

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Special Purpose - Port Zone, Knowledge Zone and Dairy
Processing Zone

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	
DPR-0032	Christchurch City Council	CCC
DPR-0068	MetroPort Christchurch	MetroPort
DPR-0080	Philip J Hindin	-
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Chorus
DPR-0126	Foster Commercial	-
DPR-0157	Kevin & Bonnie Williams	The Williams
DPR-0205	Lincoln University	-
DPR-0207	Selwyn District Council	SDC
DPR-0209	Manmeet Singh	-
DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) and Landcare Research (Landcare)	Plant and Food & Landcare
DPR-0298	Trices Road Re-zoning Group	-
DPR-0342	AgResearch Limited	AgResearch
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0378	The Ministry of Education	MoE
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	RIDL
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird
DPR-0414	Kāinga Ora - Homes & Communities	-
DPR-0420	Synlait Milk Limited	Synlait
DPR-0422	Federated Farmers of New Zealand - North Canterbury	NCFF
DPR-0434	Lincoln University	-
DPR-0439	Rayonier Matariki Forests	Rayonier
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0455	Paul & Fay McOscar	-
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould
DPR-0460	Marama Te Wai Ltd	-
DPR-0461	Dunweavin 2020 Ltd	
DPR-0492	Kevler Development Ltd	Kevler
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	Gallina & Heinz-Wattie

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
CMUZ	Commercial and Mixed Use Zones
CON	Controlled Activity Status
CRPS	Canterbury Regional Policy Statement 2013
DIS	Discretionary Activity Status
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure Chapter of the PDP
GIZ	General Industrial Zone
HRTB	Height in Relation to Boundary
IMP	Mahaanui Iwi Management Plan 2013
KNOZ	Knowledge Zone
LFRZ	Large Format Retail Zone
NC	Non-Complying Activity Status
NESPF	National Environmental Standard for Plantation Forestry
ODP	Outline Development Plan
PDP	Proposed Selwyn District Plan
PER	Permitted Activity Status
PORTZ	Port Zone
REDIS	Restricted Discretionary Activity Status
RMA	Resource Management Act 1991
SD	Strategic Directions
The Council	SDC
TRAN	Transport Chapter of the PDP

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Dairy Processing, Knowledge and Port Zones 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.
- 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 Jessica Barbara Tuilaepa. I have been employed by the Council within the planning team for the past eleven years, being a Senior Strategy and Policy Planner for the past three years. My qualifications include a Bachelor of Commerce from Otago University and Master of Environmental Policy from Lincoln University. I am a graduate member of the New Zealand Planning Institute.
- 2.2 I have 12 years' experience as a resource management planner, with this work including various resource management positions in local government and private companies since 2008. My predominant experience has been in statutory policy and resource consent planning in the Selwyn District. My experience includes processing and reporting on resource consent applications, district plan formulation and policy advice for the Council, preparation of Assessment of Environmental Effects, monitoring and compliance of consent conditions. My role as part of the District Plan Review Team includes consultation, research and reporting and as Topic Lead for Part 1, and the CMUZ and GIZ chapters in addition to the DPZ, KNOZ and PORTZ chapters discussed in this report.
- 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. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. 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. The opinions expressed in this evidence are based on my qualifications and experience, and are within my area of expertise. If I rely on the evidence or opinions of another, my evidence will acknowledge that position.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the Dairy Processing, Knowledge and Port Zones.
- 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 The assessment of submissions generally follows the following format:
- ***Submission Information***
 - ***Analysis***
 - ***Recommendation and Amendments***
- 3.4 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.

¹ Section 74 RMA

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](#);
- [Dairy Processing Zone](#);
- [Industrial and Port Zones](#); and
- [Knowledge Zone](#)

4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

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.

6. Consideration of submissions

Overview of submissions

6.1 The issues raised by submitters and addressed in the s42A report on Dairy Processing, Knowledge and Port Zones are summarised for each Section below.

DPZ

6.1.1 81 submission points, including 52 further submission points, were received on the chapter in general, the Objectives, Policies and Rules as notified in the PDP or requests for new objectives, policies or rules, the Rule Requirements, the Matters of Control or Discretion, Schedules, and the Zoning as notified in the proposed plan, including Map symbology.

KNOZ

6.1.2 110 submission points, including 24 further submission points, were received on the definitions, the Objectives, Policies and Rules as notified in the PDP or requests for new objectives, policies or rules, the Rule Requirements and the Matters of Control or Discretion.

PORTZ

6.1.3 73 submission points, including 21 further submission points, were received on the definition of Port Activities, that chapter in general, the Objectives, Policies and Rules as notified in the PDP, the Rule Requirements, the Matters of Control or Discretion, and the Zoning as notified in the proposed plan.

6.1.4 93 submissions points, including 81 further submission points, were received in relation to the exercise of non-notification clauses across the DPZ, KNOZ and PORTZ.

6.1.5 Five submission points including four further submissions were received, seeking to alter the objectives of the DPZ, KNOZ and PORTZ to demonstrate anticipated development outcomes.

Structure of this report

- 6.2 Given the number, nature and extent of the submissions and further submissions received, this Section 42A Report has been structured based on section as they appear in the PDP. For the Interpretation Section, the order of appearance is broadly based on the origin of the definition.
- 6.3 Where an amendment is recommended the applicable s32AA will follow on from the Recommendations section for that issue.
- 6.4 The submissions will be assessed in the order set out below:
- Definitions
 - DPZ , KNOZ and PORTZ Chapters in General
 - Objectives
 - Policies
 - Rules
 - Rule Requirements
 - Matters for Control or Discretion
 - Mapping

7. Dairy Processing Zone

Chapter in General

Submissions

- 7.1 Two submission points, including one further submission point were received in relation to the DPZ chapter in general.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	086	DPZ-Overview	Support In Part	Amend as follows: Synlait and Fonterra have existing dairy processing plants at Dunsandel and Hororata Darfield respectively, located within the Dairy Processing Zone and adjacent to the strategic transport network.
DPR-0209	Manmeet Singh	FS818	DPZ-Overview	Oppose In Part	Reject submission in part

Analysis

- 7.2 Fonterra² seek to amend the DPZ-Overview to describe the general location of the Fonterra dairy processing plan as being in Darfield not Hororata. As Darfield is the closer township, I consider this does more appropriately depict the location of the factory and recommend this submission point be accepted.

² Fonterra DPR-0370.086

Recommendation

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

- a) Amend the DPZ-Overview as shown in **Appendix 2** to better describe the general location of the Fonterra dairy processing plant.

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

DPZ-Objectives and Policies

Submissions

7.5 21 submission points, including 11 further submission points were received in relation to the Objectives and Policies of the DPZ chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	087	DPZ-O1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS819	DPZ-O1	Oppose In Part	Reject submission in part
DPR-0420	Synlait	013	DPZ-O1	Support	Retain as notified
DPR-0080	Philip J Hindin	FS002	DPZ-O1	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	088	DPZ-P1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS820	DPZ-P1	Oppose In Part	Reject submission in part
DPR-0420	Synlait	014	DPZ-P1	Support	Retain as notified
DPR-0080	Philip J Hindin	FS003	DPZ-P1	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	089	DPZ-P2	Support In Part	Amend as follows: Manage the adverse effects of dairy processing activities and facilities by ensuring: ... <u>4. Avoid sensitive activities locating in close proximity to the Dairy Processing Zone.</u>
DPR-0209	Manmeet Singh	FS821	DPZ-P2	Oppose In Part	Reject submission in part
DPR-0420	Synlait	FS002	DPZ-P2	Support	Adopt the wording as submitted by Fonterra.
DPR-0420	Synlait	015	DPZ-P2	Support	Retain as notified
DPR-0080	Philip J Hindin	FS004	DPZ-P2	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<i>costs of compliance and noise reduction within any noise control boundary.</i>
DPR-0370	Fonterra	090	DPZ-P3	Support	Retain as notified
DPR-0209	Manmeet Singh	FS822	DPZ-P3	Oppose In Part	Reject submission in part
DPR-0420	Synlait	016	DPZ-P3	Support	Retain as notified
DPR-0080	Philip J Hindin	FS005	DPZ-P3	Oppose	<i>Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.</i>
DPR-0370	Fonterra	091	DPZ-P4	Support	Retain as notified
DPR-0209	Manmeet Singh	FS823	DPZ-P4	Oppose In Part	Reject submission in part
DPR-0420	Synlait	017	DPZ-P4	Support	Retain as notified
DPR-0080	Philip J Hindin	FS006	DPZ-P4	Oppose	<i>Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.</i>

Analysis

- 7.6 Fonterra and Synlait³ support DPZ-O1 as notified. As no amendments have been sought to this provision, I recommend these submission points be accepted.
- 7.7 Fonterra and Synlait⁴ support DPZ-P1 and DPZ-P3 as notified. I recommend these submission points be accepted.
- 7.8 Fonterra⁵ seek an amendment to DPZ-P2 to avoid sensitive activities locating near the Dairy Processing Zone. In my view, such a Policy would need to be in the zone chapter in which the activity was occurring (GRUZ), or within a District Wide chapter, such as the NOISE chapter. The PDP already manages 'noise sensitive activities' on land adjoining the DPZ using a Noise Control Overlay - NOISE-R6. The difference between the definitions of a 'noise sensitive activity' and a 'sensitive activity' in the PDP is that not all 'community facilities' are considered 'noise sensitive activities', but they are considered 'sensitive activities'. So whilst a hospital or healthcare activity could not establish as a permitted activity in under the DPZ Noise Control Overlay, a Church theoretically could. However, I also note that there are provisions in the GRUZ zone, the only Zone which adjoins the DPZ as notified, which provide a DIS status for any Community Facility establishing in the zone. Therefore, I recommend this submission point be rejected as the relief sought by the submitter is in my opinion already provided for elsewhere (NOISE-P5 and NOISE-R6) in the PDP.
- 7.9 Synlait⁶ supports DPZ-P2 as notified. I recommend this submission point be accepted.

³ Fonterra DPR-0370.087 and Synlait DPR-0420.013

⁴ Fonterra DPR-0370.088, DPR-0370.090, DPR-0370.091 and Synlait DPR-0420.013, DPR-0420.16 and DPR-0420.017

⁵ Fonterra DPR-0370.089

⁶ Synlait DPR-0420.015

7.10 Fonterra and Synlait⁷ supports DPZ-P4 as notified. I recommend this submission point be accepted.

Recommendation

7.11 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

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

DPZ-Rules

Submissions

7.13 13 submission points, including eight further submission points were received in relation to DPZ-Rules.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	092	DPZ-R1	Support In Part	Retain as notified
DPR-0209	Manmeet Singh	FS824	DPZ-R1	Oppose In Part	Reject submission in part
DPR-0420	Synlait	018	DPZ-R1	Support	Retain as notified
DPR-0080	Philip J Hindin	FS007	DPZ-R1	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0207	SDC	071	DPZ-R2	Oppose In Part	Amend as follows: Any rural production activity <u>and associated buildings and structures</u> , amenity planting, shelterbelt, and conservation activity Where: a. This activity complies with the following rules: <u>i. GRUZ-R2 Structures</u> ; ...
DPR-0370	Fonterra	FS026	DPZ-R2	Oppose	Reject the submission
DPR-0370	Fonterra	093	DPZ-R2	Support In Part	Not specified
DPR-0209	Manmeet Singh	FS825	DPZ-R2	Oppose In Part	Reject submission in part
DPR-0370	Fonterra	094	DPZ-R3	Support In Part	Amend as follows: Activity status: PERRDIS
DPR-0209	Manmeet Singh	FS826	DPZ-R3	Oppose In Part	Reject submission in part
DPR-0370	Fonterra	095	DPZ-R4	Oppose	Amend as follows: Activity Status: NC-RDIS 1. Any activity not otherwise listed.
DPR-0209	Manmeet Singh	FS827	DPZ-R4	Oppose In Part	Reject submission in part

⁷ Fonterra DPR-0370.091 and Synlait DPR-0420.017

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0420	Synlait	030	New	Oppose In Part	Requests that, within the zone, renewable energy generation is not limited to solar cells or panels mounted on the roofs of buildings; or only to solar energy.
DPR-0080	Philip J Hindin	FS017	New	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	FS027	New	Support	Accept the submissions.

Analysis

- 7.14 Synlait⁸ seeks a new Rule to ensure that renewable energy generation in the zone is not limited to only solar. The PDP as notified manages “Renewable energy generation” via EI-R30 across All Zones. This same issue was also raised by both Synlait⁹ and Fonterra¹⁰ in the EI hearing, with the submitters seeking that EI-R30 be amended to exclude the DPZ from the EI-R30 which applies to all zones. Alongside EI-R30, ‘energy generation’ is also a permitted activity in DPZ-R1.
- 7.15 Rule EI-R30 permits roof mounted solar cells and panels across all zones, and DPZ-R1.2.b permits “energy generation” in the DPZ if it is ancillary to the dairy processing activity operated by Fonterra or Synlait. If the energy generation activity is not ancillary to dairy processing it is a non-complying activity. Fonterra and Synlait would prefer that all matters relating to energy generation and storage, including renewable energy generation, be provided for within the DPZ (which is an approach allowed by the Planning Standards in relation to Special Purpose Zones). In the EI s42A Report Ms Barker recommended that excluding the DPZ from EI-R30 is the preferred approach as it removes duplication and provides certainty to Fonterra and Synlait that EI-R30 does not apply to the DPZ. The Outline Development Plans that apply to the Fonterra and Synlait sites apply a rural buffer zone and ensure that any infrastructure within the rural buffer has a maximum height of 9m and is setback from the site boundaries. The Fonterra and Synlait sites are also both well screened. Furthermore, energy generation not associated with the dairy processing activity would be non-complying which ensures non-related activity is assessed. In the EI s42A report Ms. Barker also recommended that to ensure DPZ-R1 does not limit energy generation to ‘solar only’, which was not the intention, the rule should instead be modified to reference “renewable electricity generation”.
- 7.16 I consider it appropriate to adopt the recommendation made in the EI s42A Report to amend DPZ-R1 to replace ‘energy generation’ with ‘renewable electricity generation’, as the definition of ‘Renewable electricity generation’ in the PDP is broader than solar and includes wind etc. and in my view should be enabled in principle, any noise generated from the development of wind turbines

⁸ Synlait DPR-0420.030

⁹ Synlait DPR-0420.252

¹⁰ Fonterra DPR-0370-251

would be subject to compliance with the Noise Limits in NOISE-REQ1. Such developments would also be subject to the relevant DPZ-REQs. I recommend these submission points¹¹ be accepted.

- 7.17 Fonterra and Synlait¹² support DPZ-R1 as notified. I recommend these submission points be accepted in part, as Synlait has also sought an amendment to the plan via the inclusion of a 'new rule' and as set out in 7.13 and 7.14 I consider that an amendment to DPZ-R1 would better satisfy the submitter's relief sought.
- 7.18 SDC¹³ seeks an amendment to DPZ-R2. The submitter considers that any building or structure associated with rural production is also intended to be a permitted activity where it complies with the bulk and location requirements of the General Rural Zone and I agree. Fonterra¹⁴ supports the permitted activities provided for on the site. I recommend these submission points be accepted.
- 7.19 Fonterra¹⁵ seek to amend the activity status in DPZ-R3 from RDIS to PER to align with the operative plan and PC50. On review of the ODP provisions it appears that under C3 Buildings of the Rural Volume, any new principal building or alteration to, or modifications of a principal building is permitted as long as its only access to a legal formed road is not by crossing a railway line. The Fonterra Dairy Factory site is also accessed by Auchenflower Road, which indicates that building and compliance with bulk and location requirements it may have been a PER activity. However, the status of an activity in the ODP is determined by considering all rules in the Plan which are relevant to that activity. Where the application of the rules gives the activity more than one status under the Plan, the activity will be assessed by the status which imposes the higher or more rigorous threshold on that activity. The ODP also contains rules which manage new buildings based on access. Although the site does have access from Auchenflower Road, it also has access from the State Highway. For new buildings which increase capacity, the design of any access from the SH and any SH/local road intersection shall be approved in writing by the road and rail controlling authorities; all access shall comply with the design requirements of Appendix 10 Transport; and secondary access points shall only be used for specified purposes when the primary access is made temporarily unavailable. I consider the current rule is ultra vires as it requires third party approval, therefore a new RDIS rule was proposed through the s32 report to require a traffic assessment. I recommend this submission point be rejected.
- 7.20 Fonterra¹⁶ seek an amendment to DPR-R4 to change the 'any other activity' status from NC to RDIS. Given the wide variety of activities that could fall within the 'any other activity' header, it would be difficult to define appropriate matters for discretion. Given the purpose of the zone is to allow for dairy processing activities, which are enabled by DPZ-R1 and other rural activities are covered by DPZ-R2 I consider the NC status to be entirely appropriate. I recommend this submission point be rejected.

Recommendation

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

¹¹ Fonterra DPR-0370-251 and Synlait DPR-0420.252

¹² Fonterra DPR-0370.092 and Synlait DPR-0420.018

¹³ SDC DPR207.071

¹⁴ Fonterra DPR-0370.093

¹⁵ Fonterra DPR-0370.094

¹⁶ Fonterra DPR-0370.095

- a) Amend DPZ-R1 as shown in **Appendix 2** to reference 'renewable electricity generation'.
- b) Amend DPZ-R2 as shown in **Appendix 2** to GRUZ-R2 Structures.

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

DPZ-Rule Requirements

Submissions

7.23 30 submission points, including 16 further submission points, were received in relation to the DPZ-Rule Requirements.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0420	Synlait	019	DPZ-REQ1	Support	Retain as notified
DPR-0080	Philip J Hindin	FS008	DPZ-REQ1	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	097	DPZ-REQ2	Support In Part	Amend as follows: 2. Where located within the Rural Buffer Area: a. Any free-standing sign permitted by DPZ-REQ2.1 shall: i. have a maximum height of 6m above ground level; ii.
DPR-0209	Manmeet Singh	FS829	DPZ-REQ2	Oppose In Part	Reject submission in part
DPR-0420	Synlait	020	DPZ-REQ2	Oppose In Part	Delete as notified and replace with: <u>2. Where located within the Rural Buffer Area:</u> <u>a. Any free-standing sign permitted by DPZ- REQ2.1 shall:</u> <u>i. Comply with SIGN-R4 or SIGN-REQ1.</u>
DPR-0080	Philip J Hindin	FS009	DPZ-REQ2	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0375	Waka Kotahi	FS279	DPZ-REQ2	Support In Part	If deemed appropriate for signage within rural buffer areas to adopt the rules within the signage chapter, care should be taken to ensure cross-referencing between rules and rule requirements is correct.
DPR-0370	Fonterra	098	DPZ-REQ3	Support	Retain as notified
DPR-0209	Manmeet Singh	FS830	DPZ-REQ3	Oppose In Part	Reject submission in part
DPR-0420	Synlait	021	DPZ-REQ3	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0080	Philip J Hindin	FS010	DPZ-REQ3	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	099	DPZ-REQ4	Support	Retain as notified
DPR-0209	Manmeet Singh	FS831	DPZ-REQ4	Oppose In Part	Reject submission in part
DPR-0420	Synlait	022	DPZ-REQ4	Support	Retain as notified
DPR-0080	Philip J Hindin	FS011	DPZ-REQ4	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	100	DPZ-REQ5	Support	Retain as notified
DPR-0209	Manmeet Singh	FS832	DPZ-REQ5	Oppose In Part	Reject submission in part
DPR-0420	Synlait	023	DPZ-REQ5	Support	Retain as notified
DPR-0080	Philip J Hindin	FS012	DPZ-REQ5	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	101	DPZ-REQ6	Support	Retain as notified
DPR-0209	Manmeet Singh	FS833	DPZ-REQ6	Oppose In Part	Reject submission in part
DPR-0420	Synlait	024	DPZ-REQ6	Support	Retain as notified
DPR-0080	Philip J Hindin	FS013	DPZ-REQ6	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	102	DPZ-REQ7	Support	Retain as notified
DPR-0209	Manmeet Singh	FS834	DPZ-REQ7	Oppose In Part	Reject submission in part
DPR-0420	Synlait	025	DPZ-REQ7	Support	Retain as notified
DPR-0080	Philip J Hindin	FS014	DPZ-REQ7	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0420	Synlait	026	DPZ-REQ8	Oppose In Part	Amend as follows: <u>This rule shall not apply where the intersection of State Highway 1 and Heselton Road as existing at October 5 2020 has been up-graded, or works have been commenced for its up- grading to</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>improve the capacity for right turn movements from Heslerton Road to the State Highway.</u>
DPR-0080	Philip J Hindin	FS015	DPZ-REQ8	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0375	Waka Kotahi	FS280	DPZ-REQ8	Oppose In Part	Retain as notified.

Analysis

- 7.24 Synlait¹⁷ supports DPZ-REQ1 as notified. I recommend this submission point be accepted.
- 7.25 Synlait and Fonterra¹⁸ seek amendments to DPZ-REQ2 as both consider SIGN-REQ1 applies to signage in the DPZ. Fonterra considers that the signage provisions (SIGN-REQ1) set out the bulk parameters that will apply to signage in the DPZ and therefore, DPZ-REQ2.2.a.1 is not required. Synlait considers that management of signs within the Rural Buffer Area can be obtained by cross-referencing to and adopting the provisions in the Signs Chapter. I agree that cross-referencing to SIGN-REQ1 is appropriate as DPZ-REQ2 results in duplication and recommend Fonterra's submission point be accepted in part and Synlait's submission point be accepted in full.
- 7.26 Fonterra and Synlait support DPZ-REQ3, DPR-REQ4, DPR-REQ5, DPR-REQ6 and DPR-REQ7 as notified. As no amendments have been sought to these provisions, I recommend these submission points be accepted.
- 7.27 Synlait¹⁹ seeks an amendment to DPZ-REQ8 to exclude the Heslerton Road/SH1 intersection from being subject to the REQ. This same request was made by the submitter prior to the notification of the PDP and at the time this exclusion was not supported by Waka Kotahi or Council's Transport Manager. I consider the initial reasons not to proceed with the exclusion, including the fact that the SH1/Heslerton Road intersection is the responsibility of the NZTA, the proposed approach assumes all traffic comes in and out from SH1 have not changed and recommend this submission point be rejected.

Recommendation

- 7.28 I recommend, for the reasons given above, that the Hearings Panel:
- Amend the DPZ-REQ2 as shown in **Appendix 2** to reference SIGN-REQ1
- 7.29 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

¹⁷ Synlait DPR-0420.019

¹⁸ Synlait DPR-0420.020 and Fonterra DPR-0370.097

¹⁹ Synlait DPR-0420.026

DPZ-Matters for Control or Discretion

Submissions

- 7.30 Four submission points, including two further submission points, were received in relation to DPZ-MAT1 and DPZ-MAT2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	103	DPZ-MAT1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS835	DPZ-MAT1	Oppose In Part	Reject submission in part
DPR-0370	Fonterra	104	DPZ-MAT2	Support	Retain as notified
DPR-0209	Manmeet Singh	FS836	DPZ-MAT2	Oppose In Part	Reject submission in part

Analysis

- 7.31 Fonterra²⁰ support DPZ-MAT1 and DPZ-MAT2 as notified. As no amendments have been sought to these provisions, I recommend these submission points be accepted.

Recommendation

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

Schedules and Maps

Submissions

- 7.34 11 submission points, including five further submission points, were received in relation to the DPZ schedules and maps.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	001	DPZ	Support	Retain as notified
DPR-0209	Manmeet Singh	FS734	DPZ	Oppose In Part	Reject submission in part
DPR-0420	Synlait	012	DPZ	Support	Retain as notified
DPR-0080	Philip J Hindin	FS001	DPZ	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0420	Synlait	027	DPZ-SCHED1	Oppose In Part	Replace the Noise Control Overlay with a new Overlay. Refer to original submission for full decision requested, including attachment.

²⁰ Fonterra DPR-0370.103 and DPR-0370.104

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0080	Philip J Hindin	FS016	DPZ-SCHED1	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.
DPR-0370	Fonterra	096	DPZ-SCHED2	Support In Part	Requests that the alignment of CPW-1 is clarified.
DPR-0209	Manmeet Singh	FS828	DPZ-SCHED2	Oppose In Part	Reject submission in part

Analysis

- 7.35 Fonterra and Synlait²¹ support the extent of the DPZ as shown on the Planning Maps. I recommend these submission points be accepted.
- 7.36 Synlait²² seek an amendment to DPZ-SCHED1. This schedule demonstrates the Outline Development Plan for the Synlait dairy processing plant. The submitter seeks the Noise Control Overlay is replaced. The extent of the Overlay is determined through modelling that is associated with the NOISE chapter. In the NOISE s42A Report, Ms. Barker, recommends an amendment is made to the planning maps to show the Synlait 'Inner Noise Zone'. Therefore, I consider that the Synlait ODP in DPZ-SCHED1 should be amended to reflect this change. I recommend this submission point be accepted.
- 7.37 Fonterra²³ seek the alignment of CPW-1 designation be clarified in DPZ-SCHED2. The submitter has made a similar submission on the designations chapter which will be considered during the PDP hearings on Designations. I do not consider it appropriate for the DPZ hearing to consider the extent of CPW1, and I recommend this submission point be rejected on that basis. However, I consider that if, as a result of the Designations hearing the alignment changes, then DPZ-SCHED2 should be altered as a consequential amendment.

Recommendation

- 7.38 I recommend, for the reasons given above, that the Hearings Panel:
- Amend the DPZ-SCHED1 as shown in **Appendix 2** to depict the extent of the Synlait 'Inner Noise Zone'.
- 7.39 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

²¹ Fonterra DPR-0370.001 and Synlait DPR-0420.012

²² Synlait DPR-0420.027

²³ Fonterra DPR-0370.096

8. KNOZ - Knowledge Zone

Definitions

Submissions

- 8.1 13 submission points, including one further submission point were received in relation to definitions specific to the KNOZ these being: 'High Technology Industrial Activity', 'Rural Sector Commercial Activity', 'Tertiary Education' and 'Tertiary Education Provider'.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0205	Lincoln University	063	High Technology Industrial Activity	Support	Retain as notified.
DPR-0213	Plant and Food & Landcare	025	High Technology Industrial Activity	Support	Retain as notified
DPR-0342	AgResearch	004	High Technology Industrial Activity	Support	Retain the definition of "high technology industrial activities" as notified.
DPR-0422	NCFF	048	High Technology Industrial Activity	Neither Support Nor Oppose	Amend as follows: In relation to the Knowledge Zone is a Rural Sector Commercial <u>Commercial</u> activity which includes....
DPR-0205	Lincoln University	062	Rural Sector Commercial Activity	Support	Retain as notified.
DPR-0213	Plant and Food & Landcare	024	Rural Sector Commercial Activity	Support	Retain as notified
DPR-0342	AgResearch	003	Rural Sector Commercial Activity	Support	Retain the definition of "Rural sector commercial activities" as notified.
DPR-0205	Lincoln University	058	Tertiary Education	Support	Retain as notified.
DPR-0342	AgResearch	FS023	Tertiary Education	Support	Allow in full
DPR-0213	Plant and Food & Landcare	022	Tertiary Education	Support	Retain as notified
DPR-0378	MoE	005	Tertiary Education	Support	Retain as notified
DPR-0434	Lincoln University	003	Tertiary Education	Oppose In Part	Amend as follows: The use of land and/or buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					administrative, cultural, commercial, community, staff and student facilities, conferencing, accommodation, retail and recreational facilities. <u>It includes ancillary use of facilities by persons not associated with a tertiary education or research activity.</u>
DPR-0378	MoE	006	Tertiary Education Provider	Support	Retain as notified

Analysis

- 8.2 Federated Farmers²⁴ highlight a spelling mistake in the definition of ‘High Technology Industrial Activity’. On review of the example provided by the submitter I accept that an error has been made in the drafting of the PDP, and this will be addressed through a cl16 (2) amendment. Therefore, I recommend that this submission point be accepted.
- 8.3 Lincoln University, Plant and Food & Landcare and AgResearch²⁵ support the definition of ‘High Technology Industrial Activity’ as notified. While noting the cl16 (2) amendment above, the intent and format of the definition remains unchanged, therefore I recommend these submission points be accepted.
- 8.4 Lincoln University, Plant and Food & Landcare and AgResearch²⁶ support the definition of ‘Rural Sector Commercial Activity’ as notified. I recommend these submission points be accepted.
- 8.5 Lincoln University²⁷, lodged a secondary submission in relation to New Zealand Cricket’s high performance playing and training facilities at the Lincoln campus which seeks to amend the definition of ‘Tertiary Education’ to include the ancillary use of facilities by persons not associated with a tertiary education or research activity. The submitter supplied, as an example, the recreation centre at the University is a facility that is utilised by the wider community, as is the Lincoln University Bookshop and its NZ Post facilities. A change is sought to the definition so that such ancillary uses are provided for. To ensure that a resource consent isn’t inadvertently required for an activity intended to be permitted within the Zone I consider this change is appropriate. Therefore I recommend that this submission point is accepted. Lincoln University²⁸, MoE, Plant and Food & Landcare²⁹ support the definition of ‘Tertiary Education’, however, as an amendment is proposed to this definition to recognise the associated ancillary activities, I recommend these submission points be accepted in part.
- 8.6 MoE³⁰ also supports the definition of ‘Tertiary Education Provider’ as notified. This support is noted, however, on review of the use of this definition throughout the PDP, it was found that it was not

²⁴ Federated Farmers DPR-0422.048

²⁵ Lincoln University DPR-205.063, Plant & Food and Landcare DPR-0213.025 and AgResearch DPR-0342.004

²⁶ Lincoln University DPR-205.062, Plant & Food and Landcare DPR-0213.024 and AgResearch DPR-0342.003

²⁷ Lincoln University DPR-0434.003

²⁸ As per DPR-205.058 in their initial submission.

²⁹ Lincoln University DPR-205.058, Ministry of Education DPR-0378.005 and Plant & Food and Landcare DPR-0213.022

³⁰ Ministry of Education DPR-0378.005

used. The inclusion of a definition which has not been used is an error and in order to avoid confusion this definition will be deleted as a cl16 (2) amendment. Therefore, it is recommended this submission point be rejected.

Recommendation

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

- a) Amend the definitions of 'High Industrial Technology Activity' and 'Tertiary Education Provider' as shown in **Appendix 2** subject to the clause 16(2) amendments being undertaken as identified above.
- b) Amend the definition of 'Tertiary Education' as demonstrated in **Appendix 2** to include reference to associated ancillary activities.

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

KNOZ -Objectives

Submissions

8.9 Ten submission points, including three further submission points were received in relation to the Objectives of the KNOZ chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0205	Lincoln University	006	KNOZ-01	Support In Part	Amend as follows: The Knowledge Zone contributes to the social and economic wellbeing of the District, region and nation by providing primarily for <u>tertiary education</u> , and <u>research activities and rural sector commercial activities</u> .
DPR-0213	Plant and Food & Landcare	006	KNOZ-01	Oppose In Part	Amend as follows: The Knowledge Zone contributes to the social and economic wellbeing of the District, region and nation by providing primarily for <u>tertiary education</u> , and <u>research activities and rural sector commercial activities</u> .
DPR-0342	AgResearch	022	KNOZ-01	Support In Part	Amend Objective KNOZ-01 as follows: The Knowledge Zone contributes to the social and economic wellbeing of the District, region and nation by providing primarily for <u>tertiary education</u> , and <u>research activities and rural sector commercial activities</u> .
DPR-0378	MoE	034	KNOZ-01	Support	Retain as notified
DPR-0205	Lincoln University	FS003	KNOZ-01	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0213	Plant and Food & Landcare	FS001	KNOZ-01	Support In Part	Allow in part, subject to the changes sought in primary submissions.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0434	Lincoln University	FS003	KNOZ-O1	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0205	Lincoln University	007	KNOZ-O2	Support In Part	Amend as follows: The scale and proportion of buildings and spaces in the Knowledge Zone reflects the characteristics of high density <u>tertiary education, and research activities and rural sector commercial activities</u> , including associated accommodation activities.
DPR-0213	Plant and Food & Landcare	007	KNOZ-O2	Oppose In Part	Amend as follows: The scale and proportion of buildings and spaces in the Knowledge Zone reflects the characteristics of high density <u>tertiary education, and research activities and rural sector commercial activities</u> , including associated accommodation activities.
DPR-0342	AgResearch	023	KNOZ-O2	Support In Part	Amend as follows: The scale and proportion of buildings and spaces in the Knowledge Zone reflects the characteristics of high density <u>tertiary education, and research activities and rural sector commercial activities</u> , including associated accommodation activities.

Analysis

- 8.10 Lincoln University, AgResearch, Plant and Food & Landcare³¹ seek amendments to KNOZ-O1 to state that the zone is primarily for ‘tertiary education’ purposes and to incorporate the zone specific definition of ‘Rural Sector Commercial Activities’. Given the description of the KNOZ in HPW-24 describes the zone as: *Areas used predominantly for tertiary education and research activities. This zone may also be used for compatible activities associated with tertiary education and research*, I consider that amending the objective to specifically reference ‘tertiary education’ instead of the generic term of ‘education’ would ensure the objective better aligns with the purpose of the KNOZ. With regards to ‘Rural Sector Commercial Activities’, these activities are anticipated in the KNOZ. ‘Rural Sector Commercial Activities’ are activities in their own right, rather than being activities that are compatible with, and support tertiary education and research. These activities are already established in the zone, in the same way that tertiary education and research activities are, and the objective should reflect that, therefore I consider KNOZ-O1 should also be amended to reference them. I recommend these submission points be accepted. MoE³² supported KNOZ-O1 as notified. Given I recommend a variation to KNOZ-O1 as a result of the amendments above, I recommend this submission point be accepted in part.

³¹ Lincoln University DPR-0205.006, Plant and Food & Landcare DPR-0213.006 and AgResearch DPR-0342.022

³² Ministry of Education DPR-0378.034

- 8.11 Lincoln University, AgResearch, Plant and Food & Landcare³³ seek amendments be made to KNOZ-O2 in a similar vein to KNOZ-O1, to recognise ‘tertiary education’ and ‘rural sector commercial activities’. For the reasons outlined in 8.21 above, I consider the relief sought is appropriate and therefore recommend these submission points be accepted.

Recommendation

- 8.12 I recommend, for the reasons given above, that the Hearings Panel:
- Amend the KNOZ-O1 as shown in **Appendix 2** to reference ‘tertiary education’ and ‘rural sector commercial activities’
 - Amend the KNOZ-O2 as shown in **Appendix 2** to reference ‘tertiary education’ and ‘rural sector commercial activities’
- 8.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

KNOZ – Policies

Submissions

- 8.14 17 submission points, including six further submission points, were received in relation to the Policies of the KNOZ chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0205	Lincoln University	008	KNOZ-P1	Support In Part	Amend as follows: Enable <u>tertiary education</u> , and research activities <u>and rural sector commercial activities</u> to establish and operate.
DPR-0213	Plant and Food & Landcare	008	KNOZ-P1	Oppose In Part	Amend as follows: Enable <u>tertiary education</u> , and research activities <u>and rural sector commercial activities</u> to establish and operate.
DPR-0342	AgResearch	024	KNOZ-P1	Support In Part	Amend as follows: Enable <u>tertiary education</u> , and research activities <u>and rural sector commercial activities</u> to establish and operate.
DPR-0378	MoE	035	KNOZ-P1	Support	Retain as notified
DPR-0205	Lincoln University	FS004	KNOZ-P1	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0213	Plant and Food & Landcare	FS002	KNOZ-P1	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0434	Lincoln University	FS004	KNOZ-P1	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0205	Lincoln University	009	KNOZ-P2	Support In Part	Amend as follows: Provide for activities within the Knowledge Zone which are compatible with, and support <u>tertiary education</u> , and research activities <u>and rural sector commercial activities</u> .

³³ Lincoln University DPR-0205.007, Plant and Food & Landcare DPR-0213.007 and AgResearch DPR-0342.023

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					Including any alternate and/or consequential amendments to the issues, objectives, policies, rules, maps and other methods required to give effect to the relief sought.
DPR-0213	Plant and Food & Landcare	009	KNOZ-P2	Oppose In Part	Amend as follows: Provide for activities within the Knowledge Zone which are compatible with <u>and support tertiary education, and research activities and rural sector commercial activities.</u>
DPR-0342	AgResearch	025	KNOZ-P2	Support In Part	Amend Policy KNOZ-P2 as follows: Provide for activities within the Knowledge Zone which are compatible with <u>and support tertiary education, and research activities and rural sector commercial activities.</u>
DPR-0378	MoE	036	KNOZ-P2	Support	Retain as notified
DPR-0205	Lincoln University	FS005	KNOZ-P2	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0213	Plant and Food & Landcare	FS003	KNOZ-P2	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0434	Lincoln University	FS005	KNOZ-P2	Support In Part	Allow in part, subject to the changes sought in primary submissions.
DPR-0205	Lincoln University	010	KNOZ-P3	Support In Part	Amend as follows: Avoid activities that: 1. are incompatible with the efficient and effective operation of <u>tertiary education, and research activities and rural sector commercial activities</u> ; or 2. would undermine the viability and function of the Lincoln Town Centre.
DPR-0213	Plant and Food & Landcare	010	KNOZ-P3	Oppose In Part	Amend as follows: Avoid activities that: 1. are incompatible with the efficient and effective operation of <u>tertiary education, and research activities and rural sector commercial activities</u> ; or
DPR-0342	AgResearch	026	KNOZ-P3	Support In Part	Amend Policy KNOZ-P3 as follows: Avoid activities that: 1. are incompatible with the efficient and effective operation of <u>tertiary education, and research activities and rural sector commercial activities</u> ; or 2. would undermine the viability and function of the Lincoln Town Centre.

Analysis

- 8.15 Lincoln University, AgResearch, Plant and Food & Landcare³⁴ seek amendments to KNOZ-P1 to state that the zone is primarily for ‘tertiary education’ purposes and to incorporate the zone specific definition of ‘Rural Sector Commercial Activities’. Given the description of the KNOZ in HPW-24 describe the zone as: *Areas used predominantly for tertiary education and research activities. This zone may also be used for compatible activities associated with tertiary education and research*, I consider that amending the policy to specifically reference ‘tertiary education’ instead of the generic term of ‘education’ would ensure the policy better aligns with the purpose of the KNOZ and with the changes I have recommended above to KNOZ-O1. With regards to ‘Rural Sector Commercial Activities’, these activities are anticipated in the KNOZ, as discussed in 8.21 and therefore I consider KNOZ-P1 should also be amended to reference them. I recommend these submission points be accepted.
- 8.16 Lincoln University, AgResearch, Plant and Food & Landcare³⁵ seek amendments to KNOZ-P2 and KNOZ-P3 to also recognise ‘tertiary education’ and ‘rural sector commercial activities’. For the reasons outline in 8.26 above, I consider the relief sought is appropriate and therefore recommend these submission points be accepted.
- 8.17 MoE³⁶ supported KNOZ-P1 and KNOZ-P2 as notified. Given I recommend variations to KNOZ-P1 and KNOZ –P2 , I recommend these submission points be accepted in part.

Recommendation

- 8.18 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the KNOZ-P1 as shown in **Appendix 2** to reference ‘tertiary education’ and ‘rural sector commercial activities’
 - b) Amend the KNOZ-P2 as shown in **Appendix 2** to reference ‘tertiary education’ and ‘rural sector commercial activities’
 - c) Amend the KNOZ-P3 as shown in **Appendix 2** to reference ‘tertiary education’ and ‘rural sector commercial activities’
- 8.19 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

KNOZ –Rules

Submissions

- 8.20 41 submission points, including six further submissions, were received in relation to: KNOZ-R1 - KNOZ-R20.

³⁴ Lincoln University DPR-0205.008, DPR-0205.009 and DPR-0205.010, Plant and Food & Landcare DPR-0213.008, DPR-0213.009 and DPR-0213.010 and AgResearch DPR-0342.024, DPR-0342.025 and DPR-0342.026

³⁵ Lincoln University DPR-0205.007, Plant and Food & Landcare DPR-0213.007 and AgResearch DPR-0342.023

³⁶ Ministry of Education DPR-0378.035 and DPR-0378.036

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0342	AgResearch	027	KNOZ-R1	Support	Retain KNOZ-R1 as notified.
DPR-0205	Lincoln University	011	KNOZ-R2	Oppose In Part	Amend as follows: 1. Any education facility <u>educational facility</u> ; or 2. Tertiary education activity. Where this activity complies with the following rule requirements:
<i>DPR-0378</i>	<i>MoE</i>	<i>FS032</i>	<i>KNOZ-R2</i>	<i>Support</i>	<i>Allow</i>
DPR-0213	Plant and Food & Landcare	011	KNOZ-R2	Support	Retain as notified
DPR-0342	AgResearch	028	KNOZ-R2	Support	Retain KNOZ-R2 as notified.
DPR-0378	MoE	037	KNOZ-R2	Support	Retain as notified
<i>DPR-0205</i>	<i>Lincoln University</i>	<i>FS006</i>	<i>KNOZ-R2</i>	<i>Support In Part</i>	<i>Allow in part, subject to the changes sought in primary submissions.</i>
<i>DPR-0213</i>	<i>Plant and Food & Landcare</i>	<i>FS004</i>	<i>KNOZ-R2</i>	<i>Support In Part</i>	<i>Allow in part, subject to the changes sought in primary submissions.</i>
<i>DPR-0434</i>	<i>Lincoln University</i>	<i>FS006</i>	<i>KNOZ-R2</i>	<i>Support In Part</i>	<i>Allow in part, subject to the changes sought in primary submissions.</i>
DPR-0205	Lincoln University	013	KNOZ-R3	Support	Retain as notified.
DPR-0205	Lincoln University	016	KNOZ-R3	Support	Retain as notified.
DPR-0213	Plant and Food & Landcare	012	KNOZ-R3	Support	Retain as notified
DPR-0342	AgResearch	029	KNOZ-R3	Support	Retain KNOZ-R3 as notified.
DPR-0205	Lincoln University	014	KNOZ-R4	Support	Retain as notified.
DPR-0213	Plant and Food & Landcare	013	KNOZ-R4	Support	Retain as notified
DPR-0342	AgResearch	030	KNOZ-R4	Support	Retain KNOZ-R4 as notified.
DPR-0342	AgResearch	031	KNOZ-R5	Support	Retain KNOZ-R5 as notified.
DPR-0342	AgResearch	032	KNOZ-R6	Support	Retain KNOZ-R6 as notified.
DPR-0205	Lincoln University	015	KNOZ-R7	Support	Retain as notified.
DPR-0213	Plant and Food & Landcare	014	KNOZ-R7	Support	Retain as notified
DPR-0342	AgResearch	033	KNOZ-R7	Support	Retain KNOZ-R7 as notified.
DPR-0205	Lincoln University	012	KNOZ-R8	Oppose In Part	Amend as follows: 1. Visitor accommodation, Where: a. The visitor accommodation activity relates to the use of an existing student or staff accommodation building by persons not associated with a tertiary education or research activity ; i. By persons not associated with a tertiary education or research activity ;

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					and ii. For less than 30 days per calendar year. And this activity complies with the following rule requirements:
DPR-0213	Plant and Food & Landcare	015	KNOZ-R8	Support	Retain as notified
DPR-0342	AgResearch	034	KNOZ-R8	Support	Retain KNOZ-R8 as notified.
DPR-0455	Paul & Fay McOscar	014	KNOZ-R8	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.
DPR-0205	Lincoln University	FS002	KNOZ-R8	Oppose In Part	Disallow the submission as it relates to the KNOZ.
DPR-0434	Lincoln University	FS002	KNOZ-R8	Oppose In Part	Disallow the submission as it relates to the KNOZ.
DPR-0342	AgResearch	035	KNOZ-R9	Support	Retain KNOZ-R9 as notified.
DPR-0342	AgResearch	036	KNOZ-R10	Support	Retain KNOZ-R10 as notified.
DPR-0342	AgResearch	037	KNOZ-R11	Support	Retain KNOZ-R11 as notified.
DPR-0342	AgResearch	038	KNOZ-R12	Support	Retain KNOZ-R12 as notified.
DPR-0213	Plant and Food & Landcare	016	KNOZ-R13	Support	Retain as notified
DPR-0342	AgResearch	039	KNOZ-R13	Support	Retain KNOZ-R13 as notified.
DPR-0439	Rayonier	016	KNOZ-R13	Oppose In Part	Amend KNOZ-R13.1.a.iii to refer to Plantation Forestry Activity as defined in the NESPF.
DPR-0342	AgResearch	040	KNOZ-R14	Support	Retain KNOZ-R14 as notified.
DPR-0342	AgResearch	041	KNOZ-R15	Support	Retain KNOZ-R15 as notified.
DPR-0342	AgResearch	042	KNOZ-R16	Support	Retain KNOZ-R16 as notified.
DPR-0342	AgResearch	043	KNOZ-R17	Support	Retain KNOZ-R17 as notified.
DPR-0342	AgResearch	044	KNOZ-R18	Support	Retain KNOZ-R18 as notified.
DPR-0342	AgResearch	045	KNOZ-R19	Support	Retain KNOZ-R19 as notified.
DPR-0342	AgResearch	046	KNOZ-R20	Support	Retain KNOZ-R20 as notified.

Analysis

8.21 There is full support for the following rules as notified:

- KNOZ-R1 Buildings and Structures
- KNOZ-R3 Research Activities
- KNOZ-R4 Rural Sector Commercial Activities
- KNOZ-R5 Commercial Activities not otherwise listed
- KNOZ-R6 Industrial Activities
- KNOZ-R7 Residential Activities
- KNOZ-R9 Camping ground Activities
- KNOZ-R10 Community Activities not otherwise listed
- KNOZ-R11 Public Amenities
- KNOZ-R12 Corrections Activities
- KNOZ-R14 Keeping of Animals

- KNOZ-R15 Firearms Range Activities
- KNOZ-R16 Airfields and Helicopter Landing Areas
- KNOZ-R17 Landfill Activities
- KNOZ-R18 Waste and Diverted Material Facilities
- KNOZ-R19 Motor Sports Activities
- KNOZ-R20 Any Activity not otherwise listed

- 8.22 As no amendments have been sought to these provisions, I recommend these submission points from Plant and Food & Landcare and AgResearch³⁷ be accepted.
- 8.23 Plant and Food & Landcare and MoE³⁸ support KNOZ-R2 as notified. Lincoln University³⁹ seeks to amend KNOZ-R2 which as notified refers to 'education facility' instead of 'educational facility' which is the correct defined term. On review of the use of the incorrect term 'education facility' was noted in the LCZ, LFRZ, TCZ as well as the KNOZ chapter of the PDP. The incorrect terminology intended to represent a defined term is an error and in order to avoid confusion the terminology will be amended as a cl16 (2) amendment. Therefore, it is recommended these submission points be accepted.
- 8.24 Lincoln University⁴⁰ seeks to amend KNOZ-R8 to remove the limitation on who can use the visitor accommodation on-site and the frequency of its use. The limitations were proposed after consultation with the University through the early stages of the DPR process to provide clarity, as there is some confusion in the ODP on this topic. The ODP does not limit the frequency of use of visitor accommodation, but through the ODP definitions of 'tertiary education' and 'research activities' accommodation is only permitted where it is associated with or ancillary to one of those activities. Historically conferences have been held on site and student accommodation used for visitor accommodation purposes. On review of the s32 report for the KNOZ, the approach with regards to visitor accommodation was intended to keep the approach undertaken in the ODP. I consider that the removal of the frequency requirements would allow the status quo to continue and would not provide unnecessary limitations on visitor accommodation associated with the activities for which the KNOZ has been specifically provided for. I recommend this submission point be accepted. Plant and Food & Landcare and AgResearch⁴¹ support KNOZ-R8 as notified, subject to the changes recommended above, I recommend this submission point be accepted in part.
- 8.25 Paul and Fay McOscar⁴² oppose KNOZ-R8 in part. The submitters consider there are anomalies relating to properties consented as accommodation providers, who are required to meet industry standards as well as general regulations such as fire, egress, H&S, and those who do not. I consider the relief sought is not something that can be managed by the PDP. I recommend this submission point be rejected.
- 8.26 Rayonier⁴³ seeks to amend KNOZ-R13 to align the definition of 'Plantation Forestry Activity' with that included in the NESPF. The definition of 'Plantation Forestry Activity' is taken directly from

³⁷ Plant & Food and Landcare DPR-0213.012 DPR-0213.013 DPR-0213.014 and AgResearch DPR-0342.027 DPR-0342.029 DPR-0342.030 DPR-0342.031 DPR-0342.032 DPR-0342.033 DPR-0342.035 DPR-0342.036 DPR-0342.037 DPR-0342.038 DPR-0342.040 DPR-0342.041 DPR-0342.042 DPR-0342.043 DPR-0342.044 DPR-0342.045 DPR-0342.046

³⁸ Plant & Food and Landcare DPR-0213.011 and Ministry of Education DPR-0378.037

³⁹ Lincoln University DPR-0205.011

⁴⁰ Lincoln University DPR-0205.012

⁴¹ Plant and Food & Landcare DPR-0213.015 and AgResearch DPR-0342.034

⁴² Paul and Fay McOscar DPR0455.012

⁴³ Rayonier DPR-0439.016

Section 3 of the NESPF. I recommend this submission point be rejected as the rules do not require further amendment based on the relief sought by the submitter. Plant and Food & Landcare and AgResearch⁴⁴ support KNOZ-R13 as notified. I recommend this submission point be accepted.

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

Recommendation

- 8.28 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified, subject to clause 16(2) amendments being undertaken as identified above.

- a) Amend the KNOZ-R8 as shown in **Appendix 2** to remove the frequency restriction on visitor accommodation activities

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

KNOZ -Rule Requirements

Submissions

- 8.30 Ten submission points, including one further submission point were received in relation to the KNOZ-Rule Requirements.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0342	AgResearch	047	KNOZ-REQ1	Support	Retain KNOZ-REQ1 as notified.
DPR-0342	AgResearch	048	KNOZ-REQ2	Support	Retain KNOZ-REQ2 as notified.
DPR-0126	Foster Commercial	021	KNOZ-REQ3	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0207	SDC	072	KNOZ-REQ3	Oppose In Part	Amend as follows: 1. Any building <u>and</u> structure shall comply with the height in relation to boundary requirements in APP3
DPR-0460	Marama Te Wai Ltd	FS034	KNOZ-REQ3	Support	As per the submission
DPR-0342	AgResearch	049	KNOZ-REQ3	Support	Retain KNOZ-REQ3 as notified
DPR-0207	SDC	073	KNOZ-REQ4	Oppose In Part	Amend as follows: 1. Any building <u>or</u> structure shall be setback a minimum of 10m from any road boundary. 2. Any building <u>or</u> structure shall be setback a minimum of 10m from any boundary with a Residential or Rural Zone.
DPR-0342	AgResearch	050	KNOZ-REQ4	Support	Retain KNOZ-REQ4 as notified.

⁴⁴ Plant and Food & Landcare DPR-0213.015 and AgResearch DPR-0342.039

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0342	AgResearch	051	KNOZ-REQ5	Support	Retain KNOZ-REQ5 as notified.
DPR-0342	AgResearch	052	KNOZ-REQ6	Support	Retain KNOZ-REQ6 as notified.

Analysis

- 8.31 Foster Commercial⁴⁵ seek an amendment to KNOZ-REQ3 to confirm which HRTB applies. On review, Height in relation to boundary A applies to ‘... all buildings and structures within all other zones where the site adjoins any Residential zone or the General Rural Zone shall be determined using the indicator and shall be measured from a point **2.5m** vertically above the reference point’. If reference to Height in relation to Boundary A was added to the KNOZ-REQ3 it would make it clearer for Plan Users to determine how to measure HRTB. I recommend this submission point be accepted. AgResearch⁴⁶ supports KNOZ-REQ3 as notified. I recommend this submission point be accepted in part subject to the changes proposed above.
- 8.32 SDC⁴⁷ seek an amendment to KNOZ-REQ3 and KNOZ-REQ4. The submitter considers that KNOZ-R1 refers to both buildings and structures being subject to the Height and Height in Relation to Boundary rule requirements, however only buildings are referenced within KNOZ-REQ3 and KNOZ-REQ4. The reference to ‘structures’ was omitted in error, as it was intended for the HRTB requirements to apply to both ‘buildings’ and ‘structures’. I recommend these submission points be accepted. AgResearch⁴⁸ supports KNOZ-REQ4 as notified. I recommend this submission point be accepted in part subject to the changes proposed above.
- 8.33 AgResearch⁴⁹ support KNOZ-REQ1, KNOZ-REQ2, KNOZ-REQ5 and KNOZ-REQ6 as notified. I recommend these submission points be accepted.

Recommendation

- 8.34 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the KNOZ-REQ3 as shown in **Appendix 2** to clarify ‘Height in relation to boundary A’ applies and the reference ‘structures’
 - b) Amend the KNOZ-REQ4 as shown in **Appendix 2** to include reference ‘structures’
- 8.35 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

KNOZ -Matters for Control or Discretion

Submissions

- 8.36 Five submission points, including one further submission point were received in relation to KNOZ-Matters for Control or Discretion.

⁴⁵ Foster Commercial DPR-126.021

⁴⁶ AgResearch DPR-0342.049

⁴⁷ SDC DPR-0207.072 and DPR-0207.073

⁴⁸ AgResearch DPR-0342.050

⁴⁹ AgResearch DPR-0342.047, DPR-0342.048, DPR-0342.051 and DPR-0342.052

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus	048	KNOZ-MAT1	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-0414</i>	<i>Kāinga Ora</i>	<i>FS107</i>	<i>KNOZ-MAT1</i>	<i>Oppose</i>	<i>Not Specified</i>
DPR-0342	AgResearch	053	KNOZ-MAT1	Support	Retain KNOZ-MAT1 as notified.
DPR-0342	AgResearch	054	KNOZ-MAT2	Support	Retain KNOZ-MAT2 as notified.
DPR-0342	AgResearch	055	KNOZ-MAT3	Support	Retain KNOZ-MAT3 as notified.

Analysis

- 8.37 Chorus⁵⁰ seeks an amendment be made to KNOZ-MAT1. The submitter considers that wireless telecommunications networks are designed to avoid obstructions by buildings, topography and trees to achieve their function, noting that network planning takes into account the allowable heights in a zone to ensure the risk of built development blocking transmission or being subject to radiofrequency exposures exceeding allowable standards is avoided or minimised. The submitter sees it being problematic where a resource consent is granted for the building height standard to be exceeded. A potential consequence is that any existing wireless facility in the vicinity may need to be redesigned or relocated. Therefore, the submitter seeks a matter of control or discretion in the KNOZ requiring consideration of any reverse sensitivity effects on important infrastructure where the height standard will be exceeded by greater than 2m. They also consider that as there is potential to adversely affect telecommunications networks it is also important that there are no notification rules included in the plan that preclude consideration of important infrastructure providers as affected parties under s95E of the RMA. I consider it would be appropriate to consider the potential effect of an increase building height on important infrastructure. On review, there does not appear to be an overlap with any of the requirements in the EI chapter should such a matter be considered for during the processing of an application for an over height building in the KNOZ. I recommend this submission point be accepted.
- 8.38 AgResearch⁵¹ supports KNOZ-MAT1 as notified. I recommend this submission point be accepted in part, subject to the proposed amendment recommended in response to the Chorus submission above.

⁵⁰ Chorus DPR-0101.048

⁵¹ AgResearch DPR-0342.053

8.39 AgResearch⁵² support KNOZ-MAT2 and KNOZ-MAT3 as notified. I recommend these submission points be accepted.

Recommendation

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

- a) Amend the KNOZ-MAT1 as shown in **Appendix 2** to consider the potential impact on important infrastructure when accessing an application for an over height building.

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

KNOZ-New

8.42 14 submission points, including six further submission points were received in relation to the inclusion of new provisions in the KNOZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion	135	New	Neither Support Nor Oppose	Insert as follows: <u>The operation and security of important infrastructure is not compromised by other activities.</u>
DPR-0407	Forest & Bird	FS704	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	136	New	Neither Support Nor Oppose	Insert as follows: <u>Protect important infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities by avoiding buildings, structures, sensitive activities that may compromise the Significant Electricity Distribution Lines within an identified buffer corridor.</u>
DPR-0407	Forest & Bird	FS705	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	137	New	Neither Support Nor Oppose	Insert Rule EI-R4.1. (From the Energy and Infrastructure Chapter) into KNOZ and reword as follows: <u>KNOZ-RXX 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</u>

⁵² AgResearch DPR-0342.054 and DPR-0342.055

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>structure for both any the Significant Electricity Distribution Line (Islington to Springston) Line and all other Significant Electricity Distribution Lines. Greater than 51kV; or</p> <p>ii. 2.2m from the foundation of a support structure for any other Significant Electricity Distribution Line between 1-50kV.</p> <p>Activity status when compliance not achieved:</p> <p>2. When compliance with KNOZ-RXX is not achieved: NC</p> <p>Notification:</p> <p>3. Any application arising from KNOZ-RXX.2 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.</p>
DPR-0407	Forest & Bird	FS706	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	138	New	Neither Support Nor Oppose	<p>Insert Rule EI-R4 4. (From the Energy and Infrastructure Chapter) into KNOZ and reword as follows:</p> <p><u>KNOZ-RXX Structures near Significant Electricity Distribution Line</u></p> <p><u>All Zones</u></p> <p><u>Activity Status: PER</u></p> <p>4. The establishment of a new, or expansion of an existing, structure within greater than 10m from:</p> <p>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</p> <p>b. the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps</p> <p>5. The establishment of a new, or expansion of an existing, structure greater than 5m from:</p> <p>a. the centreline of other Significant Electricity Distribution Lines as shown on the planning maps; or</p> <p>b. the foundation of a support structure of other Significant</p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p><u>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></p> <p><u>Where:</u></p> <p><u>a. The structure is not used for:</u></p> <p><u>i. habitation;</u></p> <p><u>ii. produce packing;</u></p> <p><u>iii. a milking shed;</u></p> <p><u>iv. a wintering barn;</u></p> <p><u>v. intensive primary production; or</u></p> <p><u>vi. a commercial greenhouse.</u></p> <p><u>b. The expansion of the existing structure does not occur to a structure listed in KNOZ-R4.4.a</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>5. When compliance with KNOZ-RXX is not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>6. Any application arising from KNOZ-XX 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-0407	Forest & Bird	FS707	New	Oppose	<p><i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i></p>
DPR-0367	Orion	139	New	Neither Support Nor Oppose	<p><u>Insert as follows:</u></p> <p><u>KNOZ-RX Trees near Significant Electricity Distribution Lines</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. 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:</u></p> <p><u>NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from KNOZ-RX shall not be subject to public</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					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.
DPR-0407	Forest & Bird	FS708	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	140	New	Neither Support Nor Oppose	<p>Insert EI-R3 (from the Energy and Infrastructure Chapter) into KNOZ and reword as follows:</p> <p><u>KNOZ-RXX Sensitive Activities</u></p> <p><u>All Zones</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>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p><u>2. When compliance with any of KNOZ-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 KNOZ-RXX.2 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the infrastructure, infrastructure unless their written approval is provided.</u></p>
DPR-0407	Forest & Bird	FS709	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0434	Lincoln University	001	New	Support	<p>Insert new rule:</p> <p><u>KNOZ-R21 Recreational facilities</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Recreational facilities.</u></p> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>KNOZ-REQ1 Servicing</u></p> <p><u>KNOZ-REQ2 Height</u></p> <p><u>KNOZ-REQ3 Height in relation to boundary</u></p> <p><u>KNOZ-REQ4 Setbacks</u></p> <p><u>KNOZ-REQ5 Fencing</u></p> <p><u>KNOZ-REQ6 Outdoor storage</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any rule requirement listed in this rule is not achieved: Refer to KNOZ-Rule Requirements.</u></p>
DPR-0434	Lincoln University	002	New	Support	<p>Insert new definition of 'Recreational facilities' as follows:</p> <p><u>In relation to the Knowledge zone, means the use of land and buildings for the purpose of the active or passive enjoyment of sports, and associated training, whether competitive or non-competitive, casual or organised, and whether a charge is made for admission or not. It includes accessory facilities such as club rooms/clubhouses, spectator seating, and lighting and associated support structures.</u></p>

Analysis

- 8.43 Orion⁵³ seeks to amend the PDP to include one additional Objective, one Policy and four Rules to manage activities in proximity to important infrastructure in the KNOZ chapter. As Important Infrastructure is currently managed through provisions located in the SD and EI chapters, I do not consider additional support is required in the KNOZ chapter. I recommend these submission points be rejected.
- 8.44 Lincoln University⁵⁴ seeks inclusion of a new rule and associated definition of ‘Recreational Facilities’ in the KNOZ as they do not consider these facilities are provided for under the PDP. Recreational Facilities are recognised as a subset of ‘Community Facilities’ and as a consequence are already permitted in the zone by KNOZ-R10. While the facilities at the University are not specifically provided for the use of the general community, the definition does not limit ‘community’ to being the general public, so in my view it would also cover the ‘Cricket community’. I recommend this submission point be rejected.

Recommendation

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

9. Port Zone

Definition – Port Activities

Submissions

- 9.1 24 submission points, including 18 further submission points, were received in relation to the definition of Port Activities.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort	004	Support	Retain as notified.
DPR-0358	RWRL	042	Support	Retain as notified
DPR-0157	The Williams	FS379	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS454	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS411	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS459	Support In Part	Accept submission in part
DPR-0492	Kevler	FS389	Support	Accept submission in part
DPR-0493	Gallina & Heinz-Wattie	FS435	Support In Part	Accept the submission in part.
DPR-0363	IRHL	041	Support	Retain as notified
DPR-0157	The Williams	FS700	Support In Part	Accept the submission in part

⁵³ Orion DPR-0367.135, DPR-0367.136, DPR-0367.137, DPR-0367.138, DPR-0367.139 and DPR-0367.140

⁵⁴ Lincoln University DPR-0207.001 and DPR-0207.002

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	Manmeet Singh	FS625	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS578	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS618	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS233	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS812	Support In Part	Accept the submission in part.
DPR-0374	RIHL	047	Support	Retain as notified
DPR-0157	The Williams	FS514	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS882	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS729	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS761	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS077	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS638	Support In Part	Accept the submission in part.
DPR-0384	RIDL	049	Support	Retain as notified
DPR-0453	LPC	010	Support	Retain as notified

Analysis

9.2 MetroPort, RWRL, IRHL, RIHL, RIDL and LPC⁵⁵ support the definition of Port Activities as notified. As no amendments have been sought to this definition, I recommend these submission points be accepted.

Recommendation

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

Chapter in General

Submissions

9.5 Two submission points were received in relation to the PORTZ chapter in general.

⁵⁵ MetroPort DPR-0068.004, RWRL DPR-0358.042, IRHL DPR-363.041, RIHL DPR-0374.047, RIDL DPR-0384.049 and LPC DPR-0453.010

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	023	PORTZ-Overview	Oppose	<p>Amend as follows:</p> <p>The Port Zone is an inland port area, located in Rolleston. <u>There are two Port Zone areas, one</u> at the eastern edge of the township's industrial area, to the north of the State Highway. The inland ports are considered important infrastructure. The zone is located adjacent to the railway line at its southern end and adjoining the rural area at its northern and eastern boundaries. <u>The second area is on the western side on the Rolleston industrial area adjoining the Midland Railway line and is surrounded by industrial activities. The inland ports are considered important infrastructure.</u></p> <p>The purpose of the Port Zone.....includes logistics storage, stacking, and handling <u>of containers</u>. Because of the scale and nature of activities ..., including noise, traffic volumes <u>(including rail)</u>, visual dominance, and shading from large-scale structures. These effects need to be managed ...within adjoining zones. <u>Sensitive Activities</u> within the zone also need to be controlled...</p>
DPR-0453	LPC	020	PORTZ-Overview	Support	Retain as notified

Analysis

- 9.6 Metroport⁵⁶ seeks an amendment to the PORTZ-Overview as the submitter considers the initial paragraph is heavily focused on the Lyttelton Port site and as a result is inaccurate in relation to MetroPort. On review, I agree with the submitter that expanding the content of the PORTZ-Overview would better describe the areas to which the provisions relate. MetroPort also consider the PORTZ-Overview should be amended to implicitly reference the rail and container activities on site. I consider this elaboration on the type of activities that are undertaken on site would be appropriate. However, I disagree with the submitter that reference should be made to 'Sensitive Activities' within the zone needing to be controlled. I consider if this was to be amended it should reference 'Noise Sensitive Activities' as that is the activity that the provisions specifically control. However, I consider the more generic term 'Activities' provides for 'Sensitive Activities', 'Noise

⁵⁶ MetroPort DPR-0068.023

Sensitive Activities’ and any other activities that could also result in potential for reverse sensitivity effects in the future and that this is more appropriate than a more limited reference. I recommend this submission point be accepted in part. LPC⁵⁷ supports the PORTZ-Overview as notified. I recommend this submission point be accepted in part, subject to the changes detailed above.

Recommendation

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

- a) Amend the PORTZ-Overview as shown in **Appendix 2** to factor in the activities on the MetroPort site and elaborate on the activities undertaken within the PORTZ.

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

PORTZ - Objectives

Submissions

9.9 Six submission points were received in relation to the Objectives of the PORTZ chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	024	PORTZ-O1	Support	Retain as notified.
DPR-0453	LPC	021	PORTZ-O1	Support	Retain as notified
DPR-0068	MetroPort	025	PORTZ-O2	Support	Retain as notified.
DPR-0453	LPC	022	PORTZ-O2	Support	Retain as notified
DPR-0068	MetroPort	026	PORTZ-O3	Support	Retain as notified.
DPR-0453	LPC	023	PORTZ-O3	Support	Retain as notified

Analysis

9.10 LPC and Metroport⁵⁸ support PORTZ-O1, PORTZ-O2 and PORTZ-O3 as notified. As no amendments have been sought to these provisions, I recommend these submission points be accepted.

Recommendation

9.11 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

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

PORTZ - Policies

Submissions

9.13 Eight submission points, including one further submission point, were received in relation to the Policies of the PORTZ chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	027	PORTZ-P1	Support	Retain as notified.
DPR-0453	LPC	FS003	PORTZ-P1	Support	Approve

⁵⁷ LPC DPR-0453.020

⁵⁸ LPC DPR-0453.021, DPR-0453.022, DPR-0453.023 and MetroPort DPR-0068.025 and DPR-0068.026

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	028	PORTZ-P2	Support	Retain as notified.
DPR-0453	LPC	024	PORTZ-P2	Support In Part	Amend as follows: Provide for other <u>a range of</u> industrial activities within the Port Zone, where such activities do not adversely affect port activities.
DPR-0068	MetroPort	029	PORTZ-P3	Support	Retain as notified.
DPR-0453	LPC	025	PORTZ-P3	Support In Part	Amend as follows: Avoid activities locating within the zone that would adversely affect the efficient operation of port activities, including those likely to result in reverse sensitivity effects.
DPR-0068	MetroPort	030	PORTZ-P4	Oppose In Part	Amend to replace 'Limiting' with 'Controlling' in clauses 1 and 3.
DPR-0453	LPC	026	PORTZ-P4	Support In Part	Amend as follows: Recognise the functional and operational requirements of activities within the Port Zone, while managing their adverse effects by: 1. Limiting <u>controlling</u> building coverage; 2. Ensuring an appropriate level of separation is achieved at the interface with other zones and roads; and 3. Limiting <u>controlling</u> the height of buildings and structures.

Analysis

- 9.14 Metroport⁵⁹ supports PORTZ-P1 as notified. As no amendments have been sought to this provision, I recommend this submission point be accepted.
- 9.15 LPC⁶⁰ seeks to amend PORTZ-P2 to improve clarity. The submitter considers replacing the word 'other' with the phrase 'a range of' in relation to industrial activities would achieve this clarity. I agree and recommend that this submission point be accepted. MetroPort⁶¹ supported PORTZ-P2 as notified. I recommend this submission point be accepted in part, subject to the amendments proposed above.
- 9.16 LPC⁶² seeks to amend PORTZ-P3 to improve clarity. The submitter considers the Policy is intended to refer to negative 'affects' on Port Operations by the adverse 'effects' other activities may create. On review, it appears 'affect' would make more sense in the context in which the word is used. In terms of replacing 'could' which is often used to express possibility with 'would', which is often use to express certainty or intent, I agree that in this instance 'affect' and 'could' are the more

⁵⁹ MetroPort DPR-0068.027

⁶⁰ LPC DPR-0453.024

⁶¹ MetroPort DPR-0068.028

⁶² LPC DPR-0453.025

appropriate words to provide clarity for plan users applying PORTZ-P3. I recommend that this submission point be accepted. MetroPort⁶³ supported PORTZ-P3 as notified. I recommend this submission point be accepted in part, subject to the amendments proposed above.

- 9.17 MetroPort and LPC⁶⁴ both seek an amendment to PORTZ-P4 to improve clarity. Both submitters seek to replace the word ‘limiting’ with ‘controlling’. To limit something is generally considered to prevent it from exceeding a determined level, whereas control more commonly means exercising influence over something. Given that the provisions are not drafted to prohibit the height limit being exceeded, I consider the change in terminology will provide clarity for plan users applying PORTZ-P4. I recommend these submission points be accepted.

Recommendation

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

- Amend the PORTZ-P2 as shown in **Appendix 2** to indicate a range of industrial activities may occur in the zone
- Amend the PORTZ-P3 as shown in **Appendix 2** to use correct grammar
- Amend the PORTZ-P4 as shown in **Appendix 2** to replace ‘limiting’ with ‘controlling’

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

PORTZ –Rules

Submissions

- 9.20 14 submission points, including one further submission point, were received in relation to PORTZ-Rules.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	LPC	027	PORTZ-R1	Support	Retain as notified
DPR-0453	LPC	028	PORTZ-R2	Support	Retain as notified
DPR-0068	MetroPort	031	PORTZ-R2	Support	Retain as notified.
DPR-0453	LPC	029	PORTZ-R3	Support	Retain as notified
DPR-0453	LPC	030	PORTZ-R4	Support	Retain as notified
DPR-0439	Rayonier	017	PORTZ-R4	Oppose In Part	Amend PORTZ-R4.1.a.iii to refer to Plantation Forestry Activity as defined in the NESPF.
DPR-0453	LPC	035	PORTZ-R5	Oppose	Amend as follows: Activity Status: CON <u>NC</u> 1. Any noise sensitive activity. Where: a. The noise sensitive activity is a residential activity that is for custodial on-site security purposes. And this activity complies with the following rule requirements: PORTZ-REQ1 Servicing

⁶³MetroPort DPR-0068.029

⁶⁴MetroPort DPR-0068.30 and LPC DPR-0453.026

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					PORTZ-REQ4 Setback PORTZ-REQ5 Landscaping—Road boundaries PORTZ-REQ6 Landscaping—Rural boundaries PORTZ-REQ7 Building Coverage Matters of control: 2. The exercise of control in relation to PORTZ-R5.1.a is reserved over the following matters: a. The removal of, or other method to be used to dispose of, or convert the use of, the residential unit in the event of it no longer being required for security purposes. Activity status when compliance not achieved: N/A
DPR-0068	MetroPort	032	PORTZ-R5	Support	Retain as notified.
DPR-0378	MoE	039	PORTZ-R5	Oppose	Insert a new rule as follows: <u>PORTZ-RXX Educational Facility</u> <u>Activity status: DIS</u>
<i>DPR-0453</i>	<i>LPC</i>	<i>FS033</i>	<i>PORTZ-R5</i>	<i>Oppose</i>	<i>Reject</i>
DPR-0453	LPC	031	PORTZ-R6	Support	Retain as notified
DPR-0453	LPC	032	PORTZ-R7	Support	Retain as notified
DPR-0453	LPC	033	PORTZ-R8	Support	Retain as notified
DPR-0453	LPC	034	PORTZ-R9	Support	Retain as notified

Analysis

- 9.21 LPC⁶⁵ support PORTZ-R1, PORTZ-R2 and PORTZ-R3 as notified. MetroPort⁶⁶ support PORTZ-R2 as notified. As no amendments have been sought to these provisions, I recommend these submission points be accepted.
- 9.22 Rayonier⁶⁷ seeks to amend PORTZ-R4 to align the definition of ‘Plantation Forestry Activity’ with that included in the NESPF. The definition of ‘Plantation Forestry Activity’ is taken directly from Section 3 of the NESPF. I recommend this submission point be rejected as the rules do not require further amendment based on the relief sought by the submitter.
- 9.23 LPC⁶⁸ support PORTZ-R4 as notified. I recommend this submission point be accepted.
- 9.24 LPC⁶⁹ seek a change in the activity status of PORTZ-R5 from CON to NC for ‘noise sensitive activities’. The submitter considers that noise sensitive activities, such as custodial dwellings, should be precluded within the 55 dBA LAeq Noise Control Overlay. MetroPort⁷⁰ seek to retain PORTZ-R5 as notified, and given the MetroPort’s site is also subject to a 55 dBA LAeq Noise Control Overlay, and that was the reasoning for requesting the change in status above, I consider that it would be

⁶⁵ LPC DPR-0453.027, LPC DPR-0453.028 and LPC DPR-0453.031

⁶⁶ MetroPort DPR-0068.031

⁶⁷ Rayonier DPR-0439.017

⁶⁸ LPC DPR-0453.030

⁶⁹ LPC DPR-0453.027

⁷⁰ Metroport DPR-0068.032

appropriate to amend PORTZ-R5 to include an additional clause stating that a custodial dwelling is only CON activity where it is located outside of the 55 dBA LAeq Noise Control Overlay and NC within the overlay. Therefore, I recommend these submission points be accepted in part.

- 9.25 MoE⁷¹ seeks to include a new provision for ‘educational facilities’ to be DIS in the PORTZ. ‘Educational facilities’ are NC under PORTZ-R5 because they fall within the definition of a ‘Noise Sensitive Activity’. With the exception of custodial accommodation, the intention of the zone provisions is to enable Port Activities, and restrict ‘noise sensitive activities’ (such as ‘educational facilities’) to avoid the potential for reverse sensitivity effects. ‘Educational Facilities’ are managed by PORTZ-R5, therefore I do not consider the addition of a new rule specifically managing this activity is necessary. I also consider the NC status of PORTZ-R5 the most suitable, especially in light of the proposed changes in 9.33 above, which further restricts ‘noise sensitive activities’. I recommend this submission point be rejected.
- 9.26 LPC⁷² support PORTZ-R6, PORTZ-R6, PORTZ-R7, PORTZ-R8, PORTZ-R9 and PORTZ-R10 as notified. As no amendments have been sought to these provisions, I recommend these submission points be accepted.

Recommendation

- 9.27 I recommend, for the reasons given above, that the Hearings Panel:
- Amend the PORTZ-R5 as shown in **Appendix 2** to change activity status to NC for a residential activity for custodial on-site security purposes
- 9.28 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

PORTZ -Rule Requirements

Submissions

- 9.29 12 submission points were received in relation to PORTZ-Rule Requirements.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	LPC	036	PORTZ-REQ1	Support In Part	Retain as notified
DPR-0068	MetroPort	033	PORTZ-REQ2	Support	Retain as notified.
DPR-0453	LPC	037	PORTZ-REQ2	Support	Retain as notified
DPR-0068	MetroPort	034	PORTZ-REQ3	Oppose	Amend the rule to make it clear that the height in relation to boundary rule does not apply on the General Industrial Zone boundary. Amend APP3 to clarify that the rule does not apply from the road boundary.
DPR-0126	Foster Commercial	022	PORTZ-REQ3	Neither Support	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.

⁷¹ Ministry of Education DPR-0378.039

⁷² LPC DPR-0453.031, DPR-0453.032, DPR-0453.033 and DPR-0453.034

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
				Nor Oppose	
DPR-0453	LPC	038	PORTZ-REQ3	Oppose	Amend so that the requirements for GIZ also apply to PORTZ.
DPR-0453	LPC	039	PORTZ-REQ4	Support	Retain as notified
DPR-0068	MetroPort	035	PORTZ-REQ5	Support	Retain as notified.
DPR-0453	LPC	040	PORTZ-REQ5	Support	Retain as notified
DPR-0453	LPC	041	PORTZ-REQ6	Support	Retain as notified
DPR-0068	MetroPort	036	PORTZ-REQ7	Support	Retain as notified.
DPR-0453	LPC	042	PORTZ-REQ7	Support	Retain as notified

Analysis

- 9.30 LPC⁷³ support PORTZ-REQ1, PORTZ-REQ2, PORTZ-REQ4, PORTZ-REQ5, PORTZ-REQ6 and PORTZ-REQ7 as notified. MetroPort⁷⁴ support PORTZ-REQ2, PORTZ-REQ5 and PORTZ-REQ7. As no amendments have been sought to these provisions, I recommend these submission points be accepted.
- 9.31 Foster Commercial⁷⁵ seek to amend PORTZ-REQ3 to confirm which HRTB applies. On review, Height in relation to boundary A applies to “... all buildings and structures within all other zones where the site adjoins any Residential zone or the General Rural Zone shall be determined using the indicator and shall be measured from a point **2.5m** vertically above the reference point”. Height in relation to boundary is not intended to apply where the PORTZ adjoins the GIZ and vice versa. This is not implicitly stated in either PORTZ-REQ3 or APP3, therefore I agree with the submitter that confirmation in PORTZ-REQ3 would make it clearer for Plan Users to determine how to measure HRTB. I recommend this submission point be accepted.
- 9.32 LPC and MetroPort⁷⁶ seek similar amendments to PORTZ-REQ3. LPC⁷⁷ request the HRTB requirements that apply in the GIZ also apply in the PORTZ, which they do, however, as discussed above, this was not explicitly stated at the time of notification. Metroport⁷⁸ seek similar relief and for it to also be clarified that HRTB is not measured along road boundaries. HRTB is not measure along the road boundaries, although the overview statement at the start of APP3 does not specifically exclude road boundaries, it does not implicitly include them. I consider amendments to the HRTB provisions within the PORTZ would provide clarity to plan users. I recommend these submission points be accepted.

⁷³ LPC DPR-0453.036, DPR-0453.037, DPR-0453.039, DPR-0453.040, DPR-0453.041 and DPR-0453.042

⁷⁴ MetroPort DPR-0068.033, DPR-0068.035 and DPR-0068.036

⁷⁵ Foster DPR-0126.022

⁷⁶ LPC DPR-0453.038 MetroPort DPR-0068

⁷⁷ LPC DPR-0453.038

⁷⁸ MetroPort DPR-0068.034

Recommendation

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

- a) Amend the PORTZ-REQ3 as shown in **Appendix 2** to clarify height in relation to boundary requirements.

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

PORTZ -Matters for Control or Discretion

Submissions

9.35 Five submission points, including one further submission point were received in relation to the Matters for Control or Discretion in the PORTZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus	049	PORTZ-MAT1	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.
DPR-0414	Kāinga Ora	FS108	PORTZ-MAT1	Oppose	Not Specified
DPR-0453	LPC	043	PORTZ-MAT1	Support In Part	Amend as follows: 3. Whether the intrusion is necessary due to the functional <u>and operational</u> requirements of an activity.
DPR-0453	LPC	044	PORTZ-MAT2	Support In Part	Amend as follows: 7. Whether the intrusion is necessary due to the functional <u>and operational</u> requirements of an activity.
DPR-0453	LPC	045	PORTZ-MAT3	Support In Part	Amend as follows: 3. Whether the intrusion is necessary due to the functional <u>and operational</u> requirements of an activity.

Analysis

9.36 Chorus⁷⁹ seeks an amendment to PORTZ-MAT1. The submitter considers that wireless telecommunications networks are designed to avoid obstructions by buildings, topography and trees to achieve their function, noting that network planning takes into account the allowable heights in a zone to ensure the risk of built development blocking transmission or being subject to radiofrequency exposures exceeding allowable standards is avoided or minimised. The submitter sees it being problematic where a resource consent is granted for the building height standard to be

⁷⁹ Chorus DPR-0101.048

exceeded. A potential consequence is that any existing wireless facility in the vicinity may need to be redesigned or relocated. Therefore the submitter seeks a matter of control or discretion in the PORTZ requiring a consideration of any reverse sensitivity effects on important infrastructure where the height standard will be exceeded by greater than 2m. . They also consider that as there is potential to adversely affect telecommunications networks it is also important that there are no notification rules included in the plan that preclude consideration of important infrastructure providers as affected parties under s95E of the RMA. I consider it would be appropriate to consider the potential effect of an increase building height on the important infrastructure. On review, there does not appear to be an overlap with any of the requirements in the EI chapter should such a matter be considered for during the processing of an application for an over height building in the PORTZ. I recommend this submission point be accepted.

- 9.37 LPC⁸⁰ seek to amend PORTZ-MAT1, PORTZ-MAT2, and PORTZ-MAT3 to enable to consideration of the extent to which the increase in height is necessary due to the operational requirements of an activity. The plan as notified only enabled consideration of the functional requirements. The phrasing ‘functional and operational requirements’ is used in PORTZ-P4 and the continued used in these Matters for Control or Discretion would provide consistency. I consider that adding the reference ‘operational’ would ensure alignment with the Policies in the zone and consistency in the chapter. I recommend these submission points be accepted.

Recommendation

- 9.38 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the PORTZ-MAT1 as shown in **Appendix 2** to consider operational requirements and the potential impact on important infrastructure when accessing an application for an over height building.
 - b) Amend the PORTZ-MAT2 as shown in **Appendix 2** to consider operational requirements
 - c) Amend the PORTZ-MAT3 as shown in **Appendix 2** to consider operational requirements

Maps

Submissions

- 9.39 Two submission points were received in relation to the zone extent of the DPZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	037	PORTZ	Support	Retain Port Zoning.
DPR-0453	LPC	019	PORTZ	Support	Retain as notified

Analysis

- 9.40 Metroport and LPC support the extent of the PORTZ as demonstrated on the Planning Maps. As no amendments have been sought to the extent of this zone, I recommend these submission points be accepted.

⁸⁰ LPC DPR-0453.043 DPR-0453.044 DPR-0453.045

Recommendation

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

10. Non-notification clauses

Submissions

- 10.1 93 submission points, including 81 further submission points, were received in relation to the use of non-notification clauses in the DPZ, KNOZ and PORTZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	409	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS195	Non-notification clauses	Oppose In Part	<i>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.</i>
DPR-0298	Trices Road Re-zoning Group	FS926	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS047	Non-notification clauses	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS120	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS047	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS016	Non-notification clauses	Support	Accept submission
DPR-0358	RWRL	411	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	CCC	FS197	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	FS928	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS049	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS403	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS122	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS049	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS018	Non-notification clauses	Support	Accept submission
DPR-0358	RWRL	431	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS217	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	FS948	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS069	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS399	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS142	Non-notification clauses	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	LPC	FS069	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS038	Non-notification clauses	Support	Accept submission
DPR-0363	IRHL	451	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS246	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	FS977	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS167	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS400	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS171	Non-notification clauses	Support	Not Specified
DPR-0422	NCFF	FS224	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	FS165	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS067	Non-notification clauses	Support	Accept submission
DPR-0363	IRHL	453	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	CCC	FS248	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	FS979	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS169	Non-notification clauses	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS173	Non-notification clauses	Support	Not Specified
DPR-0422	NCCF	FS226	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	FS167	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS069	Non-notification clauses	Support	Accept submission
DPR-0363	IRHL	455	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS250	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	FS981	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS171	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS404	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS175	Non-notification clauses	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	NCFF	FS228	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	FS169	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS071	Non-notification clauses	Support	Accept submission
DPR-0374	RIHL	497	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS284	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	FS1004	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS097	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS401	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS205	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS097	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS101	Non-notification clauses	Support	Accept the submission
DPR-0374	RIHL	499	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	CCC	FS286	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	FS1006	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS099	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS369	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS207	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS099	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS103	Non-notification clauses	Support	Accept the submission
DPR-0374	RIHL	501	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS288	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	FS1008	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS101	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS405	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS209	Non-notification clauses	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	LPC	FS101	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS105	Non-notification clauses	Support	Accept the submission
DPR-0384	RIDL	530	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS319	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	FS1038	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS131	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS402	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS239	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS131	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS135	Non-notification clauses	Support	Accept the submission
DPR-0384	RIDL	532	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS321	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

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<i>effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning Group	FS1040	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS133	Non-notification clauses	Support In Part	Accept in part
DPR-0453	LPC	FS133	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS137	Non-notification clauses	Support	Accept the submission
DPR-0384	RIDL	534	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: 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.
DPR-0032	CCC	FS323	Non-notification clauses	Oppose In Part	<i>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.</i>
DPR-0298	Trices Road Re-zoning Group	FS882	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS135	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS406	Non-notification clauses	Oppose	<i>Retain relevant provisions without a non-notification clause.</i>
DPR-0414	Kāinga Ora	FS243	Non-notification clauses	Support	Not Specified
DPR-0453	LPC	FS135	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS139	Non-notification clauses	Support	Accept the submission

Analysis

- 10.2 RIDL, RIHL, IRHL and RWRL⁸¹ seek additional non-notification clauses in the DPZ, KNOZ and PORTZ chapters. The notification requirements of both Rules and Rule Requirements were considered at the time of drafting, and where appropriate a non-notification clause was included. Given the potential impacts of these breaches, I consider that not including a non-notification clause in all cases, is appropriate. This is a similar approach across the PDP, where a non-notification clause has not been used where Council seeks to retain the ability to notify dependent on the nature of any breach. I recommend these submission points be rejected and note that there are additional 'non-notification' submission points against specific provisions (as opposed to these 'general' requests) and if a non-notification clause is deemed appropriate following an amendment to a Rule or Rule Requirement, then this would be applied as necessary.

Recommendation

- 10.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision 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**.

11. Anticipated Development Outcomes of the DPZ, KNOZ and PORTZ

Submissions

- 11.1 Five submission points, including four further submission points, were received in relation to reference to anticipated development outcomes in the objectives of the DPZ, KNOZ and PORTZ.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	188	SUB-O3	Oppose In Part	Amend zone objectives to clearly identify the anticipated development outcomes of the zones.
DPR-0358	RWRL	FS106	SUB-O3	Oppose	Reject
DPR-0363	IRHL	FS106	SUB-O3	Oppose	Reject
DPR-0374	RIHL	FS106	SUB-O3	Oppose	Reject
DPR-0384	RIDL	FS106	SUB-O3	Oppose	Reject

Analysis

- 11.2 HortNZ⁸² seek an amendment of the Objectives of the DPZ, KNOZ and PORTZ to include a description of the 'anticipated development outcomes' for the Zones as required by the NPS-UD. On review of the provisions of each chapter, I consider that DPZ-O1, which references dairy processing activities and facilities as the activities anticipated to be undertaken within the zone, is a sufficient description of the anticipated development outcomes of the zone. KNOZ-O2 states that scale and proportion of buildings and spaces in the KNOZ should reflect the characteristics of high density education and research facilities, and associated accommodation activities. I consider this sufficiently describes the

⁸¹ RIDL DPR-0384.530, DPR-0384.532 and DPR-0384.534, RIHL DPR-0374.497, DPR-0374.499 and DPR-0374.501, IRHL DPR-0363.451, DPR-0363.453 and DPR-0363.455, RWRL DPR-0358.409, DPR-0358.411 and DPR-0358.431

⁸² HortNZ DPR-0353.188

anticipated development outcomes of the zone. PORTZ-O3 states that the scale and proportion of development in the zone reflects the operational requirements port activities in the zone. I also consider this is a suitable description of the development outcomes anticipated in this zone. As I do not consider amendments to existing, or the inclusion of any new, Objectives is required in response to this submission point, I recommend this submission point be rejected.

Recommendation

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

12. Conclusion

- 12.1 For the reasons 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.