grant Carr

proposed new rule. I recommend this submission point is rejected. The submitter will be able to operate as a permitted activity under the PDP (once operative) or, in the alternative, can apply to cancel or vary the conditions of their resource consent (this is out of the scope of the District Plan Review hearings process).

10.37. Ian Laurenson²¹⁴ requests that this rule has immediate legal effect. Under Section 86B RMA, a rule can only be made legally effective before decisions on a plan are notified in certain circumstances. It is not possible to make this rule immediately effective at this stage in proceedings as it does not meet the exceptions in Section 86. I therefore recommend this submission point is rejected.

10.38. Gillian Button²¹⁵ seeks that the rule is amended to allow a second storey within the 90sqm building coverage. I have recommended that the 90sqm building coverage is amended to gross floor space as this was the original intent of the rule and is consistent with other zones. Applying the 90sqm gross floor space requirement, the rule does not preclude a second storey, providing the relevant rule requirements are complied with. It is therefore not necessary to state this within the rule. I recommend this submission point is rejected as no amendment to the rule is required noting that a second storey is not precluded whether the size limit is calculated by building footprint or gross floor space.

10.39. Gillian Button²¹⁶, Joyce Family Trust²¹⁷, Jane Ross²¹⁸ and Natalie Edwards²¹⁹ seek that the maximum distance between minor residential units is increased from 30m (Joyce Family Trust requests this is increased to 100m and Jane Ross requests this is increased to 150m) as circumstances may suggest that a larger distance is more appropriate. Mike Ransome²²⁰ seeks the requirements is deleted entirely as most principal dwellings have large gardens and the proposed rule would mean having another dwelling on the lawn. I recommend these submissions are accepted in part for the following reasons:

10.39.1. 30m is derived from several other district plans (the Operative District Plan does not require a maximum separation distance). The intention of setting a maximum distance is that the minor unit is clearly anchored to the principal unit.

10.39.2. The principle effect the rule is seeking to manage is to maintain overall low density development in GRUZ which gives effect to GRUZ-O1.1 and GRUZ-P1.1. and 1.3. The further a minor residential unit is from the principal dwelling, the more it takes on the characteristics of an independent dwelling. An alternative approach would be to consider shared servicing arrangements including power, water and access which would have the effect of effectively limiting the distance a minor dwelling can locate away from the principal dwelling. This should be tested however through the consent process.

²¹⁴ DPR-0078:011 Ian Laurenson

²¹⁵ DPR-0079:002 Gillian Button

²¹⁶ DPR-0079:003 Gillian Button

²¹⁷ DPR-0128:003 Joyce Family Trust

²¹⁸ DPR-0088:001 Jane Ross

²¹⁹ DPR-0349:001 Natalie Edwards

²²⁰ DPR-0184-002 Mike Ransome

- 10.39.3. Presently non-compliance with this rule is a discretionary activity however I recommend the activity status is changed to a restricted discretionary activity status and narrowed to two matters of discretion - one being the extent to which the minor residential unit shares servicing with the principal dwelling and the other, the extent to which the characteristics of the site make compliance with the rule impractical (for instance topography).
- 10.40. David Mitton²²¹ states that on a 4ha section, it makes no difference where a minor residential unit needs to be sited and it could be anywhere on a 4ha block and does not require the sharing of the same servicing connection. The submitter requests that the rule is amended accordingly. I recommend the submission point is rejected. As discussed, the intent of this rule is to maintain a low density environment in GRUZ. The further a minor residential unit is from the principal dwelling, the more it takes on the characteristics of an independent dwelling. Exceptions to this can be tested through the consent process (recommended as a restricted discretionary activity).
- 10.41. Joyce Family Trust²²² and David Mitton²²³ seek that the maximum permissible size for the minor residential dwelling is expanded to 110sqm or 120sqm. Discounting garage space, I consider that 90sqm is an appropriate amount of living space for a minor residential dwelling. This house size would allow living space plus approximately two bedrooms. Larger than this, the dwelling would take on the characteristics of a principal dwelling (3 bedrooms+). As stated, the principle effect the rule is seeking to manage is to maintain overall low density development in GRUZ which gives effect to GRUZ-O1.1 and GRUZ-P1.1. and 1.3. I therefore recommend these submission points are rejected.
- 10.42. Mark Booker and Alexandra Roberts²²⁴ seek that the rule is amended to allow more flexibility noting that lifestyle blocks have an intergenerational component. The broad relief they seek is for minor residential units to have appropriate larger sizes and to be more flexible to changing needs. I recommend this submission point is accepted in part, to the extent that I am recommending changes above to exclude garages from the calculation of floor space
- 10.43. Jose Roberts²²⁵ seeks that property owners are able to add a maximum of one minor dwelling to assist family given the increase in house prices and affordability issues. I recommend this submission point is accepted in part, to the extent that minor residential dwellings are enabled by the PDP and the changes I am recommending.
- 10.44. Paul and Fay McOscar²²⁶ seek in general that rules on minor residential dwellings are more enabling and not just limited to family members. The submission point primarily relates to residential zoned dwellings. However I recommend this submission point is accepted in part, to the extent that minor residential dwellings are enabled by the PDP and the changes I am recommending.

²²¹ DPR-0314:002 David Mitton

²²² DPR-0128:002 Joyce Family Trust

²²³ DPR-0314:001 David Mitton

²²⁴ DPR-0234:004 Mark Booker and Alexandra Roberts

²²⁵ DPR-0270:001 Jose Roberts

²²⁶ DPR-0455:026 Paul and Fay McOscar

10.45. HortNZ²²⁷ opposes the rule because it does not appear to provide a realistic area to accommodate seasonal worker accommodation. I recommend this submission point is rejected as the rule is not designed to accommodate seasonal worker accommodation and this should be provided through a separate rule.

10.46. CIAL²²⁸ and LPC²²⁹ seek that the rule does not apply to land within the 50bd Christchurch Airport Noise Control Overlay or 45db Port Noise Control Overlay. I recommend these submission points are rejected for the following reasons:

10.46.1. As I discuss in GRUZ-P3, I consider that this type of development is consistent with a rural activity envisaged by the CRPS and therefore not noise sensitive and should not be subject to an avoid policy.

10.46.2. CIAL are not opposing outright, visitor accommodation that is permitted under GRUZ-R15 within the 50bd Christchurch Airport Noise Control Overlay (subject to such accommodation being designed to mitigate noise). I note that LPC are also not opposing this activity within the Port Noise Control Overlay. Visitor accommodation permitted under GRUZ-R15 enables up to 5 guests (in addition to the owner who must live on site).

10.46.3. As previously discussed, there seems to be little difference between a minor residential unit and a normal dwelling that also encompasses visitor accommodation (up to five paying guests) in terms of reverse sensitivity effects on noise generating activities. I also note that both these activities are enabled in the 55db Airport Noise Control Overlay through appropriate noise mitigation. .

10.46.4. Fundamentally I believe that a minor residential unit is part of a rural activity as defined by the CRPS (residential activity over 4ha). Were this not considered to be the case, I still consider a pathway to permit them in the 50bd Christchurch Airport Noise Control Overlay should be available, similar to that afforded visitor accommodation.

10.47. NCF²³⁰ seek that rule requirement GRUZ-REQ3 (height in relation to boundary) is not applied to GRUZ-R6 as in their opinion this is an inappropriate measure in the rural zone. I recommend that this submission point is conditionally accepted for the reasons stated above in GRUZ-R3, GRUZ-R4 and GRUZ-R5.

²²⁷ DPR-0353:288 HortNZ

²²⁸ DPR-0371:074 CIAL

²²⁹ DPR-0453:080 LPC

²³⁰ DPR-0422:263 NCF

10.48. Gillian Button²³¹, Katie Bootsma²³², Annette Shankie²³³, Mike Ransome²³⁴, AJ Bennett²³⁵ and DHL²³⁶ seek that the rule (or elements of the rule) are retained as notified. As I am recommending amendments, I recommend these submissions are accepted in part.

Recommendations and amendments

10.49. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R6, as set out in Appendix 2, to:

- 10.49.1. Amend 'Building Coverage' to 'Gross Floor Space'.
- 10.49.2. Exclude garages from the calculation of Gross Floor Space.
- 10.49.3. (Conditionally) delete reference to GRUZ-REQ3.
- 10.49.4. Amend clause 3 from discretionary to restricted discretionary activity status with two matters of discretion - one being the extent to which the minor residential unit shares servicing with the principal dwelling and the other, the extent to which the characteristics of the site make compliance with the rule impractical.

10.50. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R7 Relocated Residential Unit

10.51. Five submission points and one further submissions were received on GRUZ-R7.

²³¹ DPR-0079:001, 004, 005 Gillian Button

²³² DPR-0463:005 Katie Bootsma

²³³ DPR-0100:005 Annette Shankie

²³⁴ DPR-0184:003 Mike Ransome

²³⁵ DPR-0285:005 AJ Bennett

²³⁶ DPR-0372:112 DHL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0296	House Movers	005	Oppose	<p>Amend Rule GRUZ-R7 to provide for relocated, re-siting and removal of residential dwellings as a permitted activity and</p> <p>Insert new <u>Permitted Activity Standards</u>:</p> <p><u>a. Any relocated dwelling complies with the relevant standards for permitted activities in the District Plan.</u></p> <p><u>b. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.</u></p> <p><u>c. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include certification by the property owner that the reinstatement works shall be completed within the specified (12) month period.</u></p> <p><u>d. The building shall be located on permanent foundations approved by building consent, no later than (2) months of the building being moved to the site.</u></p> <p><u>e. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within (12) months of the building being delivered to the site. Without limiting (c) (above) reinstatement works is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p>and</p> <p>Insert a pre-inspection report in schedule 2</p> <p>and</p> <p>Insert Rule: <u>Restricted Discretionary Activity (on a non-notified, non-service basis)</u></p> <p><u>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</u></p> <p><u>i) proposed landscaping;</u></p> <p><u>ii) the proposed timetable for completion for the work required to reinstate the exterior of the building and connections to services.</u></p>
DPR-0296	House Movers	007	Oppose	Amend GRUZ-R7.4.c to remove bond requirement
DPR-0371	CIAL	075	Support In Part	<p>Amend as follows:</p> <p>5. The placement of a relocated building onto land to be used as a residential unit for temporary accommodation or as a temporary activity.</p> <p>Where:</p> <p>....</p> <p><u>c. the building is not located within the 50 dB Ldn Air Noise Contour.</u></p> <p>....</p> <p><u>8. Where compliance with GRUZ-R7.5(c) is not achieved, any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</u></p>
DPR-0353	HortNZ	FS134	Oppose	Reject
DPR-0372	DHL	113	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	NCFF	264	Support In Part	Amend as follows: 1. GRUZ-REQ3 Height in Relation to Boundary 5. GRUZ-REQ3 Height in Relation to Boundary 6. When compliance with any of GRUZ-R7.5 is not achieved: NC <u>DIS</u>

Analysis

10.52. The Housemovers²³⁷ consider that controlled activity status or above for the relocation of buildings for residential use places undue restrictions on development and does not reflect the decision of the Environment Court (Central Otago District Council vs New Zealand Heavy Haulage Association Inc C45/2004)). Here the Court rejected discretionary activity status for relocated dwellings, upheld permitted standards that integrated Building Act and RMA processes, rejected the imposition of a bond and approved the control of relocated dwellings being comparable to the control of new and existing dwellings.

10.53. The submitter opposes reference to restrictions on relocating a building within the same property and the imposition of bond requirements. They seek the activity is amended to a permitted activity and restricted discretionary activity where this is not able to be complied with. I recommend this submission point is accepted in part for the following reasons:

10.53.1. I note the submitter's reference to the Central Otago case which found that the S32 analysis was lacking in specificities on why a discretionary activity was needed and was generally inadequate.

10.53.2. GRUZ-R7 is intended to manage instances where a building is moved to a new site but where there is a risk that reinstatement works and a permanent foundation may not be undertaken in a timely manner, thus causing negative impacts on amenity.

10.53.3. I note the Preferred Option Report for Relocatable Buildings published by Council as part of the Selwyn District Plan Review recommended that in GRUZ, relocatable buildings are treated the same as new buildings. In other words, would be subject to the usual rule requirements (setbacks, height, building coverage and the like).

10.53.4. The Building Act 2004 requires that a building consent be obtained before the building can be relocated and reestablished on another site (i.e. building new foundations and establishing service connections). This ensures that the new building work (including foundations, steps and drainage) and any change of use of the building meet the building code. A building consent must be exercised within 12 months and a code of compliance certificate issued within 2 years.

²³⁷ DPR-0296:005, 007 Housemovers and NZ Heavy Haulage

- 10.53.5. A second hand building must demonstrate that it will be fit for purpose at the new location, taking into account the structural condition of the existing building, durability performance of existing building and building elements and how the existing building will integrate with the environment expected at the new site.
- 10.53.6. I note the recommendations by the submitter to include aspects of compliance with the Building Act into the PDP to permit relocatable buildings. For comparisons sake, the neighbouring Ashburton District Plan includes similar rules.
- 10.53.7. In my opinion, the key issue is ensuring that appropriate scrutiny by Council is undertaken before the building moved to its new site. This can be achieved by ensuring a building consent and/or a building inspection report is in place before a building is moved to a new site. Where this has not been the case, for instance because the building has been transported to a new site but not re-established, Council can require a resource consent as a restricted discretionary activity. This is more a backstop, because the Building Act provides a number of safeguards. In addition, given the openness and lower density of GRUZ, the risk of a relocated building that is not in a suitable condition adversely affecting amenity is lower than in a residential zone. Relocating a building should still be subject to the rule requirements of the PDP as they pertain to the siting of residential units.
- 10.54. CIAL²³⁸ are seeking that the rule does not apply to land within the 50bd Christchurch Airport Noise Control Overlay. I recommend this submission point is rejected as the rule does not confer any extra development rights from if the dwelling was newly constructed as of right on a site within the 50db Christchurch Airport Noise Control Overlay.
- 10.55. NCF²³⁹ oppose temporary relocatable units being treated more stringently than the requirements for permanently relocated residential units. They seek an amendment so that the activity is a restricted discretionary activity rather than a non-complying activity. However given the above discussion, and the fact that these matters are also addressed under 'temporary activities' in the PDP which is intended to apply to all zones, I recommend they are deleted to avoid duplication. I note that TEMP-R3 that permits temporary residential buildings ancillary to a construction project, requires conformity with the underlying zone requirements. Under the temporary activity rules, this activity is generally a restricted discretionary activity where performance standards cannot be met which seems to me more appropriate than a non-complying activity. I therefore recommend the submission is accepted in part.
- 10.56. DHL²⁴⁰ seek that the rule is retained as notified. As I am recommending the rule is deleted, I recommend this submission is rejected.

²³⁸ DPR-0371:073 CIAL

²³⁹ DPR-0422:264 NCF

²⁴⁰ DPR-0372:113 DHL

Recommendations and amendments

10.57. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R7, as set out in **Appendix 2**, to:

10.57.1. permit relocated buildings from off-site, subject to performance standards. Amend controlled activity to restricted discretionary.

10.57.2. delete rules on temporary relocated buildings.

10.58. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.59. The scale of this change requires a s32AA which can be found in Section 16.

GRUZ-R8 Rural Service Activity

10.60. Four submission points and two further submissions were received on GRUZ-R8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	100	Support	Retain as notified
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	004	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS008	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS004	Support	Refer Section 15
DPR-0353	HortNZ	290	Oppose In Part	<p>Amend as follows:</p> <p><i>Applies in SCA-RD1, SCA-RD4, SCA-RD5, SCA-RD6, SCA-RD7:</i></p> <p>....</p> <p><i>1. The establishment of a new, or expansion of an existing rural service activity.</i></p> <p><i>Where:</i></p> <p><i>a. The area of land associated with building footprint of the the rural service activity is less than 200m2 <u>500m2</u>.</i></p> <p>....</p> <p><i>Applies in <u>SCA-RD1</u>, SCA-RD2, SCA-RD3:</i></p> <p><i>7. The establishment of a new, or expansion of an existing rural service activity.</i></p> <p><i>Where:</i></p> <p><i>a. The area of land associated with building footprint of the the rural service activity is less than 500m2 <u>1000m2</u>.</i></p> <p>....</p>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	NCFF	265	Oppose In Part	<p><i>Amend as follows relevant to SCA-RD1, SCA-RD4, SCA-RD5, SCA-RD6 and SCA-RD7 zones:</i></p> <p><i>1.The area of land associated with the rural service activity is less than 5200m².</i></p> <p><i>And this activity complies with the following rule requirements:</i></p> <p><i>GRUZ-REQ6 Hours of Operation</i></p> <p><i>GRUZ-REQ7 Full Time Equivalent Staff</i></p> <p><i>Amend as follows relevant to SCA-RD2 and SCA-RD3 zones:</i></p> <p><i>4.The area of land associated with the rural service activity is less than 5 1,000m²</i></p>

Analysis

10.61. In discussion on the definitions, I agreed with submitters that having both ‘rural service activity’ and ‘primary industry’ definitions could create unnecessary confusion and I recommend deleting both terms and relying only on the NPS definition of a ‘rural industry’. As a consequential change, I recommend combining GRUZ-R8 and GRUZ-R11 into one rule for rural industry.

10.62. HortNZ²⁴¹ seek that the land area associated with the building footprint of a rural service activity is increased to 1000sqm in SCA-RD1, SCA-RD2 and SCA-RD3 and 500sqm in SCA-RD4, SCA-RD5, SCA-RD6 and SCA-RD7. The submitter considers that ‘land area’ should mean ‘building footprint’ and the current limitation to 200sqm in the Inner Plains and 500sqm in the East and West Plains is too limiting. NCFF²⁴² seek that the land area associated with the rural service activity is increased to 1000sqm in SCA-RD2 and SCA-RD3 and 500sqm in SCA-RD1, SCA-RD4, SCA-RD5, SCA-RD6 and SCA-RD7. I recommend these submission points are rejected for the following reasons:

10.62.1. ‘Land area’ applies to the area of land where the activity takes place. This includes building footprint and any associated land with the activity, which may form part of a site where other activity takes place (for example rural production). Amending this to ‘building footprint’ gives no direction on how much ‘land area’ associated with the activity (which could be extensive if taken to mean the entire site) is permitted.

10.62.2. The increase proposed by the submitter of 500sqm and 1000sqm (whether meaning building footprint or land area) and the application of this larger limit to the Inner Plains (SCA-RD1) could give rise to effects on amenity. The 200sqm and 500sqm maximum permitted limit is greater than the Operative District Plan limit of 100sqm land area in both the Inner and Outer Plains. The thresholds strike a balance between permitting small scale rural support services whilst maintaining rural amenity. The use of a discretionary activity status indicates that the activity at a greater scale is contemplated by the PDP, albeit there are a number of effects that could occur such that consideration through a resource consent as a discretionary activity is more appropriate.

²⁴¹ DPR-0353:290 HortNZ

²⁴² DPR-0422:265 NCFF

10.63. NCF²⁴³ also consider that the requirement to restrict hours of operation and staff numbers are unnecessary because this is regulated by health and safety and employment laws. I recommend this submission point is rejected. The requirement to comply with GRUZ-REQ6 and GRUZ-REQ7 in GRUZ-R8 are intended to maintain amenity and rural character, to implement GRUZ-O1, GRUZ-P1, GRUZ-P4 and GRUZ-P5 and are for a completely different purpose than laws that regulate health, safety and employment.

10.64. ESAI²⁴⁴ seek that the rule is retained as notified. As I am recommending amendments, I recommend this submission is accepted in part.

Recommendations and amendments

10.65. I recommend for the reasons given above, that the Hearings Panel, as set out in **Appendix 2**, amend GRUZ-R8 to combine GRUZ-R8 and GRUZ-R11 into one single rule (GRUZ-R8) and rename as 'rural industry'.

10.66. Refer also to Section 15 'Proposed Rural Service Precinct' for a further recommended change to GRUZ-R8.

10.67. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R9 Rural Selling Place/Commercial Activity

10.68. Six submission points and one further submission was received on GRUZ-R9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	101	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	FS010	Support	Allow in full
DPR-0349	Natalie Edwards	002	Support In Part	Not specified.
DPR-0353	HortNZ	292	Oppose In Part	Amend as follows: a. The area of land associated with <u>building footprint of the rural selling place</u> is less than 100m² <u>500m²</u> ; or b. The area of land associated with <u>building footprint of the commercial activity</u> is less than 100m² <u>2500m²</u> .

²⁴³ DPR-0422:265 NCF

²⁴⁴ DPR-0212:100 ESAI

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	Waka Kotahi	188	Support In Part	Amend as follows: <i>c. the site does not adjoin or have direct access to a state highway.</i>
DPR-0422	NCCF	266	Support In Part	Amend as follows: 1. <i>GRUZ-REQ6 Hours of Operation</i> <i>GRUZ-REQ7 Full Time Equivalent Staff</i>
DPR-0441	Trustpower	145	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in E1-R29.

Analysis

10.69. Natalie Edwards²⁴⁵ states that the 100sqm maximum land area for rural selling place/commercial activities is too restrictive as this would include car parking areas and storage areas and seeks that GRUZ-R9 be amended to only include the publically accessible sales area within the calculation. HortNZ²⁴⁶ considers that 'land area' should mean 'building footprint' and the current limitation of 100sqm is too restrictive and should be increased to 500sqm for both the rural selling place and commercial activity categories. I recommend these submission points are rejected for the following reasons:

10.69.1. The 100sqm maximum permitted limit strikes a balance between permitting small scale retail/commercial activity in the rural zone whilst maintaining rural amenity. The use of a discretionary activity status for a rural selling place indicates that the activity at a greater scale is contemplated by the PDP, albeit there are a number of effects that could occur such that consideration through a resource consent as a discretionary activity is more appropriate.

10.69.2. 'Land area' applies to the area of land where the activity takes place. This includes building footprint and any associated land with the activity, which may form part of a site where other activity takes place (for example rural production). Amending this to 'building footprint' gives no direction on how much 'land area' associated with the activity (which could be extensive if taken to mean the entire site) is permitted.

10.70. NCCF²⁴⁷ consider that the requirement to restrict hours of operation and staff numbers are unnecessary because this is regulated by health and safety and employment laws. I recommend this submission point is rejected. As for GRUZ-R8 above, the requirement to comply with GRUZ-REQ6 and GRUZ-REQ7 in GRUZ-R9 are intended to maintain amenity and rural character and are for a completely different purpose than laws that regulate health, safety and employment.

10.71. Waka Kotahi²⁴⁸ seek an additional clause 'c' that requires that a site does not adjoin or have direct access to the state highway in order to be a permitted activity. This is to ensure that effects can be

²⁴⁵ DPR-0349:002 Natalie Edwards

²⁴⁶ DPR-0353:292 HortNZ

²⁴⁷ DPR-0422:266 NCCF

²⁴⁸ DPR-0375:188 Waka Kotahi

considered where there is direct vehicular connection to and access to a state highway. I recommend this submission point is rejected for the following reasons:

- 10.71.1. The activity (as a permitted activity) is of a scale that is unlikely to generate significant volumes of traffic movement to and from the site, including at peak intervals. The Transport chapter includes rules to restrict traffic generation over vehicle crossings. In addition, transport matters can be considered where a rural selling place/commercial activity requires a resource consent.
- 10.71.2. I also note that new vehicles crossing to a state highway also require resource consent under the Transport chapter (in addition to any controls Waka Kotahi can exercise for controlled access highways under the Roadng Powers Act 1989).
- 10.72. ESAI and Trustpower²⁴⁹ request that the rule is retained as notified. I recommend these submission points are accepted as I am not recommending any changes.

Recommendations and amendments

- 10.73. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R9 as notified.
- 10.74. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R10 Rural Home Business

- 10.75. Three submission points were received on GRUZ-R10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	102	Support	Retain as notified
DPR-0234	Mark Booker & Alexandra Roberts	005	Oppose In Part	Amend GRUZ-R10 Rural Home Business to address submitter's concerns.
DPR-0422	NCFF	267	Support	Retain as notified

Analysis

- 10.76. Mark Booker and Alexandra Roberts²⁵⁰ seek that the PDP adopts a more flexible approach to home occupation. The submission point appears to relate to minor residential units rather than a rural

²⁴⁹ DPR-0212:101 ESAI and DPR-0441:145 Trustpower

²⁵⁰ DPR-0234:005 Mark Booker and Alexandra Roberts

home business. Because it does not appear to apply, nor request a specific change to GRUZ-R10, I recommend the submission point is rejected (in relation to its application to GRUZ-R10).

10.77. ESAI²⁵¹ and NCFE²⁵² request that the rule is retained as notified. I recommend these submission points are accepted.

Recommendations and amendments

10.78. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R10 as notified.

10.79. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R11 Primary Industry

10.80. Three submission points were received on GRUZ-R11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone Aggregates	056	Support	Retain as notified
DPR-0353	HortNZ	294	Oppose In Part	Replace the term 'primary industry' with 'rural service industry' in GRUZ-R11 and the definitions.
DPR-0422	NCFE	268	Oppose In Part	Amend as follows: 1. GRUZ-REQ6 Hours of Operation GRUZ-REQ7 Full Time Equivalent Staff

Analysis

10.81. HortNZ²⁵³ seek that the term 'primary industry' is replaced with 'rural service industry' to better link with the definition of 'rural industry' and better align with 'rural service activity'. I recommend this submission is accepted in part. In the discussion on the definitions, I agreed with submitters that having both 'rural service activity' and 'primary industry' definitions could create unnecessary confusion and I recommend deleting both terms and relying only on the NNPS definition of a rural industry. As a consequential change, I recommend combining GRUZ-R8 and GRUZ-R11 into one rule for rural industry.

²⁵¹ DPR-0212:102 ESAI

²⁵² DPR-0422:267 NCFE

²⁵³ DPR-0353:294 HortNZ

10.82. NCCF²⁵⁴ consider that the requirement to restrict hours of operation and staff numbers are unnecessary because this is regulated by health and safety and employment laws. I recommend this submission point is rejected (refer to GRUZ-R8 above).

10.83. Winstone Aggregates²⁵⁵ seek that the rule is retained as notified. As I am recommending the rule is deleted, I recommend this submission is rejected (however the intent of the rule will be retained through its combination with GRUZ-R8).

Recommendations and amendments

10.84. I recommend for the reasons given above, that the Hearings Panel delete GRUZ-R11, as set out in Appendix 2, in order to combine GRUZ-R8 and GRUZ-R11 into one single rule (GRUZ-R8) and rename as 'rural industry'.

10.85. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R12 Industrial Activity

10.86. Four submission points and two further submission points were received on GRUZ-R12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	006	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS010	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS006	Support	Refer Section 15
DPR-0353	HortNZ	239	Support	Retain as notified
DPR-0372	DHL	114	Support	Retain as notified
DPR-0422	NCCF	269	Support	Retain as notified

Analysis

²⁵⁴ DPR-0422:268 NCCF

²⁵⁵ DPR-0215:056 Winstone Aggregates

10.87. As a point of clarification, I recommend that GRUZ-R12 is amended to exclude rural industry. This change is recommended to be made under Clause 16 (2) RMA. This does not change the effect of the rule as rural industry is already provided for in GRUZ-R8.

10.88. HortNZ, DHL and NCF²⁵⁶ submit that the rule be retained as notified. As I am recommending amendments, I recommend these submissions are accepted in part.

Recommendations and amendments

10.89. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R12, as set out in **Appendix 2**, to exclude rural industry.

10.90. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R13 Research Activity

10.91. Six submission points were received on GRUZ-R13.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0205	Lincoln University	004	Support In Part	Amend as follows: 1. The establishment of a new, or expansion of an existing research activity. Where: a. And this activity complies with the following rule requirements: GRUZ-REQ6 Hours of Operation
DPR-0213	Plant and Food and Landcare	004	Support In Part	Amend as follows: 1. The establishment of a new, or expansion of an existing research activity. And this activity complies with the following rule requirements: GRUZ-REQ6 Hours of Operation
DPR-0342	AgResearch	010	Support In Part	Amend GRUZ-R13 as follows: Activity status: PER 1. The establishment of a new, or expansion of an existing research activity. Where: a. The research activity involves the use of land or buildings for the purpose of growing of crops and trees, rearing of livestock, and associated monitoring of the environment for research and education purposes and any activity and building ancillary to this purpose.

²⁵⁶ DPR-0353:239 HortNZ, DPR-0372:114 DHL and DPR-0422:269 NCF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0342	AgResearch	011	Support In Part	Amend GRUZ-R13 as follows: And this activity complies with the following rule requirements: GRUZ-REQ6 Hours of Operation
DPR-0342	AgResearch	012	Support In Part	Amend GRUZ-R13.2 as follows: Activity status when compliance not achieved: 2. When compliance with any of GRUZ-R13.1 is not achieved: NC <u>RD</u>
DPR-0353	HortNZ	240	Support	Retain as notified

Analysis

10.92. Lincoln University²⁵⁷, Plant and Food and Landcare²⁵⁸ and AgResearch Ltd²⁵⁹ seek that the requirement to comply with GRUZ-REQ6 Hours of Operation is deleted as it is unclear what ‘business activity’ is and taking a broad interpretation (including staff needing to be on-site and passive activities such as irrigation or spraying) may hinder necessary research related activities.

10.93. I note that these submitters are also seeking an amendment to GRUZ-REQ6 to clarify what is meant by ‘business activity’ and preferably to align the meaning with GRUZ-R10.1.c (the unloading or loading of vehicles or the receiving of customers or deliveries only occurs between 0700-1900 on any day).

10.94. I tend to agree with the submitters that it is not entirely clear what is meant with this restriction. GRUZ-R10.1.c seems to address those aspects of the activity that may give rise to adverse amenity effects and reference to this standard would still enable staff to operate on site and passive activities to take place, including the ongoing running of equipment. I therefore recommend these submissions are accepted in part (no change to GRUZ-R13 but a change to GRUZ-REQ6 to align with GRUZ-R10.1.c) which may provide relief to the submitters.

10.95. AgResearch Ltd²⁶⁰ seek an amendment to GRUZ-R13.1.a to include ‘buildings’ as well as ‘land’ as rural research activities are also often conducted within buildings as they provide a more controlled environment than outdoors. They also seek the use of the word ‘activity’ alongside ‘building(s)’ ancillary to that purpose. I agree with the submitter that the amendments provide clarity as to what is within the permitted scope of this rule and recommend that the submission point is accepted.

10.96. AgResearch Ltd²⁶¹ seek that the activity status where a resource consent is required is amended from non-complying to discretionary status (although the suggested amendment is for restricted discretionary). I recommend this submission point is rejected as research activities that are unrelated to primary production are unlikely to be appropriate in GRUZ, taking into account GRUZ-O1, GRUZ-P1, GRUZ-P4 and GRUZ-P5.

²⁵⁷ DPR-0205:004 Lincoln University

²⁵⁸ DPR-0213:004 Plant and Food and Landcare

²⁵⁹ DPR-0342:011 AgResearch Ltd

²⁶⁰ DPR-0342:010 AgResearch Ltd

²⁶¹ DPR-0353:240 HortNZ

10.97. HortNZ²⁶² submit that the rule be retained as notified. As I recommending amendments, I recommend this submission is accepted in part.

Recommendations and amendments

10.98. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R13, as set out in **Appendix 2**, to include 'building' in the first line alongside 'land' and 'activity' in the second line alongside 'building'.

10.99. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ6, as set out in **Appendix 2**, to align with GRUZ-R10.1c that a business activity is the loading or unloading of vehicles or the receiving of customers and deliveries. (refer also to GRUZ-REQ6 recommendations).

10.100. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R14 Conference Facility

10.101. Five submission points and three further submission points were received on GRUZ-R14.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	051	Oppose	Delete as notified.
DPR-0043	Poultry Industry & Egg Producers	FS004	Support	Allow in full
DPR-0205	Lincoln University	005	Oppose In Part	Amend as follows 1. The establishment of a new, or the expansion of an existing Conference Facility. Where: a. The maximum area of land <u>floor area</u> associated with the Conference Facility is less than 100m ² . And this activity complies with the following rule requirements:
DPR-0353	HortNZ	FS005	Oppose	Reject
DPR-0213	Plant and Food and Landcare	005	Oppose In Part	Amend as follows: 1. The establishment of a new, or the expansion of an existing Conference Facility. Where: a. The maximum area of land <u>floor area</u> associated with the Conference Facility is less than 100m ²
DPR-0353	HortNZ	FS009	Oppose	Reject

²⁶² DPR-0353:240 HortNZ

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	242	Oppose	Delete as notified. Refer to original submission for full decision requested.
DPR-0415	Fulton Hogan Limited	014	Oppose In Part	Amend GRUZ-REQ14 as discussed in GRUZ-REQ11

Analysis

10.102. NZ Pork and HortNZ²⁶³ seek that the rule is deleted as, in their opinion, conference facilities are not appropriate in the rural area. NZ Pork state the objectives and policies of the rural chapter do not support a permitted activity as being an appropriate resource management response. I recommend that the submission points be accepted in part for the following reasons:

10.102.1. Policy GRUZ-P5 gives strong direction to avoid the establishment of new commercial activities larger than a rural home business unless the activity has a functional or operational need to locate there. In most cases this will not apply to conference facilities however functional/operational need can be tested through the consent process where a facility exceeds the 100sqm limit.

10.102.2. The 100sqm size limit land area is consistent with the land area for a rural home business and other commercial activities. However there is no requirement under GRUZ-R14 to comply with either REQ6 Hours of Operation or GRUZ-REQ7 Staff. This is inconsistent with these other activities.

10.102.3. I recommend that GRUZ-R14 is amended so that GRUZ-REQ6 and GRUZ-REQ7 apply to this activity. Being unable to comply only with GRUZ-REQ6 and/or GRUZ-REQ7 would mean the activity is considered as a discretionary activity. I also note there are setback requirements from intensive farming and mineral extraction activities which will reduce the likelihood of reverse sensitivity effects.

10.103. Lincoln University²⁶⁴ and Plant and Food and Landcare²⁶⁵ consider that the reference to land area is ambiguous and could include car parking and landscaping areas which, in their opinion, is unnecessary. They seek that the size limit is clarified as being only floor area.

10.104. I recommend these submission points are accepted in part only so far as to clarify that this includes land *and* maximum floor area. This is consistent with the description of the permitted size limit under GRUZ-R10 Rural Homes Business.

²⁶³ DPR-0142:051 NZ Pork, DPR-0353:242 HortNZ

²⁶⁴ DPR-0205:005 Lincoln University

²⁶⁵ DPR-0213:005 Plant and Food and Landcare

10.105. Fulton Hogan²⁶⁶ oppose GRUZ-R14 to the extent it is linked to GRUZ-REQ11 which they seek be amended. The submission point is noted, but as no amendment is sought to this rule (refer to GRUZ-REQ11 for further discussion). I do not recommend any changes in response to it.

Recommendations and amendments

10.106. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R14, as set out in **Appendix 2**, to:

10.106.1. Include a requirement to meet GRUZ-REQ6 and GRUZ-REQ7.

10.106.2. Clarify that 100sqm refers to maximum floor area and land.

10.107. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R15 Visitor Accommodation

10.108. Eight submission points and five further submission points were received on GRUZ-R15.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	052	Oppose	Delete as notified.
<i>DPR-0043</i>	<i>Poultry Industry & Egg Producers</i>	<i>FS005</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0249	Lyn Nell	001	Oppose	Amend the provision on visitor accommodation. Increase the number of guests as a permitted activity for private visitor accommodation in rural Selwyn District to 10 -12 people.
DPR-0353	HortNZ	244	Oppose	Delete as notified. Refer to the original submission for full decision requested.
DPR-0370	Fonterra	082	Support	Retain as notified
<i>DPR-0209</i>	<i>Manmeet Singh</i>	<i>FS814</i>	<i>Oppose In Part</i>	<i>Reject submission in part</i>

²⁶⁶ DPR-0415:014 Fulton Hogan

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	076	Support In Part	<p>Amend as follows:</p> <p>1. <i>The establishment of a new, or the expansion of an existing Visitor Accommodation.</i></p> <p>Where:</p> <p>....</p> <p><u>c. within the 50 dB Ldn Air Noise Contour, the building used for visitor accommodation is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants.</u></p> <p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of GRUZ-R15.1a or b is not achieved: DIS</p> <p>3. When compliance with GRUZ-R15.1c is not achieved: NC <u>any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</u></p>
DPR-0353	HortNZ	FS135	Oppose	Reject
DPR-0415	Fulton Hogan Limited	015	Oppose In Part	Amend GRUZ-REQ51 as discussed in GRUZ-REQ11
DPR-0437	Mt Algidus Station, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Stations (the Stations)	001	Oppose In Part	<p>Amend as follows:</p> <p>...</p> <p>1. <i>The establishment of a new, or the expansion of an existing Visitor Accommodation <u>other than within SCA-RD3 and SCA-RDA7.</u></i></p> <p>Where:</p> <p>a. <i>Accommodation offered to not more than five <u>six</u> guests for reward and payment at any one time; and</i></p> <p>b. <i>The registered proprietor resides permanently on-site <u>on the property.</u></i></p> <p>...</p> <p>- <u>Activity Status: PER</u></p> <p>- <u>2. Within SCA-RD3 and SCA-RD7 the establishment of a new or the expansion of existing Visitor Accommodation in any building on the property.</u></p> <p><u>Where:</u></p> <p>a. <i>Accommodation is offered to not more than six guests per building for reward and payment at any one time; and</i></p> <p>b. <i>The registered proprietor resides permanently on the property.</i></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary production</u></p> <p><u>GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction</u></p>
DPR-0301	UWRG	FS074	Oppose	Disallow
DPR-0407	Forest & Bird	FS158	Oppose	Reject the submission
DPR-0455	Paul & Fay McOscar	007	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.

Analysis

10.109. NZ Pork²⁶⁷ and HortNZ²⁶⁸ seek that the rule is deleted as, in their opinion, visitor accommodation is not appropriate in the rural area. NZ Pork state the objectives and policies of the rural chapter do not support a permitted activity as being an appropriate resource management response.

10.110. I recommend that these submission points are rejected. The scale of the activity is consistent with a rural home business and is ancillary to the use of the site for residential use. The maximum number of paying guests is limited to five. I also note there are setback requirements from intensive farming and mineral extraction activities which will reduce the likelihood of reverse sensitivity effects and thus avoid compromising primary production activities. The rule is consistent with GRUZ-O1, GRUZ-P5 and GRUZ-P7.

10.111. Lyn Nell²⁶⁹ requests that the number of permitted guests for private visitor accommodation in the rural area is increased to between 10-12 as this is needed to accommodate two families. They consider that this type of private accommodation fills a gap in the market. The Stations²⁷⁰ state that having more than one building for visitor accommodation on larger properties located in the Hill and High Country (SCA-RD7) and West Plains and Foothills (SCA-RD3) will provide additional income and due to the large size of the properties, there will be no adverse effects. They seek an increase to six paying guests as this aligns with other non-RMA controls on visitor accommodation. I recommend these submission points are rejected for the following reasons:

10.111.1. I am unsure what other non-RMA controls the submitter has in mind. However I note that under the NZ Building Code, a domestic dwelling can be used as a boarding house type accommodation for up to five people (not including members of the residing family) and is treated as a low risk setting for fire protection²⁷¹ (Table 1.1 Risk groups: scope and limitations C/AS1). Greater numbers of visitors staying (along with the configuration of the accommodation) may constitute a change of use under the Building Code and trigger more onerous compliance requirements (C/AS2 Table 1.1 Risk Groups: scope and limitations).

10.111.2. Accommodating more than five paying guests would be escalating the activity to the point where it exceeds the level of a rural home business (GRUZ-P5). While the activity may be able to demonstrate a functional or operational need to locate in GRUZ, the scale of the activity becomes more obvious, with associated effects on character and amenity, and an increased risk of reverse sensitivity effects on primary production and rural industry. In my opinion it is appropriate that this be assessed through a resource consent as a discretionary activity.

²⁶⁷ DPR-0142:052 NZ Pork

²⁶⁸ DPR-0353:244 HortNZ

²⁶⁹ DPR-0249:001 Lyn Nell

²⁷⁰ DPR-0437:001 The Stations

²⁷¹ <https://www.building.govt.nz/assets/Uploads/building-code-compliance/c-protection-from-fire/asvm/cas2-protection-from-fire-1st-edition-2019.pdf>

- 10.112. Paul and Fay McOscar²⁷² state that there appears to be anomalies relating to properties consented as accommodation providers, who are required to meet industry standards as well as general regulations such as fire, egress and health and safety, and those who do not. Accommodation providers are also required to meet targeted rate charges. The submitter suggests Council may wish to establish graded categories and apply appropriate rules and charges that are relative to bed space available.
- 10.113. Although the submitter's concerns are noted, the setting of ratings and charges is outside of the scope of the district plan review being more a matter for the Long Term Plan. Under the PDP, visitor accommodation with more than five guests staying requires a resource consent. In addition, as discussed above, there are further requirements under the Building Code. This provides the threshold where Council considers accommodation providers to be more of a commercial activity than an ancillary use to the property's primary purpose as a residential dwelling. I therefore recommend the submission point is rejected.
- 10.114. CIAL²⁷³ seek that there is an appropriate reference clause to noise sensitive activities in order to ensure plan users are aware of their obligations to design, construct and operate accommodation within the contours to avoid establishing new noise sensitive activities. This appears to mirror language in the CRPS where visitor accommodation is noise sensitive in the 50db Airport Noise Contour Overlay unless designed, constructed and operated to a standard that mitigates the effects of noise on occupants.
- 10.115. Visitor accommodation is included under the definition of 'sensitive activity' in the PDP and any activity would be required to comply with NOISE-R4 where in the 55db Airport Noise Contour Overlay however there is no such standard for the 50db Airport Noise Contour Overlay, which may cause uncertainty. This may be resolved through the hearings on the Noise chapter in terms of what noise mitigation is appropriate, if any, and to what extent CRPS Policy 6.3.5.4. applies and an overall 'avoid' approach is necessary.
- 10.116. Without a clear standard (which should be in the Noise chapter), a general reference to noise mitigation does not seem workable in a permitted activity rule. I therefore recommend this submission point is rejected.
- 10.117. Fulton Hogan²⁷⁴ oppose GRUZ-R15 to the extent it is linked to GRUZ-REQ11 which they seek be amended. The submission point is noted, but as no amendment is sought to this rule (refer to GRUZ-REQ11 for further discussion), I do not recommend any changes in response to it.
- 10.118. Fonterra²⁷⁵ submit that the rule be retained as notified. As I am not recommending amendments, I recommend this submission is accepted.

²⁷² DPR-0455:007 Paul and Fay McOscar

²⁷³ DPR-0371:076 CIAL

²⁷⁴ DPR-0415:015 Fulton Hogan

²⁷⁵ DPR-0370:082 Fonterra

Recommendations and amendments

10.119. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R15 as notified.

10.120. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R16 Rural Production

10.121. Eight submission points and five further submission points were received on GRUZ-R16.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	053	Support	Retain as notified.
DPR-0212	ESAI	103	Support	Retain as notified
DPR-0353	HortNZ	245	Support	Retain as notified
DPR-0381	Coleridge Downs Limited	FS063	Support	Allow
DPR-0486	Coleridge Downs Limited	FS063	Support	Allow
DPR-0368	Beef + Lamb & DINZ	040	Support	Retain as notified.
DPR-0407	Forest & Bird	FS463	Oppose	Reject the submission
DPR-0372	DHL	115	Support	Retain as notified
DPR-0381	Coleridge Downs Limited	003	Support	Retain as notified.
DPR-0407	Forest & Bird	FS510	Oppose	Reject the submission
DPR-0390	RIL	090	Support	Retain as notified.
DPR-0422	NCFF	270	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	FS026	Support	Allow in full

Analysis

10.122. No amendments were sought to GRUZ-R16. NZ Pork²⁷⁶, ESAI²⁷⁷, HortNZ²⁷⁸, Beef and Lamb and DINZ²⁷⁹, DHL²⁸⁰, Coleridge Downs Ltd²⁸¹, RIL²⁸² and NCFF²⁸³ seek that GRUZ-R16 is retained as notified. I recommend that these submission points are accepted.

²⁷⁶ DPR-0142:053 NZ Pork

²⁷⁷ DPR-0212:103 ESAI

²⁷⁸ DPR-0353:245 HortNZ

²⁷⁹ DPR-0368:040 Beef and Lamb and DINZ

²⁸⁰ DPR-0372:115 DHL

²⁸¹ DPR-0381:003 Coleridge Downs Ltd

²⁸² DPR-0390:090 RIL

²⁸³ DPR-0422:270 NCFF

Recommendations and amendments

10.123. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R16 as notified.

10.124. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R17 Free Range Poultry Farming

10.125. Two submission points and one further submission point was received on GRUZ-R17.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	008	Support	Retain as notified.
DPR-0422	NCFF	271	Oppose In Part	Amend to provide for intensive free-range poultry farming and ensure they comply with the same requirements as all other intensive primary production activities.
<i>DPR-0043</i>	<i>Poultry Industry & Egg Producers</i>	<i>FS025</i>	<i>Oppose</i>	<i>Disallow in full</i>

Analysis

10.126. NCFF²⁸⁴ consider that intensive free range poultry farming should be subject to the same rules as other intensive farming uses. This is the intention of GRUZ-R17, in that a poultry farm that does not meet the definition of ‘free range poultry’ would be subject to the requirements of GRUZ-R18, however, I appreciate this could be clearer. I recommend a note be included in GRUZ-R17 and the submission point be accepted in part.

10.127. The Poultry Industry and Egg Producers²⁸⁵ seek that GRUZ-R17 is retained as notified. I recommend that this submission point is accepted in part due to the amendment I am recommending.

Recommendations and amendments

10.128. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R17, as set out in **Appendix 2**, to include a note that poultry farming that meets the definition of intensive primary production should be considered under GRUZ-R18.

²⁸⁴ DPR-0422:271 NCFF

²⁸⁵ DPR-0043:008 Poultry Industry and Egg Producers

10.129. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R18 Intensive Primary Production

10.130. 16 submission points and 16 further submission point was received on GRUZ-R18.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	009	Support	Retain as notified.
DPR-0142	NZ Pork	054	Support	Retain as notified.
DPR-0232	Mary Herrick	001	Oppose	Amend GRUZ-R18 Intensive Primary Production so that establishing an intensive pig farm or an intensive poultry farm is not a permitted activity next to lifestyle blocks in the SCA-RD1 Inner Plains/ Te Urumanuka ki Ana-ri area. Refer to original submission for full decision requested
DPR-0043	Poultry Industry & Egg Producers	FS012	Oppose	Disallow in full
DPR-0260	CRC	172	Support	Retain as notified.
DPR-0381	Coleridge Downs Limited	FS015	Oppose	Disallow
DPR-0486	Coleridge Downs Limited	FS015	Oppose	Disallow
DPR-0265	L. J. Manion	001	Oppose	Amend to make setbacks 300m or greater inside the poultry farm boundary from any chicken shed to be built.
DPR-0043	Poultry Industry & Egg Producers	FS014	Oppose	Disallow in full
DPR-0305	April Fitzjohn	006	Neither Support Nor Oppose	Not specifically stated.
DPR-0043	Poultry Industry & Egg Producers	FS015	Oppose	Disallow in full
DPR-0342	AgResearch	016	Oppose In Part	Amend GRUZ-R18 Intensive Primary Production as follows: <i>Activity status: PER</i> <i>1. The establishment of a new, or expansion of an existing intensive primary production activity.</i> <i>Where:</i> <i>a. the activity does not involve the production of mushrooms.</i> <i>a. the activity is permitted in accordance with the relevant provisions of the Canterbury Air Regional Plan; or</i> <i>b. the activity has an air discharge permit from CRC (in accordance with the relevant provisions of the Canterbury Air Regional Plan).</i> <i>And this activity complies with the following rule requirements:</i> <i>GRUZ-REQ8 Intensive Primary Production Setback</i>
DPR-0342	AgResearch	017	Oppose In Part	Retain the requirement under Rule GRUZ-REQ9 to provide Council with an Intensive Primary Production Location Plan.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	247	Support	Retain as notified
DPR-0357	Siana Fitzjohn	004	Oppose	The PDP should encourage regenerative farming, and discourage (or, even better, to disallow) intensive farming. Refer to original submission for full decision requested.
DPR-0368	Beef + Lamb & DINZ	041	Support	Retain as notified.
DPR-0043	Poultry Industry & Egg Producers	FS018	Support	Allow in full
DPR-0407	Forest & Bird	FS464	Oppose	Reject the submission
DPR-0372	DHL	116	Oppose	Amend as follows: ... And this activity complies with the following rule requirements: GRUZ-REQ8 Intensive Primary Production Setback GRUZ-REQ9 Intensive Primary Production Location Plan
DPR-0381	Coleridge Downs Limited	FS045	Support	Allow
DPR-0486	Coleridge Downs Limited	FS045	Support	Allow
DPR-0381	Coleridge Downs Limited	004	Support In Part	Retain GRUZ-R18 as notified, subject to CDL's requests for relief regarding GRUZ-REQ8 below.
DPR-0407	Forest & Bird	FS511	Oppose	Reject the submission
DPR-0388	Craigmore Farming Services Limited	053	Oppose	Amend as follows: ... And this activity complies with the following rule requirements: GRUZ-REQ8 Intensive Primary Production Setback GRUZ-REQ9 Intensive Primary Production Location Plan
DPR-0381	Coleridge Downs Limited	FS043	Support	Allow
DPR-0486	Coleridge Downs Limited	FS043	Support	Allow
DPR-0390	RIL	091	Oppose	Amend GRUZ-R18 as follows: Activity status: PER 1. The establishment of a new, or expansion of an existing intensive primary production activity. Where: a. the activity does not involve the production of mushrooms. And this activity complies with the following rule requirements: GRUZ-REQ8 Intensive Primary Production Setback GRUZ-REQ9 Intensive Primary Production Location Plan
DPR-0381	Coleridge Downs Limited	FS047	Support	Allow
DPR-0486	Coleridge Downs Limited	FS047	Support	Allow
DPR-0422	NCFF	272	Support In Part	Retain, but amend definition of 'Intensive outdoor primary production'.
DPR-0381	Coleridge Downs Limited	FS056	Support	Allow
DPR-0486	Coleridge Downs Limited	FS056	Support	Allow

Analysis

10.131. Mary Herrick²⁸⁶ seeks that GRUZ-R18 is amended so that establishing an intensive pig or poultry farm is not a permitted activity in the inner plains next to lifestyle blocks. In addition the submitter seeks that the 300m setback be increased to 600m and this be applied from the property boundary, not the neighbouring dwelling and that Council should consider creating a 'Countryside Living Zone' where farming is permitted but not intensive farming. L.J Manion²⁸⁷ considers that reverse sensitivity is based on out of date modelling which does not protect neighbouring properties from poultry or pig farm odour and there should be setbacks 300m or greater insider the poultry farm boundary from any chicken shed. On the other hand, AgResearch Ltd²⁸⁸ seek that the setback requirement is deleted as the Canterbury Air Regional Plan (CARP) contains setback and consent requirements for the same activities. I recommend that Mary Herrick, LJ Manion and AgResearch Ltd submission points are rejected for the following reasons:

- 10.131.1. The use of a 300m setback requirement from the site boundary (1km from any residential zone) from any new, or expansion of any existing intensive farming, reduces the risk of reverse sensitivity effects occurring. I agree with AgResearch Ltd that the CARP contains rules that manage these activities. Intensive poultry farms established after 1 June 2002 within 200m of a sensitive activity require resource consent as a discretionary activity and intensive pig farming and mushroom farming established after 1 June 2002 as a restricted discretionary activity (no setback is included). The CARP also generally requires resource consent for sheds containing 30 cattle as a restricted discretionary activity where the discharge is within 200m from the property boundary, 500m from a sensitive activity on another property and 1km from any land zoned for residential use.
- 10.131.2. The Operative District Plan currently duplicates the provisions of the CARP by requiring resource consent for new intensive farming uses. The provisions of the PDP no longer require resource consent as long as a 300m setback is maintained and therefore duplication is reduced. There is still an element of overlap however as the matters of discretion in GRUZ-R18 include odour and dust effects which are matters that are primarily assessed by the regional council. In post-engagement feedback, CRC informed Council that there is benefit in retaining assessment of odour and dust effects from an amenity perspective as CRC do not make any assessment of amenity values (their focus is on these effects as source of contaminants). These effects would need to be assessed through a district consenting process.
- 10.131.3. I tend to agree with Mary Herrick's submission point that there is a greater potential for adverse effects to occur in the Inner Plains (SCA-RD1) than in other areas of the rural zone due to the greater density of development and the minimum lot size of 4ha. I do not agree however that no intensive farming should take place, as the zone is to provide for rural production activities which includes intensive farming and the existing environment

²⁸⁶ DPR-0232:001 Mary Herrick

²⁸⁷ DPR-0265:001 LJ Manion

²⁸⁸ DPR-0342:016 AgResearch Ltd

includes intensive farming. The PDP rule framework, in my opinion, is robust enough to assess new/expanded intensive farming uses in the SCA-RD1 through the proposed rule framework and will include consideration of properties who may be adversely affected.

- 10.131.4. I do not agree with LJ Manion's submission point that there should be a 300m internal buffer between any chicken shed and the property boundary. The proposed setback is based on the location of the sensitive activity and the 'notional boundary' rather than the property boundary itself. This is because a property in the rural area may be large with the sensitive activity itself located distant from the actual property boundary. A notional boundary relates to the area immediately around the sensitive activity (being 20m) where any adverse effects are likely to occur. The use of the notional boundary also reflects the fact that while effects should be internalised where possible, not all effects can be (such as odour). Given this is a zone for rural production, some effects across the boundary are to be expected. However these effects are more tolerable, where there are no sensitive activities (such as houses) immediately across the boundary.
- 10.132. April Fitzjohn²⁸⁹ and Siana Fitzjohn²⁹⁰ submit that intensive farming practices should be discouraged in favour of regenerative farming. Whilst I understand the point that is being made, the intent of the rural production zone is to provide for primary production and intensive farming is part of the existing environment. Whilst the PDP can require the avoidance, remediation and mitigation of adverse effects on the environment, I consider that it cannot 'pick winners' by mandating one form of farming over another. I recommend the submission points are rejected.
- 10.133. DHL²⁹¹, CFSL²⁹² and RIL²⁹³ seeks that reference to intensive farming setbacks are deleted and NCFE²⁹⁴ seeks that the definition of intensive outdoor primary production be amended to ensure that pastoral farming is not included. Coleridge Downs Ltd²⁹⁵ provisionally support the rule subject to relief sought for GRUZ-REQ8 to remove setbacks for breakfeeding stock. The submitters concerns seems to be that the PDP is duplicative of winter grazing regulations under the National Environmental Standard for Freshwater Regulations 2020. I discuss this in more detail in relation to the definition of 'intensive outdoor primary production' and rule requirements GRUZ-REQ8 and 9. I recommend the submission points are accepted in part as I have recommended that the definition of intensive outdoor farming (and thus associated performance standards) excludes intensive winter grazing and associated cropping as managed by the NES-F.

²⁸⁹ DPR-0305:006 April Fitzjohn

²⁹⁰ DPR-0357:004 Siana Fitzjohn

²⁹¹ DPR-0372:116 DHL

²⁹² DPR-0388:053 CFSL

²⁹³ DPR-0390:091 RIL

²⁹⁴ DPR-0422:272 NCFE

²⁹⁵ DPR-0381:004 Coleridge Downs Ltd

10.134. The Poultry Industry and Egg Producers²⁹⁶, NZ Pork²⁹⁷, CRC²⁹⁸, HortNZ²⁹⁹, Beef and Lamb and DIANZ³⁰⁰ seek the rule is retained as notified. As I am not recommending amendments, I recommend these submission points are accepted.

Recommendations and amendments

10.135. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R18 as notified.

10.136. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R20 Mineral Prospecting

10.137. Two submission points were received on GRUZ-R20.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone Aggregates	060	Support	Retain as notified
DPR-0356	Aggregate and Quarry Association	014	Support	Retain as notified

Analysis

10.138. No amendments were sought to GRUZ-R20. Winstone Aggregates³⁰¹ and Aggregate and Quarry Association³⁰² seek that the rule is retained as notified. I recommend that these submission points are accepted.

Recommendations and amendments

10.139. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R20 as notified.

²⁹⁶ DPR-0043:009 Poultry Industry and Egg Producers

²⁹⁷ DPR-0142:054 NZ Pork

²⁹⁸ DPR-0260:172 CRC

²⁹⁹ DPR-0353:247 HortNZ

³⁰⁰ DPR-0368:041 Beef and Lamb and DIANZ

³⁰¹ DPR-0215:060 Winstone Aggregates

³⁰² DPR-0356:014 Aggregate and Quarry Association

10.140. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R21 Mineral Extraction

10.141. 22 submission points and 26 further submission points were received on GRUZ-R21.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	035	Support In Part	Amend as follows: <i>Matters for discretion:</i> 2. ... <i>a. Effects on amenity values, including dust nuisance, during the establishment, rehabilitation, and operation of the site from the scale and intensity of the mineral extraction, including any cumulative effect, the location of buildings and plant, but excluding those caused by dust.</i>
DPR-0415	Fulton Hogan Limited	FS026	Oppose	Disallow the submission.
DPR-0032	CCC	036	Support In Part	Amend as follows: <i>Matters for discretion:</i> 2. ... <i>b. The preparation and commitment to implement of a site rehabilitation plan. This may shall include but is not limited to:</i> <i>i. the end use of the site that maintains or enhances the amenity values of the surrounding area and method used to achieve this;</i> <i>ii. Duration and staging of rehabilitation to minimise the period of any adverse amenity affects, such as dust nuisance; and</i> ...
DPR-0215	Winstone Aggregates	FS003	Support In Part	Accept the submission in part.
DPR-0371	CIAL	FS008	Support	Accept
DPR-0415	Fulton Hogan Limited	FS027	Oppose In Part	Disallow the submission or accept the submission subject to appropriate amendments.
DPR-0032	CCC	038	Support In Part	Amend to require that rehabilitation plans include measures to mitigate potential instability of land / susceptibility to subsidence and erosion.
DPR-0415	Fulton Hogan Limited	FS029	Oppose In Part	Disallow the submission or accept the submission subject to appropriate amendments.
DPR-0033	Davina Louise Penny	001	Oppose In Part	Amend so that a setback from the quarry boundary to property boundary of 500m is always required, regardless of mitigation measures proposed by applicants.
DPR-0215	Winstone Aggregates	FS005	Oppose	Reject the submission.
DPR-0415	Fulton Hogan Limited	FS001	Oppose	Disallow the submission.
DPR-0122	Frews Quarries Ltd	020	Oppose In Part	Either insert a definition of 'area of extraction' or delete as the surface area does not necessarily reflect the scale of the activity. Amend so the set-back for a quarry operation is 250m from a sensitive activity which is not on the same property.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS035	Oppose In Part	Reject the submission
DPR-0190	Vanessa Lukes	001	Oppose	Requests that the mine be closed down and support shifted away from industrial dairying to regenerative agriculture.
DPR-0215	Winstone Aggregates	061	Oppose In Part	Amend as follows: Activity Status: RDIS <u>CON</u> 1. ... , and 2. The filling of a quarry with 'clean'inert materials such as concrete, including reinforcing steel embedded in the concrete, cured asphalt or brick. Where: 2. The exercise of discretion <u>matters of control</u> in relation to GRUZ-R21.1 is restricted <u>limited</u> to the following matters: ...
DPR-0032	CCC	FS084	Oppose	Retain GRUZ-21 as notified
DPR-0033	Davina Louise Penny	FS013	Oppose In Part	Virgin cleanfill only to be used when rehabilitating quarries due to high risk of water contamination.
DPR-0407	Forest & Bird	FS036	Oppose	Reject the submission
DPR-0258	Coal Action Network Aotearoa	003	Oppose In Part	Amend provisions to exclude mining and extraction of fossil fuels from the list of allowed primary production activities in any zone, including General Industrial Zones.
DPR-0415	Fulton Hogan Limited	FS025	Oppose	Disallow the submission.
DPR-0260	CRC	173	Support In Part	Amend the matters of discretion as follows: 2. <i>The exercise of discretion in relation to GRUZ-R21.1 is restricted to the following matters: Effects on amenity values during the establishment, and operation of the site from the scale and intensity of the mineral extraction, including any cumulative effect, the location of buildings and plant, but excluding those caused by dust.</i> ...
DPR-0032	CCC	FS085	Support	That GRUZ-R21 is amended in accordance with CCC's primary submission.
DPR-0415	Fulton Hogan Limited	FS051	Oppose	Disallow the submission.
DPR-0280	Peter William Ireland	002	Oppose	Requests that the Plan be amended to contain provisions to immediately phase out coal mining within the District. The plan must explicitly prevent any expansion of coal mining.
DPR-0305	April Fitzjohn	004	Neither Support Nor Oppose	Not specified.
DPR-0338	Rocky Renquist	001	Oppose	That Council reconsiders this aspect of the District Plan and brings it into line with the NZ aim to respond to the climate emergency.
DPR-0353	HortNZ	249	Oppose In Part	Amend as follows: <u>e. Effects of dust on any nearby rural production activities, including for horticultural land use the effects of dust on produce</u>
DPR-0215	Winstone Aggregates	FS007	Oppose	Reject the submission.
DPR-0367	Orion	134	Support	Retain GRUZ-R21.2.g as notified.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS703	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	CIAL	077	Support	Retain as notified
DPR-0353	HortNZ	FS136	Oppose	Reject
DPR-0407	Forest & Bird	052	Support In Part	Amend to make the activity status for Mineral Extraction
DPR-0215	Winstone Aggregates	FS010	Oppose	Reject the submission.
DPR-0301	UWRG	FS130	Support	Allow in full
DPR-0407	Forest & Bird	062	Support In Part	Amend GRUZ-R21.2.a. as follows: <i>a. effects on <u>rural character and amenity values</u>....</i>
DPR-0301	UWRG	FS140	Support	Allow in full
DPR-0439	Rayonier Matariki Forests	FS019	Oppose	Decline

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0415	Fulton Hogan Limited	017	Oppose In Part	<p>Insert as follows:</p> <p><u>Rule GRUZ-R21A</u></p> <p><u>1. Mining or quarrying activities that exceeds an area of extraction of 1,500m², filling associated with mine or quarry rehabilitation, and the recovery of aggregate products.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is setback from the notional boundary of any lawfully established residential activity or visitor accommodation, or the site boundary of any lawfully established community or educational facility, by:</u></p> <p><u>i. 200m for any excavation associated with mining, or extracting or winning aggregate; and</u></p> <p><u>ii. 500m for any activity involving blasting; and</u></p> <p><u>iii. 500m for any processing or aggregate recovery.</u></p> <p><u>b. The activity is setback from the boundary of a residential zone by 500m.</u></p> <p><u>Matters for discretion:</u></p> <p><u>2. The exercise of discretion in relation to GRUZ-R21.1 is restricted to the following matters:</u></p> <p><u>a. Effects on amenity values during the establishment, and operation of the site from the scale and intensity of the mining or quarrying activity, including any cumulative effect, the location of buildings and plant, but excluding those caused by dust, and excluding effects on groundwater quality.</u></p> <p><u>b. The preparation of a site rehabilitation plan. This may include but is not limited to:</u></p> <p><u>i. the end use of the site and method used to achieve this;</u></p> <p><u>ii. duration of rehabilitation; and</u></p> <p><u>iii. The methods used to rehabilitate the site and any effects that may arise from the method and end use.</u></p> <p><u>c. The safety and efficiency of the surrounding land transport infrastructure; and</u></p> <p><u>d. Effects on important infrastructure including compliance with NZECP34:2001, and bird strike risk on aircraft if located within 3km of a Christchurch International Airport runway.</u></p> <p><u>N.B. this Rule does not apply to Forestry Quarrying as regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>3. Activity status when compliance with any of GRUZ-R21.1 is not achieved: DIS</u></p>
DPR-0032	CCC	FS083	Oppose	Retain GRUZ-21 as notified
DPR-0033	Davina Louise Penny	FS006	Oppose	<p>Requests that setbacks should not to be a starter of discussion whereby an applicant / operator can negotiate less, and should also apply from existing sensitive receptors. They should be measured from quarry boundary to property boundary.</p> <p>Concrete processing is not to be classed as a quarry activity and is to be undertaken under its own consenting regime and requirements.</p> <p>Retain the 13km distance applicable to the consideration of bird strike.</p>
DPR-0215	Winstone Aggregates	FS013	Support In Part	Accept the submission in part.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	FS019	Oppose	Reject
DPR-0407	Forest & Bird	FS037	Oppose	Reject the submission
DPR-0415	Fulton Hogan Limited	018	Support	Retain GRUZ-R21.3 as notified
DPR-0439	Rayonier Matariki Forests	001	Oppose	Amend to clearly identify the application of the NESPF where there are rules that affect Plantation Forestry Activities.
DPR-0457	Flynn Washington	002	Oppose In Part	Not specified
DPR-0470	James Barber, Frances Mountier, Alfie Mountier & Florrie Mountier	001	Neither Support Nor Oppose	Request Council amend the proposed plan so that coal will not be granted any further resource consents.

Analysis

10.142. CCC³⁰³ seek that dust be included as a relevant matter of discretion on amenity grounds (rather than as a contaminant which is considered by the regional council). This is also supported by CRC³⁰⁴ who note that under their S30 powers (specifically in relation to the controlling of the use of land for specified purposes), amenity is not able to be considered. Fulton Hogan³⁰⁵ on the other hand support the removal of dust from GRUZ-R21 as they consider that this reduces duplication with the regional council.

10.143. I recommend that the submission points from CCC and CRC are accepted and Fulton Hogan is rejected. Dust is a relevant consideration for district councils under S31 (b) in terms of amenity and whilst I accept there may be an overlap with regional council functions, district plans regulate the land use and regional plans regulate the emission itself. In other words, GRUZ-R21 will consider amenity effects in their totality (including dust) whilst the CARP will consider the discharge, including effects on health (specific health effects would be considered by the Medical Officer of Health) and the environment (for example waterways).

10.144. I am uncertain if scope exists but the Hearings Panel may wish to consider deleting the restricted discretionary activity status in favour of making the activity fully discretionary on the basis that, with the inclusion of dust, the matters of discretion have become too broad, akin to a discretionary activity.

10.145. CCC³⁰⁶ are seeking that the rule requires a stronger commitment to implementing rehabilitation plans as well as providing clearer direction on the mandatory content of plans and environmental outcomes sought. The plans should also be undertaken progressively within a reasonable timeframe.

³⁰³ DPR-0032:035 CCC

³⁰⁴ DPR-0260:173 CRC

³⁰⁵ DPR-0415:017 Fulton Hogan

³⁰⁶ DPR-0032:036 CCC

10.146. This is part of broad relief to include policy (GRUZ-P9) and more directive rules seeking a similar outcome. I recommend this relief is accepted for the following reasons:

10.146.1. I agree that as well as developing rehabilitation plans, it must also be clear that it is demonstrated they can be implemented. This could include via progressive rehabilitation (see below).

10.146.2. The maintenance of existing amenity through rehabilitation would enable a wide range of uses for the site (consistent with recommended wording changes to GRUZ-P9).

10.146.3. Progressive rehabilitation is supported by both CCC and industry (Fulton Hogan) and I agree it is desirable to include staging as a relevant factor within the rule.

10.147. CCC³⁰⁷ are seeking rehabilitation plans include measures to mitigate potential instability of land and susceptibility to subsidence and erosion, particularly for neighbouring properties. I agree that this should be a relevant consideration and including this in GRUZ-R21 is consistent with my recommendation for similar relief by the submitter in GRUZ-P9.

10.148. Davina Louise Penny³⁰⁸ seeks that the setback from the quarry boundary to the property boundary is 500m, regardless of mitigation proposed by applicants. This is due to the composition of rock in the region which is composed of greywacke (high crystalline silica content) which can disperse over considerable distances. Silica as a contaminant is an issue for the regional council and medical officer of health. More generally however, the purpose of GRUZ is to enable primary production subject to the management of adverse effects. Under the PDP, the activity is proposed to be a discretionary activity where the setback cannot be met. I consider that a discretionary activity is appropriate and still enabling of a high degree of scrutiny over any proposed mitigation measures by the applicant. I therefore recommend the submission point is rejected.

10.149. Frews Quarries Ltd³⁰⁹ oppose the 1500sqm criteria for the 'area of extraction' as they consider this is arbitrary, uncertain and not related to scale of effects. I note that the 1500sqm area of extraction relates to farm quarries, not mines and quarries which require resource consent where newly established or for expansion at whatever scale. I therefore recommend this submission point is rejected however the distinction between quarries and farm quarries should be made clearer in the rule through a Clause 16 (2) amendment.

10.150. Frews Quarries Ltd³¹⁰ seeks that the setback distance from sensitive activities should be rationalised so that excavation and processing requires the same setback (250m) as these generally occur on the same site and the effects are considered as part of the operation. They also seek that setbacks apply only to sensitive activities which are not on the same property. I recommend this submission point is accepted in part for the following reasons:

³⁰⁷ DPR-0032:038 CCC

³⁰⁸ DPR-0033:001 Davina Louise Penny

³⁰⁹ DPR-0122:020 Frews Quarries Ltd

³¹⁰ DPR-0122:020 Frews Quarries Ltd

10.150.1. The setback value of 500m in respect to blasting is derived from and is consistent with the CARP (Rule 7.35). Processing has been identified in the review as an activity that can have more significant effects than excavation alone. The setback should reflect the activities on site and, where there are multiple activities taking place, reflect that activity that has the most significant adverse effects. Therefore I do not agree to a rationalisation in the setback distance.

10.150.2. The setback is used to determine whether the activity is a restricted discretionary activity or fully discretionary activity. I agree that having a sensitive activity on the same site should not be counted as being within the setback. Accepting this relief is also consistent with the approach taken with other setbacks rules.

10.151. Lincoln Envirotown Trust³¹¹, Bevin Fitzsimmons³¹², Vanessa Lukes³¹³, Coal Action Network Aotearoa³¹⁴, Peter William Ireland³¹⁵, David Evans³¹⁶, April Fitzjohn³¹⁷, Rocky Renquist³¹⁸, Flynn Washington³¹⁹, David Zwartz³²⁰, James Barber, Frances Mountier, Alfie Mountier and Florrie Mountier³²¹ are seeking greater controls on the mining of coal and other fossil fuels in Selwyn due to their contributing factor to climate change. As these matters have largely been addressed by Ms Tuilaepa through the Part 1 – Introductions and General Provisions S42a Report and Mr Love through the Strategic Directions S42a Report I have nothing further to add in this report.

10.152. Winstone Aggregates³²² are seek that new quarries are a controlled activity and matters such as noise, traffic and effects on infrastructure are managed through relevant provisions in those chapters. The submitter states that it is perverse that a residential unit can establish within 200m of a quarry as a permitted activity but the same does not apply to quarries. The submitter also seeks that the rule provide for infilling of quarries with cleanfill inert material. I recommend this submission point is accepted in part for the following reasons:

10.152.1. It is not a permitted activity to establish a sensitive activity (i.e. residential unit) within 200m of a quarry. A residential unit is permitted under GRUZ-R3 however this is conditional on meeting the setbacks prescribed in GRUZ-REQ11. Not meeting these setback requirements mean that the proposed residential unit defaults to a non-complying activity subject to GRUZ-P7.

³¹¹ DPR-0159:003 Lincoln Envirotown Trust

³¹² DPR-0167:001 Bevin Fitzsimmons

³¹³ DPR-0190:001 Vanessa Lukes

³¹⁴ DPR-0258:003 Coal Action Network Aotearoa

³¹⁵ DPR-0280:002 Peter William Ireland

³¹⁶ DPR-0283:002 David Evans

³¹⁷ DPR-0305:004 April Fitzjohn

³¹⁸ DPR-0338:001 Rocky Renquist

³¹⁹ DPR-0457:002 Flynn Washington

³²⁰ DPR-0469:001 David Zwartz

³²¹ DPR-0470:001 James Barber, Frances Mountier, Alfie Mountier and Florrie Mountier

³²² DPR-0215:061 Winstone Aggregates

- 10.152.2. I agree with the submitter that matters pertaining to the safety and efficiency of land transport infrastructure should properly be addressed by the transport chapter of the PDP. Clause 'c' therefore should be deleted. I note that the provision related to bird strike is recommended to remain in GRUZ-R21, possibly in an amended form (Right of Reply Report – Energy and Infrastructure, 26 October, 2021 –p.21).
- 10.152.3. Whilst the submitter is advocating for a controlled activity for the use of inert but non virgin material, rehabilitation methods would be considered at the same time as a resource consent for new or expansion of mineral extraction activities as a restricted discretionary/discretionary activity. Whilst GRUZ-R21 does not prescribe a rehabilitation method, EW-REQ3 requires cleanfill³²³ material for filling associated with earthworks. EW-REQ3 then defaults to a restricted discretionary activity status where non-cleanfill material is used. There should be consistency with this approach between chapters and therefore I do not agree that a controlled activity is appropriate under GRUZ-R21. I do note however that GRUZ-R21 does not address rehabilitation activities associated with existing mineral extraction activities (those that are not a result of newly established or expanding mines or quarries). The earthworks chapter would therefore be the relevant part of the PDP for this activity and it would be useful to have a note alerting plan users to this.
- 10.153. HortNZ³²⁴ seek a new clause to account for effects of dust on nearby rural production activities (such as horticulture) from extractive activities. I recommend this submission point is rejected. Whilst I agree with the submitter that this is a valid concern, this seems to be more within the remit of the regional council (where dust is a contaminant) rather than a district plan where dust is treated as an amenity issue. This would then be addressed through CARP.
- 10.154. Forest and Bird³²⁵ seek changes to GRUZ-R21 to give effect to changes they seek primarily to the mapping of ONFL's and VAL and to expand this protection more generally into GRUZ through 'rural character landscapes'. The changes to GRUZ-R21 would strengthen consideration of 'rural character' by adding this to the matters of discretion and make the activity a non-complying activity (consistent with ONFL). I recommend this submission point is accepted in part for the following reasons:
- 10.154.1. I do not agree that the activity should be a non-complying activity. As discussed previously, the purpose of GRUZ is to 'enable primary production activities and a non-complying activity would not achieve this.
- 10.154.2. On the other hand amenity and rural character go together in GRUZ-P1 and as a more intense activity in the GRUZ (along with intensive farming) it is appropriate that where amenity is listed as a matter of discretion for quarrying and mining activities, this should include consideration of rural character.

³²³ Cleanfill is defined in the National Planning Standards and does not include recycled construction materials.

³²⁴ DPR-0353:249 HortNZ

³²⁵ DPR-0407:052 and 62 Forest and Bird

10.155. Fulton Hogan³²⁶ seek that the rule should be clarified as they consider that it does not align with key defined terms that relate to quarrying, address the full suite of activities encompassed by quarrying or recognised the challenges posed by waste minimisation legislation. I recommend this submission point be accepted in part for the following reasons:

10.155.1. I agree with the submitter that in addition to the establishment of new and expansion of mining and quarrying (including farm quarrying) activities, the rule encompasses rehabilitation activities. For existing mineral extraction activities undertaking filling outside the remit of this rule however, the earthworks chapter should be consulted (refer to discussion above).

10.155.2. In terms of aggregate recovery activities, I am unsure whether this would be a stand-alone activity, taking place away from a quarry site or potentially in tandem with primary processing at a quarry site. Regardless, providing the material has low levels of contaminants, it is appropriate to provide for this activity in the rural area where a greater degree of separation can be applied from sensitive activities.

10.155.3. The submitter states that the use of the word 'excavation' may inadvertently capture excavations undertaken for the purposes of avoiding or mitigating adverse effects. This could include stripping topsoil for use in bunding and noise attenuation. I agree with the submitter that there could be some conflict with earthwork rules, which govern earthworks for the purposes of bunding for example (EW-REQ5) and excavation and fill (EW-REQ3). I recommend these are excluded from what is considered 'excavation' under GRUZ-R21 (a consequential change would also be required for GRUZ-REQ11, which lists setbacks for sensitive activities from mineral extraction and includes 'excavation').

10.155.4. The submitter supports the exclusion of dust from consideration however I am recommending this be reinstated as a matter of discretion on the grounds of amenity, which is consistent with the broad functions of district councils under S31 (1) (b). The submitter's proposed wording to exclude effects on groundwater quality is not I believe necessary as restricted discretionary activities need only list what can be considered, not what will not be.

10.156. Rayonier³²⁷ oppose GRUZ-R21 on the basis that the rule is not aligned with the NES-PF and seek that it is amended to clearly identify the application of the NES-PF to forestry quarries. I recommend this submission is rejected on the basis that the rule already excludes forestry quarrying regulated under the NES-PF.

10.157. CIAL³²⁸ and Orion³²⁹ seek that the rule is retained as notified. I recommend that these submission points are accepted in part as I am recommending amendments.

³²⁶ DPR-0415:017 Fulton Hogan

³²⁷ DPR-0439:001 Rayonier

³²⁸ DPR-0371:077 CIAL

³²⁹ DPR-0367:134 Orion

Recommendations and amendments

10.158. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R21, as shown in **Appendix 2**, as follows:

- 10.158.1. The wording excluding dust from the remit of the rule is deleted.
- 10.158.2. Strengthen wording around rehabilitation including progressive rehabilitation.
- 10.158.3. Clarify the distinction between quarries and farm quarries within the rule.
- 10.158.4. Make it explicit that the setback does not apply to sensitive activities located on the same site as the mineral extraction activity.
- 10.158.5. Clarify the status of rehabilitation activities that take place outside of the remit of GRUZ-R21.
- 10.158.6. Delete clause c pertaining to effects on land transport infrastructure.
- 10.158.7. Include a reference to effects on rural character.
- 10.158.8. Include aggregate recovery activities within the scope of the rule.
- 10.158.9. Exclude excavation where the intent is to mitigate adverse effects.

10.159. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R22 Amenity Planting

10.160. Two submission points were received on GRUZ-R22.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone Aggregates	063	Support	Retain as notified
DPR-0372	DHL	117	Support	Retain as notified

Analysis

10.161. Winstone Aggregates³³⁰ and DHL³³¹ seek that GRUZ-R22 is retained as notified. As there are no submissions seeking changes, I recommend these submission points are accepted.

Recommendations and amendments

10.162. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R22 as notified.

10.163. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R23 Woodlot

10.164. Three submission points and three further submission points were received on GRUZ-R23.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	036	Neither Support Nor Oppose	Insert a new rule to limit the number of woodlots associated with a principal building to one woodlot per principal building.
DPR-0407	Forest & Bird	FS344	Support	Accept the submission
DPR-0422	NCFF	273	Support	Retain as notified.
DPR-0427	DOC	085	Support	Retain as notified.
DPR-0301	UWRG	FS226	Support	Allow in full
DPR-0407	Forest & Bird	FS251	Support	Accept the submission

Analysis

10.165. UWRG³³² submit that the PDP allows 4ha woodlots as amenity planting associated with a principal building and that consequently, several woodlots could be planted on one property, effectively becoming a plantation. The submitter seeks a restriction on the number of woodlots to one woodlot per principal building. I recommend this submission point is rejected as woodlots are a rural production activity that is anticipated in GRUZ. Several woodlots could in effect merge to become a plantation forest as a permitted activity (defined as being over 1ha of continuous planting in the NES-PF) and the PDP cannot generally be more restrictive than the NES-PF (except for certain prescribed matters such as ONFL), so would continue to be a permitted activity. The PDP does restrict woodlots, amenity planting and plantation and forestry in ONFL to provide an overall consistent approach with the NES-PF.

³³⁰ DPR-0215:063 Winstone Aggregates

³³¹ DPR-0372:117 DHL

³³² DPR-0301:036 UWRG

10.166. NCFF and DOC³³³ seek that the rule is retained as notified. As I am not recommending any amendments, I recommend these submission points are accepted.

Recommendations and amendments

10.167. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R23 as notified.

10.168. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R24 Plantation Forestry

10.169. Eight submission points and eight further submission points were received on GRUZ-R24.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0381	Coleridge Downs Limited	005	Support	Retain as notified.
DPR-0407	Forest & Bird	FS512	Oppose	Reject the submission
DPR-0407	Forest & Bird	051	Support In Part	Amend GRUZ-R24 by making plantation forestry within Visual Amenity Landscapes/Rural Character Landscapes a Non-complying activity.
DPR-0215	Winstone Aggregates	FS009	Oppose	Reject the submission.
DPR-0301	UWRG	FS129	Support	Allow in full
DPR-0381	Coleridge Downs Limited	FS086	Oppose	Disallow
DPR-0422	NCFF	FS080	Oppose	Disallow the submission point.
DPR-0439	Rayonier Matariki Forests	FS016	Oppose	Decline
DPR-0486	Coleridge Downs Limited	FS086	Oppose	Disallow
DPR-0422	NCFF	274	Support In Part	Amend all sections of the District Plan to ensure compliance with the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 and make any consequential amendments.
DPR-0427	DOC	086	Support	Retain as notified.
DPR-0301	UWRG	FS227	Support	Allow in full
DPR-0407	Forest & Bird	FS252	Support	Accept the submission
DPR-0439	Rayonier Matariki Forests	002	Oppose	Amend to clearly identify the application of the NESPF where there are rules that affect Plantation Forestry Activities.
DPR-0439	Rayonier Matariki Forests	007	Oppose In Part	Amend GRUZ-R24 to permit Plantation Forestry Activities.
DPR-0439	Rayonier Matariki Forests	012	Oppose In Part	Amend to refer to Plantation Forestry Activity as defined in the NESPF.

³³³ DPR-0422:273 NCFF, DPR-0427:085 DOC

Analysis

10.170. Forest and Bird seek changes to GRUZ-R24 to give effect to changes they seek primarily to the mapping of ONFL's and VAL. This includes making plantation forestry in a 'rural character landscape', which is a term the submitter proposes to replace VAL and includes the open character of rural land as well as VAL characteristics, a non-complying activity. I recommend this submission point is rejected for the following reasons:

10.170.1. There is no provision under the NES-PF that permits stricter standards for a 'rural character landscape'. Regulation 13 does enable district plans to prevent afforestation as a permitted activity if in a VAL and this is achieved through the PDP where plantation forestry in a VAL is a controlled activity.

10.170.2. In any case, a non-complying activity in a hypothetical 'rural character landscape' is, in my view, likely to be too stringent for this type of activity as the purpose of the rural zone is to enable primary production.

10.171. NCCF³³⁴ state that the PDP must be consistent with the NES-PF and the applicable regulations should be included in the PDP or appropriately cross referenced. Similarly Rayonier Matariki Forests³³⁵ seek amendments to GRUZ-R24 to clearly identify the application of the NES-PF where there are rules that affect plantation forestry activities. Amendments include inserting a further definition of plantation forestry activity as defined in the NES-PF to broaden the scope of the rule and permitting such activities through GRUZ-R24.

10.172. I recommend these submission points are rejected as this level of detail is not required. The provisions of the NES-PF exist on their own terms and the PDP only imposes rules that are more stringent than the NES-PF where this is necessary and provided for by the regulations. S44A RMA also requires that Councils do not duplicate the provisions of NES's including by amending plans to remove any duplicatory provisions. In the context of the GRUZ chapter, the rule exists to manage the establishment and expansion of the activity within the land and approach vectors for airfields. In other chapters (for example SASM), the rule is controlling the principle of establishing/expanding Plantation Forestry, not managing the individual components of the activity.

10.173. Coleridge Downs Ltd³³⁶ and DOC³³⁷ seek that the rule is retained as notified. As I am not proposing any amendments, I recommend that these submission points are accepted.

³³⁴ DPR-0422:274 Forest and Bird

³³⁵ DPR-0439:002, 007 and 012 NCCF

³³⁶ DPR-0381:005 Coleridge Downs Ltd

³³⁷ DPR-0427:086 DOC

Recommendations and amendments

10.174. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R24 as notified.

10.175. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R25 Shelterbelt

10.176. Five submission points and three further submission points were received on GRUZ-R25.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	055	Support	Retain as notified.
DPR-0372	DHL	118	Support	Retain as notified.
DPR-0381	Coleridge Downs Limited	006	Support	Retain as notified.
DPR-0407	Forest & Bird	FS513	Oppose	Reject the submission
DPR-0422	NCFF	275	Support	Retain as notified.
DPR-0427	DOC	087	Support	Retain as notified.
DPR-0301	UWRG	FS228	Support	Allow in full
DPR-0407	Forest & Bird	FS253	Support	Accept the submission

Analysis

10.177. NZ Pork³³⁸, DHL³³⁹, Coleridge Downs Ltd³⁴⁰, NCFF³⁴¹ and DOC³⁴² support GRUZ-R25 as notified. A submission by HortNZ [DPR-0353:250] seeking the deletion of NH-REQ7 from the list of rule requirements has been addressed in the S42A Report for the Natural Hazards Hearing Stream. I note the Officer recommendation is to reject this submission point.

10.178. I therefore recommend that the above submissions seeking the rule is retained as notified are accepted.

Recommendations and amendments

10.179. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R25 as notified.

³³⁸ DPR-0142:055 NZ Pork

³³⁹ DPR-0372:118 DHL

³⁴⁰ DPR-0381:006 Coleridge Downs Limited

³⁴¹ DPR-0422:275 NCFF

³⁴² DPR-0472:087 DOC

10.180. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R26 Conservation Activity

10.181. Four submission points and three further submission points were received on GRUZ-R26.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	104	Support	Retain as notified
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS336</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0422	NCFF	276	Support	Retain as notified.
DPR-0427	DOC	088	Support	Retain as notified.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS229</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS254</i>	<i>Support</i>	<i>Accept the submission</i>

Analysis

10.182. ESAI, NCFF and DOC³⁴³ seek that the rule is retained as notified. As I am not recommending any changes, I recommend that these submissions seeking the rule is retained as notified are accepted.

Recommendations and amendments

10.183. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R26 as notified.

10.184. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R27 Aircraft and Helicopter Movements Ancillary to Rural Production

10.185. Four submission points were received on GRUZ-R27.

³⁴³ DPR-0212:104 ESAI, DPR-0422:276 NCFF and DPR-0427:088 DOC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0181	Ravensdown Limited (Ravensdown)	001	Support	Retain as notified.
DPR-0353	HortNZ	252	Oppose In Part	Delete as follows: <i>Note:</i> Aircraft and helicopter movements are also provided for in the Temporary Activities and the SKIZ Chapter.
DPR-0385	Aviation New Zealand	001	Support	Retain as notified
DPR-0422	NCCF	277	Support	Retain as notified.

Analysis

10.186. HortNZ³⁴⁴ submit that the attached note to this rule is confusing and should be deleted as the temporary activities chapter rule is concerned with helicopter movement for emergency work, military or law enforcement or conservation. I agree with the submitter and the note may be more appropriate in GRUZ-R28 which addresses helicopter landing areas and airfields. I recommend the submission point is accepted.

10.187. Ravensdown Ltd, Aviation NZ and NCCF³⁴⁵ seek the rule is retained as notified. As I am recommending a change, I recommend that these submissions seeking the rule is retained as notified are accepted in part.

Recommendations and amendments

10.188. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R27, as set out in **Appendix 2**, to move the note to GRUZ-R28.

10.189. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R28 Airfield and Helicopter Landing Areas

10.190. Eight submission points and three further submission points were received on GRUZ-R28.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0181	Ravensdown Limited (Ravensdown)	002	Oppose	Delete the note from GRUZ-R28.
DPR-0198	Anita Collie	001	Support	Retain as notified.

³⁴⁴ DPR-0353:252 HortNZ

³⁴⁵ DPR-0181:001 Ravensdown Ltd, DPR-0385:001 Aviation NZ, DPR-0422:277 NCCF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0423	PHC Terrace Downs Resort Limited	FS006	Oppose In Part	The decision we want Council to make is for helicopter movements to be permitted to an appropriate level as required for appropriate zones.
DPR-0297	Clover Hill Charitable Trust	003	Support In Part	Amend Rule GRUZ-R28 to delete the words GRUZ-REQ13 Aircraft and Helicopter Movements and the subsequent reference to GRUZ-REQ13.
DPR-0353	HortNZ	253	Oppose In Part	Amend as follows: <u>2. Aircraft movements and/or helicopter movements for purposes ancillary to rural production including top dressing, spraying, stock management, fertiliser application, and frost mitigation are exempt from the rule requirements:</u> <u>GRUZ-REQ12</u> <u>GRUZ-REQ13</u> <u>GRUZ-REQ14</u> <u>GRUZ-REQ15</u> N.B. Aircraft movements and/or helicopter movements for purposes ancillary to rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, undertaken on the same site as the site of the helicopter landing areas and/or airfield are exempt from rule requirements: GRUZ-REQ12 GRUZ-REQ13 GRUZ-REQ14 GRUZ-REQ15
DPR-0385	Aviation New Zealand	002	Oppose	Delete the note from GRUZ-R28.
DPR-0422	NCFE	278	Support In Part	Amend as follows: N.B. Aircraft movements and/or helicopter movements for purposes ancillary to rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, undertaken on the same site as the site of the helicopter landing areas and/or airfield are exempt from rule requirements: We also suggest the exemption note in this rule should also be added to REQs 12 to 15 for clarity.
DPR-0472	Gourlie Family	001	Oppose	Amend so activities requiring consent are required to be publicly notified.
DPR-0422	NCFE	FS180	Oppose	Disallow the submission point
DPR-0472	Gourlie Family	003	Oppose	Amend to make it clear that only property owner operators are able to fly in and out of properties and no subcontracting or unrelated parties can use the helipad as a regular base.
DPR-0422	NCFE	FS181	Oppose	Disallow the submission point

Analysis

10.191. Ravensdown Ltd³⁴⁶, HortNZ³⁴⁷, Aviation NZ³⁴⁸ and NCFE³⁴⁹ oppose the note in the rule on the grounds that it appears limiting, where aircraft involved in rural production activities can only service the same site where the helicopter landing area or airfield is located. I tend to agree with the submitters that the note is confusing as the intention is that where an aircraft/ helicopter lands on a site incidentally during its course of operations (thus becoming an airfield or helicopter landing area), this does not trigger the rule requirements associated with GRUZ-R28. On the other hand, where there is a base of operations for the aircraft, this is captured by the rule. I recommend that this is clarified through the note in the rule. I therefore recommend the submission points are accepted in part.

10.192. Clover Hill Charitable Trust³⁵⁰ seek that reference to aircraft and helicopter movements (GRUZ-REQ13) is deleted as they consider this can be managed through the general noise provisions. I recommend this submission point is accepted in part for the following reasons:

10.192.1. The plan review found that the approach in the Operative District Plan, which is to permit airfields and helicopters landing areas located within 1km of the nearest boundary of the Living Zone, provided there are no more than 28 aircraft movements per week, was too permissive as this missed effects on sensitive activities in the rural area. The PDP uses broader consideration of setbacks for airfields and helicopter landing sites from sensitive activities and retains limits on aircraft and helicopter movements as a means of mitigating noise.

10.192.2. The general day time noise standard in the PDP is an average and not well suited to day time flight operations which can usually comply with this. Indeed, I note that Council are seeking to have aircraft and helicopter movements exempted from the application of NOISE-R1 (DPR-0207:048).

10.192.3. The retention of limits on aircraft/helicopter movements assists in managing noise effects from established airfields and helicopter landing areas. I am uncertain where the figure of 20 movements per week in the PDP was derived from however four movements a day is 28 (the standard in the Operative District Plan) divided by seven. In my opinion, I consider it reasonable to limit aircraft/helicopter movements to four a day but delete the maximum of 20 aircraft/helicopter movements, thus making GRUZ-REQ13 slightly less restrictive and more logically structured. I am recommending this change in that part of this report addressing GRUZ-REQ13.

10.193. The Gourlie Family³⁵¹ oppose GRUZ-R28 as they consider that helicopter operations for rural and commercial use are intrusive and damaging and such activities should be publicly notified (where

³⁴⁶ DPR-0181:002 Ravensdown Ltd

³⁴⁷ DPR-0353:253 HortNZ

³⁴⁸ DPR-0385:002 Aviation NZ

³⁴⁹ DPR-0422:278 NCFE

³⁵⁰ DPR-0297:003 Clover Hill Charitable Trust

³⁵¹ DPR-0472:001 and 003 Gourlie Family

consent is required). Additionally, they consider that 500m is still too close to neighbouring properties and further restrictions are needed to prevent subcontractors using helipads on a regular basis. I recommend this submission is rejected as activities are not precluded from public notification where consent is required (subject to s95 RMA) however as the corresponding rule restrictions are effects based, restrictions on contractors are not practicable, enforceable or necessary. I consider the setback of 500m for helicopter landing areas to be appropriate in combination with the other rule requirements.

10.194. Anita Collie³⁵² seeks that the rule is retained as notified. As I am recommending amendments, I recommend this submission point is accepted in part.

Recommendations and amendments

10.195. I recommend for the reasons given above, that the Hearings Panel, as set out in **Appendix 2**, amend GRUZ-R28 to:

10.195.1. Move the note to GRUZ-R28 currently in GRUZ-R27.

10.195.2. Amend the note currently in GRUZ-R28 to provide further clarification as to the intent of the rule.

10.196. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R29 Training of Horses

10.197. One submission point was received on GRUZ-R29.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0406	Nevele R Stud	001	Support In Part	Amend as follows: <i>GRUZ-29 Training and Breeding of Horses</i> <i>1. The establishment of a new, or the expansion of an existing horse training and breeding activity.</i>

Analysis

10.198. Nevele R Stud³⁵³ submits that the breeding of horses should also be included in the permitted activity rule for the training of horses as these activities often occur on the same farm. I recommend this submission is rejected. As discussed under 'definitions', the breeding of horses

³⁵² DPR-0198:001 Anita Collie

³⁵³ DPR-0406:001 Nevele R Stud

already falls under the PDP definition of ‘rural production’ as a permitted agricultural activity, no different to the breeding of other livestock on farms. The definition is intended to capture the ‘boarding’ of horses where they are kept on-site overnight in association with their training. Under the Operative District Plan this type of activity was required to be assessed in the same manner as a dog boarding facility and requiring consent where setback rules could not be complied with. However, the effects of boarding dogs (mainly noise) is greater than boarding horses. The effects of boarding horses for training is not considered to be significant and hence the rule in the PDP making the activity permitted. I therefore do not consider any change is needed to this rule.

Recommendations and amendments

10.199. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R29 as notified.

10.200. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R30 Keeping of Animals

10.201. Two submission points and one further submission point was received on GRUZ-R30.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	056	Support	Retain as notified.
DPR-0381	Coleridge Downs Limited	007	Support	Retain as notified.
DPR-0407	Forest & Bird	FS514	Oppose	Reject the submission

Analysis

10.202. NZ Pork and Coleridge Downs Ltd³⁵⁴ seek that the rule is retained as notified. As no amendments have been requested, I recommend these submission points are accepted.

Recommendations and amendments

10.203. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R30 as notified.

10.204. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

³⁵⁴ DPR-0142:056 NZ Pork, DPR-0381:007 Coleridge Downs Ltd

GRUZ-R31 Camping Grounds

10.205. Five submission points and two further submission points were received on GRUZ-R31.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	057	Oppose	Retain as notified.
DPR-0043	Poultry Industry & Egg Producers	FS006	Support	Allow in full
DPR-0353	HortNZ	255	Oppose	Delete as notified. Refer to original submission for full decision requested.
DPR-0371	CIAL	078	Oppose In Part	Amend as follows: 1. <i>The establishment of a new, or the expansion of an existing camping ground facility.</i> Where: ... <u>b. the camping ground facility is not located within the 50 dB Ldn Air Noise Contour.</u> Activity status when compliance not achieved: 2. <i>When compliance with <u>any of GRUZ-R31.1a</u> is not achieved: DIS</i> 4. <i>When compliance with GRUZ-R31.1b is not achieved: NC any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</i>
DPR-0353	HortNZ	FS137	Oppose	Reject
DPR-0415	Fulton Hogan Limited	016	Oppose In Part	Amend GRUZ-REQ31 as discussed in GRUZ-REQ11
DPR-0422	NCFF	279	Support	Retain as notified.

Analysis

10.206. NZ Pork and HortNZ³⁵⁵ oppose the permitted rule as they consider that these activities are sensitive activities likely to conflict with primary production activities. Both submitters seek that the activity is subject to the consenting process. I recommended these submission points are rejected. Campgrounds are only permitted where they are on a reserve and that activity is permitted under a reserve management plan. I note that even then, they are subject to setbacks from mineral extraction and intensive farming activities which is a non-complying activity where this performance standard cannot be achieved. A campground establishing on private land would require resource consent as a discretionary activity.

10.207. CIAL³⁵⁶ oppose the rule as they consider that campgrounds are noise sensitive activities and should be restricted within the 50db Airport Noise Control Overlay as a non-complying activity with notification limited to CIAL. I recommend this submission point is accepted in part for the following reasons:

³⁵⁵ DPR-0142:057 NZ Pork, DPR-0353:255 HortNZ

³⁵⁶ DPR-0371:078 CIAL

10.207.1. Campgrounds are considered to be a form of visitor accommodation and are thus defined as a noise sensitive activity. Specific noise mitigation rules are included in NOISE-R4 to reduce the effect of noise in the 55db Airport Noise Control Overlay from sensitive activities. However, this would not be appropriate or sufficient for campgrounds where many paying guests spend time or sleep outside.

10.207.2. Therefore, I recommend campgrounds in the 55db Christchurch Airport Noise Control Overlay are a non-complying activity rather than a permitted or discretionary activity with notification limited to CIAL.

10.207.3. In terms of whether this should also apply in the 50db Christchurch Airport Noise Control Overlay, this may have merit but this hinges on the applicability afforded by CRPS Policy 6.3.5.4.

10.208. Fulton Hogan³⁵⁷ oppose GRUZ-R31 to the extent it is linked to GRUZ-REQ11 which they seek be amended. The submission point is noted but as no amendment is sought to this rule (refer to GRUZ-REQ11 for further discussion), I am not recommending any changes in response to this submission point. I therefore recommend this submission point is rejected.

10.209. NCF³⁵⁸ seek that the rule is retained as notified. As I am recommending amendments, I recommend this submission point is accepted in part.

Recommendations and amendments

10.210. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R31 to insert a non-complying activity standard for campgrounds, as set out in **Appendix 2**, in the 55db Christchurch Airport Noise Control Overlay

10.211. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R33 Community Facility

10.212. Three submission points and one further submission point was received on GRUZ-R33.

³⁵⁷ DPR-0415:016 Fulton Hogan

³⁵⁸ DPR-0422:279 NCF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	058	Support	Retain as notified.
DPR-0353	HortNZ	256	Support	Retain as notified
DPR-0371	CIAL	079	Support In Part	Insert new rule which is applicable to community facilities which include an element of overnight stay or residential accommodation. These aspects of the activity should be non-complying within the 50dB Ldn Air Noise Contour and a clause should be included indicating that notification of any application will be made at least to CIAL.
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS138</i>	<i>Oppose</i>	<i>Reject</i>

Analysis

10.213. CIAL³⁵⁹ seeks that a new rule be inserted applicable to community facilities where community facilities with an element of overnight stay or residential accommodation are a non-complying activity within the 50db Christchurch Airport Noise Control Overlay. I recommend this submission point is rejected for the following reasons:

10.213.1. This type of activity would appear to be similar to visitor accommodation. Under the CRPS, visitor accommodation is noise sensitive in the 50db Airport Noise Control Overlay unless designed, constructed and operated to a standard that mitigates the effects of noise on occupants. As stated previously, the application of this direction from the CRPS down to a district plan requires more detail in terms of what appropriate mitigation is required. This may be resolved through the hearings on the Noise chapter in terms of what noise mitigation is appropriate, if any, and to what extent CRPS Policy 6.3.5.4. applies and an overall 'avoid' approach is necessary.

10.213.2. The submitter requests a non-complying activity under this rule when in the 50db Christchurch Airport Noise Control Overlay but did not request a 'blanket' non-complying activity status for GRUZ-R15 (Visitor Accommodation) unless noise could not be mitigated. In order to be consistent and because the activity (and therefore the effects) would appear to be the same or similar, the same approach should apply whether it is stand-alone visitor accommodation or accommodation attached to a community facility.

10.214. NZ Pork and HortNZ³⁶⁰ seek that the rule is retained as notified. As I am not recommending amendments, I recommend these submission points are accepted.

Recommendations and amendments

10.215. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R33 as notified.

³⁵⁹ DPR-0371:079 CIAL

³⁶⁰ DPR-0353:256 HortNZ and DPR-0142:058 NZ Pork

10.216. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R34 Community Correction Activity

10.217. Two submission points and one further submission point was received on GRUZ-R34.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	258	Support	Retain as notified
DPR-0371	CIAL	080	Support	Retain as notified
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS139</i>	<i>Oppose</i>	<i>Reject</i>

Analysis

10.218. HortNZ³⁶¹ and CIAL³⁶² seek that GRUZ-R34 is retained as notified. As there are no submissions seeking changes, I recommend these submission points are accepted.

Recommendations and amendments

10.219. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R34 as notified.

10.220. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R35 Health Care Facility

10.221. Three submission points and two further submission points were received on GRUZ-R35.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	059	Support	Retain as notified.
<i>DPR-0043</i>	<i>Poultry Industry & Egg Producers</i>	<i>FS007</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0353	HortNZ	259	Support	Retain as notified
DPR-0371	CIAL	081	Support	Retain as notified
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS140</i>	<i>Oppose</i>	<i>Reject</i>

³⁶¹ DPR-0353:258 HortNZ

³⁶² DPR-0371:080 CIAL

Analysis

10.222. NZ Pork³⁶³, HortNZ³⁶⁴ and CIAL³⁶⁵ seek that GRUZ-R35 is retained as notified. As there are no submissions seeking changes, I recommend these submission points are accepted.

Recommendations and amendments

10.223. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R35 as notified.

10.224. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R36 Educational Facility

10.225. Five submission points and seven further submission points were received on GRUZ-R36.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	060	Support	Retain as notified.
DPR-0043	Poultry Industry & Egg Producers	FS008	Support	Allow in full
DPR-0342	AgResearch	013	Support In Part	Amend GRUZ-R36 as follows: Activity status: NC 1. The establishment of a new, or the expansion of an existing educational facility <u>(excluding an educational facility associated with a research activity)</u> .
DPR-0353	HortNZ	FS013	Oppose	Reject
DPR-0422	NCFF	FS193	Support	Allow the submission point.
DPR-0353	HortNZ	261	Support	Retain as notified
DPR-0371	CIAL	082	Support	Retain as notified
DPR-0353	HortNZ	FS141	Oppose	Reject
DPR-0378	MOE	027	Oppose	Amend as follows: Activity Status: NC <u>RDIS</u> 1. The establishment of a new, or the expansion of an existing educational facility.
DPR-0043	Poultry Industry & Egg Producers	FS024	Oppose	Disallow in full
DPR-0142	NZ Pork	FS046	Oppose	Disallow in full
DPR-0342	AgResearch	FS028	Oppose In Part	Allow in part (subject to changes sought)

Analysis

³⁶³ DPR-0142:059 NZ Pork

³⁶⁴ DPR-0353:259 HortNZ

³⁶⁵ DPR-0371:081 CIAL

10.226. AgResearch Ltd³⁶⁶ seek an amendment to the rule to exclude educational facilities attached to research facilities. I recommend this submission point is accepted as the intent of the PDP is to enable this activity in the rural area and this rule may conflict with GRUZ-R13.

10.227. MOE³⁶⁷ opposes the rule being a non-complying activity and submits that it be a restricted discretionary activity on the basis that there are 11 schools partly or wholly in GRUZ and there may be a need to expand or locate a new one there. I recommend this submission point is rejected as an educational facility is a sensitive activity that should not be located in GRUZ unless a functional or operational need for that activity can be demonstrated to locate in the rural area. I note also that the designation process is available to MOE.

10.228. NZ Pork, HortNZ and CIAL³⁶⁸ seek that GRUZ-R36 is retained as notified. I recommend these submission points are accepted in part as I am recommending an amendment.

Recommendations and amendments

10.229. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R36 as set out in **Appendix 2** to exclude educational facilities attached to research facilities.

10.230. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R37 Landfill

10.231. Three submission points and two further submission points were received on GRUZ-R37.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	023	Oppose	Amend plan objectives, policies and methods, including rules, to recognise the landfill classification system in WasteMINZ Guidelines, and establish appropriate policy and rules that reflect the classification of the landfill.
DPR-0215	Winstone Aggregates	FS006	Support	Accept the submission but Winstone would want to be able to provide comment on any proposed objectives, policies and rules.
DPR-0371	CIAL	083	Support	Retain as notified
DPR-0353	HortNZ	FS142	Oppose	Reject
DPR-0422	NCFF	280	Oppose In Part	Amend as follows: <i>Activity Status: NE DIS</i>

³⁶⁶ DPR-0342:013 AgResearch Ltd

³⁶⁷ DPR-0378:027 MOE

³⁶⁸ DPR-0142:060 NZ Pork, DPR-0353:261 HortNZ, DPR-0371:082 CIAL

Analysis

10.232. Frews Quarries Ltd³⁶⁹ seek that the PDP is amended to insert objectives, policies and methods including rules to recognise the landfill classification system in WasteMINZ Guidelines as there are varying classes of landfill and they should not all be non-complying activities. NCCF³⁷⁰ seek that the rule is amended to a discretionary activity as landfills may need to locate in the rural area and the use of a non-complying activity is unduly harsh. I recommend these submission points are accepted in part for the following reasons:

10.232.1. This rule will largely be applicable to privately owned landfills rather than public landfills as the latter could be subject to the designation process.

10.232.2. I tend to agree with NCCF that the rule might be unduly onerous. Landfills are non-complying activities in every zone however the rural area would seem to be the most logical area for them to be sited. This may appear to be an exception to the avoid policy in GRUZ-P5 for industrial activities (that are not rural industries). However the policy gives an exception for a functional/operational need, and given there is almost always an operation or logistical need for landfills to be sited in a rural area to maintain separation distances and because of the large amount of space required for their operation a discretionary activity would be more efficient than a non-complying activity.

10.232.3. I accept the point made by Frews Quarries Ltd about the different landfill types in WasteMINZ however this may be unnecessarily complex for the purposes of this rule, noting that the release of contaminants will be managed under the relevant regional plan. I note the definition of landfill excludes cleanfill material, although under the NPS this only applies to virgin material and not, for example, used uncontaminated construction waste. The WasteMINZ definition of cleanfill is consistent with that in the National Planning Standards and this type of landfill is designated as a 'Class 5 landfill'.

10.232.4. I note the earthworks chapter enables fill to be from a non-cleanfill source as a restricted discretionary activity under EW-REQ3. Exceeding the earthworks volume under EW-REQ1 is also a restricted discretionary activity. I do not believe a restricted discretionary activity status is appropriate for landfills as these are ongoing activities (rather than the per project basis for earthworks). However, taking into account the above, I recommend the rule is amended to a discretionary activity.

10.233. CIAL³⁷¹ seek that the rule is retained as notified. I am recommending an amendment so recommend this submission is accepted in part. I note the submitter is seeking a comprehensive framework to manage bird strike risk which may require a further amendment to this rule to account for a more stringent approach within 8/13km of the airport runway.

³⁶⁹ DPR-0122:023 Frews Quarries Ltd

³⁷⁰ DPR-0422:280 NCCF

³⁷¹ DPR-0371:083 CIAL

Recommendations and amendments

10.234. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-R37, as set out in **Appendix 2**, from a non-complying to discretionary activity.

10.235. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R38 Waste and Diverted Material Facility

10.236. One submission point and one further submission point was received on GRUZ-R38.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	CIAL	084	GRUZ-R38	Support	Retain as notified
DPR-0353	HortNZ	FS143	GRUZ-R38	Oppose	Reject

Analysis

10.237. CIAL³⁷² seek that GRUZ-R38 is retained as notified. As there are no submissions seeking changes, I recommend this submission point is accepted.

Recommendations and amendments

10.238. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R38 as notified.

10.239. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-R39 Other Activities

10.240. Three submission points were received on GRUZ-R39.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0142	NZ Pork	061	GRUZ-R39	Support	Retain as notified.
DPR-0353	HortNZ	264	GRUZ-R39	Support	Retain as notified
DPR-0422	NCCF	281	GRUZ-R39	Oppose	Delete as notified.

³⁷² DPR-0371:084 CIAL

Analysis

10.241. NCCF³⁷³ seek the rule be deleted on the basis that it lacks clarity. I recommend this submission point is rejected. This approach is consistent with the approach taken in other zones in the PDP and ensures that a precautionary approach is taken to unanticipated activities. I also consider the rule is clear – if an activity is not permitted by a rule in the plan (or national environmental standard) then a resource consent is required.

10.242. NZ Pork³⁷⁴ and HortNZ³⁷⁵ seek that the rule is retained as notified. As I am not recommending any changes, I recommend these submission points are accepted.

Recommendations and amendments

10.243. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-R39 as notified.

10.244. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Rule - New

10.245. 16 submission points and 20 further submission points were received on new rules in GRUZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0301	UWRG	028	GRUZ-R26	Support	Insert a permitted activity rule to revegetate using native plantings
DPR-0142	NZ Pork	050	New	Oppose In Part	Insert specific rule structure for workers accommodation noting that a minimum 120sqm is required to support a farm worker and small family unit and that workers accommodation is not practically situated 30m from the principal residential unit and needs to respond to the farm structure and privacy of occupants.
<i>DPR-0371</i>	<i>CIAL</i>	<i>FS013</i>	<i>New</i>	<i>Oppose In Part</i>	<i>Reject in part</i>
<i>DPR-0372</i>	<i>DHL</i>	<i>FS008</i>	<i>New</i>	<i>Support</i>	<i>Accept the submission.</i>
DPR-0142	NZ Pork	073	New	Oppose In Part	Insert specific rule structure that provides relief from rules for buildings as they might apply to mobile pig shelters.
DPR-0219	Lester & Dina Curry	001	New	Oppose	Insert a new rule that reflects Operative Plan Rural Rule 3.10.2.

³⁷³ DPR-0422:281 NCCF

³⁷⁴ DPR-0142:061 NZ Pork

³⁷⁵ DPR-0353:264 HortNZ

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	005	New	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS009	New	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS005	New	Support	Refer Section 15
DPR-0353	HortNZ	262	New	Neither Support Nor Oppose	<p>Insert new rule as follows:</p> <p><u>GRUZ-RX – Seasonal Worker Accommodation Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of existing seasonal worker accommodation.</u></p> <p><u>Where:</u></p> <p><u>a. The seasonal worker accommodation is associated with horticultural activity</u></p> <p><u>b. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u></p> <p><u>c. The accommodation provides for no more than 12 workers</u></p> <p><u>d. It complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></p> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>GRUZ-REQ2 Height</u></p> <p><u>GRUZ-REQ3 Height in Relation to Boundary</u></p> <p><u>GRUZ-REQ4 Structure Setbacks</u></p> <p><u>GRUZ-REQ16 Springfield Airfield Height Restriction</u></p> <p><u>EI-REQ23 West Melton Aerodrome Height Restriction</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of GRUZ-RX.1.a.-GRUZ-RX.1.d. is not achieved: RDIS</u></p> <p><u>3. Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p> <p><u>Matters of discretion:</u></p> <p><u>4. The exercise of discretion in relation to GRUZ-RX.2 is restricted to the following matters:</u></p> <p><u>a. Those matters in GRUZ-RX.1.a.-GRUZ-RX.1.d. that are not able to be met</u></p> <p><u>b. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</u></p> <p><u>c. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	CIAL	FS030	New	Oppose In Part	Accept in part.
DPR-0375	Waka Kotahi	FS253	New	Oppose In Part	If a permitted activity rule for seasonal works accommodation is included, Council should consider the relationship between this rule and the rules in the transport chapter to ensure that any development has safe connections to the transport network.
DPR-0353	HortNZ	277	New	Support	<p>Insert as follows:</p> <p><u>GRUZ-RX – Artificial Crop Protection Structures and Crop Protection Structures</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing artificial crop protection structure or crop support structure.</u></p> <p><u>Where:</u></p> <p><u>a. The height of the structure does not exceed 6m; and</u></p> <p><u>Either:</u></p> <p><u>b. green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council; or</u></p> <p><u>c. the structure is setback 3m from the boundary</u></p> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>GRUZ-REQ16 Springfield Airfield Height Restriction</u></p> <p><u>EI-REQ23 West Melton Aerodrome Height Restriction</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with GRUZ-RX.a is not achieved: RDIS</u></p> <p><u>Matters of discretion:</u></p> <p><u>a. Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth</u></p> <p><u>3. Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p>
DPR-0407	Forest & Bird	FS473	New	Oppose In Part	Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	130	New	Neither Support Nor Oppose	<p>Move EI-R4.1 to GRUZ and insert as follows: <u>GRUZ-RX Structures near Significant Electricity Distribution Lines</u> <u>Activity Status: PER</u> <u>1. The establishment of a new, or expansion of an existing fence.</u> <u>Where:</u> <u>a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of:</u> <u>i. 65m from the foundation of a support structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines. greater than 51kV; or</u> <u>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</u> <u>Activity status when compliance not achieved:</u> <u>2. When compliance with GRUZ-RXX is not achieved:</u> <u>NC</u> <u>Notification:</u> <u>3. Any application arising from GRUZ-RXX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0353	HortNZ	FS029	New	Oppose	Reject
DPR-0407	Forest & Bird	FS699	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	131	New	Neither Support Nor Oppose	<p>Move EI-R4.4 to GRUZ and amend as follows: <u>GRUZ-RXX Structures near Significant Electricity Distribution Lines</u> <u>Activity Status: PER</u> <u>4. The establishment of a new, or expansion of an existing, structure within greater than 10m from:</u> <u>a. the centreline and foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps; or</u> <u>b. the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</u> <u>5. The establishment of a new, or expansion of an existing, structure greater than 5m from:</u> <u>a. the centreline of other Significant Electricity Distribution Lines as shown on the planning maps; or</u> <u>b. the foundation of a support structure of other Significant Distribution Lines as shown on the planning maps(Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).</u> <u>Where:</u> <u>a. The structure is not used for:</u> <u>i. habitation;</u> <u>ii. produce packing;</u> <u>iii. a milking shed;</u> <u>iv. a wintering barn;</u> <u>v. intensive primary production; or</u> <u>vi. a commercial greenhouse.</u> <u>b. The expansion of the existing structure does not occur to a structure listed in XX-R4.4.a.</u> <u>Activity status when compliance not achieved:</u> <u>6. When compliance with GRUZ-RXX is not achieved:</u> <u>NC</u> <u>Notification:</u> <u>7. Any application arising from GRUZ-RXX shall not be subject to public notification and shall be limited notified to the following parties:</u> <u>the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</u></p>
DPR-0353	HortNZ	FS030	New	Oppose	Reject
DPR-0407	Forest & Bird	FS700	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	132	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>GRUZ-RX Trees near Significant Electricity Distribution Lines</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>3. Any tree located near a Significant Electricity Distribution Line</u></p> <p><u>Where:</u></p> <p><u>a. The tree will be set back a minimum of 5m from the centreline of any Significant Electricity Distribution Line; and</u></p> <p><u>b. The species at full maturity, will be a maximum of 3m in height.</u></p> <p><u>Activity Status when Compliance not achieved with clauses a. and b. above: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from GRUZ-RX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided</u></p>
DPR-0353	HortNZ	FS031	New	Oppose	Reject
DPR-0407	Forest & Bird	FS701	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	133	New	Neither Support Nor Oppose	<p>Insert Rule EI-R3 into GRUZ but reword as follows:</p> <p><u>GRUZ-RX Sensitive Activities</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of an existing sensitive activity.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is not within:</u></p> <p><u>i. the National Grid Yard; and</u></p> <p><u>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and</u></p> <p><u>iii. 10m from the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston)</u></p> <p><u>iv. 5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>v. 5m from the foundation of a support structure of any other Significant Electricity Distribution Line; and</u></p> <p><u>vi. 250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Access</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of GRUZ-RXX.1 is not achieved: NC</u></p> <p><u>3. When compliance with EI-R3.a.iv is not achieved: DIS</u></p> <p><u>3.4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u></p> <p><u>Notification:</u></p> <p><u>5.4. Any application arising from GRUZ-RXX.2 shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>the network utility operator with responsibility for the, infrastructure unless their written approval is provided.</u></p>
DPR-0353	HortNZ	FS032	New	Oppose	Reject
DPR-0407	Forest & Bird	FS702	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	084	New	Oppose	Insert new rule providing for rural industry as a permitted activity in GRUZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0209	Manmeet Singh	FS816	New	Oppose In Part	Reject submission in part
DPR-0371	CIAL	085	New	Oppose	Insert a new rule which makes new noise sensitive activities located within the 50dB Ldn Air Noise Contour and not otherwise provided for in the GRUZ rules a non-complying activity.
DPR-0353	HortNZ	FS144	New	Oppose	Reject
DPR-0414	Kāinga Ora	FS072	New	Oppose	Not specified
DPR-0382	EMRC	003	New	Neither Support Nor Oppose	Refer Section 15
DPR-0382	EMRC	004	New	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	003	New	Neither Support Nor Oppose	Insert specific provisions applying to the Rural Industrial Precinct in line with those referred to above be included in the Part 3 of the Proposed Plan relating to the General Rural Zone.
DPR-0157	Kevin & Bonnie Williams	FS003	New	Neither Support Nor Oppose	The decision affecting zoning, including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission NO 157.
DPR-0561	The Small Billing Home Trust	FS003	New	Oppose In Part	Oppose the hours of operation sought.
DPR-0415	Fulton Hogan Limited	024	New	Neither Support Nor Oppose	Amend GRUZ Rules to include Rural Industry

Analysis

10.246. UWRG³⁷⁶ seek a permitted activity rule is included to require revegetation using native plantings. I recommend this submission point is rejected as requiring revegetation through native plantings is likely to be too onerous. Whilst desirable to use natives, there are occasions when exotic species have to be used to fulfil a particular purpose – for example poplars for slope stability on erosion prone land.

10.247. NZ Pork and HortNZ³⁷⁷ seek that a specific rule is provided for seasonal worker accommodation as the rules on minor residential accommodation are not sufficient to manage this activity. HortNZ propose a permitted rule for up to 12 workers which defaults to a restricted discretionary activity

³⁷⁶ DPR-0301:028 UWRG

³⁷⁷ DPR-0142:050 NZ Pork and DPR-0353:262 HortNZ

where this cannot be met. I recommend these submission points are accepted in part and the rule be included for the following reasons:

- 10.247.1. In the definitions chapter of this report, I agreed with the submitters proposed definition as it appears to address a gap in the PDP in that this activity would not meet the definition of a temporary activity and does not appropriately align with the definition of visitor accommodation. The activity is also clearly ancillary to primary production and seasonal worker accommodation would otherwise be treated as a discretionary or non-complying activity.
- 10.247.2. HortNZ sees that the permitted rule could apply to horticulture activity but equally I consider it could apply to any rural production activity.
- 10.247.3. In considering what the appropriate rule requirements are, I agree that as seasonal workers, amenity is less of a consideration than would be the case for permanent residents and therefore reverse sensitivity effects are less likely to occur with neighbouring primary production. This suggests that a number of temporary residents, greater in number than an average household, is appropriate. I note the activity would still be required to comply with noise mitigation standards in the Noise Chapter as it is still defined as a noise sensitive activity. I believe this is appropriate.
- 10.247.4. I agree with the rule requirements proposed by HortNZ however building coverage (GRUZ-REQ1) should also be a relevant consideration. If 30m is accepted as the default setback for residential activity from the internal boundary then, consistent with my recommendations elsewhere, the height in relation to boundary requirement need not be included. Setbacks from intensive farming (GRUZ-REQ10) and mineral extraction (GRUZ-REQ11) should also be included in the proposed rule as the activity is still a residential activity and thus falls under the definition of a sensitive activity, however this should not apply where the worker accommodation is on the same site as those activities.
- 10.247.5. I consider that a non-complying activity is inappropriate where consent is required as the activity is consistent with direction in GRUZ-O1 and GRUZ-P1 as well as recommended amendments to GRUZ-P2c. In my opinion it can clearly be demonstrated that it is ancillary to the operation of a primary production activity. Whilst HortNZ advocate for a restricted discretionary activity there are a number of variables to the activity and breadth to the matters of discretion proposed that would seem to make a discretionary activity more appropriate.
- 10.248. NZ Pork³⁷⁸ seek a specific rule structure that applies to buildings as they might apply to mobile pig shelters. I recommend this is accepted in part. Pig farming is likely to be deemed to be intensive outdoor primary production due to the inability to maintain permanent pasture cover. The purpose of the GRUZ Chapter is to enable primary production subject to the management of adverse effects from intensive primary production activities. The PDP permits the activity, subject to setbacks and a location plan being provided. The nature of the activity however may mean that

³⁷⁸ DPR-0142:073 NZ Pork

a large number of small mobile shelters are spread around the site which could breach the building coverage rule in combination with other buildings on site, thus requiring a resource consent. As mobile pig shelters are integral to the nature of this activity and are movable (i.e. not permanently fixed to the ground), I recommend that they are given an exemption to GRUZ-REQ1. I recommend this exemption is restricted to shelters that are 10sqm in area and 2m in height as this would limit the exemption to small-scale buildings. Ideally, for consistency, this would include moveable animal shelters for all types of livestock however I am uncertain there is scope to make this change.

10.249. Lester and Dina Curry³⁷⁹ oppose the removal of grandfather clause rights as set out in the Operative District Plan (Rural Rule 3.10.2) and seek that this be reinstated. Consistent with my recommendation for similar submission points in GRUZ-R4 (e.g. DPR-0105:002), I recommend this submission point is rejected.

10.250. HortNZ³⁸⁰ are seeking a new permitted rule enabling artificial crop support and protection structures. According to the submitter, the key issue is that as many of these structures have roofs (albeit permeable), they are caught by the definition of 'building' under the NPS. Whilst I am unsure whether this would actually be the case (refer to the 'definitions' section of this report), I agree it is useful to define them as there is merit for the activity to be treated differently in the rule requirements in terms of site coverage (GRUZ-REQ1) and setbacks (GRUZ-REQ4). The submitter is however also proposing a bespoke new standalone rule to permit them. I recommend this submission point is accepted in part for the following reasons:

10.250.1. The proposed rule would enable these structures to be located up to 3m to the boundary but only up to 6m (the PDP allows for a minimum of 5m in height up to 12m in height for most structures subject to meeting height to boundary rules). Alternatively, a structure could be set closer than 3m (but still 6m in height) where green or black cloth is used up to 30m from the boundary, unless a different colour is otherwise agreed to by the property owner or road controlling authority.

10.250.2. The proposed rule appears to be similar to Rule 8.6.5 of the Opitiki District Plan. There, no setback is required on internal boundaries of the site (unless a residential unit on the neighbouring site is closer than 5m from the site boundary) however a 9m road boundary must be maintained. A maximum height of 9m to the structure also applies.

10.250.3. The rule proposed is somewhat complicated with the colour requirement, however as these structures are permeable and transparent a reduced setback standard could be considered. I am unclear exactly whether the submitter is seeking the ability for crop protection structures to be located at the boundary of the site, providing green and black canvas is used, although that appears to be the case. I do not believe that this is appropriate for reasons of traffic safety and amenity.

³⁷⁹ DPR-0219:001 Lester and Dina Curry

³⁸⁰ DPR-0353:277 HortNZ

10.250.4. I do not consider that a standalone rule is needed however as GRUZ-REQ4 could simply be amended to provide a bespoke setback for crop protection structure and crop support structures.

10.251. Orion³⁸¹ are seeking the insertion of corridor protection rules into GRUZ from the EI Chapter. This is part of broad relief that was sought by the submitter on the grounds that it provides clarity to plan users and ensure the provisions are accessible and recognisable and reduce the likelihood they will be missed. I note this matter was addressed in the EI Hearing S42a report in the following way:

The structure of the EI Chapter has been dictated by the Planning Standards which require that provisions relating to energy, infrastructure and transport that are not specific to the Special Purpose Zone chapters or sections “must be located in one or more chapters under the Energy, infrastructure and transport heading”. The Planning Standards also stipulate that the chapters under the Energy, Infrastructure and Transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special Purpose Zones chapter or sections. Zone chapters must include cross-references to relevant provisions under the Energy, Infrastructure and Transport heading. The submission points made by Orion contained in Appendix 3 seeking that the provisions be inserted in other chapters are therefore not supported as they are not in accordance with the Planning Standards and there is considered to be sufficient cross-referencing already in place. Therefore, it is recommended that the Orion submission points relating to the Chapter structure contained in Appendix 3 be rejected.

10.252. I agree with the conclusions of the S42a author and I recommend these submission points are rejected.

10.253. Fonterra and Fulton Hogan³⁸² are both seeking a specific rule that permits rural industry. I recommend these submission points are accepted. This term is defined in the NPS but, in the PDP, is split into two rules - GRUZ-R8 Rural Service Activity and GRUZ-R11 Primary Industry. As there is little difference between these rules, I recommend they are combined into a single ‘rural industry’ rule.

10.254. CIAL³⁸³ seek the insertion of a new rule which would make new noise sensitive activities located within the 50db Christchurch Airport Noise Control Overlay a non-complying activity, where not otherwise provided for in the GRUZ rules. I recommend this submission point is rejected for the following reasons:

10.254.1. As discussed, noise sensitive activities as defined by the CRPS are restricted to: residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008; education activities including pre-school places

³⁸¹ DPR-0367:130, 132, 132, 133 Orion

³⁸² DPR-0370:084 Fonterra, DPR-0415:024 Fulton Hogan

³⁸³ DPR-0371:085 CIAL

or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan; travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; hospitals, healthcare facilities and any elderly persons housing or complex. These activities are already provided for in GRUZ activity rules and therefore a default non-complying rule for other noise sensitive activities is not necessary (as it is difficult to envisage what other noise sensitive activities there would be).

10.254.2. Notwithstanding the above, the submitter seeks non-complying activity status for many noise sensitive activities located in the 50db Christchurch Airport Noise Control Overlay. As discussed earlier in this report, this issue has also been raised by the submitter in the Noise chapter of the PDP in terms of setting an 'avoid approach' to noise sensitive activities in the aforementioned noise control overlay. Here the author of that report did not consider that reliance on CRPS Policy 6.3.5.4 by itself gave an effective mandate to avoiding all noise sensitive activities in the 50db Airport Noise Control Overlay (when read in conjunction with other policies in the CRPS). This may come down to a matter for interpretation between readers of the CRPS and I will rely on the Panel's direction on this issue (as the Noise hearing precedes the hearing for GRUZ).

10.255. McMillan Civil Ltd³⁸⁴ seek a rural industrial precinct on land identified in the submission as generally north east of Prebbleton. The precinct is needed according to the submitter to facilitate the establishment of a storage yard based contracting activity. The submitter seeks that provisions are also inserted to facilitate this along with an outline development plan (included in the submission). I recommend this submission is rejected as the submitter has not provided enough accompanying information on what changes are required to the PDP to facilitate the proposed precinct which makes it difficult to judge what the effects would be.

Recommendations and amendments

10.256. I recommend for the reasons given above, that the Hearings Panel make the following amendments, as set out in **Appendix 2**:

10.256.1. A new rule is inserted to permit seasonal worker accommodation.

10.256.2. GRUZ-REQ1 is amended to exempt mobile pig shelters, 10sqm in area and up to 2m in height. (refer to recommendations for GRUZ-REQ1)

10.256.3. GRUZ-REQ4 is amended to provide a bespoke setback for crop protection structure and crop support structures. (refer to recommendations for GRUZ-REQ4)

³⁸⁴ DPR-0394:003 McMillan Civil Ltd

10.256.4. Combine GRUZ-R8 and GRUZ-R11 to create a new rule for rural industry. (refer to recommendations for GRUZ-R8 and 11)

10.257. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10.258. The scale of the changes requires a s32AA evaluation. This can be found in Section 16.

11. Rule Requirements

GRUZ-REQ1 Building Coverage

11.1. Seven submission points and four further submission points were received on GRUZ-REQ1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0096	John Frizzell	001	Oppose In Part	Amend GRUZ-REQ1 as follows:- <i>Excludes temporary activities, public amenity structures, <u>and buildings with no built in floor including greenhouses, hay barns and stockyards.</u></i> <i>Alternatively, amend GRUZ-REQ1 by adding the following exclusion.</i> <i><u>Excludes greenhouses, haybarns, stockyards and any other building which does not have a built in floor and is located in Rural Inner Plains or Rural Outer Plains.</u></i>
DPR-0422	NCF	FS182	Support	Allow the submission point.
DPR-0142	NZ Pork	062	Support	Retain as notified.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	007	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS011	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS007	Support	Refer Section 15
DPR-0353	HortNZ	265	Oppose In Part	Amend as follows: <i>Excludes temporary activities, and public amenity structures, <u>and artificial crop protection structures.</u></i>
DPR-0407	Forest & Bird	FS474	Oppose In Part	<i>Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.</i>
DPR-0372	DHL	119	Support	Retain as notified
DPR-0390	RIL	092	Support	Retain as notified, provided the rule does not restrict the installation of new irrigation infrastructure

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0441	Trustpower	146	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

11.2. John Frizzell³⁸⁵ opposes having no exemption for tunnel houses, crop covers, glasshouses and shade houses, haybarns, stockyards and any other building that has no built in floor from the building coverage requirements. HortNZ³⁸⁶, consistent with broad relief seeking to recognise and provide for artificial crop protection structures in the PDP, also seek that they are exempt from building floor coverage requirements. I recommend these submissions are accepted in part for the following reasons:

- 11.2.1. I discuss above in the 'definitions' section of this report, that the PDP as currently notified may effectively restrict horticultural activities due to restrictions on building coverage. This would include greenhouses, tunnel houses, shade houses and arguably crop protection structures. I agree with the submitters that these activities, where they use the underlying soil (i.e. do not have a built-in floor) need to be enabled and exempted from the building coverage requirements of GRUZ-REQ1.
- 11.2.2. There is also a case for excluding mobile pig shelters and farrowing huts (as requested by NZ Pork) from the remit of this rule requirement for reasons discussed under the 'definitions' and 'new rules' section of this report.
- 11.2.3. Consistent with the above, I recommend that horticultural buildings without a built-in floor and mobile pig shelters and farrowing huts, are exempt from the site coverage rule.
- 11.3. RIL³⁸⁷ are seeking that the rule is retained as notified provided it does not restrict the installation of new irrigation infrastructure. As drafted this would not be the case as most irrigation infrastructure are unlikely to meet the definition of a 'building'. Pump sheds would, however they are of a scale small enough to readily comply with GRUZ-REQ1.
- 11.4. NZ Pork³⁸⁸, DHL³⁸⁹ and Trustpower³⁹⁰ seek the submission point is retained as notified. As I am recommending amendments, I recommend the submission points are accepted in part.

Recommendations and amendments

³⁸⁵ DPR-0096:001 John Frizzell

³⁸⁶ DPR-0353:265 HortNZ

³⁸⁷ DPR-0390:092 RIL

³⁸⁸ DPR-0142:062 NZ Pork

³⁸⁹ DPR-0372:119 DHL

³⁹⁰ DPR-0441:146 Trustpower

11.5. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ1, as set out in **Appendix 2**, to:

11.5.1. exclude tunnel houses, crop covers, glasshouses, crop protection structures where the building has no built-in floor

11.5.2. exclude movable pig shelters, including farrowing huts 10m² in area and less than 2m in height,

11.6. Refer also to Section 15 'Proposed Rural Service Precinct' for a further recommended change to GRUZ-REQ1.

11.7. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11.8. The scale of the changes requires a s32AA. This is include in Section 16.

GRUZ-REQ2 Structure Height

11.9. Seven submission points and two further submission points were received on GRUZ-REQ2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	063	Support	Retain as notified.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	008	Oppose In Part	<i>Refer Section 15</i>
<i>DPR-0157</i>	<i>Kevin & Bonnie Williams</i>	<i>FS012</i>	<i>Neither Support Nor Oppose</i>	<i>Refer Section 15</i>
<i>DPR-0394</i>	<i>McMillan Civil Limited</i>	<i>FS008</i>	<i>Support</i>	<i>Refer Section 15</i>
DPR-0353	HortNZ	267	Oppose In Part	Amend to add a note as follows: <u><i>For frost fans, this standard applies to the tower height, excluding blades</i></u>
DPR-0372	DHL	120	Support	Retain as notified
DPR-0390	RIL	093	Support	Retain as notified, provided the rule does not restrict the installation of new irrigation infrastructure
DPR-0422	NCFF	282	Support	Retain as notified.
DPR-0441	Trustpower	147	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

11.10. HortNZ³⁹¹ seek that a note is added to GRUZ-REQ2 that for frost fans, the height standard applies to the tower height, excluding blades. I note that the submitter references the Hurunui District Plan which excludes blades from height calculation. Whilst this approach has been taken in the Hurunui District, other district plans (for example the recently notified Proposed Waimakiriri District Plan) do not take this approach. The height restrictions are designed to maintain rural character and amenity and frost fan blades form an integral and obvious part of the structure. To maintain a consistent approach across structures in the rural zone, I do not recommend excluding the blades of frost fans from the height rules.

11.11. RIL³⁹² seek that the rule is retained as notified provided it does not restrict the installation of new irrigation infrastructure. I confirm that provided irrigation infrastructure complies with the height restriction of 12m, the activity will be permitted.

11.12. Trustpower, NZ Pork, DHL, NCF³⁹³ seek that the rule requirement is retained as notified. As I am proposing amendments, I recommend these submission points are accepted in part.

Recommendations and amendments

11.13. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ2 as set out in **Appendix 2** (refer to Section 15 'Proposed Rural Service Precinct').

11.14. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ3 Height in Relation to Boundary

11.15. Seven submission points and one further submission point was received on GRUZ-REQ3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0126	Foster Commercial	015	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0142	NZ Pork	064	Support	Retain as notified.
DPR-0353	HortNZ	268	Oppose	Delete as notified

³⁹¹ DPR-0353:267 HortNZ

³⁹² DPR-0390:093 RIL

³⁹³ DPR-0142:063 Trustpower, DPR-0372:120 NZ Pork, DPR-0422:282 DHL, DPR-0441:147 NCF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	121	Neither Support Nor Oppose	Retain as notified
DPR-0390	RIL	094	Neither Support Nor Oppose	Retain as notified, provided the rule does not restrict the installation of new irrigation infrastructure
DPR-0422	NCFF	283	Oppose	Delete GRUZ-REQ3 in its entirety and make any consequential amendments, particularly the reference to the General Rule Zone in Appendix 3.
<i>DPR-0372</i>	<i>DHL</i>	<i>FS067</i>	<i>Support</i>	<i>Accept the submission.</i>
DPR-0441	Trustpower	148	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

11.16. Foster Commercial³⁹⁴ seeks an amendment to GRUZ-REQ3 to clarify which clause of APP3, height in relation to boundary, applies to this provision. In APP3, GRUZ is clearly labelled as applying to 'Height in Relation to Boundary A' however I note that under the Part 1 – Introduction and General Provisions, the author of that S42a is recommending amendments to APP3. In relation to GRUZ, I recommend this submission point is accepted in part to the extent that APP3 is clarified through the Part 1 – Introduction and General Provisions Hearing Stream.

11.17. HortNZ³⁹⁵ and NCFF³⁹⁶ seek that GRUZ-REQ3 is deleted on the basis that it is not necessary in the rural zone to have this type of control due to the openness of the area. I recommend these submission points are rejected for the following reasons:

11.17.1. I agree that this is a less relevant consideration for residential units, if the 30m setback for residential units from the internal boundary of a site and 10-20m from a road boundary under GRUZ-REQ4 is accepted, as recommended by the author of the S42a for the Natural Hazards Hearing Stream.

11.17.2. For other types of structures and non-habitable buildings however, this remains a relevant factor, Under GRUZ-REQ2, a 12m height is allowed for non-habitable buildings and 25m for silos. Internal boundary setbacks under GRUZ-REQ4 are 5m and 10-20m from road boundaries. I consider that a 12m building, 5m from the boundary could still give rise to adverse amenity impacts on neighbouring properties (e.g. shading).

³⁹⁴ DPR-0126:015 Foster Commercial

³⁹⁵ DPR-0353:268 HortNZ

³⁹⁶ DPR-0390:094 NCFF

11.18. NZ Pork, DHL and Trustpower³⁹⁷ seek that the rule requirement is retained as notified. RIL³⁹⁸ seek the rule requirement is retained as notified provided it will not restrict irrigation infrastructure. As drafted this would not be the case as the irrigation infrastructure is unlikely to meet the definition of a 'building' except perhaps pump stations however these are unlikely to be of a scale affected by this rule requirement. As I am not recommending any amendments, I recommend these submission points are accepted.

Recommendations and amendments

11.19. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ3 as notified.

11.20. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ4 Structure Setbacks

11.21. 10 submission points and five further submission points were received on GRUZ-REQ4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0078	Ian Laurensen	003	Oppose In Part	Amend GRUZ-Table 1 with an additional row: <u>Any building screened by 2 to 2.5m high bund with indigenous plantings 5m 5m 5m </u>
DPR-0142	NZ Pork	065	Support	Retain as notified.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	009	Oppose In Part	Refer Section 15
DPR-0157	Kevin & Bonnie Williams	FS013	Neither Support Nor Oppose	Refer Section 15
DPR-0394	McMillan Civil Limited	FS009	Support	Refer Section 15
DPR-0353	HortNZ	280	Oppose In Part	Amend GRUZ-Table 1 so that new residential units be setback 30m from an internal boundary.
DPR-0142	NZ Pork	FS039	Support	Allow in full
DPR-0370	Fonterra	083	Oppose	Amend GRUZ-Table1 as follows: Any building or structure containing a sensitive activity: 50m from internal boundary
DPR-0142	NZ Pork	FS023	Support	Allow in full
DPR-0209	Manmeet Singh	FS815	Oppose In Part	Reject submission in part

³⁹⁷ DPR-0142:064 NZ Pork, DPR-0372:121 DHL, DPR-0441:148 Trustpower

³⁹⁸ DPR-0390:094 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	122	Support	Retain as notified
DPR-0375	Waka Kotahi	189	Oppose	Amend to include a separate column in Table1 requiring a setback of 40 metres from a state highway is included, which would also be consistent with reverse sensitivity requirements (NOISE-R3).
DPR-0390	RIL	095	Support	Retain as notified, provided the rule does not restrict the installation of new irrigation infrastructure
DPR-0441	Trustpower	149	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.
DPR-0458	KiwiRail (KiwiRail)	055	Support	Retain as notified.

Analysis

11.22. Ian Laurenson³⁹⁹ seeks recognition that the use of bunds planted with indigenous plants enhances the biodiversity and aesthetic appeal of the district more than setbacks. The submitter states that this could be encouraged by reducing the setback minimum distances for road boundaries to 5m where indigenous planting and 2-2.5m high bunds are proposed. I recommend this submission point is rejected. Whilst I acknowledge the submitter's point, 5m may not be an adequate separation distance with the need to accommodate a bund and landscaping between the building footprint and the road. Departures from the 10m setback and proposed landscaping solutions can be tested through the resource consent process (as a restricted discretionary activity) where landscaping is a matter of discretion (GRUZ-MAT4).

11.23. HortNZ⁴⁰⁰ seek that the 5m setback for new residential units from the internal site boundary be increased to 30m. This is on the basis that 5m is an insufficient gap to avoid reverse sensitivity effects from primary production (such as horticultural activities). The submitter also requested a 30m setback in order to manage wildfire risk (under NH-REQ7) which is recommended to be accepted by the author of the S42a report for the Natural Hazards Hearing. From the standpoint of avoiding reverse sensitivity effects and implementing GRUZP-P7, I agree that a 30m setback is more likely to achieve this policy simply because it is a greater distance than 5m although this does reduce development rights on neighbouring properties, which may be an issue on irregularly shaped or narrow allotments. . If the 30m setback recommended by the author of the S42a report for Natural Hazards is accepted, I recommend this submission point is also accepted.

11.24. Fonterra⁴⁰¹ seek a 50m setback from the internal boundary (where the building contains a sensitive activity) to avoid reverse sensitivity effects. I recommend this submission point is rejected. Given the majority of sensitive activities require a consent as a discretionary or non-complying activity or otherwise need to be attached to a residential activity (e.g. visitor accommodation), the application to all sensitive activities appears to be unnecessary. In addition a 50m setback appears to be excessive and raises the question as to why this only applies to internal boundaries as a sensitive

³⁹⁹ DPR-0078:003 Ian Laurenson

⁴⁰⁰ DPR-0353:280 HortNZ

⁴⁰¹ DPR-0370:083 Fonterra

activity on the other side of a road boundary may be closer than 50m. I note that, as a result of submission point by HortNZ, a 30m setback for residential activity from the internal site boundary is recommended by the author of the Natural Hazards S42a Hearing Report to help prevent the spread of wildfire which, if accepted, may also have benefits for avoiding reverse sensitivity effects.

11.25. Waka Kotahi⁴⁰² seek that a 40m setback apply to State Highways, which in their view would be consistent with reverse sensitivity requirements (NOISE-R3). I recommend this submission point is rejected noting that a 20m setback applies from the road boundary for the strategic network. NOISE-R3 is the most appropriate place to consider noise mitigation noting that there are different standards proposed for the outdoor and indoor environment. This is more efficient in my opinion than requiring a blanket 40m setback in GRUZ which may also have the effect of undermining the purpose of NOISE-R3.

11.26. RIL⁴⁰³ seek the rule requirement is retained as notified provided it will not restrict irrigation infrastructure. As drafted this would generally not be the case as irrigation infrastructure is excluded from the rule requirement. Pump stations associated with irrigation infrastructure may be caught by this rule requirement and therefore I recommend a minor amendment to exclude them.

11.27. NZ Pork, DHL, Trustpower and KiwiRail⁴⁰⁴ seek that the rule requirement is retained as notified. As I am recommending amendments, I recommend these submission points are accepted in part.

Recommendations and amendments

11.28. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ4, as set out in **Appendix 2**, as follows:

11.28.1. Clarify that pump stations associated with irrigation infrastructure are excluded.

11.28.2. Amend setbacks for residential units from 5m to 30m from the internal boundary, as per the recommendations in the S42a report for Natural Hazards (refer to that document for a S32AA for this change).

11.29. Refer also to Section 15 'Proposed Rural Service Precinct' for a further recommended change to GRUZ-REQ4.

11.30. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴⁰² DPR-0375:189 Waka Kotahi

⁴⁰³ DPR-0390:095 RIL

⁴⁰⁴ DPR-0142:065 NZ Pork, DPR-0372:122 DHL, DPR-0441:149 Trustpower, DPR-0458:055 KiwiRail

GRUZ-REQ5 Relocatable Buildings

11.31. Two submission points were received on GRUZ-REQ5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	123	Support	Retain as notified
DPR-0390	RIL	096	Neither Support Nor Oppose	Retain as notified, provided the rule does not restrict the installation of new irrigation infrastructure

Analysis

11.32. DHL⁴⁰⁵ and RIL⁴⁰⁶ seek that GRUZ-REQ5 is retained as notified (the latter subject to the rule requirement not restricting new irrigation infrastructure). As I am not recommending any changes to GRUZ-REQ5, I recommend that these submission points are accepted.

Recommendations and amendments

11.33. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ5 as notified.

11.34. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ6 Hours of Operation

11.35. Five submission points were received on GRUZ-REQ6.

⁴⁰⁵ DPR-0372:123 DHL

⁴⁰⁶ DPR-0390:096 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0096	John Frizzell	002	Oppose In Part	Amend as follows:- <i>Any business activity except for primary production activity shall only occur between 0700 and 1900.</i>
DPR-0142	NZ Pork	066	Oppose In Part	Opposition is based on lack of definition of business activity (this relief captured separately)
DPR-0342	AgResearch	014	Oppose	Delete GRUZ-REQ6 and apply any restrictions on the hours of operation within the relevant permitted activity rule (but no such restrictions should apply to “rural production” or “research activity”).
DPR-0353	HortNZ	270	Oppose	Amend to exclude rural service activities from rule. This relief is provided if the definition of rural service activities as sought by the submitter is also accepted.
DPR-0422	NCCF	284	Oppose	Delete as notified.

Analysis

11.36. John Frizzell⁴⁰⁷ seeks that there is a clear exception to primary production activity from the scope of this rule requirement. I agree with the sentiment that the rule requirement should not apply to primary production activities however I do not consider an amendment is required to exclude them as the rule requirement does not apply to GRUZ-R16 which permits most primary production activities (except mineral extraction). I therefore recommend the submission point is rejected.

11.37. AgResearch Ltd⁴⁰⁸ seek that GRUZ-REQ6 is deleted and the relevant hours of operation are included within the relevant permitted activity rule (but not applied to rural production or research activities). NZ Pork⁴⁰⁹ as part of their opposition to a lack of a definition of business activity, opposes GRUZ-REQ6. I recommend these submission points are accepted in part. I recommended a change to the wording of GRUZ-REQ6 (as part of AgResearch Ltd submission in relation to GRUZ-R13) to align with that of GRUZ-R10.1.c (i.e. business activity in this context means the unloading/loading of vehicles and receiving of customers and deliveries). This would enable staff to operate on site and passive activities to take place, including the ongoing running of equipment. This would provide greater clarity on the meaning of the term ‘business activity’ in this context.

11.38. HortNZ⁴¹⁰ seek that the rule requirement is amended to exclude rural service activities on the basis that contractors (e.g. harvest contractors) need to have extended hours, particularly in the busy season and because their ability to operate is weather dependent. I recommend this submission point is accepted in part. If business activity relates to the unloading/loading of vehicles and receiving customers and deliveries at the place of business, this should not include work undertaken by contractors on a farm that are part of rural production activities (e.g. assisting with the harvest). I recommend a note in the rule requirement to clarify this point.

⁴⁰⁷ DPR-0096:002 John Frizzell

⁴⁰⁸ DPR-0342:014 AgResearch Ltd

⁴⁰⁹ DPR-0142:066 NZ Pork

⁴¹⁰ DPR-0353:270 HortNZ

11.39. NCFF⁴¹¹ seek that GRUZ-REQ6 is deleted on the basis that there is no need to restrict when a rural business can operate and there are health and safety laws that protect employees from long hours. I recommend this submission point is rejected as the rule requirement is intended to maintain amenity and rural character and is for a completely different purpose than laws that regulate health, safety and employment.

Recommendations and amendments

11.40. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ6, as set out in **Appendix 2**, by clarifying ‘business activity’ to mean unloading/loading of vehicles and receiving of customers and deliveries (to align with the wording in GRUZ-R10.1.c) and include a note of clarification on the applicability of the rule requirement.

11.41. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ7 Full Time Equivalent Staff

11.42. Seven submission points and three further submission points were received on GRUZ-REQ7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0096	John Frizzell	003	Oppose In Part	Amend GRUZ-REQ7 as follows:- <i>1. Any business activity <u>except for primary production activity</u> shall have no more than two full time equivalent staff</i>
DPR-0142	NZ Pork	067	Oppose In Part	Opposition is based on lack of definition of business activity (this relief captured separately)
DPR-0342	AgResearch	015	Oppose	Delete GRUZ-REQ7 and apply any restrictions on the number of full time staff within the relevant permitted activity rule (but no such restrictions should apply to “rural production” or “research activity”).
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS014</i>	<i>Oppose In Part</i>	<i>Reject in part</i>
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	010	Oppose In Part	Refer Section 15
<i>DPR-0157</i>	<i>Kevin & Bonnie Williams</i>	<i>FS014</i>	<i>Neither Support Nor Oppose</i>	Refer Section 15

⁴¹¹ DPR-0422:284 NCFF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0394	McMillan Civil Limited	FS010	Support	Refer Section 15
DPR-0353	HortNZ	272	Oppose	Amend to specify which activities this applies to – and exclude rural production activities; or delete GRUZ-REQ7.
DPR-0372	DHL	124	Neither Support Nor Oppose	Retain as notified
DPR-0422	NCCF	285	Oppose	Delete as notified.

Analysis

11.43. John Frizzell⁴¹² seeks that there is a clear exception to primary production activity from the scope of this rule requirement. AgResearch Ltd⁴¹³ seek that GRUZ-REQ7 is deleted and the relevant restrictions on staffing are included within the relevant permitted activity rule (but not apply to rural production or research activities).

11.44. I recommend these submission points are rejected. I agree with the sentiment that the rule requirement should not apply to research activities or primary production activities however I do not consider an amendment is required to exclude them as the rule requirement does not apply to GRUZ-R16 which permits most primary production activities (except mineral extraction) and GRUZ-R13 which permits rural research activities.

11.45. HortNZ⁴¹⁴ seek that the rule requirement is deleted on the basis that the requirement refers to ‘any business activity’ which is not defined and in any case should not apply to rural production activities. NZ Pork⁴¹⁵ as part of their opposition to a lack of a definition of business activity opposes GRUZ-REQ6. As explained above however, the rule requirement only applies to certain activities (not rural production). I note that GRUZ-R10b (Rural Home Business) provides more context in that it states that the two employees are those who are not permanent residents of the site and that this relates to the number of employees who are on site at any one time. I recommend that GRUZ-REQ7 is amended for consistency sake and the submission points are accepted in part.

11.46. NCCF⁴¹⁶ seek that GRUZ-REQ7 is deleted on the basis that there is no need to restrict how a rural business can operate and there are health and safety laws that protect employees from long hours. I recommend this submission point is rejected as the rule requirement is intended to maintain amenity and rural character and is for a completely different purpose than laws that regulate health, safety and employment.

⁴¹² DPR-0096:003 John Frizzell

⁴¹³ DPR-0342:015 AgResearch Ltd

⁴¹⁴ DPR-0353:272 HortNZ

⁴¹⁵ DPR-0142:067 NZ Pork

⁴¹⁶ DPR-0422:284 NCCF

11.47. DHL⁴¹⁷ seek that the rule requirement is retained as notified. I recommend that this submission is accepted in part as I am recommending some amendments.

Recommendations and amendments

11.48. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ7, as set out in **Appendix 2**, by changing the wording so that it is the same as GRUZ-R10b (Rural Home Business).

11.49. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ8 Intensive Primary Production Setback

11.50. 13 submission points and 22 further submission points were received on GRUZ-REQ8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	010	Support In Part	Amend as follows: <i>1. All paddocks, hard-stand areas, structures.....and 1km from any residential zone.</i>
DPR-0422	NCCF	FS176	Support	<i>Allow the submission point.</i>
DPR-0142	NZ Pork	068	Support In Part	Opposition is based on lack of definition of hard stand areas (this relief captured separately)
DPR-0212	ESAI	105	Oppose In Part	Amend as follows: <i>1. All paddocks <u>which do not maintain pasture or ground cover for more than a continuous three month period</u>, hard-stand areas, structures, buildings....</i>
DPR-0232	Mary Herrick	002	Oppose	Amend GRUZ-REQ8 Intensive Primary Production Setback so that: 1. The minimum setback is 600m. 2. The setback is measured from the neighbour's property boundary, not from the neighbour's house. Refer to original submission for full decision requested
DPR-0043	Poultry Industry & Egg Producers	FS013	Oppose	<i>Disallow in full</i>
DPR-0342	AgResearch	018	Oppose	Delete GRUZ-REQ8 Intensive Primary Production Setback.
DPR-0422	NCCF	FS178	Support	<i>Allow the submission point.</i>
DPR-0368	Beef + Lamb & DINZ	042	Oppose In Part	Amend as follows: <i>1. All paddocks, hard-stand areas, structures, buildings used to house stock, and wastewater treatment systems associated with intensive primary production, shall be located a minimum distance of 300m from the notional boundary of any lawfully established existing sensitive activity on another site, and 1km from any residential activity.</i> Alternatively, delete GRUZ-REQ8 in its entirety.

⁴¹⁷ DPR-0372:124 DHL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	FS019	Support	Allow in full
DPR-0378	MOE	FS004	Oppose In Part	Retain GRUZ-REQ8 as proposed.
DPR-0407	Forest & Bird	FS465	Oppose	Reject the submission
DPR-0454	Central Plains Water Limited	FS002	Support	Allowed in full
DPR-0368	Beef + Lamb & DINZ	043	Oppose In Part	Amend as follows: 2. When compliance with any of GRUZ-REQ8.1 is not achieved: <u>RDIS CON</u>
DPR-0043	Poultry Industry & Egg Producers	FS020	Support	Allow in full
DPR-0407	Forest & Bird	FS466	Oppose	Reject the submission
DPR-0372	DHL	125	Oppose	Delete as notified
DPR-0381	Coleridge Downs Limited	FS046	Support	Allow
DPR-0486	Coleridge Downs Limited	FS046	Support	Allow
DPR-0381	Coleridge Downs Limited	009	Oppose In Part	Amend GRUZ-REQ8 (and make consequential amendments to related rules and/or insert a new definition in the Plan) to: - remove any setback required for land use of paddocks associated with breakfeeding of stock; and - reduce the minimum setback required for all other activities in GRUZ-REQ8 to 50m Consequential amendments to GRUZ-P1.2 to reflect the relief requested to GRUZ-REQ8.
DPR-0407	Forest & Bird	FS516	Oppose	Reject the submission
DPR-0388	Craigmore Farming Services Limited	054	Oppose	Delete as notified
DPR-0381	Coleridge Downs Limited	FS044	Support	Allow
DPR-0486	Coleridge Downs Limited	FS044	Support	Allow
DPR-0420	Synlait Milk Limited	028	Oppose	Delete as notified
DPR-0370	Fonterra	FS023	Support	Accept the submission.
DPR-0381	Coleridge Downs Limited	FS087	Support	Allow
DPR-0486	Coleridge Downs Limited	FS087	Support	Allow
DPR-0422	NCFF	286	Support In Part	Retain as notified, but the definition of 'intensive outdoor primary production' must be amended to ensure pastoral farming is not captured by this requirement.
DPR-0381	Coleridge Downs Limited	FS057	Support	Allow
DPR-0407	Forest & Bird	FS154	Oppose	Reject the submission
DPR-0486	Coleridge Downs Limited	FS057	Support	Allow

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0454	Central Plains Water Limited	014	Oppose In Part	Amend as follows: <i>1. All paddocks, hard-stand areas, structures, buildings used to house stock, and wastewater treatment systems associated with intensive primary production, shall be located a minimum distance of 300m 100m from the notional boundary of any lawfully established existing sensitive activity on another site, and 1km 300m from any residential zone.</i>
DPR-0043	Poultry Industry & Egg Producers	FS027	Support	Allow in full
DPR-0378	MOE	FS005	Oppose	Reject – retain 300m setback

Analysis

11.51. The Poultry Industry and Egg Producers⁴¹⁸ and Beef and Lamb⁴¹⁹ seek that the requirement for a 1km setback from a residential zone be deleted in its entirety. AgResearch Ltd⁴²⁰ and Synlait Ltd⁴²¹ seeks that GRUZ-REQ8 is deleted in its entirety. The submitters state that the approach is duplicative of the CARP and its provisions to control odour. I recommend that the Poultry Industry and Egg Producers and Beef and Lamb submission points are rejected and the AgResearch Ltd and Synlait Ltd submission points are accepted in part for the following reasons:

11.51.1. As discussed under GRUZ-R18, through post-engagement discussion with CRC and review of legislation and guidance documents issues by MfE, it was determined that CRC's primary focus was on discharges as contaminants whereas the district council considers overall amenity effects. Outside of the prescribed setback in the district plan, CRC would manage the effects of odour and dust and the presence of the setback in the district plan would indicate an appropriate location for these discharges and would allow for greater effectiveness of the relevant CARP policies.

11.51.2. A reciprocal reverse sensitivity buffer is 300m where a sensitive activity is proposed to establish close to an intensive primary production.

11.51.3. The exception is for intensive primary production and residential zones. A 1km setback from residential zones was recommended in the preferred options report⁴²², although it was noted as relatively conservative and may be excessive for small farms. On balance however, this precautionary stance was recommended as it was assessed that residential areas have a greater concentration of sensitive receptors. I therefore recommend that the requirement to be setback 1km from a residential zone is retained.

⁴¹⁸ DPR-0043:010 Poultry Industry and Egg Producers

⁴¹⁹ DPR-0368:042 Beef and Lamb

⁴²⁰ DPR-0342:018 AgResearch Ltd

⁴²¹ DPR-0420:028 Synlait Ltd

⁴²² Setback Analysis Report 31 October 2018 https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/353362/Setback-Report-post-peer-review-Rural.pdf

- 11.51.4. To the extent that GRUZ-REQ8 is sought to be deleted, I note that GRUZ-REQ8 includes an assessment of traffic movements on amenity (clause 3.f). This matter should more properly be addressed in the Transport Chapter including under rules relating to rural traffic movement and the creation of vehicle crossings and I recommend it is deleted.
- 11.52. Beef and Lamb⁴²³ submit that a restricted discretionary activity status for non-compliance with the setback is excessive and that this should be a controlled activity. I recommend this is rejected as the Council should be able to maintain discretion on whether an intensive farm within the 300m setback is appropriately sited, a controlled activity cannot be declined and intensive primary production in this location may not align with GRUZ-O1 and policy direction.
- 11.53. Central Plains Water Ltd⁴²⁴ considers that intensive farming may already be occurring within 300m of a sensitive activity and the 1km requirement could sterilise existing productive land. They seek an amendment of 100m from the boundary of a sensitive activity and 300m from a residential zone. I recommend this submission point is rejected, consistent with my recommendation above to retain the 1km setback. Existing intensive farms would not be subject to the 300m setback from a sensitive activity, or 1km setback from a residential zone, providing they hold a resource consent or, if otherwise lawfully established, maintain effects that are the same or similar character or scale. Where this cannot be achieved, for example because the farm is to expand beyond what is lawfully established, resource consent could be applied for to assess any mitigation required noting that the activity status in these circumstances is restricted discretionary, not non-complying.
- 11.54. NZ Pork⁴²⁵ support the setback subject to a definition of hardstand area being provided to ensure this only relates to impervious areas. I recommend this submission point is accepted in part, consistent with my recommendation in the definitions chapter to clarify the meaning around this term to 'areas of paved or otherwise impervious material used to house stock'.
- 11.55. ESAI, Coleridge Downs Ltd, CFSL and DHL⁴²⁶ seek various changes and deletions to exclude intensive winter grazing and cropping activities as it appears to be duplicative of the NES-F which control the use of the paddock for intensive winter grazing. NCCF⁴²⁷ support the rule requirement, subject to an amendment to 'intensive outdoor primary production' to exclude pastoral farming activities from the definition. Consistent with my recommendation under the definitions chapter of this report I recommend these submission points are accepted in part for the following reasons:
- 11.55.1. The NES-F relate to the functions carried out by regional councils (s30) and preclude functions that relate to district councils under S31. These rule requirements are designed to both protect sensitive activities and primary production from reverse sensitivity effects that impact on amenity (as opposed to contaminants which are the purview of the regional council and the NES-F).

⁴²³ DPR-0368:043 Beef and Lamb

⁴²⁴ DPR-0454:014 Central Plains Water Ltd

⁴²⁵ DPR-0142:068 NZ Pork

⁴²⁶ DPR-0212:105 ESAI, DPR-0381:009 Coleridge Downs Ltd, DPR-0388:054 CFSL, DPR-0372:125 DHL

⁴²⁷ DPR-0422:286 NCCF

11.55.2. Normal pastoral farming would not normally be classified as intensive outdoor farming as permanent ground cover would be maintained (note a 'common sense' approach is intended to be used for what constitutes 'permanent ground cover'). On the other hand, I accept there may be occasions where normal stocking rates for extensive farming need to be exceeded at certain times of year, such that ground cover cannot be maintained. Intensive winter grazing is one such occasion as cattle rely on fodder crops to supplement their feed.

11.55.3. I recommend that the definition of intensive outdoor primary production excludes intensive winter grazing as managed by the NES-F.

11.56. Mary Herrick⁴²⁸ is seeking that the rule requirement is amended so that the 300m setback should be increased to 600m and this from the property boundary, not the neighbouring dwelling. I recommend this submission point is rejected for the following reasons:

11.56.1. The proposed setback is based on the location of the sensitive activity and the 'notional boundary' rather than the property boundary itself. This is because a property in the rural area may be large with the sensitive activity itself located distant from the actual property boundary. A notional boundary relates to the area immediately around the sensitive activity (being 20m) where any adverse effects are likely to occur. The use of the notional boundary also reflects the fact that while effects should be internalised where possible, not all effects can be (such as odour). Given this is a zone for rural production, some effects across the boundary are to be expected. However these effects are more tolerable, where there are no sensitive activities (such as houses) immediately across the boundary.

11.56.2. The 300m setback from sensitive activities was determined to be appropriate for all intensive primary production. While this setback may be insufficient for very large farms, new developments of this type are likely to require consent to discharge contaminants to air from the regional council with site-specific assessment based on the mitigation proposed.

Recommendations and amendments

11.57. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ8, as set out in **Appendix 2**, follows:

11.57.1. Amend hardstand to 'areas of paved or otherwise impervious material used to house stock'. (refer also to 'definitions' in Section 7).

11.57.2. Delete clause f) relating to traffic effects.

11.58. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴²⁸ DPR-0232:002 Mary Herrick

GRUZ-REQ9 Intensive Primary Production Location Plan

11.59. Seven submission points and five further submission points were received on GRUZ-REQ9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	011	Oppose	Amend as follows: 2. When compliance with any of GRUZ-REQ9.1 is not achieved: NC. <u>2 When compliance with any of GRUZ-REQ9.1 is not achieved: RDIS. Matters for discretion:</u> <u>3. The exercise of discretion in relation to GRUZ-REQ9.2 is restricted to the following matters:</u> <u>a. The effect on amenity from the discharge of any odour or dust.</u> <u>b. The location of the site in relation to sensitive activities.</u> <u>c. Any mitigation proposed to reduce the effect or dispersion of odour or dust; and</u> <u>d. The effect on amenity values from traffic movements.</u> <u>Notification: 4. Any application arising from GRUZ-REQ9.1 shall not be subject to public notification.</u>
DPR-0142	NZ Pork	FS043	Support	Allow in full
DPR-0422	NCFF	FS177	Support	Allow the submission point.
DPR-0142	NZ Pork	069	Support In Part	Request Council clarify confidentiality of information provided to it.
DPR-0422	NCFF	FS159	Support	Allow the submission point
DPR-0342	AgResearch	019	Support	Retain GRUZ-REQ9 Intensive Primary Production Location Plan as notified.
DPR-0372	DHL	126	Oppose	Delete as notified.
DPR-0388	Craigmore Farming Services Limited	055	Oppose	Delete as notified
DPR-0420	Synlait Milk Limited	029	Oppose	Delete as notified
DPR-0370	Fonterra	FS024	Support	Accept the submission.
DPR-0422	NCFF	287	Support In Part	Retain as notified, but the definition of Intensive Outdoor primary production must be amended to ensure pastoral farming is not captured by this requirement. Request Council considers amending the activity status to Discretionary.
DPR-0407	Forest & Bird	FS155	Oppose	Reject the submission

Analysis

11.60. The Poultry Industry and Egg Producers⁴²⁹ seek that the activity status in GRUZ-REQ9 is amended from non-complying to restricted discretionary status with associated matters of discretion. NCFF⁴³⁰ request that the activity status is amended to a discretionary activity. I consider that provision of a

⁴²⁹ DPR-0043:011 Poultry Industry and Egg Producers

⁴³⁰ DPR-0422:287 NCFF

location plan is important to ensure that Council will know where these activities are located in order to maintain a 300m reverse sensitivity buffer from sensitive activities. A non-complying activity is the default where the rule requirement is not met (rather than restricted discretionary status) because without this information, Council may not know where these activities are located (as permitted activities) and this could lead to unacceptable reverse sensitivity effects on primary production activities from sensitive activities (in conflict with GRUZ-P7 which seeks to avoid such effects). I therefore recommend the submission point is rejected.

11.61. NZ Pork⁴³¹ seek that Council provide assurance on how information provided by industry will be stored and kept in confidence. It is anticipated that Council will hold this information and use it for the purposes of calculating and displaying setbacks from intensive farming uses. Any information detailed in a location plan would be available on an 'as needed' basis when requested. If there are confidential elements, Council could consider removing these from public view. I therefore recommend this submission point is accepted in part.

11.62. DHL⁴³² and CFSL⁴³³ seek that the rule requirement is deleted as it appears to be duplicative of the NES-F (2020) which controls the use of the paddock for intensive winter grazing. Synlait Milk Ltd⁴³⁴ seek that the provision is deleted as it appears to be duplicative with CRC's functions as well as unclear and ineffective. NCFE⁴³⁵ are seeking that the definition of intensive outdoor primary production be amended to ensure pastoral farming is not captured by this requirement as otherwise all pastoral farming would be required to submit information about the location of their paddocks and treatment systems. I recommend these submission points are accepted in part to the extent that I am recommending that intensive winter grazing under the NES-F is excluded from consideration as intensive outdoor primary production (refer to discussion under the 'definitions' section of this report in Section 7). I do not therefore consider that the rule requirement should be deleted and no change need be made.

11.63. AgResearch Ltd⁴³⁶ seek that GRUZ-REQ9 is retained as notified. As I am recommending an amendment, I recommend this submission point be accepted in part.

Recommendations and amendments

11.64. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ9 as set out in **Appendix 2** to amend 'hardstand' to 'areas of paved or otherwise impervious material used to house stock'. (refer also to 'definitions' in Section 7).

⁴³¹ DPR-0142:069 NZ Pork

⁴³² DPR-0372:126 DHL

⁴³³ DPR-0388:055 CFSL

⁴³⁴ DPR-0420:029 Synlait Milk Ltd

⁴³⁵ DPR-0422:287 NCFE

⁴³⁶ DPR-0342:019 AgResearch Ltd

11.65. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production

11.66. Eight submission points and six further submission points were received on GRUZ-REQ10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0043	Poultry Industry & Egg Producers	012	Support	Retain as notified.
DPR-0142	NZ Pork	070	Oppose In Part	Opposition is based on narrow definition of sensitive activity (this relief captured separately).
DPR-0464	New Zealand Motor Caravan Association Inc.	FS002	Oppose	Not specified
DPR-0207	Selwyn District Council	068	Oppose In Part	Amend as follows: <i>1. The establishment of any new sensitive activity shall be setback 300m from the closest outer edge of any paddocks, hard-stand areas, structures, or buildings used to hold or house stock, and wastewater treatment systems used for intensive primary production.</i>
DPR-0370	Fonterra	FS025	Support	Accept the submission.
DPR-0372	DHL	FS013	Support	Accept the submission.
DPR-0454	Central Plains Water Limited	FS007	Support	Allowed in full
DPR-0212	ESAI	106	Oppose In Part	Amend as follows: <i>1. The sensitive activity shall be setback 300m from the closest outer edge of any paddocks <u>which do not maintain pasture or ground cover for more than a continuous three month period</u>, hard-stand areas, structures, buildings...</i>
DPR-0342	AgResearch	020	Support In Part	Amend GRUZ-REQ10 to read: <i>1. The sensitive activity shall be setback at least 300 500m from:</i> <i>(a) 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</i> <i>(b) the closest outer edge of hard-stand areas, structures, or buildings used to house stock associated with a research activity (and related wastewater treatment systems).</i> <i>The establishment of residential units, or minor residential units on the same site as the intensive primary production or <u>research activity</u> are exempt from this rule requirement. <u>The establishment of an educational facility associated with a research activity (on the same site as the research activity) is exempt from this rule requirement.</u></i>
DPR-0342	AgResearch	021	Support In Part	Amend GRUZ-REQ10 as follows: <i>Notification:</i> <i>3. Any application arising from GRUZ-REQ10.2 shall not be subject to public notification.</i>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	127	Support	Retain as notified
DPR-0043	Poultry Industry & Egg Producers	FS023	Support	Allow in full
DPR-0422	NCFF	288	Support In Part	Retain as notified, but the definition of 'intensive outdoor primary production' must be amended to ensure pastoral farming is not captured by this requirement.
DPR-0407	Forest & Bird	FS156	Oppose	Reject the submission

Analysis

11.67. NZ Pork⁴³⁷ oppose the rule requirement as they consider that the GRUZ Chapter permits certain sensitive activities not covered by the PDP definition of 'sensitive activities'. I recommend this submission point is rejected. The definition of 'sensitive activities' is reasonably broad – 'community facilities' for example encompasses *'land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility'*. In addition the establishment or expansion of many sensitive activities require resource consent either as a discretionary or non-complying activity.

11.68. SDC⁴³⁸ seek that the rule requirement is clarified so that it relates only to the establishment of any new sensitive activity rather than the expansion of an existing one. I note that a number of sensitive activities require resource consent as a non-complying or discretionary activity in any event (e.g. health or educational facility) or can only expand on a small footprint as a permitted activity before they require resource consent (e.g. conference facilities or visitor accommodation). The application of this rule requirement is likely to mostly affect residential units and it would be inappropriate to impose a non-complying activity for minor residential expansions. I recommend this submission point is accepted.

11.69. ESAI⁴³⁹ seek that the setback apply only to paddocks which do not maintain pasture or ground cover for more than a continuous three month period as there may be some parts of a property not subject to intensive primary production use (e.g. a mixed sheep/pig farm). NCFF⁴⁴⁰ seek an amendment to avoid pastoral farming being caught by the rule. I recommend these submission points are accepted in part for the following reasons:

11.69.1. The definition of intensive outdoor primary production would still work with a mixed model as the setback would only be applied to that land that is utilised where stocking rates preclude permanent ground cover being maintained.

11.69.2. I am recommending that intensive winter grazing is excluded from the definition of intensive outdoor primary production due to the seasonal nature of this activity and that it is a

⁴³⁷ DPR-0142:070 NZ Pork

⁴³⁸ DPR-0207:068 SDC

⁴³⁹ DPR-0212:106 ESAI

⁴⁴⁰ DPR-0422:288 NCFF

temporary departure from normal extensive farming stocking rates. This would mean the setback in GRUZ-REQ10 would not apply to paddocks that cannot maintain ground cover for a continuous three month period that are used for intensive winter grazing purposes.

11.70. AgResearch Ltd⁴⁴¹ seek that GRUZ-REQ10 is amended from 300m to 500m and the setback applied to any research related activity on-site where stock are housed and related wastewater treatment systems. In the submitter's view, this will align the rules better with CARP where there is a 500m setback for buildings or structures housing more than 30 cattle. They also seek an exemption to the setback where there is an educational facility associated with a research activity proposed to be established on the same site. I recommend this submission point is accepted in part for the following reasons:

11.70.1. The 500m setback for cattle sheds in CARP is for a specific purpose (namely to control odour effects from cattle). Under the PDP, a general setback of 300m for all intensive primary production is proposed to control effects on amenity. It is also noted that a shed holding 30 cattle or more may or may not align with the definition of intensive primary production under the PDP depending on whether the activity takes place mainly indoors or whether permanent ground cover can be maintained if taking place outdoors.

11.70.2. The submitter is seeking that research activities housing stock be identified separately from intensive primary production generally to benefit from the setback. I consider that the definition and rule should stand on their own terms – if the research activity meets the definition of an intensive primary production activity it can benefit from the setback. This would also ensure the reverse is true – that the research activity is subject to a setback from sensitive activities where it meets the definition of intensive primary production

11.70.3. I agree with the submitter that education activities associated with the research activity should not be subject to the setback, where the research activity also meets the definition of intensive primary production.

11.71. AgResearch Ltd⁴⁴² also seek that the preclusion from public notification is deleted as this is established under s.95 RMA. I recommend this submission point is rejected as there is unlikely to ever be a need for full notification. The effects relate to potential reverse sensitivity on a specific site and not wider environmental effects.

11.72. The Poultry Industry and Egg Producers and Dairy Holdings Ltd⁴⁴³ seek the rule requirement is retained as notified. As I am recommending amendments, I recommend these submission points are accepted in part.

⁴⁴¹ DPR-0342:020 AgResearch Ltd

⁴⁴² DPR-0342:021 AgResearch Ltd

⁴⁴³ DPR-0043:012 Poultry Industry and Egg Producers, DPR-0372:127 DHL

Recommendations and amendments

11.73. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ10, as set out in **Appendix 2**, as follows:

11.73.1. It is clarified that the setback does not apply to educational activities established on the same site as intensive primary production activity.

11.73.2. It is clarified that the setback does not apply to the expansion of existing sensitive activities.

11.73.3. Amend hardstand to 'areas of paved or otherwise impervious material used to house stock'. (refer also to 'definitions' in Section 7).

11.74. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction

11.75. Four submission points and five further submission points were received on GRUZ-REQ11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	021	Support In Part	Amend the setback for a sensitive activity from a quarry operation (in respect to excavation) from 200m to 500m.
DPR-0033	Davina Louise Penny	FS008	Support In Part	<i>Requests that the distance of the setback be measured from quarry boundary to property boundary. Residential rural properties are larger than township properties, and it is only right and fair any owner / user has access and right to use all their land. Measurements to the notional boundary or dwelling in effect reduce the setback on useable land of their property. A larger setback is requested.</i>
DPR-0207	Selwyn District Council	069	Oppose In Part	Amend as follows: <i>1. The <u>establishment of any new</u> sensitive activity shall be setback to any lawfully established operational mine or quarry post the decision date of this District Plan, or any operational mine or quarry located on any property listed in GRUZ-SCHED1 by: ...</i>
DPR-0415	Fulton Hogan Limited	FS048	Oppose	<i>Disallow the submission.</i>
DPR-0460	Marama Te Wai Ltd	FS033	Support	<i>As per the submission</i>
DPR-0356	Aggregate and Quarry Association	015	Support In Part	Rather than specifying prescribed distances, we believe district plans should allow setback distances to be determined on a case-by-case basis, taking into account environmental effects of quarrying such as noise, dust and vibration etc Refer to original submission for comments outlining what the submitter is trying to achieve at a national level.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone Aggregates	FS001	Support In Part	Accept the submission but Winstone would want to be able to provide comment on any proposed rules.
DPR-0415	Fulton Hogan Limited	012	Oppose In Part	Amend as follows: 1. The sensitive activity shall be setback to any lawfully established, <u>authorised</u> , or operational mine or quarry post the decision date of this District Plan, or any operational mine or quarry located on any property listed in GRUZ-SCHED1 by: a. 200m to any <u>authorised</u> excavation <u>associated with mining, or extracting aggregate</u> ; and b. 500m to any <u>authorised</u> processing area; and c. 500m to any <u>authorised</u> activity that involves blasting. The establishment of residential units, or minor residential units on the same site as the mine or quarry are exempt from this rule requirement. Existing residential units or minor residential units within the specified setback that are rebuilt on their existing site but no closer to the mine or quarry are exempt from this requirement.
DPR-0215	Winstone Aggregates	FS012	Support In Part	Accept the submission in part

Analysis

11.76. Frews Quarries Ltd⁴⁴⁴ seeks that the setback distance from sensitive activities should be rationalised so that excavation and processing requires the same setback (250m) as these generally occur on the same site and the effects considered as part of the operation. I discuss this in relation to a submission point by the submitter (DPR-0122:020) in GRUZ-R21 however recommend this be rejected for reasons previously discussed.

11.77. SDC⁴⁴⁵ are seeking that the rule requirement is clarified so that it relates only to the establishment of any new sensitive activity rather than the expansion of an existing one. I recommend this is accepted for reasons discussed for a similar submission point by the submitter in GRUZ-REQ10 (DPR-0207:068).

11.78. The Aggregate and Quarry Association⁴⁴⁶ submit that rather than prescribed distances, district plans should allow setback distances to be determined on a case by case basis taking into the environmental effects of quarrying. This appears to be more of a philosophical standpoint than seeking specific changes as the submitter supports GRUZ-REQ11. I recommend the submission point is accepted in part to the extent that I recommend that the rule requirement is retained, noting the submitter's preference for an alternative approach.

⁴⁴⁴ DPR-0122:021 Frews Quarries Ltd

⁴⁴⁵ DPR-0207:069 SDC

⁴⁴⁶ DPR-0356:015 Aggregate and Quarry Association

11.79. Fulton Hogan⁴⁴⁷ are seeking the addition of the word ‘authorised’ to each related mineral extraction activity. I discuss this in relation to their submission point in GRUZ-P7 (DPR-415:008) however recommend this be accepted for reasons previously discussed.

Recommendations and amendments

11.80. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-REQ11, as set out in **Appendix 2**, as follows:

11.80.1. Clause 1 is clarified so that it refers to the establishment of new sensitive activities.

11.80.2. The word ‘authorised’ alongside ‘established’ mine or quarry is inserted into clause 1.

11.81. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ12 Airfields and Helicopter Landing Areas Setbacks

11.82. Five submission points and one further submission point was received on GRUZ-REQ12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	002	Support	Retain as notified.
DPR-0297	Clover Hill Charitable Trust	004	Support	Retain as notified.
DPR-0353	HortNZ	273	Oppose In Part	Amend as follows: <i>1. Airfield and helicopter landing areas, <u>other than for use for intermittent rural production activities</u>, shall be located a minimum distance of:</i>
DPR-0422	NCFF	FS062	Support	Allow the submission point
DPR-0422	NCFF	289	Support	Retain, provided the exemption for rural production activities is amended to include not just those who have the landing area on-site (refer to submission point in relation to GRUZ-R28).
DPR-0472	Gourlie Family	002	Oppose	Amend as follows: <i>2. When compliance with any of GRUZ-REQ12.1 is not achieved:</i> DIS <u>NC</u>

Analysis

11.83. HortNZ⁴⁴⁸ seek that there should be an exemption for intermittent use associated with rural production activities. GRUZ-R28, where this rule requirement is triggered, however already excludes aircraft movements and helicopter movements where they are ancillary to rural production and

⁴⁴⁷ DPR-0415:012 Fulton Hogan

⁴⁴⁸ DPR-0353:273 HortNZ

where the landing area/airfield is on the same site from the application of that rule. The rule requirement would therefore not apply to this activity. I therefore recommend this submission point is rejected.

11.84. NCF⁴⁴⁹ seek the retention of this rule requirement, subject to the deletion of the requirement for rural production activities to have the landing area for aircraft/helicopters on the same site as where the activity is taking place. I recommend this is accepted in part to the extent that I recommend the rule requirement is retained and recommended amendments to the note in GRUZ-R28.

11.85. The Gourlie Family⁴⁵⁰ oppose the discretionary activity for GRUZ-REQ12 and seek a non-complying activity. This is on the basis that helicopter operations for rural and commercial use, outside of mining and quarrying, are intrusive and damaging to neighbours. Whilst I appreciate the submitter's concern, it is important to provide for airfields and helicopter landing areas in the rural zone for rural activities where they may have a functional/operational need to locate, noting that a discretionary activity still allows a wide range of effects to be considered. I also note that helicopter landing areas and airfields attached to a commercial use may effectively be assessed as a non-complying activity under GRUZ-R9. I therefore recommend this submission point is rejected.

11.86. Anita Collie⁴⁵¹ and the Clover Hill Charitable Trust⁴⁵² seeks that the rule requirement is retained as notified. As I am not recommending any amendments, I recommend these submission points are accepted.

Recommendations and amendments

11.87. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ12 as notified.

11.88. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ13 Aircraft and Helicopter Movements

11.89. Three submission points and one further submission point was received on GRUZ-REQ13.

⁴⁴⁹ DPR-0422:289 NCF

⁴⁵⁰ DPR-0472:002 Gourlie Family

⁴⁵¹ DPR-0198:002 Anita Collie

⁴⁵² DPR-0297:004 Clover Hill Charitable Trust

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	003	Support	Retain as notified.
DPR-0297	Clover Hill Charitable Trust	005	Oppose	Delete as notified
DPR-0353	HortNZ	275	Oppose In Part	Amend as follows: <i>1. Other than for use for intermittent rural production activities, there shall be no more than four aircraft movements and/or helicopter movements per day and twenty aircraft movements and/or helicopter movements per week.</i>
DPR-0422	NCCF	FS063	Support	Allow the submission point

Analysis

11.90. HortNZ⁴⁵³ seek that this rule requirement exclude intermittent uses for rural production purposes. I recommend this submission point is rejected as repetition is unnecessary as this is clear already from reading GRUZ-R28.

11.91. Clover Hill Charitable Trust⁴⁵⁴ seek that GRUZ-REQ13 is deleted. I discuss this more fully in GRUZ-R28 however I recommend that the reference to 20 aircraft movements a week limit is deleted and four aircraft movements a day is retained. I therefore recommend this submission point is accepted in part.

11.92. Anita Collie⁴⁵⁵ seeks the rule is retained as notified. As I am recommending amendments, I recommend this submission point is accepted in part.

Recommendations and amendments

11.93. I recommended for the reasons given above, that the Hearings Panel amend GRUZ-REQ13, as set out in **Appendix 2**, to delete the limit of 20 aircraft a week.

11.94. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ14 Aircraft and Helicopter Movement Hours of Operation

11.95. Three submission points were received on GRUZ-REQ14.

⁴⁵³ DPR-0353:275 HortNZ

⁴⁵⁴ DPR-0297:005 Clover Hill Charitable Trust

⁴⁵⁵ DPR-0198:003 Anita Collie

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	004	Support	Retain as notified.
DPR-0353	HortNZ	276	Oppose In Part	Amend as follows: <i>1. Other than for use for intermittent rural production activities, any any aircraft movement or helicopter movement shall occur only between the hours of 0700 and 1900.</i>
DPR-0422	NCFF	290	Neither Support Nor Oppose	Amend as follows:.... <i>N.B. Aircraft movements and/or helicopter movements for purposes ancillary to rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, undertaken on the same site as the site of the helicopter landing areas and/or airfield are exempt from rule requirements</i>

Analysis

11.96. NCFF⁴⁵⁶ seek that the note excluding aircraft movements in association with rural production movements from the rule requirement be included here for clarity. HortNZ⁴⁵⁷ seek that this rule requirement exclude intermittent uses for rural production purposes. I recommend this submission point is rejected as repetition is unnecessary as this is clear already from reading GRUZ-R28.

11.97. Anita Collie⁴⁵⁸ seeks the rule is retained as notified. As I am not recommending amendments, I recommend this submission point is accepted.

Recommendations and amendments

11.98. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ14 as notified.

11.99. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ15 Flight Log

11.100. Three submission points were received on GRUZ-REQ15.

⁴⁵⁶ DPR-0422:290 NCFF

⁴⁵⁷ DPR-0353:276 HortNZ

⁴⁵⁸ DPR-0198:004 Anita Collie

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0198	Anita Collie	005	Support	Retain as notified.
DPR-0353	HortNZ	278	Support	Retain as notified
DPR-0422	NCFF	291	Neither Support Nor Oppose	Amend as follows:.... <i>N.B. Aircraft movements and/or helicopter movements for purposes ancillary to rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, undertaken on the same site as the site of the helicopter landing areas and/or airfield are exempt from rule requirements</i>

Analysis

11.101. NCFF⁴⁵⁹ seek that the note excluding aircraft movements in association with rural production movements from the rule requirement be included here for clarity. I recommend this submission point is rejected as repetition is unnecessary as this is clear already from reading GRUZ-R28.

11.102. Anita Collie and HortNZ⁴⁶⁰ seek the rule is retained as notified. As I am not recommending amendments, I recommend these submission points are accepted.

Recommendations and amendments

11.103. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ15 as notified.

11.104. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-REQ16 Planting and Structure Height Restriction – Springfield Airfield

11.105. One submission point was received on GRUZ-REQ16.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0297	Clover Hill Charitable Trust	006	Support	Retain as notified

Analysis

⁴⁵⁹ DPR-0422:291 NCFF

⁴⁶⁰ DPR-0198:005 Anita Collie, DPR-0353:278 HortNZ

11.106. Clover Hill Charitable Trust⁴⁶¹ seek that GRUZ-REQ16 is retained as notified. As no amendments have been sought, I recommend this submission point is accepted.

Recommendations and amendments

11.107. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-REQ16 as notified.

11.108. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Rule Requirement - New

11.109. One submission point and one further submission point was received on new rule requirements in GRUZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0359	FENZ	065	New	Oppose In Part	Add a new rule requirement to require habitable buildings to have a connection to firefighting water supply in accordance with SNZ PAS 4509:2008, and any consequential amendments.
DPR-0212	ESAI	FS082	New	Oppose	Disallow in full

Analysis

11.110. FENZ⁴⁶² seek that new habitable buildings in the rural zone are required to be connected to a secure water source suitable for firefighting in accordance with SNZ PAS 4509:2008 (New Zealand Fire Service Firefighting Water Supplies Code of Practice). As drafted, the PDP requires new subdivision to demonstrate a secure supply of water for firefighting purposes however this does not apply to new dwellings created on existing subdivided lots.

11.111. The code of practice applies to urban fire districts and is also intended to apply as a general guide outside of urban districts. Whilst the code of practice is referred to in the PDP, it is not mandatory to comply with it for the purposes of demonstrating that a secure supply of water is available for firefighting. However it provides a sound basis for assessing compliance with subdivision rules through SUB-MAT5, particularly in urban areas.

11.112. I recommend the submission point is rejected for the following reasons:

⁴⁶¹ DPR-0297:006 Clover Hill Charitable Trust

⁴⁶² DPR-0359:065 FENZ

11.112.1. The requirement to have a secure supply of water suitable for firefighting would require either large water tanks (40,000 litres) or water races with the necessary fixtures. This is quite onerous, particularly as rural house are typically located some distance away from other houses and therefore there is a reduced risk of spread to other properties.

11.112.2. There is an element of personal responsibility given that the ultimate effect is on the home owner. The PDP does not preclude the ability for home owners to provide a water tank if they wish. A home owner for example may choose to provide a water tank for firefighting purposes as a way of lowering insurance premiums.

Recommendations and amendments

11.113. I recommend for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.

11.114. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12. Matters for Control or Discretion

GRUZ-MAT1 Height

12.1. Three submission points and two further submission points were received on GRUZ-MAT1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0101	Chorus, Spark and Vodafone	045	Oppose	Insert matters of control or discretion to each zone requiring consideration of any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded by more than 2m and do not include any rules on notification in the Proposed Plan that preclude consideration of important infrastructure as affected parties under s95E of the RMA where resource consent to exceed height limits is required.
<i>DPR-0353</i>	<i>HortNZ</i>	<i>FS151</i>	<i>Oppose</i>	<i>Reject</i>
<i>DPR-0414</i>	<i>Kāinga Ora</i>	<i>FS104</i>	<i>Oppose</i>	<i>Not Specified</i>
DPR-0372	DHL	128	Neither Support Nor Oppose	Retain as notified
DPR-0441	Trustpower	150	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

- 12.2. Chorus, Spark and Vodafone⁴⁶³ seek that matters of control and discretion are inserted into each zone requiring consideration of any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded by 2m and not to preclude notification to owners of important infrastructure where resource consent to exceed a height limit is required.
- 12.3. I note that this matter was addressed (as it relates to residential zones) through the Officer's Right of Reply Report in the Energy and Infrastructure Chapter (paras 2.75-2.79). I tend to agree with their reasoning not to support the proposed change and identified issues with drafting such a provision including the lack of a need to apply such a provision to all 'important infrastructure'.
- 12.4. In the context of GRUZ, the surrounding environment is different to urban areas. Whilst the maximum permitted heights are 9m for any dwelling, 12m for any non-habitable building and 25m for any silo, a telecommunication tower under EI-19.5(a)(iii) in GRUZ can be up to 35m in height if utilised by a single operator or up to 40m if utilised by multiple operators. Overall, it is less likely that reverse sensitivity would be an issue due to spacious nature of GRUZ with fewer structure and buildings to cause reverse sensitivity effects on telecommunications infrastructure. I also note that in GRUZ, telecommunications infrastructure often shares assets with electricity lines companies. This means that they would benefit from reverse sensitivity triggers in the EI Chapter and, outside of the PDP, the NZ Code of Practice for Electrical Safe Distance.
- 12.5. I note that the right of reply report suggested the matter of discretion '*where height limits are exceeded by more than 2m, the outcome of any consultation with the provider of any telecommunication facility within 30m of the site boundary*' if the panel were minded to include a clause. Given the different characteristics of GRUZ and much larger site sizes, reference to the site boundary is likely to be too onerous and instead, were a similar matter to be included in GRUZ, reference should instead be made to the edge/façade of the building/structure.
- 12.6. Overall however, I do not consider the proposed amendment is required and recommend the submission point is rejected.
- 12.7. DHL⁴⁶⁴ and Trustpower Ltd⁴⁶⁵ seek that the GRUZ-MAT1 is retained as notified. I am not recommending any amendments and therefore recommend the submission points are accepted.

Recommendations and amendments

- 12.8. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-MAT1 as notified.

⁴⁶³ DPR-0101:045 Chorus, Spark and Vodafone

⁴⁶⁴ DPR-0372:128 DHL

⁴⁶⁵ DPR-0441:150 Trustpower Ltd

12.9. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-MAT2 Building Coverage

12.10. Three submission points and two further submission points were received on GRUZ-MAT2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	279	Oppose In Part	Delete as notified and replace with: <u>1. Effects on the function and form, character, and amenity value of rural areas.</u>
DPR-0142	NZ Pork	FS038	Support	Allow in full
DPR-0422	NCCF	FS055	Support	Allow the submission point
DPR-0372	DHL	129	Neither Support Nor Oppose	Retain as notified
DPR-0441	Trustpower	151	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

12.11. HortNZ⁴⁶⁶ seek that GRUZ-MAT2.1 is replaced with ‘effects on the function and form, character and amenity value of rural areas’ as the proposed wording on streetscape is an urban reference and the matter should reflect the nature of the zone and its objectives. I recommend this submission point is accepted in part as I agree with the submitter that streetscape is less important in the rural area and should be deleted however the rest of GRUZ-MAT2.1 I believe remains relevant

12.12. DHL⁴⁶⁷ and Trustpower Ltd⁴⁶⁸ seek that the GRUZ-MAT2 is retained as notified. I am recommending an amendment and therefore recommend the submission points are accepted in part.

Recommendations and amendments

12.13. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-MAT2.1, as set out in **Appendix 2**, to delete the reference to streetscape.

12.14. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴⁶⁶ DPR-0353:279 HortNZ

⁴⁶⁷ DPR-0372:129 DHL

⁴⁶⁸ DPR-0441:151 Trustpower Ltd

GRUZ-MAT3 Internal Boundary Setback

12.15. Three submission points and three further submission points were received on GRUZ-MAT3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	281	Oppose In Part	Amend as follows: <i>7. The extent to which the reduced setback will cause or exacerbate reverse sensitivity effects with adjoining rural activities, <u>whether reverse sensitivity effects can be avoided and whether the operation of primary production will be compromised</u></i>
DPR-0142	NZ Pork	FS040	Support	Allow in full
DPR-0215	Winstone Aggregates	FS008	Support	Accept the submission.
DPR-0422	NCCF	FS056	Support	Allow the submission point
DPR-0372	DHL	130	Neither Support Nor Oppose	Retain as notified
DPR-0441	Trustpower	152	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

12.16. HortNZ⁴⁶⁹ oppose GRUZ-MAT3.7 on the basis that reverse sensitivity is a critical matter of discretion and should link back to the policy direction seeking to avoid reverse sensitivity on primary production. They propose alternative wording to GRUZ-MAT3.7 to address this concern. Whilst I appreciate the submitter's concerns, the current wording is consistent with the objective for the zone. Moreover, I do not believe the wording is necessary as plan users will be guided by the policies in GRUZ which indicate what effects may be tolerable. I therefore recommend the submission point is rejected.

12.17. DHL⁴⁷⁰ and Trustpower Ltd⁴⁷¹ are seeking that GRUZ-MAT3 is retained as notified. I am not recommending any amendments and therefore recommend the submission points are accepted.

Recommendations and amendments

12.18. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-MAT3 as notified.

12.19. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴⁶⁹ DPR-0353:281 HortNZ

⁴⁷⁰ DPR-0372:130 DHL

⁴⁷¹ DPR-0441:152 Trustpower Ltd

GRUZ-MAT4 Road Boundary Setback

12.20. Three submission points were received on GRUZ-MAT4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	DHL	131	Neither Support Nor Oppose	Retain as notified
DPR-0375	Waka Kotahi	190	Support In Part	Amend as follows <i>Any potential effect on the safety, and efficiency and effectiveness of the adjoining road network.</i> <i>7. The extent to which the reduced setback will cause or exacerbate reverse sensitivity effects with adjoining the transport network.</i>
DPR-0441	Trustpower	153	Support In Part	Retain as notified provided that the rule and consequential requirements remain excluded from consideration in EI-R29.

Analysis

12.21. Waka Kotahi⁴⁷² seek a change to GRUZ-MAT4 to amend clause 1 to include 'effectiveness' alongside efficiency and safety to align with the Government Policy Statement on Land Transport Funding. I recommend this submission point is accepted in part, consistent with the recommended addition of 'effectiveness' in a similar way in the Transport Chapter. The submitter is also seeking a new clause to better account for reverse sensitivity effects on the transport network where setbacks are breached. I do not believe such a clause is required as the safety and efficiency (and potentially 'effectiveness') of the road network is already included in clause 1 and this is broad enough to consider reverse sensitivity effects.

12.22. DHL⁴⁷³ and Trustpower Ltd⁴⁷⁴ seek that the GRUZ-MAT4 is retained as notified. I am recommending an amendment and therefore recommend the submission points are accepted in part.

Recommendations and amendments

12.23. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-MAT4.1, as set out in **Appendix 2**, to include 'effectiveness'.

12.24. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴⁷² DPR-0375:190 Waka Kotahi

⁴⁷³ DPR-0372:131 DHL

⁴⁷⁴ DPR-0441:153 Trustpower Ltd

GRUZ-MAT5 Height in Relation to Boundary

12.25. Two submission points were received on GRUZ-MAT5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	282	Oppose	Delete as notified.
DPR-0372	DHL	132	Neither Support Nor Oppose	Retain as notified

Analysis

12.26. HortNZ⁴⁷⁵ oppose GRUZ-MAT5 on the basis that in the rural area, height in relation to boundary is not a relevant consideration. I am recommending that if a 30m setback for residential units from the internal boundary of a site and 10-20m from a road boundary is adopted (under GRUZ-REQ4 and as a consequence of recommendations made by the author of the S42a report for the Natural Hazards Chapter) then the height in relation to boundary requirements are deleted as they apply to residential units. However for other structures and buildings, the setback distances are recommended to remain the same and therefore the utility of a height to boundary ratio rule remains. I therefore recommend the submission point is rejected.

12.27. DHL⁴⁷⁶ seek that GRUZ-MAT5 is retained as notified. I am not recommending any amendments and therefore recommend the submission point is accepted.

Recommendations and amendments

12.28. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-MAT5 as notified.

12.29. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Matter - New

12.30. One submission point was received on a new matter in GRUZ.

⁴⁷⁵ DPR-0353:282 HortNZ

⁴⁷⁶ DPR-0372:132 DHL

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0141	Waihora Clay Target Club Inc	002	New	Oppose In Part	Insert additional assessment matters to support the requested change to the policy framework (as in point DPR-0141/001).

Analysis

12.31. Waihora Clay Target Club⁴⁷⁷ seek that new assessment matters are inserted into GRUZ to give effect to their primary relief which is to recognise the importance of community activities that are located in GRUZ, such as the Club. Whilst I agree that there is a policy gap in terms of providing for community activities that may need to locate in GRUZ, the submission does not identify the matters of control or discretion that they wish to see included. Without this specificity, it is difficult to assess their merits given the wide range of possible community activities that they must cover. I therefore recommend this submission point is rejected.

Recommendations and amendments

12.32. I recommend for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.

12.33. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13. Schedules

GRUZ-SCHED1 Mineral Extraction Sites Subject to a Reverse Sensitivity Buffer

13.1. Four submission points were received on GRUZ-SCHED1.

⁴⁷⁷ DPR-0141:002 Waihora Clay Target Club

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0122	Frews Quarries Ltd	022	Support In Part	Amend the legal description of the quarry at Plantation Road, Hororata in GRUZ-SCHED1 to Lots 1 and 2 DP 459187, RS28998, RS31458.
DPR-0215	Winstone Aggregates	062	Support	Retain as notified
DPR-0415	Fulton Hogan Limited	021	Oppose In Part	Amend the title of Schedule 1: GRUZ-SCHED1- Mineral Extraction Sites Subject to a Reverse Sensitivity Buffer
DPR-0415	Fulton Hogan Limited	022	Oppose In Part	Add to GRUZ-SCHED1: Roydon Quarry located at 107 Dawsons Road and 220 Jones Road

Analysis

- 13.2. Frews Quarries Ltd⁴⁷⁸ seek an amendment to the legal description of the quarry at Plantation Road, Hororata in GRUZ-SCHED1 to include land subject to a resource consent that is presently being processed by Council to expand the quarry. At the time of writing the resource consent is on hold. Until a decision is made on the resource consent it would be premature to include the full site area requested in GRUZ-SCHED1. I therefore recommend this submission point is rejected at this time.
- 13.3. Fulton Hogan Ltd⁴⁷⁹ seek that the wording referring to a ‘reverse sensitivity buffer’ is deleted and more neutral terminology is used. I recommend that the submission point is accepted in part and ‘reverse sensitivity buffer’ is replaced with ‘sensitive activity setback’ as this is consistent with the wording of GRUZ-REQ11. ‘.
- 13.4. Fulton Hogan Ltd⁴⁸⁰ seek that Roydon Quarry located at Dawson’s and Jones Road be included in GRUZ-SCHED1 as the resource consent has been approved (but is subject to the appeal process). At the time of writing, the appeal has now been resolved to the extent that resource consent for the quarry has been confirmed by the Environment Court. I therefore recommend the submission point is accepted.
- 13.5. Winstone Aggregates⁴⁸¹ seek that GRUZ-SCHED1 is retained as notified. As I am recommending an amendment, I recommend this submission point is accepted in part.

Recommendations and amendments

- 13.6. I recommend for the reasons given above, that the Hearings Panel amend GRUZ-SCHED1, as set out in **Appendix 2**:
- 13.6.1. so that ‘reverse sensitivity buffer’ is changed to ‘sensitive activity setback’.

⁴⁷⁸ DPR-0122:022 Frews Quarries Ltd

⁴⁷⁹ DPR-0415:021 Fulton Hogan Ltd

⁴⁸⁰ DPR-0415:022 Fulton Hogan Ltd

⁴⁸¹ DPR-0215:062 Winstone Aggregates

13.6.2. so that Roydon Quarry is added to the list of quarries for which the setback applies.

13.7. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

GRUZ-SCHED2 Residential Density – Specific Control Areas

13.8. 22 submission points and 20 further submission points were received on GRUZ-SCHED2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0044	Xiaojiang Chen	001	Oppose	Amend the zone of the Subject Area, including 330 Trents Road (Lot 1 DP 42643 BLK XIII Christchurch SD), into a Specific Control Area (lot sizes 2000-5000sqm) in the GRUZ-SCHED2.
<i>DPR-0032</i>	<i>CCC</i>	<i>FS090</i>	<i>Oppose</i>	<i>Oppose submission.</i>
<i>DPR-0206</i>	<i>Urban Holdings Limited, Suburban Estates Limited & Cairnbrae Developments Limited</i>	<i>FS004</i>	<i>Support</i>	<i>Allow in relation to Shands Road properties</i>
<i>DPR-0375</i>	<i>Waka Kotahi</i>	<i>FS245</i>	<i>Oppose</i>	<i>Further consideration is given to the submission prior to determining whether an increased density is appropriate.</i>
<i>DPR-0400</i>	<i>S J Shamy</i>	<i>FS001</i>	<i>Oppose In Part</i>	<i>The submission be rejected, as the Further Submitter's preferred outcome; or, in the alternative and as less preferred relief, that the Further Submitter's land received equivalent treatment.</i>
<i>DPR-0510</i>	<i>Greg Tod</i>	<i>FS001</i>	<i>Support</i>	<i>That the council support that the section size be no less than 5000 square meters to ensure the enhancement of the environment and to retain the rural aspect of the area.</i>
DPR-0048	Brian Thompson & Helen Davey	001	Oppose	Not specified.
DPR-0082	Andrew & Justine Marshall	001	Oppose	Amend underlying residential density requirement to 40 ha minimum size (as it presently is in the operative district plan).
DPR-0104	Lukas Travnicek	002	Oppose	Amend to increase size limit of one dwelling to 120 ha. in high country.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS006</i>	<i>Oppose</i>	<i>Disallow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS554</i>	<i>Oppose</i>	<i>Reject the submission</i>
DPR-0105	Stephen & Janet Harris	001	Oppose In Part	Amend the building density of West Plains and Foothills (SCA-RD3) in GRUZ-SCHED2 from one dwelling per 40ha to one dwelling per 20ha.
DPR-0111	Brian E Pegler	001	Oppose	Amend to enable subdivision of 10 hectare block at 106 Karanga Road (which appears to be LOT 35 DP 63633 BLK II SELWYN SD), Dunsandel, into two 5 hectare blocks.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0144	Mt Algidus Station, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Stations (The Stations)	004	Oppose In Part	Remove the density provisions from applying in building nodes. Amend GRUZ-SCHED2 as follows: Specific Control Area SCE-RD - High Country/ Kā Tiritiri o Te Moana excluding building nodes. Minimum size of a site (per residential unit): 120ha
DPR-0301	UWRG	FS019	Oppose	Disallow in full
DPR-0407	Forest & Bird	FS624	Oppose	Reject the submissions
DPR-0156	Peter Stafford	002	Support In Part	Amend SCA-RD10 – Edendale so that the 5000m2 is a minimum average site size.
DPR-0163	Mikyung Jang	002	Neither Support Nor Oppose	Amend plan to include a rule to reduce the minimum lot size for the Inner Plains zones from 4ha to 1ha within 1km of Lincoln Township.
DPR-0209	Manmeet Singh	FS076	Oppose In Part	In the event that the GRZ sought by my submission (209) is not successful, then lower density residential zoning is appropriate but with an average lot size of around 2000m2 , min 1000m2 , not 1 ha lots.
DPR-0375	Waka Kotahi	FS246	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.
DPR-0164	Inwha Jung	002	Neither Support Nor Oppose	Amend plan to include a rule to reduce the minimum lot size for the Inner Plains zones from 4ha to 1ha within 1km of Lincoln Township
DPR-0209	Manmeet Singh	FS078	Oppose In Part	Reject in part
DPR-0375	Waka Kotahi	FS247	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.
DPR-0184	Mike Ransome	001	Oppose	Amend to remove the 40ha minimum site size for SCA-RD3.
DPR-0375	Waka Kotahi	FS250	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.
DPR-0205	Lincoln University	031	Support	Retain SCA-RD2 as shown on the planning maps.
DPR-0205	Lincoln University	032	Support	Retain the minimum site size/density standard of 20ha in SCA-RD2.
DPR-0213	Plant and Food and Landcare	019	Support	Retain the minimum site size/density standard of 20ha in SCA-RD2

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0214	Ahuriri Farm & The Graham Family	001	Oppose In Part	Retain or amend the residential density requirements as follows: Inner Plains - Banks Peninsula VAL below 60m - Retain current density as notified; Inner Plains - Banks Peninsula ONL - Do not increase from the current density of one dwelling per four hectares to one dwelling per 100 hectares; Port Hills Lower Slopes - Banks Peninsula VAL above 60m - Retain current density as notified; Port Hills Lower Slopes - Banks Peninsula ONL - Do not increase the current density of one dwelling per 40 hectares to one dwelling per 100 hectares; Port Hills Upper Slopes - Banks Peninsula VAL above 60m - Retain current density as notified; Port Hills Upper Slopes - Banks Peninsula ONL - Retain current density as notified.
DPR-0422	NCCF	FS183	Support	Allow the submission point.
DPR-0313	Glen McDonald	001	Support	Amend, so existing 4ha blocks can be subdivided down as in keeping with other districts.
DPR-0375	Waka Kotahi	FS251	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.
DPR-0353	HortNZ	283	Oppose	Delete SCA-RD8 – SCA-RD18 from General Rural Zone and locate in a specific Rural Lifestyle Zone, and all other consequential amendments required to achieve this.
DPR-0156	Peter Stafford	FS008	Support	Allow the submission
DPR-0588	Michael House	FS019	Support	The PDP to be amended as requested by the submission
DPR-0370	Fonterra	085	Support	Retain as notified
DPR-0209	Manmeet Singh	FS817	Oppose In Part	Reject submission in part
DPR-0371	CIAL	086	Support	Retain as notified
DPR-0353	HortNZ	FS145	Oppose	Reject
DPR-0387	Hugh & Thomas Macartney & Families	001	Oppose	Request that Council halt the progression of these changes until further discussion occurs with landowners. If the Council are determined to make these changes then consider using transferable development rights which are in use in some areas.
DPR-0442	Castle Hill Community Association Inc.	003	Support	Retain as notified
DPR-0453	LPC	078	Support	Retain as notified

Analysis

13.9. Xiaojiang Chen⁴⁸² seeks that the property at 330 Trents Road near Prebbleton (Lot1 DP 42643 BLK XIII Christchurch SD) and the surrounding area (Shands to Springs Road and Trents and Hamptons Road excluding existing urban development areas) is amended to a Specific Control Area that enables lot sizes between 2000-5000sqm. I recommend this submission is rejected on the basis that this would be inconsistent with the CRPS, namely that this would enable lots on sites at a lower density of one household per four hectares in GRUZ (which is defined as an urban activity and under the CRPS Policy 6.3.1 this must occur in identified growth areas or existing urban areas in Greater Christchurch).

⁴⁸² DPR-0044:001 Xiaojiang Chen

13.10. Brian Thompson and Helen Davey⁴⁸³, Stephen and Janet Harris⁴⁸⁴ and Mike Ransome⁴⁸⁵ oppose the amended density standards of 40ha from 20ha in SCA-RD3 – West Plains and Foothills on the basis this will reduce land value, penalise rural communities, force more homes to be built on highly productive land, existing densities in the Malvern Hills are sufficient to manage character and the process lacked consultation. I recommend these submission points are rejected for the following reasons:

13.10.1. Consistent with my recommendations for similar relief under GRUZ-R4, GRUZ is a zone where the primary purpose is for rural production. Reducing the density of development in the already less developed western Outer Plains will reduce the risk of reverse sensitivity triggers and reduce the potential for land fragmentation. The increase in density also recognises that 40ha is likely to be a more economical farming unit in this area as per the findings of the Macfarlane report (the retention of 20ha in the eastern Outer Plains is a compromise, recognising the degree of existing fragmentation and future potential for the economic viability of smaller farming blocks).

13.10.2. A grandfather clause is being provided under GRUZ-R4 to reduce the economic cost for those with sites that will become undersized in this area (SCA-RD3) under the changes in density.

13.11. Andrew and Justine Marshall⁴⁸⁶ oppose the density standards of 100ha at 8/108 Holmes Road, Tai Tapu (Lot 1 DP 486188) and seek that it remain at 40ha as in the Operative District Plan. I recommend this submission point is accepted for reasons discussed in GRUZ-R4 for a similar submission point.

13.12. Ahuriri Farm and the Graham Family⁴⁸⁷ own significant landholdings near Tai Tapu and are affected by the proposed removal of grandfather clause rights and changes to the proposed ONL and VAL classifications and density restrictions. They are seeking that grandfather clauses are retained as per the Operative District Plan and that more restrictive density requirements are removed (where one dwelling per 100ha is required in the Port Hills ONL). I recommend this submission point is accepted in part to the extent that I am recommending, as a result of the Marshall submission, a grandfather clause apply to land within ONL between the 60-160m contours at one dwelling to 40ha. I do not agree however with retaining historic grandfather clause rights as discussed in GRUZ-R4 for a similar point made by the submitter.

13.13. Hugh & Thomas Macartney & Families⁴⁸⁸ oppose the change in density rules in the Port Hills ONL and request that Council seek further discussion with landowners and consider the use of transferable development rights. I recommend this submission point is rejected. Whilst I agree that transferable development rights may be appropriate in certain situations (for example where

⁴⁸³ DPR-0048:001 Brian Thompson and Helen Davey

⁴⁸⁴ DPR-0105:001 Stephen and Janet Harris

⁴⁸⁵ DPR-0184:001 Mike Ransome

⁴⁸⁶ DPR-0082:001 Andrew and Justine Marshall

⁴⁸⁷ DPR-0214:001 Ahuriri Farm and the Graham Family

⁴⁸⁸ DPR-0387:001 Hugh and Thomas Macartney and Families

environmental enhancements are proposed), the process is quite complicated and further work would need to be undertaken before such an approach is utilised in the PDP.

13.14. Brian E Pegler⁴⁸⁹ seeks that land at 106 Karanga Road, Dunsandel (Lot 35 DP 63633 BLK II Selwyn SD) be able to be subdivided from 10ha into 5ha blocks. I recommend this is rejected for the following reasons:

13.14.1. There are a number of properties on Karanga Road that form 10ha blocks. These blocks, mostly developed, are substantially smaller than the surrounding land parcels however are not subject to a bespoke rural density specific control area.

13.14.2. Further development rights for a specific site would set a precedent for the subdivision of other lots on Karanga Road and the rest of the District that are already undersized for the area they are located in. This could cumulatively undermine the productive capacity of the General Rural Zone.

13.15. Lukas Travnicek⁴⁹⁰ considers that as staff are required to live on site at high country stations due to remoteness, housing needs to be provided. The submitter refers to the current clustering rule in the Operative District Plan (Rule 3.10.3.6 Rural Chapter) which allows up to five dwellings as a restricted discretionary activity even if density requirements are not met, provided a balance area is offered. The Stations⁴⁹¹ are seeking that density provisions do not apply to building nodes. The submitter states that due to the remoteness of the Stations, there is a low risk of demand for new dwellings other than for owners and workers and for limited visitor accommodation. Further, high country stations often have numerous titles and leasehold land which cannot be taken into account in applying these density controls. This is in contrast to where density limits are typically applied – on farms in a single freehold title. I recommend these submission points are accepted in part for the following reasons:

13.15.1. I am recommending, as a response to submission points by HortNZ, that worker accommodation is a permitted activity. This would apply in this context, provided other rule and rule requirements are met (for example requiring to be located in a building node under the rules in the NFL Chapter).

13.15.2. I agree with the submitters that if development is to occur in the high country, most of which is ONFL or VAL, it would be preferable that this was to take place in a building node rather than scattered around the landscape. Under the Operative District Plan and the PDP, balance land can be set aside to meet the minimum density requirements. This could apply to the submitters' properties, if suitable balance land is available, and I consider that it is appropriate to still require this in the high country. I acknowledge the point that there may be complicating landholding and tenure arrangements that require more flexibility in meeting balance land

⁴⁸⁹ DPR-0111:001 Brian E Pegler

⁴⁹⁰ DPR-0104:002 Luka Travnicek

⁴⁹¹ DPR-0144:004 The Stations

requirements unique to the high country. I therefore recommend that the requirement for the balance land to adjoin the undersized site along 50% of the site boundary in GRUZ-R5 be removed for land in SCA-RD7, provided any new residential units on the undersized site are located within an existing building node, where one exists. This would give landowners more flexibility in applying the balance land requirements.

13.16. Peter Stafford⁴⁹² seeks that SCA-RD10 (Edendale) is amended so that 5000sqm is a minimum average lot size rather than an absolute minimum. The submitter is also seeking a change to SUB-REQ5 to specify that four new sites remaining for the development can only be created on Lot 9 DP 309872 and Lot 17 DP 411848 to enable a total of 57 lots to be developed within the SCA. The amendment to SCA-RD10 in GRUZ-SCHED2 is intended to facilitate this development. I recommend that the submission point as it relates to GRUZ-SCHED2 is rejected for the following reasons:

13.16.1. The Operative District Plan allows development in this part of SCA-RD10 to 5000m², but the majority of the SCA-RD10 area requires a minimum site size of 1ha. The PDP extends the 5000sqm minimum to the whole of SCA-RD10, thereby creating a development opportunity for other sites (there are several in Edendale that are over 1ha).

13.16.2. The effect of the change sought would be to prevent this development opportunity for other landowners and apply flexibility to the benefiting landowner of Lot 9 DP 309872 and Lot 17 DP 411848 to enable the remaining four lots to be accommodated.

13.16.3. Within a single zone or overlay, it is not the role of the PDP to prioritise development for one landowner over another with an equally complying site, and so I recommend that the submission point be rejected.

13.17. Mikyung Jang⁴⁹³ and Inwha Jung⁴⁹⁴ are seeking that the PDP is amended to include a rule to reduce minimum lot size for the Inner Plains zones from 4ha to 1ha within 1km of Lincoln Township. The submitter states that in 2003, the District Plan had a 1km rule where subdivision into 1ha lots was possible as a discretionary activity and this accounts for how several other properties on Allendale Lane were able to be subdivided into 1ha lots. I recommend these submissions are rejected for the following reasons:

13.17.1. A rule was proposed in the Operative District Plan (prior to decisions) that would have enabled development within 1km of townships at a size of 1ha per dwelling. The decisions version of the Operative District Plan did not include this rule and neither did the final notified version as a number of issues were identified with its implementation that would have made it impracticable.

13.17.2. In any case, this would now be inconsistent with the CRPS, namely that this would enable lots on sites at a lower density of one household per four hectares in GRUZ (which is defined as an urban

⁴⁹² DPR-0156:002 Peter Stafford

⁴⁹³ DPR-0163:002 Mikyung Jang

⁴⁹⁴ DPR-0164:002 Inwha Jung

activity and under the CRPS Policy 6.3.1 this must occur in identified growth areas or existing urban areas in Greater Christchurch).

13.18. Glen McDonald⁴⁹⁵ lives in the Outer Plains (SCA-RD2) and wishes to subdivide down to 2ha blocks. The submitter seeks that rural density is amended to enable subdivision below 4ha. I recommend this submission point is rejected on the basis that this is inconsistent with the CRPS, namely that this would enable lots on sites at a lower density of one household per four hectares in the GRUZ (Policy 6.3.1 to the extent that the area of Greater Christchurch also includes the Outer Plains). I also note that 20ha is the proposed minimum lot size in SCA-RD2.

13.19. Lincoln University⁴⁹⁶ and Plant and Food and Landcare⁴⁹⁷ seek that the minimum site size/density of 20ha in SCA-RD2 is retained as notified (Lincoln University also seeks SCA-RD2 is retained as notified as mapped). I recommend these submission points are accepted as I am not recommending any changes to the minimum site size/density in SCA-RD2 or mapping (refer also to Section 14 below).

13.20. Fonterra⁴⁹⁸ and LPC⁴⁹⁹ support the minimum residential density standards and seek they are retained as notified. I recommend these submission points are accepted in part as I am recommending a change to SCA-RD6 in respect to grandfather clause rights.

13.21. CIAL⁵⁰⁰ supports the minimum residential density standards applying to SCA-RD1 and SCA-RD9 and seek that they are retained. Castle Hill Community Association Inc.⁵⁰¹ support the minimum residential density standards applied to SCA-RD7 and seek that they are retained. I recommend both submission points are accepted as I am not recommending any changes to the minimum site size/density in SCA-RD1, SCA-RD7 or SCA-RD9.

Recommendations and amendments

13.22. I recommend for the reasons given above, that the Hearings Panel retain GRUZ-SCHED2 as notified.

13.23. I recommend that GRUZ-R5 is amended, as set out in **Appendix 2**, to exclude SCA-RD7 from the requirement of having balance land along 50% of the boundary of the site where the residential unit is to be located.

13.24. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴⁹⁵ DPR-0313:001 Glen McDonald

⁴⁹⁶ DPR-0205:031 and 032 Lincoln University

⁴⁹⁷ DPR-0213:019 Plant and Food and Landcare

⁴⁹⁸ DPR-0370:085 Fonterra

⁴⁹⁹ DPR-0453:078 LPC

⁵⁰⁰ DPR-0371:086 CIAL

⁵⁰¹ DPR-0442-003 Castle Hill Community Association Inc

14. Maps

Rural Density

14.1. 18 submission points and 26 further submission points were received on the rural density – mapping layers.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0150	Barry Moir	001	Oppose In Part	Amend 828 Ellesmere Road (legally described as RURAL SEC 17202 38995 38996 PT RURAL SEC 10139 10399 10644 BLK V HALSWELL SDC/T' S 649/98 4B/749 24A/932 24A/954 37B/526) to a density that is more compatible with surrounding densities as the reason for the original density is no longer apparent. Considers the site would suit the Inner Plains (SCA-RD1) density requirement better as a minimum, given that all land to the east of Ellesmere Road is designated as such.
DPR-0209	Manmeet Singh	FS073	Support In Part	Accept submissions in part
DPR-0384	RIDL	FS298	Support	Adopt
DPR-0392	CSI Property Limited	FS019	Oppose	Reject
DPR-0166	Saunders Family Trust	001	Oppose In Part	Amend the boundary between Inner and East Plains at West Melton/Halkett by extending the Inner Plains boundary north from Sharps Rd over Halkett Rd, through to the Old West Coast Rd.
DPR-0375	Waka Kotahi	FS248	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.
DPR-0182	Joshua Thomas	001	Oppose In Part	Amend the location of the boundary line on the planning map between Specific Control Area RD4 and RD5 to the correct elevation contour of 60m.
DPR-0207	Selwyn District Council	103	Oppose In Part	Amend the SCA-RD2/3 boundary in the vicinity of Moirs Lane, Lincoln to reflect the residential density standards under the Operative District Plan.
DPR-0209	Manmeet Singh	FS081	Oppose In Part	Reject the submission point in so far as the properties listed in the original submission (#209) are concerned,
DPR-0384	RIDL	FS299	Oppose	Reject
DPR-0212	ESAI	097	Oppose In Part	Amend the planning maps to extend SCA-RD2 to cover entire rural area stretching from the notified South and South western boundary of SCA-RD2 to the Southern boundary of the Selwyn District (adjacent to the Ashburton District Boundary) and to State Highway 1 in the west.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0377	Terracostosa Limited	001	Oppose	Amend the Rural Density Overlay to change the following properties from SCA-RD2 to SCA-RD1, being west from Gilmores Road through to Hudsons Road, south down to Ridge Road and across to Neills Road: - Lot 1 DP 54053 - Pt RS 6901 - Lot 6 DP 375448 - Lot 7 DP 375448 - Lot 1 DP 1535 - Lot 1 DP 83617 - Lot 5 DP 375448 - Lot 3 DP 375448
<i>DPR-0375</i>	<i>Waka Kotahi</i>	<i>FS260</i>	<i>Oppose</i>	<i>Further consideration is given to the submission prior to determining whether an increased density is appropriate.</i>
DPR-0413	Blakes Road Kingcraft Group	003	Support In Part	Amend the planning maps to exclude the following properties from SCA-RD14: - Lot 1 DP 315351 - Lot 1 DP 361163 - Lot 1 DP 462067 - Lot 2 DP 462067 - Lot 2 DP 407932 - Lot 2 DP 56097
DPR-0431	Lance Roper	003	Oppose	Amend the Rural Density Overlay to remove the following properties from SCA-RD2: - PT RS 6377-Lot 1 DP 70466 - Lot 2 DP 70466 - Lot 3 DP 70466 - Lot 4 DP 70466 - Lot 5 DP 70466 - Lot 6 DP 70466 - Lot 7 DP 70466 - Lot 2 DP 361975 - Pt RS 2456 - Lot 3 DP 2086 - Pt Lot 4 DP 2086 - Lot 1 DP 361975 - Pt Lot 1 DP 2086 - Pt Lot 2 DP 2086
<i>DPR-0245</i>	<i>Brendan Herries</i>	<i>FS004</i>	<i>Support</i>	<i>Allow the expansion of the lincoln township south. Support overlay</i>
DPR-0432	Birchs Village Limited	002	Oppose	Amend to remove the SCA-RD1 – Inner Plains/ Te Urumanuka ki Ana-ri overlay from applying to the land identified in the submission.
<i>DPR-0298</i>	<i>Trices Road Re-zoning Group</i>	<i>FS355</i>	<i>Neither Support Nor Oppose</i>	<i>Neither accept nor reject the submission.</i>
DPR-0442	Castle Hill Community Association Inc.	002	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0444	Andover Limited	001	Oppose	Retain SCA-RD1 only over 42 Gerkins Road (Lot 1 DP 354703), or an alternative overlay provided a density of 1 household per 4 hectares is provided for.
DPR-0444	Andover Limited	002	Oppose	Delete SCA-RD4 over 42 Gerkins Road (Lot 1 DP 354703).
DPR-0444	Andover Limited	003	Oppose	Delete SCA-RD5 over 42 Gerkins Road (Lot 1 DP 354703).
DPR-0444	Andover Limited	004	Oppose	Delete SCA-RD6 over 42 Gerkins Road (Lot 1 DP 354703).
DPR-0450	Lance Roper	003	Oppose	Amend the Rural Density Overlay to remove the following properties from SCA-RD2: -Lot 1 DP 4864 -Lot 2 DP 455360
DPR-0245	Brendan Herries	FS007	Support	Allow the expansion of the lincoln township south. Support overlay
DPR-0384	RIDL	FS305	Support	Adopt
DPR-0519	Dee-Ann Bolton	FS003	Oppose	Keep 185 Collins Road as part of the SCA-RD2 Rural Density Overlay
DPR-0528	Nicole and Ben Schon	FS003	Oppose	Disallow the submission. Keep 185 Collins Rd as part of the SCA-RD2 Rural Density Overlay.
DPR-0562	Richard Bolton	FS005	Oppose	Keep 185 Collins Road as part f the SCA-RD2 Rural Density Overlay
DPR-0589	Richard George Barratt	FS003	Oppose	Keep 185 Collins Road as GRUZ as outlined in the proposed district plan.
DPR-0590	Margaret Elizabeth Barratt	FS003	Oppose	Keep 185 Collins Road as part of the SCA-RD2 Rural Density Overlay
DPR-0481	Graeme and Virginia Adams	001	Oppose	Amend size of SCA-RD11 to reflect existing development
DPR-0422	NCCF	FS186	Support	Allow the submission point
DPR-0494	Julia Banks & Alastair Herreman	FS001	Support	Retain the provision that no further rural land is rezoned to residential or be able to be subdivided smaller than 4ha
DPR-0508	Cameron & Lydia Adams	FS001	Support	That Council shrink the size of SCARD11 to retain current agricultural use. We would like the land area to be zoned as other adjacent land SCARD2. Or any other alteration that achieves the effect.
DPR-0524	Nelson Early	FS001	Support	Amend SCA RD 11 provisions to SCA RD2
DPR-0527	Dr Peter Almond	FS001	Support	Allow submission point in full.
DPR-0481	Graeme and Virginia Adams	002	Oppose	Amend zoning for remaining land
DPR-0422	NCCF	FS187	Support	Allow the submission point
DPR-0508	Cameron & Lydia Adams	FS002	Support	That Council shrink the size of SCARD11 to retain current agricultural use. We would like the land area to be zoned as other adjacent land SCARD2. Or any other alteration that achieves the effect.
DPR-0524	Nelson Early	FS002	Support	Amend SCA RD 11 provisions to SCA RD2
DPR-0482	Jayne Grace Philp	007	Oppose	Amend the statement to reflect that these matters haven't been considered or alter the ability for subdivisions in SCA-RD11. Consider changing the approval to already developed land and returning the undeveloped parts of SCA-RD11 to rural land with restrictions on subdivision.
DPR-0481	Graeme and Virginia Adams	FS007	Support	Allow all points.
DPR-0524	Nelson Early	FS008	Support	Amend SCA RD 11 provisions to SCA RD

Analysis

- 14.2. Barry Moir⁵⁰² seeks that land at 828 Ellesmere Road (legally described as RURAL SEC 17202 38995 38996 PT RURAL SEC 10139 10399 10644 BLK V HALSWELL SDC/T' S 649/98 4B/749 24A/932 24A/954 37B/526) is amended to SCA-RD1. He notes that the land appears to have split rural density (SCA-RD1/SCA-RD2) but considers that SC-RD1 would suit the land better due to the growth of Lincoln township.: Whilst I agree with the submitter that substantial growth is proposed in this area,I recommend this submission point is rejected for the following reasons
- 14.2.1. The split rural density was a drafting error in the PDP. The intention was for the whole area of land to remain SCA-RD2 and Council is seeking this change through DPR-0207:103. By remaining SCA-RD2, the minimum site size is 20ha which remains a productive economic unit in this area. This avoids further land fragmentation that is already taking place around the fringes of Lincoln.
- 14.2.2. Council are undertaking a spatial planning work programme which will include a new growth plan for Lincoln. Combined with rezoning requests underway in the vicinity which may effectively alter the township boundaries if they are approved, changing the density of the land may also be premature at this time pending the completion of spatial planning work.
- 14.3. SDC⁵⁰³ seek that the boundary between SCA-RD2 and SCA-RD3 in the vicinity of Moirs Lane, Lincoln be amended to reflect the rural density standards under the Operative District Plan. SDC state that the boundary as depicted in the notified PDP has been mapped incorrectly and does not reflect the intent of the mapping in that area. I note there may be an error in SDC's relief sought in that the boundary under contention is between SCA-RD1 and SCA-RD2. Regardless I recommend the submission point is accepted.
- 14.4. Saunders Family Trust⁵⁰⁴ seek that the boundary between SCA-RD1 and SCA-RD2 is amended by extending the SCA-RD1 boundary north from Sharps Road over Halkett Road through to Old West Coast Road. This would incorporate the 10ha titles on Painters Road and Fyffes Road and 4ha titles north of Halkett Road. I recommend this submission is rejected on the basis that there is a clear delineation along Sandy Knoll and Calders Roads⁵⁰⁵ between SCA-RD1 and SCA-RD2. Whilst there are several allotments that are 4ha adjacent to Fyffe Road and a number that are 10ha along Painters Road (west of Sandy Knoll and Calders Roads), in general the character is of open paddocks to the west of Sandy Knoll and Calders Roads and more enclosed blocks to the east. Amending the line to include certain allotments and exclude others would break with this clean delineation and represent a piecemeal approach to rural density. In general Council have adopted the methodology of only including new areas in SCA-RD1 where there is significant existing or consented development at or

⁵⁰² DPR-0150:001 Barry Moir

⁵⁰³ DPR-0207:103 SDC

⁵⁰⁴ DPR-0166:001 Saunders Family Trust

⁵⁰⁵ Sandy Knoll Road and Calders Road runs in a north-south axis and forms the boundary of SCA-RD1 and SCA-RD2 from Old West Coast Road to Painters Road.

near the 4ha/dwelling density to avoid a significant increase in density and to use roads and rivers to mark a clear delineation between rural densities.

- 14.5. Joshua Thomas⁵⁰⁶ opposes the rural density boundary between SCA-RD4 and RD5 as depicted at 563 Old Tai Tapu Road (Lot 5 DP 426540). The submitter states that the current boundary as depicted on the planning maps incorrectly shows the boundary between SCA-RD4 and SCA-RD5 at the 55m contour where it should be at 60m contour. I recommend that this submission point is accepted in part for the following reasons:

14.5.1. When the PDP was notified, Council derived the 60m contour from the LINZ 1:50:000 topographical map series. This generally provides smoother contours although this sacrifices a degree of accuracy at the property scale.

14.5.2. The submitter utilises a map developed by CRC (through Canterbury Maps Online) that incorporates LIDAR datasets which are similar but not exactly the same as the LINZ map. In this instance, the LINZ map deviates from CRC's map to the extent that the submitter's property sits above the 60m contour on the LINZ map and below on CRC's maps.

14.5.3. I therefore recommend the 60m contour is aligned to that depicted on the CRC map at Lot 5 DP 426540. Ideally, the 60m contour would be amended to the CRC standard for consistency for the entire Port Hills area however I am unsure if scope exists for this change.

- 14.6. ESAI⁵⁰⁷ seek that SCA-RD2 is extended to incorporate the entire area south of State Highway 1 and to the east of the Ashburton District boundary on the basis that the highway forms an appropriate dividing line between the farming and density systems in place in the area to the south east of the highway. I recommend this submission is rejected for the following reasons:

14.6.1. There will be a number of exceptions to the size of allotments in each rural density area. For example there are a number of 40+ha lots in SCA-RD2 and 20ha and under lots in SCA-RD3. The principle in drawing the boundary has been that there is a clear delineation (rather than extensive piecemealing). This has been guided by the Selwyn Rural Character Assessment and the general characteristics of the land in each area. Whilst there will always be irregularities, the clear delineation (using a road or river boundary) aims to reflect the general characteristics of the land and consented/actual development in that area.

14.6.2. The proposal by the submitter, although using a major road, includes a high proportion of existing larger allotments (40ha+) that form viable farming units, particularly to the south west of Dunsandel. Were development rights of one dwelling per 20ha to be retained here, this could undermine the productive potential of the land in that area through further land fragmentation.

⁵⁰⁶ DPR-0182:001 Joshua Thomas

⁵⁰⁷ DPR-0212:097 ESAI

- 14.7. Terracostosa Ltd⁵⁰⁸ seek that the SCA-RD1 boundary be expanded to accommodate the expansion of the township at Lincoln by including land west from Gilmores Road through to Hudsons Road, south down to Ridge Road and across to Neills Road (Lot 1 DP 54053, Pt. RS 6901, Lot 6 DP 375448, Lot 7 DP 375448, Lot 1 DP 1535, Lot 1 DP 83617, Lot 5 DP 375448, Lot 3 DP 375448). I accept that the proposal would incorporate a coherent extension to SCA-RD1 as it would follow the linear path of a road. On the other hand, the proposal would include a significant proportion of land well over 4ha which could lead to a significant increase in density. The proposed area contains a lack of significant existing or consented development at this density which is inconsistent with the methodology used to guide the realignment of the Inner Plains boundary. I therefore recommend the submission point is rejected.
- 14.8. Blakes Road Kingcraft Group⁵⁰⁹ seek that 67-81 Blakes Road, Prebbleton be excluded from SCA-RD14 consistent with relief sought in DPR-0413:001 which seeks that the lots (Lot 1 DP 315351, Lot 1 DP 361163, Lot 1 DP 462067, Lot 2 DP 462067, Lot 2 DP 407932 and Lot 2 DP 56097) be rezoned LLRZ. As this is also subject to a rezoning request (DPR-0413:001), I recommend that this submission point be considered in conjunction with the merits of rezoning the land to LLRZ. If LLRZ is considered suitable, then I recommend this submission point is accepted.
- 14.9. Lance Roper⁵¹⁰ seeks that part of the land located at the north east corner of Collins Road and Days Road to the west of Verdecos Park, Lincoln (PT RS 6377, Lot 1 DP 70466, Lot 2 DP 70466, Lot 3 DP 70466, Lot 4 DP 70466, Lot 5 DP 70466, Lot 6 DP 70466, Lot 7 DP 70466, Lot 2 DP 361975, PT RS 2456, Lot 3 DP 2086, Pt Lot 4 DP 2086, Lot 1 DP 361975, Pt Lot 1 DP 2086, Pt Lot 2 DP 2086) be removed from SCA-RD2 to enable a higher level of residential development. As this land is also subject to a rezoning request, I recommend that this submission point be considered in conjunction with the merits of rezoning the land to a residential category. If a residential category is considered suitable, then I recommend this submission point is accepted. If a residential category is not considered suitable for the land, I do not recommend a change in rural density to SCA-RD1 as the proposed area contains a lack of significant existing or consented development at 4ha which is inconsistent with the methodology used to guide the realignment of the Inner Plains boundary.
- 14.10. Lance Roper⁵¹¹ seeks that 185 Collins Road, Lincoln (Lot 1 DP 4864, Lot 2 DP 455360) should be removed from SCA-RD2 to enable a higher level of residential development. As this land is also subject to a rezoning request, I recommend that this submission point be considered in conjunction with the merits of rezoning the land to a residential category. If a residential category is considered suitable, then I recommend this submission point is accepted. If a residential category is not considered suitable for the land, I do not recommend a change in rural density to SCA-RD1 as the proposed area contains a lack of significant existing or consented development at 4ha which is inconsistent with the methodology used to guide the realignment of the Inner Plains boundary.

⁵⁰⁸ DPR-0377:001 Terracostosa Ltd

⁵⁰⁹ DPR-0413:003 Blakes Road Kingcraft Group

⁵¹⁰ DPR-0431:003 Lance Roper

⁵¹¹ DPR-0450:003 Lance Roper

14.11. Birchs Village Ltd⁵¹² seeks that SCA-RD1 is removed from the area of land identified in the submission as being south of Hamptons Road, west of Birchs Road and east of Springs Road Prebbleton to enable a higher level of residential development. The legal titles are as follows: Lot 1 DP 407808, Lot 2 DP 29035 and Lot 2 DP 43993, Lot 2 DP 42993, Lot 3 DP 29035, Lot 1 DP 21433, Lot 1 DP 27551, Lot 2 DP 27551, Lot 1 DP 344727 and Lot 2 DP 344727. As this land is also subject to a rezoning request, I recommend that this submission point be considered in conjunction with the merits of rezoning the land to GRZ. If GRZ is considered suitable, then I recommend this submission point is accepted.

14.12. Andover Ltd⁵¹³ seeks an amendment to rural density at 42 Gerkins Road (Lot1 DP 354703) to SCA-RD1. Presently there are four different rural densities covering the site including SCA-RD1, SCA-RD4, SCA-RD5 and SCA-RD6. I recommend this submission point is rejected for the following reasons:

14.12.1. SCA-R4, 5 and 6 are all based on landscape values (VAL under and over the 60m contour and ONL). SCA-RD1 represents the default Inner-Plains rural density beyond the extent of the VAL on the lower slopes. Therefore rural density aligns with the landscape values and changing rural density may risk not achieving the outcomes sought for these underlying landscape values.

14.12.2. I note that SCA-RD1 and SCA-RD4 have a similar density requirement of one dwelling to 4ha. The density requirement for SCA-RD5 is one to 40ha. The density requirement for SCA-RD6 is one to 100ha however I am recommending that a grandfather clause applies, retaining development rights of one to 40ha for undeveloped sections between the 60-160m contours in SCA-RD6.

14.13. Graeme and Virginia Adams⁵¹⁴ and Jayne Grace Philp⁵¹⁵ seek that SCA-RD11 (Greendale) is reduced to the existing developed area (EDA) only and that any land that has not been developed be reclassified as SCA-RD2. The submitters have concerns about the impact of the density on existing capacity of services in the area including roads, education and water supply. I recommend these submission points are rejected for the following reasons:

14.13.1. A large balance lot remained on the EDA for a number of years of approximately 36ha. The EDA was however subject to a recent resource consent (RC195200) for subdivision which sought to create additional allotments (four new allotments between 1 – 1.8ha with the retention of the balance lot at 31ha). This suggests some development is occurring. Landowner feedback also indicated a willingness to explore further subdivision within the EDA.

14.13.2. Greendale was created as a result of Plan Change 22 to the Malvern Scheme in 1989 where the zoning changed from rural to rural residential. Council made the decision to retain

⁵¹² DPR-0432:002 Birchs Village Ltd

⁵¹³ DPR-0444:001, 002, 003 and 004 Andover Ltd

⁵¹⁴ DPR-0481:001 and 002 Graeme and Virginia Adams

⁵¹⁵ DPR-0482:007 Jayne Grace Philp

development rights in existing EDA's between the operative and proposed district plans, noting that most EDA's have been developed with the exception of Yorktown and Greendale.

14.13.3. I agree with the submitters that the EDA is on productive land (Class 2 in the Land Resource Inventory). The S32 report acknowledged that removing EDA's would enable greater alignment with the CRPS in terms of concentrating development in future growth areas. . Balancing this, the EDA's do enable the strengthening of community identity through limited further development. In this regard, the EDA does present an opportunity to build coherence between the two parts of the Greendale settlement which are presently in two separate halves. The EDA is also close to several existing services (a school, community hall and reserve). The additional development opportunity provided of approximately 31 new dwellings, if realised, could be accommodated including the ability for the Ministry of Education to plan and account for additional roll growth and servicing at Greendale School.

14.14. Winstone Aggregates⁵¹⁶ and Castle Hill Community Association Inc⁵¹⁷ seek that rural density is retained as notified. I recommend both submission points are accepted in part as I am recommending some minor changes to rural density.

Recommendations and amendments

14.15. I recommend for the reasons given above, that the Hearings Panel make the following amendments as set out in **Appendix 2**:

14.15.1. Land at 828 Ellesmere Road, Lincoln is amended from SCA-RD1 to SCA-RD2.

14.15.2. The 60m contour is amended at aligned to that depicted on the CRC map at Lot 5 DP 426540, 565 Old Tai Tapu Road.

14.16. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Other Spatial Changes

14.17. Four submission points and 11 further submission points were received seeking new spatial layers in the GRUZ.

⁵¹⁶ DPR-0215:005 Winstone Aggregates

⁵¹⁷ DPR-0442:002 Castle Hill Community Association Inc

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0057	Road Metals Co Ltd	002	New	Neither Support Nor Oppose	Insert a buffer around quarry sites where activities are more tightly restrained to avoid reverse sensitivity pressures and to serve as a reminder of the potential for adverse effects from the quarry within that zone.
DPR-0032	CCC	FS181	New	Oppose	Oppose
DPR-0414	Kāinga Ora	FS007	New	Oppose In Part	Not specified
DPR-0415	Fulton Hogan Limited	FS004	New	Support In Part	Accept the submission subject to appropriate amendments to the SDP.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	002	New	Oppose In Part	See Section 15
DPR-0157	Kevin & Bonnie Williams	FS006	New	Neither Support Nor Oppose	See Section 15
DPR-0375	Waka Kotahi	FS252	New	Oppose In Part	See Section 15
DPR-0394	McMillan Civil Limited	FS002	New	Support	See Section 15
DPR-0382	EMRC	001	New	Neither Support Nor Oppose	See Section 15
DPR-0394	McMillan Civil Limited	002	New	Neither Support Nor Oppose	Amend to insert a Rural Industrial Precinct at land identified in Annexure 1 of the submission. The land is bound by the district boundary to the north east, Shands Road to the north west and the environs of Prebbleton to the south west. Insert an Outline Development Plan in accordance with Annexure 2.
DPR-0157	Kevin & Bonnie Williams	FS002	New	Neither Support Nor Oppose	The decision affecting zoning, including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GLZ through Submission N0 157.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	FS001	New	Support In Part	Rezone the land as a Rural Industrial Precinct, but with a wider range of permitted activities as sought in our original submission DPR-0346
DPR-0375	Waka Kotahi	FS261	New	Oppose	Further consideration is given to the submission prior to determining whether an increased density is appropriate.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0446	Transpower	FS040	New	Neither Support Nor Oppose	<i>If the submission is allowed, ensure that the land subject to the submission can be subdivided and developed in a manner that complies with the relevant rules and does not compromise the National Grid.</i>
DPR-0507	Judith Sachdeva	FS001	New	Oppose	<i>Disallow.</i>

Analysis

14.18. Road Metals Co Ltd⁵¹⁸ submit that a buffer zone should be included around quarry sites to restrain activities and avoid reverse sensitivity pressures and to serve as a reminder of the potential for adverse effects. This is linked to another submission point by the submitter (DPR-0057:001), to insert quarry zones into the PDP which is due to be heard through the Rezoning Hearing Stream. I recommend this submission point is rejected for the following reasons:

14.18.1. I agree with Council's conclusions regarding the option of a quarry zone⁵¹⁹. This was not considered to be feasible as there are a large number of quarries in the district and it would be difficult to produce rules that capture all of the site specific requirements and potential adverse effects. Other concerns were that it could potentially 'pick winners' and distort the market at the expense of immediate neighbours as well as it could create considerable litigation in order to get accepted into the district plan and be resource intensive for Council to develop.

14.18.2. Rather than a spatially displayed buffer zone around a quarry zone, Council has opted for a setback requirement for sensitive activities from identified mineral extraction activities (in Schedule 1 of the GRUZ chapter) as well as any mineral extraction activities lawfully established after the decision date for the PDP. The lack of a spatial component can be justified as the relevant rule requirement (GRUZ-REQ11) distinguishes between different activities (processing, excavation etc...) which adds a complicating factor. I agree with this approach as it is consistent with the CRPS Policy 5.3.2, GRUZ-O1 and GRUZ-P7. This approach effectively aligns with the submitter's relief for buffer zones, hence the recommendation to reject the submission point (as no change is required).

14.19. McMillan Civil Ltd⁵²⁰ seek a rural industrial precinct on land identified in the submission as generally north east of Prebbleton. The precinct is needed according to the submitter to facilitate the establishment of a storage yard based contracting activity. The submitter seeks that provisions are also inserted to facilitate this along with an outline development plan (included in the submission). I recommend this submission is rejected as the submitter has not provided enough accompanying information on what changes are required to the PDP to facilitate the proposed precinct which makes it difficult to judge what the effects would be.

⁵¹⁸ DPR-0057:002 Road Metals Co Ltd

⁵¹⁹ Preferred Options Report – RU205 Quarrying https://www.selwyn.govt.nz/__data/assets/pdf_file/0017/271016/Endorsed-Preferred-Options-Report-RU205-Quarrying-FINAL.pdf

⁵²⁰ DPR-0394:002 McMillan Civil Ltd

Recommendations and amendments

14.20. I recommend for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.

14.21. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15. Other Matters

Proposed Rural Services Precinct

15.1. Ceres Professional Trustee Company Ltd and Sally Jean Tothill have made 17 submission points to facilitate the development of a Rural Service Precinct. For convenience, they have been grouped together under this section. In addition 21 further submission points were made.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	001	Woodlot	Oppose In Part	Amend the definition of woodlot to include Christmas trees as follows: <i>A stand of trees for the purposes of firewood, <u>Christmas trees</u>, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry.</i>
DPR-0157	Kevin & Bonnie Williams	FS005	Woodlot	Neither Support Nor Oppose	<i>The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.</i>
DPR-0394	McMillan Civil Limited	FS001	Woodlot	Support	<i>Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.</i>
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	003	GRUZ-Overview	Oppose In Part	Amend the Overview <i><u>"A defined range of rural service and tourism activities are additionally provided for within Precinct 1 which is situated on a small area of General Rural Zone between the Southern Motorway and the Heavy Industrial Zone in Christchurch City. Otherwise large-scale commercial and industrial activities are considered inappropriate within the General should establish within commercial/industrial zones.</u></i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0157	Kevin & Bonnie Williams	FS007	GRUZ-Overview	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0394	McMillan Civil Limited	FS003	GRUZ-Overview	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	004	GRUZ-R8	Oppose In Part	Insert as follows: <u>GRUZ-PREC8</u> <u>Activity status: PER</u> <u>6. The establishment of a new, or expansion of an existing rural service activity.</u> <u>Where this activity complies with the following rule requirements:</u> <u>GRUZ-REQ6 Hours of Operation</u> <u>Activity status when compliance not achieved:</u> <u>2. When compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u>
DPR-0157	Kevin & Bonnie Williams	FS008	GRUZ-R8	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0394	McMillan Civil Limited	FS004	GRUZ-R8	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	006	GRUZ-R12	Oppose In Part	Insert as follows: <u>GRUZ-PREC1</u> <u>Activity status: PER</u> <u>2. The establishment of a new, or expansion of an existing industrial activity.</u> <u>Where:</u> <u>a. The activity is limited to a Trade Supplier for farming and agricultural supplies; and</u> <u>b. The activity does not include any retail trade to the general public.</u> <u>And this activity complies with the following rule requirements:</u> <u>GRUZ-REQ6 Hours of operation</u> <u>Activity status when compliance not achieved:</u> <u>3. When compliance with any of GRUZ- R12.2.a. or GRUZ- R12.2.b. is not achieved: RDIS</u> <u>4. When compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement.</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0157	Kevin & Bonnie Williams	FS010	GRUZ-R12	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0394	McMillan Civil Limited	FS006	GRUZ-R12	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	005	New	Oppose In Part	Insert as follows: <u>GRUZ-RX Rural Tourism Activities</u> <u>GRUZ-PREC1</u> <u>Activity Status: PER</u> <u>1. The establishment of a new, or expansion of an existing tourism activity.</u> <u>Where this activity complies with the following rule requirements:</u> <u>GRUZ-REQ6 Hours of operation</u> <u>Activity status when compliance not achieved:</u> <u>2. When compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement.</u>
DPR-0157	Kevin & Bonnie Williams	FS009	New	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0394	McMillan Civil Limited	FS005	New	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	007	GRUZ-REQ1	Oppose In Part	Amend as follows: <u>1. The building coverage on a site shall not exceed:,or</u> <u>c. A maximum of 20% in GRUZ-PREC1.</u>
DPR-0157	Kevin & Bonnie Williams	FS011	GRUZ-REQ1	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0394	McMillan Civil Limited	FS007	GRUZ-REQ1	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	008	GRUZ-REQ2	Oppose In Part	Amend as follows: <i>1. The height of any structure when measured from ground level shall not exceed:;or d. 15m in the GRUZ-PREC1.</i>
DPR-0157	Kevin & Bonnie Williams	FS012	GRUZ-REQ2	Neither Support Nor Oppose	<i>The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.</i>
DPR-0394	McMillan Civil Limited	FS008	GRUZ-REQ2	Support	<i>Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.</i>
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	009	GRUZ-REQ4	Oppose In Part	Amend as follows: <u>GRUZ-PREC1</u> <i>6. A landscape strip of at least 5m width shall be provided on all road frontages and shall be planted with exotic and/or native species with a minimum of one tree per 10m of road frontage and the intervening spaces planted in shrubs that grow to a maximum of 4m in height.</i> <i>7. All planting shall be maintained, and any dead, diseased, or damaged plants shall be removed and replaced.</i> <i>Activity status when compliance not achieved: N/A</i>
DPR-0157	Kevin & Bonnie Williams	FS013	GRUZ-REQ4	Neither Support Nor Oppose	<i>The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.</i>
DPR-0394	McMillan Civil Limited	FS009	GRUZ-REQ4	Support	<i>Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.</i>
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	010	GRUZ-REQ7	Oppose In Part	Amend GRUZ-REQ7 Full Time Equivalent Staff by including "no limit on the number of full time equivalent staff" for GRUZ-PREC1
DPR-0157	Kevin & Bonnie Williams	FS014	GRUZ-REQ7	Neither Support Nor Oppose	<i>The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0394	McMillan Civil Limited	FS010	GRUZ-REQ7	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	002	New	Oppose In Part	Amend the district planning maps by showing a notation around the boundaries of Sec 40, Sec 41, Sec 43 and Sec 44 and Section 1 SO487857 and identifying as General Rural Zone Precinct 1 or GRUZ-PREC1. Refer to original submission for full decision requested, including attachments.
DPR-0157	Kevin & Bonnie Williams	FS006	New	Neither Support Nor Oppose	The decision affecting rezoning including zone provisions, any access and the general layout of the proposed Rural Industrial Precinct should ensure that development of the site is appropriate and will integrate with the future proposed development of our land in Marshs Road being proposed for GIZ through Submission 157.
DPR-0375	Waka Kotahi	FS252	New	Oppose In Part	Further assessment of this matter is undertaken
DPR-0394	McMillan Civil Limited	FS002	New	Support	Re-zone the land identified in DPR-0346 and DPR-0394 in order to provide for the efficient operation of various business activity which supports rural land use activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	011	TRAN-R4	Oppose In Part	Amend as follows: <u>GRUZ(excluding GRUZ-PRC1)</u> Activity status: PER 1. The establishment of a vehicle crossing... CMUZ, GIZ, PORTZ, KNOZ, RESZ, <u>GRUZ-PREC1</u> Activity status: PER 5. The establishment of a vehicle crossing Where: b. provides shared access to sites which cumulatively generate no more than 250vm/d.; or c. is located in <u>GRUZ-PREC1</u> and generates no more than 250vm/d
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	012	TRAN-R7	Oppose In Part	Amend as follows: <u>GRUZ (excluding GRUZ-PREC1)</u> Activity status: PER 1. Vehicle movements associated with any activity.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tohill	013	TRAN-REQ9	Oppose In Part	Amend TRAN-REQ9 to include Rural Services Precinct.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	014	TRAN-REQ11	Oppose In Part	Amend TRAN-REQ11 to include Rural Services Precinct.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	015	TRAN-REQ12	Oppose In Part	Amend TRAN-REQ12 to include Rural Services Precinct.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	016	TRAN-REQ15	Oppose In Part	Amend TRAN-REQ15 to include Rural Services Precinct.
DPR-0346	Ceres Professional Trustee Company Ltd & Sally Jean Tothill	017	TRAN-REQ17	Oppose In Part	Amend TRAN-REQ17 to include Rural Services Precinct.

Proposed Rural Service Precinct Map



Analysis

Woodlot

- 15.2. Ceres Professional Trustee Company Ltd and Sally Jean Tothill⁵²¹ seek that the definition of woodlot is amended to include the growing of Christmas trees, as this is not presently covered by the definition. The definition of 'plantation forestry', derived from the NES-PF, includes all commercially grown forest over 1ha which will be harvested or replanted. As a commercial operation, a Christmas tree farm would be covered by this definition if over 1ha in size. If under 1ha in size however, there is presently no rule that currently permits this activity. I agree with the submitter that this is a gap which could be rectified by including the activity within the definition of a 'woodlot'. I therefore recommend that the definition of woodlot is amended to include 'celebration trees'.

Overview

⁵²¹ DPR-0346:001 Ceres Professional Trustee Company Ltd and Sally Jean Tothill

- 15.3. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²² seek that the proposed 'Rural Service Precinct' is recognised in the overview to distinguish the specific use of this site from other large scale industrial or commercial activities, which are generally considered inappropriate in the GRUZ. I recommend this submission point is accepted in part to recognise that there are areas within the GRUZ where different controls may apply.

GRUZ-R8

- 15.4. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²³ seek a bespoke rural service activity rule for the land identified by the submitter as suitable for a rural service precinct at Marshs Road. The submitter states that given the constraints of the site, bound by the Christchurch Southern Motorway and Marshs Road, combined with existing authorised use which includes various commercial enterprises which have been since constrained by the motorway, the PDP should recognise the unique characteristics of the site. The submitter is seeking a number of changes to provisions in the PDP to give effect to the overall aim of having a rural service precinct.
- 15.5. The effect of this specific change sought by the submitter would be for a rural service activity in this location as a permitted activity with no restriction on land area or staffing numbers (hours of operation would be limited).
- 15.6. I recommend this submission point is accepted for the following reasons:
- 15.6.1. The authorised and consented baseline for the site and historic use are for a number of commercial uses. This includes a seed research facility (prior to purchase by the current owner) and more recently a recreation and tourism facility and temporary commercial storage. Since then the Christchurch Southern Motorway has bisected the site. The fragmentation of the site makes traditional rural production activity economically unfeasible and is geographically isolated from the rest of GRUZ. The most recent resource consent granted was to retrospectively establish a contractor's yard on the south side of the motorway in July 2021.
- 15.6.2. Setting aside the other matters that are subject to this submission to facilitate the development of a rural service precinct, I consider that the 'principle' of this activity in this location is sound and given the history of the site, a greater intensity of use than otherwise provided for in the rural zone is appropriate. An alternative option might be to seek that the site is rezoned to a commercial or industrial zoning category however this would contribute to the erosion of the distinct settlement pattern in the area as well as the sense of openness and separation between Christchurch and Selwyn Districts and be inconsistent with CRPS Policy 6.3.1.

⁵²² DPR-0346:003 Ceres Professional Trustee Company Ltd and Sally Jean Tothill

⁵²³ DPR-0346:004 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

GRUZ-R11

- 15.7. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²⁴ seek a bespoke industrial activity rule for their proposed Rural Service Precinct. The intended rule would permit trade supply activities for farming and agricultural supplies. While I understand the intent of the change sought, I do not consider it necessary as the activity would be permitted under the remit of GRUZ-R8 (as a rural industry which directly services primary production). I therefore recommend the submission point is rejected.

New – Rural Tourism Rule

- 15.8. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²⁵ are seeking a bespoke rural tourism activity rule for the land identified by the submitter as suitable for a rural service precinct at Marshs Road. The submitter states that given the constraints of the site, bound by the Christchurch Southern Motorway and Marshs Road, combined with existing authorised use which includes various commercial enterprises which have been since constrained by the motorway the PDP should recognise the unique characteristics of the site. The submitter is seeking a number of changes to provisions in the PDP to give effect to the overall aim of having a rural service precinct.

- 15.9. The effect of this specific change sought by the submitter would be for a rural tourism activity in this location as a permitted activity with no restriction on land area or staffing numbers (hours of operation would be limited). In April 2010, the Trust secured resource consent for a maze and tourism business however this ceased upon work on the Christchurch Southern Motorway. It is of note that in 2018, the Trust were successful again in gaining resource consent for reestablishing the maze business however due to economic conditions the submitter has indicated this is unlikely to be exercised.

- 15.10. I recommend this submission point is accepted for the following reasons:

15.10.1. As noted under GRUZ-R8 for a similar point raised by the submitter, the authorised and consented baseline for the site and historic use are for a number of commercial uses.

15.10.2. As previously discussed, the Christchurch Southern Motorway has bisected the site. The fragmentation of the site makes traditional rural production activity economically unfeasible and is geographically isolated from the rest of GRUZ. This makes the site relatively unique in GRUZ.

15.10.3. A rural tourism activity is defined in the PDP as follows:

⁵²⁴ DPR-0346:006 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵²⁵ DPR-0346:005 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

means the use of land and/or buildings where participants are attracted to experience rural production, primary industry or conservation activities and/or the rural or natural environment. It includes:

- a. guiding, education and instructing;*
- b. ancillary services such as booking offices and transportation;*
- c. ancillary retail activity (including cafes);*
- d. walking and cycling tracks; and*
- e. facilities to provide opportunities for viewing scenery.*

15.10.4. This activity would likely be a non-complying activity under GRUZ-R9 as the activity is not presently permitted in GRUZ and appears to fall under the definition of a commercial activity. As an alternative to a Precinct, the Trust could continue to apply for resource consent and make the case for having an operation or functional need to establish a rural tourism activity. As they have indicated that the maze business is unlikely to proceed, they would need to have to apply for an entirely new resource consent. However with the granting of two previous consents for a maze business, I agree with the submitter that Council has effectively indicated this site is appropriate for rural tourism type activity and it would therefore be inefficient for the Trust to continue to have to relitigate this through the resource consent process.

15.10.5. An alternative option might be to seek that the site is rezoned to a commercial zoning category however this would contribute to the erosion of the distinct settlement pattern in the area as well as the sense of openness and separation between Christchurch and Selwyn Districts and be inconsistent with CRPS Policy 6.3.1.

15.10.6. Setting aside the other matters that are subject to this submission to facilitate the development of a rural service precinct, I consider that the 'principle' of this activity in this location is sound and given the history of the site, a greater intensity of use than otherwise provided for in the rural zone is appropriate.

GRUZ-REQ1

15.11. Ceres Professional Trustee Company Ltd and Sally Jean Tothill⁵²⁶ consider that an increase in building coverage is appropriate for the proposed Rural Service Precinct. The submitter suggests 20% would be appropriate. I assume the submitter is seeking that the 20% building footprint applies sites over 1ha as the standard for sites under 1ha is 35% or 500sqm, whichever is the lesser. Further clarity is sought from the submitter on this. I recommend this submission point is accepted for the following reasons:

- 15.11.1. Taking into account the surrounding environment, the rural 'openness' appears to have been significantly reduced with the completion of the Christchurch Southern Motorway and nearby industrial development with large sheds and warehouses. According to the submitter, the consented baseline for site coverage for the consented maze development was at least 13.2%.

⁵²⁶ DPR-0346:007 Ceres Professional Trustee Company Ltd and Sally Jean Tothill

15.11.2. I note the attached report by Pattle Delamore and Partners that found that the site could support up to 95% built coverage whilst allowing effective stormwater management. Mr Andrew England, Asset Manager, Water Services at Council generally agreed with the conclusions of the Pattle Delamore report.

15.11.3. I note the Landscape and Visual Assessment prepared by DCM Urban which found the 20% site coverage was acceptable. I have asked Jeremy Head from WSP (refer to Appendix 3 for his full report) to review the effect of the proposed precinct on the character and landscape of the surrounding area having regard to the DCM report. Whilst making some recommendations in regards to building colour, landscaping, lighting and signage, Mr Head agreed with the general thrust of the report (I discuss this in more detail below). Thus I consider that the building coverage amendment is acceptable.

GRUZ-REQ2

15.12. Ceres Professional Trustee Company Ltd and Sally Jean Tothill⁵²⁷ are seeking that height limits be increased to 15m for buildings in the proposed Rural Service Precinct. As above, taking into account the surrounding environment, the rural 'openness' has been significantly reduced with the completion of the Christchurch Southern Motorway and nearby industrial development with large sheds and warehouses. The proposed amendment would allow a structure 3m above the permitted baseline under the PDP (15m as opposed to 12m). The DCM report found that the effect of this height increase will not have any discernable visual effects. Mr Head agreed with this, providing appropriate landscape treatment is provided. Mr Head also recommended the use of recessive colours to reduce the effect of overheight buildings and to provide a contrast to the industrial buildings to the north. While I appreciate Mr Head's advice, I note the permitted and consented baseline for the site which permit/consents development without the need for recessive colours. Provided appropriate landscaping is provided and setbacks from road boundaries are maintained, I consider a 15m height limit is appropriate for this location.

GRUZ-REQ4

15.13. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²⁸ submit that as the proposed rural service precinct is surrounded by roading, a bespoke rule requirement on landscaping should apply. The rule requirement would require a landscape strip of at least 5m to be maintained on all road frontages to a maximum of 4m in height. Mr Head has made the following comments:

15.13.1. A 5m wide planting strip as proposed is acceptable but where adjacent to buildings this should be 10m wide.

⁵²⁷ DPR-0346:008 Ceres Professional Trustee Company Ltd and Sally Jean Tothill

⁵²⁸ DPR-0346:009 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

- 15.13.2. The peripheral planting strip should include evergreen shrubs to a height of 1.5m and any trees are capable of reaching 8m height in maturity. In addition, one tree capable of reaching 8m in height shall be planted for every 50sqm of hardstand.
- 15.13.3. Any fencing should be located midway on the peripheral planting strip to avoid giving the appearance of a fenced compound.
- 15.14. The permitted baseline would be for no landscaping required. However the submitter is proposing development rights at greater intensity than the permitted baseline. Both the 2018 consented maze activity (for the part of the site on the north side of the motorway) and 2021 consented contractor's yard (to the south of the motorway) included planting plans for boundary landscaping treatment with shrubs and mature trees. I note that the submitter has proposed shrubs to a height of 4m rather than 1.5m proposed by Mr Head which would provide greater mitigation of visual effects. Given this and Mr Head's comments, I recommend this submission point is accepted in part and that Mr Head's recommendations are incorporated (although maintaining the submitter's proposal of shrubs to a height of 4m).
- 15.15. Whilst the permitted rule requirement is I believe appropriate, where this standard is not complied with there should be a default consent activity status as a restricted discretionary activity with a matter of discretion being alternative landscape treatment.

GRUZ-REQ7

- 15.16. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵²⁹ are seeking that GRUZ-REQ7 is amended by not having a limit on full time staff in the proposed rural service precinct. I recommend this submission point is accepted in part to the extent that I agree that no limit on full time staff is required taking into account the number provided for by existing activities (i.e. the contractors yard) and consented activities (the maze) is 12 and 18 respectively. This also recognises the nature of the receiving environment around the site and activities that are proposed to take place. However this relief can be achieved by not including this rule requirement under GRUZ-R8 (as it relates to the rural service precinct) rather than specifically amending the rule requirement.

Mapping

- 15.17. Ceres Professional Trustee Company Ltd and Sally Jean Tothill⁵³⁰ submit that the planning maps are amended around the boundaries of Sec 40, Sec 41, Sec 43 and Sec 44 and Section 1 SO487857 retaining GRUZ but showing a precinct layer either entitled GRUZ Precinct 1 or GRUZ-PREC1. Consistent with my recommendation above relating to rural industry and rural tourism activities and other site specific provisions, I recommend the submission point is accepted.

⁵²⁹ DPR-0346:010 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁰ DPR-0346:002 Ceres Professional Trustee Company Ltd

Transport

15.18. Ceres Professional Trustee Company Ltd & Sally Jean Tothill⁵³¹ are seeking a number of changes to rules in the Transport Chapter to facilitate the development of a rural service precinct. These were not addressed at the time of the Transport hearing in order to first assess the principle of a rural service precinct. As I am now recommending that the precinct and associated requested activities be included in the PDP, I will now consider the amendments to the Transport chapter. The following amendments were assessed on behalf of Council by Abley Ltd and their advice is incorporated into the below and included in full in Appendix 3 of this report:

15.18.1. The submitter seeks that TRAN-R4⁵³² is amended to enable up to 250 vm/d rather than 40 vm/d which is the maximum allowed in that zone. Abley support this recommendation as surrounding roads are sealed, plus intersections and footpaths have been upgraded to support increased traffic. I note that TRAN-R8 still applies in terms of requirements for an integrated transport assessment which may be required depending on the scale of activities that establish on-site and/or peak hour traffic generation. I recommend this submission point is accepted.

15.18.2. The submitter also seeks that TRAN-R7⁵³³ is amended to exclude the precinct from the remit of TRAN-R7. TRAN-R7 manages rural vehicle movements on the grounds of amenity. TRAN-R7 would apply to both the sites subject to the precinct as, although I recommended in the S42a report that I authored for the Transport Hearing that this just apply to local and collector roads and not arterial roads, Marshs Road (the main access point for both sites) is designated a local road. Consistent with the above change, I recommend this submission point is accepted.

15.18.3. The submitter seeks amendments to TRAN-REQ9⁵³⁴ and TRAN-REQ11⁵³⁵ to ensure that appropriate on-site car/cycle parking dimensions and facilities are included for activities establishing on site. Abley support these additions as appropriate to manage potential transport effects and to facilitate active transport modes. I agree and recommend that the precinct is added to the applicability of TRAN-REQ9 and TRAN-REQ11.

15.18.4. The submitter seeks amendments to TRAN-REQ12⁵³⁶, TRAN-REQ15⁵³⁷ and TRAN-REQ17⁵³⁸ to ensure that there is appropriate provision for on-site loading and queuing spaces. Abley support these additions as appropriate to manage potential transport effects and consider that it is likely the rule requirement will be triggered. I agree and recommend that the precinct is added to the applicability of TRAN-REQ12 and TRAN-REQ15.

⁵³¹ DPR-0346 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³² DPR-0346:011 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³³ DPR-0346:012 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁴ DPR-0346:013 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁵ DPR-0346:014 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁶ DPR-0346:015 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁷ DPR-0346:016 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

⁵³⁸ DPR-0346:017 Ceres Professional Trustee Company Ltd & Sally Jean Tothill

Other matters raised

- 15.19. Mr Head raised in his report concern around floodlighting, recommending that this not be allowed within the proposed precinct. The submitter is not proposing any amendments to the provisions in the Light chapter and I am satisfied that the existing rules in the Light chapter are sufficient to manage lightspill.
- 15.20. Mr Head has also commented on the importance of ensuring that any advertising signs, which could potentially include digital/backlit billboards, orientate to the north, away from the motorway. This avoids the possibility of signage being obtrusive to views from residential areas to the south. The two submission points by the submitter that relate to signs (DPR-346:018 and 019) will be addressed in the Signs Chapter Hearing Stream however I note that they are not seeking any changes to rules that would permit large scale advertising signs, including those with digital displays.

Recommendations and amendments

- 15.21. It is recommended for the reasons given above, that the Hearings Panel make the following amendments as set out in **Appendix 2**:

15.21.1. woodlot is amended to include 'celebration trees'.

15.21.2. the Overview is amended to recognise there are areas in GRUZ where different controls may apply.

15.21.3. GRUZ-R8 is amended to include a separate line item for rural industry in the proposed rural service precinct. Include GRUZ-REQ6 as a relevant rule requirement but not GRUZ-REQ7.

15.21.4. a new rule is inserted for rural tourism in the proposed rural service precinct.

15.21.5. GRUZ-REQ1 is amended to enable building coverage of 20% for sites over 1ha in the proposed rural service precinct.

15.21.6. GRUZ-REQ2 is amended to enable building and structure heights up to 15m in the proposed rural service precinct.

15.21.7. GRUZ-REQ4 is amended so that in the proposed rural service precinct, a 5m wide peripheral planting strip is utilised but where immediately adjacent to buildings this is 10m wide. The peripheral planting strip includes evergreen shrubs to a height of 4m and any trees are capable of reaching 8m height in maturity (unless near the powerlines). In addition, one tree capable of reaching 8m in height shall be planted for every 50sqm of hardstand. Any fencing should be located midway on the peripheral planting strip.

15.21.8. the planning maps are amended around the boundaries of Sec 40, Sec 41, Sec 43 and Sec 44 and Section 1 SO487857 to display a precinct entitled GRUZ Precinct 1 or GRUZ-PREC1.

15.21.9. TRAN-R4 is amended to enable 250 vm/d within the proposed rural service precinct.

15.21.10. the rural service precinct is excepted from the application of TRAN-R7.

15.21.11. TRAN-REQ9, 11, 12, 15 and 17 include a line item for the rural service precinct.

15.22. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15.23. A S32AA is required due to the scope of changes proposed. This can be found in Section 16.

Ellesmere Motor Racing Club Proposed Specific Control Area and Reverse Sensitivity Setback

15.24. Seven submission points were made by EMRC concerning a proposed SCA and reverse sensitivity setback around the Ellesmere Motor Racing Club near Leeston. One further submission was made.

DPR-0382	EMRC	002	GRUZ-P1	Neither Support Nor Oppose	Amend as follows: Maintain or enhance rural character and amenity values of rural areas by: 1. <u>5. enabling new and expanded community facilities to establish where significant adverse effects on primary production and the character and amenity values of the surrounding area can be avoided.</u>
DPR-0422	NCFF	FS175	GRUZ-P1	Oppose In Part	Disallow the submission point.

DPR-0382	EMRC	003	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Note: All activities within the Ellesmere Speedway Control Area shall comply with the Rules below. All other Rules in Parts 2 and 3 of the District Plan shall not apply to activities within the Ellesmere Speedway Specific Control Area, unless expressly stated.</u></p> <p><u>GRUZ- RXXX</u></p> <p><u>Ellesmere Speedway Specific Control Area</u></p> <p><u>GRUZ</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Motor sport activity at the Ellesmere Speedway.</u></p> <p><u>Where:</u></p> <p><u>a. The total number of advertised speedway meetings open to the public for spectator events does not exceed 15 within a period of one year; and</u></p> <p><u>b. The total number of training days not otherwise advertised to the public does not exceed 20 within a period of one year; and</u></p> <p><u>c. The use of the speedway track for motor sport activity shall occur only between the hours of 0800 and 2200 and no more than 3 times in any 7-day period.</u></p> <p><u>d. The records of speedway meetings and days the speedway track is used for training purposes is held by the Ellesmere Motor Racing Club and is made available on request by the Selwyn District Council.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with GRUZ-RXXX.1 is not achieved: DIS</u></p>
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DPR-0382	EMRC	004	New	Neither Support Nor Oppose	<p>Insert new GRUZ rule as follows:</p> <p><u>SCA-SWY1</u></p> <p><u>Activity Status: PER</u></p> <p><u>3. The establishment of new, or expansion of existing non-habitable structures and their associated use, this includes but is not limited to storage sheds, pit workshops, race control, club rooms,</u></p> <p><u>spectator viewing facilities, ticket offices, food and beverage outlets and toilets.</u></p> <p><u>Where:</u></p> <p><u>a. Development and operation of the Ellesmere Speedway complies with the Outline Development Plan in GRUZ-Figure XXX and specifically:</u></p> <p><u>i. There shall be no permanent building located within the 20m boundary setback from Southbridge Dunsandel Road;</u></p> <p><u>ii. Any building used for the purpose of race control, clubrooms, or pit workshops is restricted to the race building area only;</u></p> <p><u>iii. Vehicle access to the site, excluding for spectator meetings, is via the main entrance.</u></p> <p><u>b. The building footprint of any individual building shall not exceed 600m2;</u></p> <p><u>c. The maximum height of any building shall not exceed 15m;</u></p> <p><u>d. Any new advertising signage shall be limited to locations that cannot be viewed from beyond the boundary of SCA-SWY1, i.e., be internal to the site for the benefit of spectators;</u></p> <p><u>e. The development and operation of the Ellesmere Speedway within SCA-SWY1 shall otherwise comply with the relevant rules in the Earthworks, Light, Hazardous Substances, and Natural Hazards Chapters.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>4. When compliance with SCA-SWY1-RXXX.3.a - d is not achieved: DIS</u></p> <p><u>5. When compliance with SCA-SWY1-RXXX.3.e is not achieved: Refer to Relevant Rule.</u></p>
DPR-0382	EMRC	005	New	Neither Support Nor Oppose	<p>Insert new "Noise Sensitive Activity within the Ellesmere Speedway Noise Control Overlay" map.</p> <p>Refer original submission for full decision requested, including attachments.</p>

DPR-0382	EMRC	006	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Noise-RXXX Ellesmere Speedway</u></p> <p><u>Ellesmere Speedway 55dB Noise Control Overlay</u></p> <p><u>Activity status: PER</u></p> <p><u>1. The establishment of any building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity</u></p> <p><u>Where:</u></p> <p><u>a. Located between the 55 dB and 65 dB noise contours;</u></p> <p><u>i. All habitable rooms shall be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq from noise generated by the Ellesmere Speedway; and</u></p> <p><u>ii. Outdoor living areas shall be screened from the Ellesmere Speedway to achieve an indoor design noise level not exceeding 50 dB LAeq.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of NOISE-RXXX.1.a. i and ii is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to NOISE-RXXX.2. is restricted to the following matters:</u></p> <p><u>a. The extent to which the site is predicted to be affected by noise from motorised speedway activities carried out at the Ellesmere Speedway.</u></p> <p><u>b. The extent to which any noise from outdoor motor racing activities carried out at the Ellesmere Speedway Club will have on all habitable rooms and outdoor living space.</u></p> <p><u>c. The extent to which noise sensitive activities will give rise to reverse sensitivity in relation to the activities undertaken at the Ellesmere Speedway</u></p> <p><u>d. The extent of environmental effects as a result of any noise mitigation measures required in order to meet the standards.</u></p> <p><u>Advisory note:</u></p> <p><u>1. To demonstrate compliance, a design report (including calculations) prepared by a suitably qualified acoustic engineer shall be submitted to the Council with the application for Building Consent.</u></p> <p><u>Ellesmere Speedway 65dB Noise Control Overlay</u></p> <p><u>Activity Status: NC</u></p> <p><u>3. Any new building for a noise sensitive activity, and any addition or alteration of a habitable room to an existing building containing a noise sensitive activity located within the 65dB noise contour</u></p> <p><u>Activity status when compliance not achieved: N/A</u></p>
DPR-0382	EMRC	007	SUB-R26	Neither Support Nor Oppose	<p>Amend as follows:</p> <p><u>Port Zone 55dB LAeq Noise Control Overlay</u></p> <p><u>....</u></p> <p><u>Ellesmere Speedway 65 dB Noise Control Overlay</u></p>
DPR-0382	EMRC	001	New	Neither Support Nor Oppose	<p>Insert new Specific Control Area with Outline Development Plan in the GRUZ for the Ellesmere Motor Racing Club. Refer to original submission for full decision requested, including attachments</p>

Proposed Ellesmere Speedway Specific Control Area and Outline Development Plan



Analysis

GRUZ-P1

15.25. EMRC⁵³⁹ seek amendments to enable the establishment and expansion of community facilities in GRUZ where significant adverse effects can be avoided. I recommend this submission point is accepted in part for reasons explained under a similar submission point by Waihora Clay Target Club as I agree there is currently a policy gap for this type of activity. I recommend a new policy that includes consideration of community activities if they can demonstrate that they have a functional or operational need to locate in GRUZ.

New – Specific Control Area

15.26. EMRC⁵⁴⁰ state that they currently operate under existing use rights for a speedway to the west of Leeston Township. The submitter has attached building consents from Council relating to the establishment of buildings on site as evidence of existing lawful use. No resource consent was required at the time of establishment (1980/81) or since. The submitter is now requesting a specific control area with bespoke rules to recognise the established use of the activity. The submitter is proposing new rules in the noise and subdivision chapters and they are addressed further below separately. The discussion immediately below addresses proposed changes by the submitter to the GRUZ chapter and bespoke specific control area rules including a proposed outline development plan.

15.27. The submitter has provided some evidence of existing use. These include historic building consents for the activity and deeds of license (to occupy the Council reserve). The submitter states that in 1980, the former Ellesmere County Council and Domains Board gave approval to build a speedway track in the present location. Some more recent deeds of license have been attached to the submission. It appears that the use has changed in nature since the original establishment in 1980 as the submission mentions a major enhancement between 2013-2016.

15.28. I consider that ‘in principle’ a specific control area is appropriate as there appears to be evidence of existing use. Despite this, I recommend the specific provisions proposed by the submitter are rejected taken as a ‘package’ as I consider that further detail is required on a proposed structure height limit, signage, traffic movement/intensity and existing race activity (duration and event/practice days). Specific areas of concern include:

15.28.1. Whilst the number of event days is consistent with other speedways, the number of training days is much higher. The submitter needs to provide more evidence on what is being undertaken already or whether this is an intensification of the existing activity.

15.28.2. The hours of operation differ from other speedways in operation. Whilst the late finish time of 22:00 is consistent with Ruapuna and Woodford Glen raceways, they are both restricted to 4-4.5hrs per day. The operating time in theory could be 14hrs in one day and more evidence

⁵³⁹ DPR-0382:002 EMRC

⁵⁴⁰ DPR-0382:003 and 004 and DPR-0382:001, 005 EMRC

is needed on the noise generating potential and extent of departure from PDP noise limits (refer to discussion below). Again further evidence should be provided of current use.

15.28.3. The proposed rule (SCA-SWY1) regulates access, setbacks and use of buildings as well as limiting building size and providing a height restriction for buildings which is 15m (as opposed to 12m in GRUZ). There is also a restriction on advertising signage which must be inward facing. Whilst these controls are, in my opinion, generally appropriate and consistent with activities on site there appear to be several issues that need to be considered before I can recommend they are accepted:

15.28.3.1. There is no height limit for structures – it should be articulated whether this will default to the GRUZ standard of 12m or whether some other height limit should apply. I also note that the proposed building footprint rule may actually be more restrictive than that for the GRUZ zone which is for 5% of absolute coverage over the site area where the site area is over 1ha and no limit on individual building size, which may not be what the submitter intends.

15.28.3.2. There is no detail on traffic generation. Whilst the submitter may be intending that underlying zone rules are to apply, an increase in traffic movement may, for instance, breach TRAN-R8 and require an integrated transport assessment. Although the activity appears to rely on existing use rights, there is little detail on current traffic movements which makes it difficult to establish whether the activity will be able to comply with the PDP in the future. .

15.28.3.3. Rules on signage should be located in the signage chapter. As this relates to new signage rather than the replacement of existing signage (and thus existing use), the underlying zone standards may be deemed to apply which would include dimension limits. The submitter may wish to consider this.

New – Sensitive Activity Buffer

15.29. EMRC⁵⁴¹ are also proposing new rules in the noise and subdivision chapters to restrict sensitivity activities around the motor racing track. These have been dealt with as part of the GRUZ hearing stream below. Whilst there is evidence to support historic use of the site as a motor racing track, it is unclear to what extent the proposed provisions reflect existing activity or whether they represent an intensification of use.

15.30. To support the proposed rules, the submitter has included a report from noise experts Marshall Day. The report supports the establishment of noise contours around the site that trigger rules relating to reverse sensitivity – within the proposed 65db contour noise sensitive activities would be a non-complying activity and within the proposed 55db contour, noise mitigation would be required. Given the technical nature of the evidence and how noise is likely to be the most significant effect from

⁵⁴¹ DPR-0382:006 and 007 EMRC

the activity, I have requested that Acoustic Engineering Services (AES), review the Marshall Day report (refer to Appendix 3). AES have advised me:

- 15.30.1. That there appears to be some limitations with what is proposed by the submitter. There is no information provided on the noise effects on existing neighbouring properties except the notional boundary of the nearest property.
- 15.30.2. No absolute noise level is proposed for the speedway. From the Marshall Day report, it appears that the noise limit in the PDP will be breached, potentially by a significant margin. AES comment that the recordings undertaken should be confirmed as a worst case noise level and such a figure should be included in the district plan.
- 15.30.3. As discussed elsewhere in the report, whilst the number of event days is consistent with other speedways, the number of training days is much higher. The submitter needs to provide more evidence on what is being undertaken already or whether this is an intensification of the existing activity.
- 15.30.4. The noise contouring appears to be based off of one reading and there needs to be more measurements taken and more robust modelling to confirm the noise contours are appropriate.
- 15.30.5. Reverse sensitivity provisions are relatively unusual for speedways and where restriction on private property rights are proposed for a private, albeit community driven use, there needs to be robust justification. I note that in the Proposed Waimakiriri District Plan there are restrictions on development within the noise contour of Woodford Glen near Kaiapoi. Whilst such an approach may be appropriate for EMRC, I note that there appears to be few existing noise sensitive activities within the boundaries of Woodford Glen (at least on the Waimakiriri District side of the Waimakariri River which is subject to the noise control overlay).
- 15.30.6. If a higher noise level is deemed appropriate for existing dwellings, whilst events are underway, this could imply this is an acceptable baseline for new dwellings which could be built as a permitted activity.
- 15.30.7. Given the uncertainty with these proposed provisions, without further evidence, I recommend these submission points are rejected.

Recommendations and amendments

- 15.31. I recommend for the reasons given above, that the Hearings Panel retain the provisions as notified, except where amendments have otherwise been recommended within this report.
- 15.32. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

APP3

15.33. One submission was made on Appendix 3 specifically in relation to GRUZ.

DPR-0353	HortNZ	300	APP3	Oppose in Part	Amend to delete reference to GRUZ.
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Analysis

15.34. HortNZ⁵⁴² seek that reference to GRUZ be deleted in Appendix 3. This is on the basis that setbacks should be sufficient that adequate access to light will be achieved without need to reference height in relation to boundary.

15.35. I recommend this submission point is rejected. Whilst there is a recommendation to increase the setback for new residential units from the internal site boundary (refer to previous discussion in this report) this would not apply to non-habitable buildings and structures. Under GRUZ-REQ2, a 12m height is allowed for non-habitable buildings and 25m for silos. Internal boundary setbacks under GRUZ-REQ4 are 5m and 10-20m from road boundaries. A 12m building or 25m silo, 5m from the boundary could still give rise to adverse amenity impacts on neighbouring properties (e.g. shading). This makes the height in relation to boundary calculation (in APP3) a relevant factor.

Recommendations and amendments

15.36. I recommend for the reasons given above, that the Hearings Panel do not remove the reference to GRUZ in App3.

15.37. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16. S32AA Assessments

Section 32AA evaluation – amendments to GRUZ-O1 and GRUZ-P7

Effectiveness and efficiency

16.1. Ensuring that rural support activities are protected from reverse sensitivity in the same manner as primary production activities ensures the viability of the rural economy (both primary production and the activities that support them need to co-exist and operate effectively). The amendments are not inconsistent with the CRPS which requires that primary production is protected from reverse sensitivity effects. Moreover it helps to enable Objective 5.2.1 of the CRPS which seeks to locate development in a way that enables rural activities that support the rural environment and Policy 5.3.2 which seeks to avoid or mitigate conflict between incompatible activities.

⁵⁴² DPR-0353:300 HortNZ

Costs and Benefits

- 16.2. There may be some additional costs for sensitive activities in terms of there being a stronger imperative to avoid reverse sensitivity effects on a wider range of rural activities (other than primary production). As many sensitive activities require consent in GRUZ, costs are likely to be limited above and beyond any effects assessment required already for reverse sensitivity on primary production. The benefits are increased protection for rural support activities from reverse sensitivity which, in turn, will help protect the viability of primary production.

Risk of acting or not acting

- 16.3. As stated, the risk of not acting would be that only part of the rural economy is protected from reverse sensitivity effects from sensitive activities.

Conclusion

- 16.4. Protecting rural support activities from reverse sensitivity in the same manner as primary production protects the wider rural economy and recognises the interdependence of these activities. Whilst there may be some additional costs to some sensitive activities, there is already a reasonably high test to establish in GRUZ and the change will not increase this cost significantly.

Section 32AA evaluation – amendment to GRUZ-P5

Effectiveness and efficiency

- 16.5. Requiring that health centres, educational facilities and community correctional activities avoid establishing in GRUZ unless an operational or functional need can be demonstrated implements GRUZ-O1 by helping to allow primary production to operate without being compromised by reverse sensitivity. The amendment also gives effect to higher order documents including the CPRS, particularly Policy 5.3.12 which requires that development is avoided that either forecloses the ability to make use of land for primary production or results in reverse sensitivity effects that limit or preclude land for primary production. The policy provides a sounder basis and rationale for rules in GRUZ that make these activities non-complying activities.

Costs and Benefits

- 16.6. There are unlikely to be significant extra costs. The activities are already non-complying activities. Under the provisions as notified however it is not clear why they are non-complying activities as there is a policy gap. This will make assessment and implementation of the rule potentially confusing. The amendment will reduce the likelihood of confusion and assist plan users to interpret the purpose of the rules.

Risk of acting or not acting

- 16.7. As stated, the risk of not acting would be a level of confusion as to how the non-complying rules for these activities are to be interpreted.

Conclusion

- 16.8. The amendments to the policy make sense as they implement direction in the CRPS, and GRUZ-O1 by avoiding activities that could compromise primary production, whilst not significantly increasing cost. The amendments will also assist plan users by providing a clear rationale and basis for the non-complying activity status in the rules.

Section 32AA evaluation – new policy for community facilities

Effectiveness and efficiency

- 16.9. Providing for community facilities in GRUZ implements SD-DI-O1 in a broad sense by enabling development that enhances environmental, economic, cultural and social outcomes for the benefit of the entire District. In terms of the CRPS, there is no specific policy direction on community facilities in rural areas (apart from avoiding reverse sensitivity but this is not specific to community facilities). Objective 5.2.1 provides some overall development goals which community facilities seeking to locate in GRUZ would need to align with. The proposed policy would require the management of adverse effects from community facilities (providing they can demonstrate a functional or operational need to locate in GRUZ). This is an efficient test, noting that the corresponding rule (GRUZ-R33) is a discretionary activity.

Costs and Benefits

- 16.10. There are unlikely to be significant extra costs as a community facility already requires a resource consent under the PDP. Under the present policy provisions, community facilities are not specifically enabled by the planning framework in the same way as economic activities that have an operational and functional need to locate in GRUZ and are linked to primary production. Community facilities cover a wide range of potential activities from a sports club to a religious centre which may to a greater or lesser degree be appropriate in GRUZ. Including a policy based on operational and functional need will provide an appropriate consideration as to whether they should locate in GRUZ. The use of 'manage' rather than 'avoid' is appropriate as the effects from this activity are so varied.

Risk of acting or not acting

- 16.11. As stated, the risk of not acting would be a level of confusion as to how the discretionary rule for these activities are to be interpreted.

Conclusion

- 16.12. Community facilities are not presently represented by a clear policy in GRUZ which may raise questions on how they are to be assessed. A clearer policy is more efficient and effective as it better supports the basis for the rule which is a full discretionary activity.

Section 32AA evaluation – amendment to GRUZ-R7

Effectiveness and efficiency

- 16.13. Permitting relocatable residential units in the same manner as permanent residential units, subject to ensuring reinstatement works are undertaken and the building is fit for purpose, is more efficient and effective than always requiring a resource consent as the activity can be managed through safeguards in the Building Act or, where this is not possible, a resource consent. In addition, the rural environment is better able to absorb the effects of a building awaiting reinstatement works than a residential zone.

Costs and Benefits

- 16.14. There are unlikely to be significant extra costs. Building consent is usually required in such circumstances where new permanent foundations/servicing connections are to be established and where any building work is to take place. A benefit will be that such work will not routinely require a bond being paid and resource consent fees.

Risk of acting or not acting

- 16.15. A risk of making this change is that a house may be moved to a site and sit idle (and is not captured in some way by the Building Act). This could become an adverse effect on neighbouring amenity. The risk of this is low due to the expense of moving a house to a new site, the openness of the rural zone and the ability to still require a resource consent in such circumstances (and take enforcement action).

Conclusion

- 16.16. Overall the change will have a positive effect as it will reduce the need to routinely apply for resource consent while still ensuring Council has appropriate scrutiny over proposals to move relocatable dwellings.

Section 32AA evaluation – amendments to enable seasonal worker accommodation

Effectiveness and efficiency

- 16.17. Enabling seasonal worker accommodation through plan provisions supports rural production activity and gives effect to GRUZ-O1 and GRUZ-P1 by enabling primary production. It also gives effect to CRPS Objective 5.2.1e through enabling rural activities that support primary production. Although the activity is a residential activity it occupies a unique position as it also could be considered rural production, given the direct role it has in agriculture, horticulture and pastoral farming.

Costs and Benefits

- 16.18. There are likely to be benefits to rural production activities in Selwyn where worker accommodation can be provided as a permitted activity. Under the notified PDP, the activity is likely to be a non-complying activity or discretionary activity with accompanying consenting costs and no guarantee of success in securing consent. Worker accommodation may become more important in the future particularly if horticultural activities increase in the District.

Risk of acting or not acting

16.19. The risk of not acting would be that rural production activities may find it difficult to provide worker accommodation under current provisions in the PDP.

Conclusion

16.20. The amendments will provide support for this activity by specifically recognising it as a residential activity that is also tied to and integral to rural production. This sets it apart from other activities which it might otherwise fall under (by default) such as visitor accommodation.

Section 32AA evaluation – amendments to GRUZ-REQ1 and GRUZ-REQ4

Effectiveness and efficiency

16.21. Exempting tunnel houses, greenhouses, crop covers and crop protection structures from the building coverage requirements where they do not have a built-in floor gives effect to GRUZ-O1 and GRUZ-P1 by enabling horticultural activities (as part of primary production). It is consistent with the CRPS as it maintains the underlying use of the soil for rural production (Policies 5.3.2 and 5.3.12). The amendments to GRUZ-REQ4 strike a balance of enabling rural production whilst maintaining appropriate amenity (thus giving effect to GRUZ-O1 and P1).

Costs and Benefits

16.22. Under the notified provisions it is likely a resource consent would be required for these types of buildings with accompanying cost. This would be unduly onerous as the activities are for rural production using the fertility of the underlying soil. The amendments to GRUZ-REQ4 allow more of the site area to be utilised for rural production without a consent (or more likely) a larger setback. A cost may be reduced amenity overall, but this is appropriate given the purpose of the structures is for rural production.

Risk of acting or not acting

16.23. The risk of not acting is that this could increase a cost burden to rural production activities which is the main purpose of the GRUZ.

Conclusion

16.24. The amendments will reduce the need for resource consents for rural production activities and enable more of the site area to be utilised. A reduction in amenity is possible however in the overall context this is acceptable given the purpose of the structures.

Section 32AA evaluation – new rural service precinct

Effectiveness and efficiency

16.25. There are several alternative methods that could be utilised to realise the potential for this site however the rural service precinct is the most effective and efficient as it better reflects the unique characteristics and constraints of the site and enables additional activities to be undertaken with more certainty and less costs whilst remaining zoned as rural and retaining the overall objectives and policies for GRUZ. Other options considered include relying on resource consents (or applying

for new resource consents under GRUZ). This does lead to a degree of uncertainty and the submitter would have to demonstrate operational and functional need unless the activity was a traditional rural activity. The submitter would also have to bear a cost of applying for these resource consents for the type of activities that have been deemed to be acceptable in the past. An alternative option may be to rezone to an industrial or commercial category. The site is not part of Map A in CRPS and development for business land would be inconsistent with Policy 6.3.1 of the CRPS. Whilst NPS-UD 2020 could be utilised as 'out of sequence' development, the sites are small in scale and may not make a significant difference in development capacity. Industrial and business zoning would also allow a degree of development that would not preserve the distinct settlement pattern in the area as well as the sense of openness and separation between Christchurch and Selwyn Districts.

Costs and Benefits

- 16.26. Benefits are that a wider range of permitted activities are provided for without the cost of having to apply for resource consent. Some of the proposed amendments by the submitter to rules will better manage transport effects from the site (parking, access etc...) than is otherwise currently required. The proposed landscaping rules will improve the appearance of the site from major transport routes (e.g. the Southern Motorway). Costs are that there is a reduced sense of openness between Christchurch and Selwyn Districts, due to the increased density and height of development on the site.

Risk of acting or not acting

- 16.27. There is enough information to understand the need for the proposal, the history of the site, constraints of development in the area and the likely potential effects generated. This makes it possible to determine whether these potential effects of the proposed precinct can be appropriately avoided, remedied or mitigated.

Conclusion

- 16.28. The proposed rural service precinct is an efficient and effective way of managing the development of what is a unique site in GRUZ. The precinct will preserve the underlying zoning and associated objectives and policies whilst allowing a degree of development that is greater than would otherwise be appropriate in GRUZ, but appropriate for the receiving environment. This development will however be of a nature that is consistent with the purpose of GRUZ.

17. Conclusion

- 17.1. For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.