

# **TAI POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai O Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendation Report: Topic 16 Residential Zones – Ngā Takiwa Noho**

**Hearing Dates: 16 and 17 July 2024**

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#### **HEARING PANEL**

Paul Rogers (Chair)

Sharon McGarry

Maria Bartlett

## CONTENTS

<b>PART A – INTRODUCTORY MATTERS</b>	<b>3</b>
<b>1. Preliminary Matters</b>	<b>3</b>
1.1. Introduction	3
1.2. Buller District Council - Alma Road – Interim Decision Request	5
1.3. Terminology in this Report	6
1.4. Hearing Arrangements	6
1.5. Appearances	7
1.6. Overview of submitter evidence received	8
1.7. Right of Reply	9
1.8. Procedural Steps and Issues	9
1.9. Site Visits	9
<b>PART B - STATUTORY REQUIREMENTS AND DOCUMENTS</b>	<b>11</b>
<b>PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS</b>	<b>12</b>
<b>2. Residential</b>	<b>12</b>
2.1. Residential Definitions	12
2.2. Residential General/Whole Chapter including the Overview	14
2.3. Residential Objectives	18
2.4. Residential Policies	22
2.5. General Residential Zone – Rules and Standards	29
2.6. Large Lot Residential Zone – Rules and Standards	62
2.7. Medium Density Residential Zone – Rules and Standards	82
2.8. Zoning Maps	103
2.9. Appendix 2 of the Plan – Recession Planes	126
Zoning Maps	158
<b>APPENDICES</b>	
Appendix 1 – Recommendations	

## PART A – INTRODUCTORY MATTERS

### 1. PRELIMINARY MATTERS

#### 1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Residential Zone - Ngā Takiwa Noho chapter from pTTPP. This chapter is contained in Part 3 – Area Specific Matters – Zones Section, of the pTTPP.
3. The Report contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section of Part 3 of the Plan.
4. The Residential Zones Section 32 Report<sup>1</sup> provides evaluations of the options for the management of Residential Zones through the combined Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.
5. The Residential Zones Section 42A Officer’s Report<sup>2</sup> (‘s42A Report’), authored by Ms Lois Easton, a planner with Kererū Consultants, acting as the Reporting Officer, was circulated prior to the hearing.
6. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either be accepted, accepted in part or rejected in Appendix 2).
7. Ms Easton subsequently provided a combined s42A Report<sup>3</sup> right of reply covering both the Residential Zones and Special Purpose Zones, which responded to key matters raised by the Hearing Panel. Recommendations of the Panel on the Special Purpose Zones are contained in the separate report for those zones.
8. The s42A Report assessed a total of 707 submission points and 109 further submission points across the Residential Zone chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).
9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:

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<sup>1</sup> Te Tai o Poutini Plan – Section 32 Evaluation Report 11 Residential - Ngā Takiwā Noho

<sup>2</sup> Section 42A Report on Residential Zones

<sup>3</sup> s42A Right of Reply on Residential and Special Purpose Zones

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- (a) Definitions;
  - (b) General/Overview;
  - (c) Objectives
  - (d) Policies;
  - (e) Rules; and
  - (f) Zoning Maps.
10. A s32AA evaluation for the changes in each chapter was provided at the end of the s42A Report.
11. This Recommendation Report follows this same structure of the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.
12. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision, recording all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
13. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
14. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
- (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or
  - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
  - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
15. Where there is a recommended change to a notified provision of the TTPP, it is because:
- (a) The Panel has recommended amendments to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or
  - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or
  - (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
16. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
17. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
18. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
19. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

**1.2. Buller District Council - Alma Road – Interim Decision Request**

20. The Panel received a written request from Buller District Council (**BDC**) on 11 June 2024 and again on 30 September 2024 seeking an early release of the decision (or the issue of an interim recommending report) on the rezoning of Alma Road, Westport Area, if the Panel is not able to complete their recommendation on submissions prior to December 2024.
21. This request was based on Council accessing Crown Infrastructure Acceleration Funding to underpin the proposed rezoning at Alma Road with the risk of the funding offer being withdrawn if the outcome of this decision is not known by December 2024.
22. The Panel responded to this request via Minute #46 on 5 October 2024. In brief, while the Panel recognises the difficulty BDC were facing, there were procedural and best practice constraints on the Panel's ability to respond to aspects of the request from the Council. The Panel did indicate that based on information received and heard to date, that it was able to send a strong signal that it did not identify impediments to the revised rezoning sought at the hearing but would not be in a position meet Council's critical December 2024 date.

### **1.3. Terminology in this Report**

23. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of NZ Inc (Forest and Bird)
GDC	Grey District Council
GRZ	General Residential Zone
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
LLRZ	Large Lot Residential Zone
MRZ	Medium Density Residential Zone
MoE	Ministry of Education Te Tāhuhu o Te Mātauranga
NCZ	Neighbourhood Centre Zone
NPSUD	National Policy Statement for Urban Development
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites or Areas of Significance to Māori
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora
Waka Kotahi	Waka Kotahi NZ Transport Agency
WDC	Westland District Council
WCRC	West Coast Regional Council

### **1.4. Hearing Arrangements**

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

24. The hearing was held at the West Coast Regional Council Building on the 16 and 17 of July 2024. Some submitters appeared online by internet connection.
25. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report.
26. At the conclusion of the hearing, the Hearing Panel requested that Ms Easton respond to several questions that arose during the hearing. These are dealt with in Ms Easton's Right of Reply.

**1.5. Appearances**

27. The following submitters appeared at the hearing in relation to the residential zone chapter:

**Ms Frida Inta** for herself and on behalf of the **Buller Conservation Group** (online)

**Ms Inger Perkins** for herself (online)

**Ball Developments Limited and Davis Oglivie and Partners Limited**

- Ms Pauline Hadfield, Planner
- Mr Geoff Ball
- Mr Sean Fibs

**Silver Fern Farms Limited**

- Ms Jo Appleyard and Ms Tallulah Parker, Legal Counsel (online)
- Mr Steven Tuck, Planner (online)
- Mr Darran Humpheson, Acoustic Engineer (online)

**Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated**

- Mr Chris Coll, Westport Rifle Club
- Ms Katherine McKenzie, Planner

**New Zealand Heavy Haulage Association Incorporated**

- Mr Jonathan Bhana-Thompson, Planner (online)
- Ms Kim and Mr Glen Scrivener – for themselves

**Buller District Council**

- Mr Craig Barr, Planner
- Ms Rebecca Inwood, Planner
- Mr Nathan Riley, Regulatory Manager BDC

### **1.6. Overview of submitter evidence received**

28. For those appearing at the hearing, legal submissions were received from Ms Appleyard and Ms Parker on behalf of Silver Fern Farms (dated 2 July 2024).
29. For those appearing at the hearing, the following evidence and/or statements were received:
  - (a) Ms Inger Perkins, on behalf of herself, summary statement (dated 16 July 2024)
  - (b) Ms Pauline Hadfield, planning, on behalf of Ball Developments Limited and Davis Ogilvie and Partners Limited (dated 17 June 2024) and summary statements (dated 16 July 2024 and 17 July 2024);
  - (c) Mr Steven Tuck, planning, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);
  - (d) Mr Darran Humpheson, acoustics, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);
  - (e) Ms Katherine McKenzie, planning, on behalf of Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated (17 June 2024) and summary statement (dated 17 July 2024);
  - (f) Mr Jonathan Bhana-Thomson, planning, on behalf of the House Movers Section of the New Zealand Heavy Haulage Association Incorporated; and
  - (g) Ms Kim and Mr Glen Scrivener, on behalf of themselves, statement (dated 17 July 2024).
  - (h) Mr Craig Barr, planning, on behalf of Buller District Council (dated 17 June 2024) and summary statement (dated 17 July 2024);
30. Following receipt of the s42A Report concerning Residential Zones:
  - (a) KiwiRail - advised (dated 17 June 2024) that it did not wish to be heard at the hearing and requested that their correspondence be tabled as a record of KiwiRail's position on safety setbacks from the rail corridor in the Residential Zone.
  - (b) Fire and Emergency NZ – advised (dated 5 July 2024) that there was generally a high degree of support from the reporting officer for its submission points and opted not to attend the hearing. They requested that their correspondence letter be tabled at the hearing.
  - (c) Ministry of Education (**MoE**) – advised (dated 15 July 2024) that they would not be attending the hearing and requested that their correspondence letter be tabled with the Hearing Panel. This correspondence confirmed that MoE requested that their original submission points and positions be retained.
31. Following the hearing, the Panel issued the following minutes of relevance to the residential chapter:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- (a) Minute 34 – Following the Residential and Special Zone hearing held on 16-17 July at Greymouth, a minute (dated 22 July 2024) was issued by the Panel providing direction around the provision of further information from several submitters, some of which had already been submitted prior to this minute being issued. All further information was directed to be submitted by 16 August 2024.
- (b) Minute 46 – Following the request from BDC for a recommendation on the rezoning of the Alma Road area to be released early, or the issue of an interim recommending report to satisfy a Kainga Ora condition for funding for the development. In its minute (dated 5 October 2024), the Panel recognised the difficulty BDC faced in this regard but, due to procedural and best practice constraints, confirmed that it would not be in a position to provide these recommendations until mid-2025.
32. Following the hearing, the subsequent further information received was as follows:
- (a) Silver Fern Farms (dated 17 July 2024) – Correspondence received from Mr Tuck concerning operational information about Silver Fern Farms Hokitika.
- (b) Buller District Council (dated 15 August 2024) – Correspondence received from Mr Pickford (CEO BDC) concerning further information requested in Minute 34 of the Hearing Panel.
- (c) M. Delleca (dated 25 July 2024) – Correspondence received to provide additional background and knowledge of the Alma Road area. This information was not specifically requested by the Panel but was received and acknowledged.

### **1.7. Right of Reply**

33. Ms Easton provided a written Right of Reply (dated 23 August 2024) addressing questions that arose from the Panel during the hearing. This Right of Reply included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1),
34. A joint Right of Reply from Ms Easton and Ms Belgrave (Reporting Officers) was received on 7 October 2024. This reply concerned setback requirements in relation to the rail corridor, which applied to several different zones, including the Residential Zone.
35. A joint Right of Reply from Ms Easton, Ms Belgrave and Ms Evans (Reporting Officers) was received on 17 October 2024. This Reply pertained to specific submission points of Silver Fern Farms (SFF) related to setbacks and zoning surrounding the SFF Hokitika site.

### **1.8. Procedural Steps and Issues**

36. No procedural matters were raised at the hearing.

### **1.9. Site Visits**

37. As part of this hearing, we undertook site visits informed by matters raised in submissions and further information in response to Minute 34. Including, but not limited to:

#### **Westland**

- Hokitika residential around the rail corridor – houses off Sewell Street and SH6

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- Hokitika Revell St (between Hampden St and Spencer St) Medium Density Area
- Silver Fern Farms Hokitika site and adjacent residential development (2 visits)

**Grey**

- Moana/Lake Brunner area
- 11 Lake Brunner Road – Klempf Block, Moana
- Cobden
- Dobson – Taylorville – State Highway 7
- Kaiata Park
- Greymouth

**Buller**

- Alma Road/McPadden Road Terrace
- Westport

## **PART B - STATUTORY REQUIREMENTS AND DOCUMENTS**

38. Residential Zones – Ngā Takiwā Noho is one of six zone-based sections located in Part 3 – Area Specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Residential Zone (**RESZ**) section has shared objectives and policies, with separate rules that apply across the General Residential Zone – Te Takiwā Noho Whenua Nui (**GRZ**), Large Lot Residential Zone – Te Takiwā Noho Whenua Nui (**LLRZ**), and Medium Density Residential Zone – Te Takiwā Noho Āhua Mātotoru (**MRZ**).
39. The Section 32 Report outlined the relevant statutory considerations applicable to residential activities and the relationships between the sections of the RMA and higher order documents.
40. The section 42A Report highlighted the relevant matters from section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement (NZCPS), any relevant National Policy Statement including the National Policy Statement for Urban Design (NPSUD), the West Coast Regional Policy Statement (**RPS**), Regional Plans, District Plans of adjacent territorial authorities, iwi management plans and the National Planning Standards.
41. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of the requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.
42. The National Planning Standards Mandatory Directions Clause 8.1 requires that only zones listed within Table 13 of the Planning Standards are to be used, except for Special Purpose Zones, or in the case of a combined regional and district plan, a zone that is both seaward and landward of mean high-water springs. The Planning Standards lists General Residential Zones, Large Lot Residential Zones, and Medium Density Residential Zones on its mandated list. We are satisfied that the Plan structure is consistent with this national direction.

## PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

### 2. RESIDENTIAL

#### 2.1. Residential Definitions

##### Submissions and Further Submissions

43. Six submissions and three further submissions relating to definitions relevant to the Residential Zones topic were summarised in a Table on pages 9-10 of the s42A Report. The Panel has considered the relevant submissions, which included support for notified definitions, along with requests for new definitions to be added to the Plan and has adopted the summaries in the s42A Report.

##### Section 42A Report

44. The support of submitters Federated Farmers (S524.013) concerning the definition of “*minor residential unit*” and Ara Poutama (S349.002) (supported by Kāinga Ora FS58.002), concerning the definitions of “*minor residential unit*”, “*residential activity*”, “*residential unit*”, and “*supported residential accommodation*”, was acknowledged by Ms Easton.
45. Ms Easton did not support Ara Poutama’s (S349.004) request (opposed in a further submission by Kāinga Ora (FS58.001)) for a new definition for “*household*” and considered that it was better to leave the term undefined to avoid any unintended narrowing of the term.
46. Ms Easton did not support David Ellerm’s (S581.009) request for a new definition for the term “*residential character*” because the term was not widely referenced within the objectives and policies, and was a well-understood term in the planning field.
47. Ms Easton did not recommend any changes to the definitions in the Plan in response to these submissions.

##### Hearing and Submitter Evidence/Statements

48. No written evidence was provided concerning residential definitions or specifically raised by any submitters at the hearing.

##### Reporting Officer Reply Evidence

49. In response to questions from the Panel, concerning the submission points of Frida Inta and Buller Conservation Group<sup>4</sup> on the residential rules generally, Ms Easton provided further consideration of whether the word “*allotment*” should replace “*site*” in the residential zone rules. Ms Easton had made an earlier recommendation in the Introduction and General Provisions s42A Report, which included the Plan definitions, to delete the definition of “*site*”. This was due to unintended consequences where the term “*site*” could be used in a different context, such as, where it applied to archaeological site, heritage site, and Sites or Areas of Significance to Māori (SASM). Therefore, where these provisions are used, the whole term, e.g. “*archaeological site*”, is recommended to be used. As a result, changes will be required

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<sup>4</sup> S552.007, S552.008, S553.007, S553.008

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

to some District-Wide Matters; however, the definition of “*site*” is now recommended to remain unchanged.<sup>5</sup>

50. Ms Easton responded to a further definition-related matter concerning the definition of “*residential unit*”<sup>6</sup>. She also responded to questions from the Panel that arose concerning submissions regarding the Residential Visitor Accommodation Rules, GRZ-R6, LLRZ-R6, and MRZ-R6. These rules are discussed further below under the Residential Rules section, but it is noted here that Ms Easton said that the definition of “*Homestay*” referred to “*the use of a residential unit*” and therefore she considered that issues of interpretation within the visitor accommodation-related rules did not arise.

**Hearing Panel’s Evaluation**

51. The Panel agrees with Ms Easton that the appropriate option is to leave the term “*Household*” undefined to avoid any unintended narrowing of the term, which could lead to unintended outcomes. We consider the context in which any questions, if any, arise as to the meaning of the word “*Household*” is likely to be highly influential if not determinative.
52. The Panel agrees with Ms Easton that the term “*residential character*” is not widely referenced within the Plan’s objectives and policies and is a well-understood term in planning. Therefore, we agree that there is no need to include a definition.
53. We agree with Ms Easton, for the reasons set out in her Reply, that the definition of “*site*” should not be deleted and replaced with “*allotment*”. We also agree that where the word is used for an archaeological site, heritage site, and site or area of significance to Māori, the whole term, such as “*archaeological site*” should be used to improve clarity. This requires consequential Plan-wide amendments, and in particular to provisions in the Historic Heritage (HH) Chapter and the SASM Chapter.
54. We agree with and accept Ms Easton’s response to a further definition-related matter concerning the definition of “*residential unit*”<sup>7</sup>. We agree that the definition of “*Homestay*” refers to “*the use of a residential unit*” and therefore issues of interpretation within the visitor accommodation-related rules do not arise.

**Hearing Panel’s Recommendation**

55. The Panel recommends the definition of “*Residential Unit*” is retained as notified.

<p><b>RESIDENTIAL UNIT</b> means</p> <p>means a building(s) or part of a building that is used for a residential activity exclusively by one household and must include sleeping, cooking, bathing and toilet facilities.</p>
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56. The Panel recommends the definition for “*site*” within the Introduction and General Provisions Chapter of the Plan is retained as notified, as follows:

<sup>5</sup> Para 6 – s42A Right of Reply

<sup>6</sup> Paras 12-17 - s42A Right of Reply

<sup>7</sup> Paras 12-17 - s42A Right of Reply

<b>SITE</b>	means
	(a) an area of land comprised in a single record of title as per the Land Transfer Act 2017; or
	(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
	(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per the Land Transfer Act 2017 could be issued without further consent of the Council; or
	(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

57. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below<sup>8</sup> are accepted or accepted in part, and recommend the following provisions of the Historic Heritage and SASM Chapters within the District-Wide Matters – Historical and Cultural Values Chapter of the Plan are amended.

## **2.2. Residential General/Whole Chapter including the Overview**

### **Submissions and Further Submissions**

58. Nine submission points relating to general matters or the whole Residential Zones (**RESZ**) topic were summarised in a Table on pages 11-12 of the s42A Report. The Panel has considered the relevant submissions, which included a range of support for notified provisions or amendments related to general matters, and adopts the summaries in the s42A Report.

### **Section 42A Report**

59. The support of BDC (S538.271) regarding relevant subdivision standards, was noted by Ms Easton.
60. The submissions of Inger Perkins (S462.034) and Richard Herring (S16.001) sought that the Plan introduce provisions that address air quality issues caused by the burning of rubbish and use of wood burners. Ms Easton did not support these submissions and considered air quality was a matter regulated by the WCRC and their Regional Air Plan.
61. Forest and Bird (S560.369) sought that the Residential Chapter be amended to include a reference to the provision of the Natural Environment and District-Wide Chapters to make it clear that the provisions of these chapters also apply. Ms Easton agreed with this

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<sup>8</sup> Frida Inta S553.007 & S553.008, Buller Conservation Group S552.007 & S552.008

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

submission and recommended that this reference be included in the Overview section of each of the RESZ, GRZ, LLZ and MRZ chapters.

62. Scenic Hotel Group (483.007) sought to retain the approach that Airbnb be treated as a commercial activity in the Plan. Ms Easton clarified that Airbnb was not treated as a commercial activity in the Plan and was considered a residential visitor accommodation activity subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. She did not support this submission or recommend any amendments in relation to it.
63. Davis Ogilvie and Partners Ltd (S465.036) sought amendments to the rules for outdoor living spaces in the GRZ and MRZ (as well as the NCZ) to include a minimum dimension or 'shape factor'. Ms Easton agreed with this submission and made a recommendation to include a minimum dimension (e.g. width or depth) of 3m for the GRZ and MRZ.
64. Frank and Jo Dooley (S478.003) sought to amend the RESZ rules to include provisions related to the management of sites that will be rezoned, providing for these rezonings where a complete infrastructure plan is in place. Ms Easton did not support this submission, noting that the rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. She noted that there were servicing requirements for any new subdivision in the residential zone.

**Hearing and Submitter Evidence/Statements**

65. Ms Hadfield confirmed she agreed with the recommendation in the s42A Report for a 3m minimum dimension to apply to outdoor living spaces where required under RESZ provisions. She also suggested that this should apply to other zones where an outdoor living space was required, such as Rule SVZ–R1. This matter is addressed under the Special Purpose Zone Recommendation Report.
66. The tabled statement from KiwiRail (dated 17 June 2025) noted a 5m setback for buildings from the rail corridor boundary was sought in all zones adjacent to the rail corridor, except the Commercial Zone, Natural Open Space Zone (**NOSZ**) and the Open Space Zone (**OSZ**) where a 4.5m setback was sought. It highlighted the evidence of Ms Heppelthwaite (for Hearing Topic 1) regarding the importance of providing an adequate setback for safety and to protect the rail corridor.
67. No other written evidence was provided concerning the RESZ Chapter as a whole at the hearing.

**Reporting Officer Reply Evidence**

68. In response to queries raised by the Panel, Ms Easton further addressed the regulation of discharges from indoor or outdoor domestic fires in relation to the Objectives (general) section.
69. Ms Easton also addressed the Panel's query of whether there was sufficient scope to require that any residential development undertaken without connecting to reticulation should be a non-complying activity, as opposed to discretionary. She noted there were no submissions that specifically related to this request; and that the submission of Frank and Jo Dooley was

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

more concerned with the impacts on existing landowners where rezoning has occurred and sought that rules were only triggered where a complete infrastructure plan was not in place.

70. In relation to KiwiRail's (S442.093) submission, Ms Easton confirmed that she had met with Ms Belgrave on 9 September 2024, who was the s42A Reporting Officer for the Industrial Zone and Commercial and Mixed Use Zone Chapters. She noted they had prepared a joint Right of Reply dated 7 October 2024, with a particular view to agreeing setback requirements in the permitted activity standards for the zone rules concerning the rail corridor. Regarding the RESZ Chapter, both planners agreed that setbacks from the rail corridor designation boundary for buildings should be 1.5m for the GRZ and MRZ, and 4m for the LLRZ. Both planners considered that a 5m setback (as sought by KiwiRail) was excessive and not appropriate when considering the nature and frequency of all rail movements.
71. Ms Easton also responded to a question from the Panel regarding the submission from KiwiRail and how their request should be addressed in relation to the LLRZ. She noted that the railway line did not traverse any part of the LLRZ and therefore did not need to provide for any specific setback.

**Hearing Panel's Evaluation**

72. The Panel adopts the reasoning and recommendations put forward by Ms Easton that air quality is a matter regulated by the WCRC under the Regional Air Plan; and does not need to be addressed in the Plan to avoid duplication. We consider Ms Easton appropriately addressed discharges from indoor or outdoor domestic fires and the potential for nuisance issues within her Reply.
73. The Panel agree with Ms Easton's reasoning and recommendation to include a reference to the provisions in the Natural Environment and District-Wide chapters to make it clear that the provisions of these chapters also apply. We agree that this reference should be included in the Overview section of each of the RESZ chapters – GRZ, LLRZ, MRZ to provide clarity.
74. The Panel note that Airbnb accommodation is not treated as a commercial activity in the Plan, but is considered a residential visitor accommodation activity, which is subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. We accept this is appropriate and note that no submission sought a change in status for Airbnb activities.
75. The Panel adopt Ms Easton's reasoning and recommendation to include outdoor living spaces in the Plan for GRZ, MRZ and Neighbourhood Centre Zone (**NCZ**). We consider her recommendation of including a minimum dimension of 3m to be appropriate for outdoor space and note Ms Hadfield agreed with this.
76. The Panel adopt Ms Easton's reasoning and agree that including new plan provisions that only allow rezonings where a complete infrastructure plan is in place is unnecessary because the existing rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. We agree that no submissions sought that activity be a non-complying activity, as opposed to discretionary, if a subdivision or development did not connect to reticulation.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

77. The Panel notes that concerns in relation to the Plan requiring new development to connect to existing reticulated water, stormwater and wastewater systems are addressed in the Infrastructure Chapter and Subdivision Chapter Recommendation Reports.
78. The Panel accept the joint evaluation of Ms Easton and Ms Belgrave in relation to setbacks for buildings from the rail corridor designation boundary of 1.5m for the GRZ and MRZ; and that a 5m setback in the LLRZ would be excessive and inappropriate when considering the nature and frequency of all rail movements. We agree that, given the railway line does not traverse any part of the LLRZ, it is not necessary to provide for any specific setback within the LLRZ provisions. We agree with the Reporting Officers that a 5m setback from the rail corridor designation boundary would capture a very large area of land in addition to the rail corridor.
79. The Panel notes that Ms Easton did not provide a comment on Brendan Te Amo's (S85.001) submission, but we note that this submission supports the general direction of all proposed new zonings in the Plan.

**Hearing Panel’s Recommendation**

80. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments are made to the **GRZ, LLRZ and MRZ Overviews** and **Rule GRZ-R1** and **Rule MRZ-R1**, as follows:

<b>GRZ Overview</b>	Other Relevant Te Tai o Poutini Plan Provisions
<b>LLRZ Overview</b>	It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the General Residential Zone including:
<b>MRZ Overview</b>	... <ul style="list-style-type: none"> <li>• <b>Natural Character and Margins of Waterbodies</b> -in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.</li> <li>• <b><u>Ecosystems and Biodiversity – where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply.</u></b><sup>9</sup></li> <li>• <b>Subdivision</b> - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.</li> </ul> ...

<b>GRZ -R1</b>	<b>Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted</b> Where: ...
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<sup>9</sup> Royal Forest and Bird Protection Society S560.369

	<p>6. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; <b><u>and the outdoor living space must have a minimum dimension of 3m;</u></b><sup>10</sup></p> <p>...</p> <p>10. Buildings are setback a minimum of <b><u>1.5m from the railway corridor</u></b><sup>11</sup> and 1m from all other site boundaries, except that:</p> <p>i. Duplexes do not require a setback from the side boundary of the other duplex unit; and</p> <p>ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.</p> <p>...</p>
<b>MRZ-R1</b>	<p><b>Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted</b></p> <p>Where:</p> <p>...</p> <p>5. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas; <b><u>and the outdoor living space must have a minimum dimension of 3m.</u></b><sup>12</sup></p> <p>...</p> <p>19. Buildings are setback a minimum of <b><u>1.5m from the railway corridor</u></b><sup>13</sup> and 1m from all other site boundaries, except that:</p> <p>i. Duplexes do not require a setback from the side boundary of the other duplex unit; and</p> <p>ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.</p> <p>...</p>

## 2.3. Residential Objectives

### Submissions and Further Submissions

81. Nine submission points and one further submission point relating to the Residential Objectives (as a whole) were summarised in a Table on pages 13-14 of the s42A Report. Six submission points sought to retain the three objectives as notified.
82. The submissions by the Buller Conservation Group (S552.168) and Frida Inta (S553.168) sought the introduction of a new objective regarding air pollution within residential areas.
83. The Te Tai o Poutini Plan Committee (S171.008) also sought an additional objective regarding residential development, intensification, or managed retreat. The further submission from SFF (FS101.038) opposed this submission and considered that it should be subject to

<sup>10</sup> Divis Ogilvie & Partners Limited S465.036

<sup>11</sup> KiwiRail Holdings Limited S442.093

<sup>12</sup> Divis Ogilvie & Partners Limited S465.036

<sup>13</sup> KiwiRail Holdings Limited S442.093

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

additional direction, particularly concerning potential reverse sensitivity effects raised by any potential rezonings.

84. Four submission points and one further submission point supported retaining Objective **RESZ-O1** as notified. One submission requested amendments. These were summarised in a Table on Pages 14-15 of the s42A Report.
85. One submission point and one further submission relating to **RESZ-O2** were summarised in a Table on page 15 of the s42A Report. This submission and a further submission supported the retention of the objective as notified.
86. Five submission points relating to **RESZ-O3** were summarised in a Table on page 15 of the s42A Report. Two submissions supported the retention of the objective as notified, and three sought amendments.
87. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

**Section 42A Report**

*RESZ - Objectives (General)*

88. Concerning the objectives (as a whole), Ms Easton acknowledged the support from the submitters<sup>14</sup> that sought to retain the objectives as notified.
89. Ms Easton did not support Frida Inta and the Buller Conservation Group's request a new objective to address air pollution because she considered air quality was not a matter within the jurisdiction of the district plan and was a regional council function.
90. Ms Easton did not support Te Tai o Poutini Committee's request for a new objective because she considered the three existing objectives were sufficient in addition to the urban form and development Strategic Direction in the Plan, which guided residential and other urban zones. She also acknowledged the further submission from SFF opposing this request due to concerns about reverse sensitivity effects and noted this was addressed under the zoning section of this chapter, as well as the Strategic Direction section of the Plan.
91. Ms Easton made no recommended changes to the objectives based on these submissions.

*RESZ - O1*

92. Ms Easton acknowledged the support from the four submission points and one further submission point<sup>15</sup> that sought to retain the objective as notified.
93. Ms Easton did not support Waka Kotahi NZTA's (S450.239) request the additional wording to RESZ-O1 because she considered it was unnecessary as accessibility for walking and cycling was already part of the general term "*infrastructure*" included in the objective wording.
94. Ms Easton recommended retaining RESZ-O1 as notified.

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<sup>14</sup> S567.450, S558.396, S566.396, S538.473, S181.035

<sup>15</sup> S349.009, S190.832, FS58.0135, S573.021, S608.714

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*RESZ - 02*

95. Ms Easton acknowledged the support from the one submitter and further submitter<sup>16</sup> that sought to retain the objective as notified.
96. Ms Easton recommended retaining RESZ-02 as notified.

*RESZ - 03*

97. Ms Easton acknowledged the support from the two submitters<sup>17</sup> that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.
98. The s42A Report did not support the submission made by SFF (S441.063) to replace “*area*” with “*zone*” because Ms Easton considered that the term “*area*” was more appropriate for an objective that affected multiple zones.
99. Ms Easton recommended retaining RESZ-03 as notified.

**Hearing and Submitter Evidence/Statements**

100. Ms Perkins, representing herself, highlighted that the Regional Air Quality Plan did not adequately regulate the burning of rubbish on residential properties. She noted that this matter was currently covered in a bylaw for BDC and GDC, which should also be adopted by WDC, and included in the requirements in the TTPP.
101. Mr Tuck, for SFF, reiterated concern that the existing effects from the Hokitika site were unlikely to be completely internalised to meet urban residential amenity expectations. He therefore continued to oppose the new residential objective sought by the TTPP Committee, which sought residential rezoning for new areas of residential development, to avoid reverse sensitivity effects. He noted he had recommended the introduction of a new objective specific to the SFF site that was focused on protecting the site from reverse sensitivity effects from activities in residential zones. He acknowledged that a site-specific caveat to zone-wide objectives was not an ideal solution. Mr Tuck highlighted the primary relief sought was changes to the zone configuration adjacent to the SFF and that he considered this was a more efficient and effective method to manage reverse sensitivity effects.

**Reporting Officer Reply Evidence**

102. Ms Easton responded to the regulation of discharges from indoor or outdoor domestic fires, which were not currently regulated in the WCRC Regional Air Plan and were regulated under bylaws enacted under the Health Act 1956 rather than the RMA. She noted the current Air Plan from 2001 predated the National Environmental Standard for Air Quality (2004) and its more recent 2020 amendments. She highlighted the WCRC had commenced a review of the Air Plan and considered that the matter of discharges from wood burners and outdoor fires was more appropriately addressed within the scope of this review rather than the TTPP.
103. Ms Easton further addressed the submission of SFF and the ability to manage potential reverse sensitivity effects and considered it was best addressed in the approach to adjacent

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<sup>16</sup> S190.833, FS33.37

<sup>17</sup> S190.834, S456.039

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

zoning and setbacks. Her view was that a General Rural Zone (**GRUZ**) (as requested by SFF) would not result in a reduced likelihood of complaints compared to the proposed Rural Lifestyle Zone (**RLZ**); and that the inclusion of a setback for activities within the General Industrial Zone (**GIZ**) from rural zoned boundaries could address this issue. The Panel notes that the recommended rezoning of the land adjacent to the SFF from GRZ to RLZ is discussed further under the Residential Zoning section of this Report.

104. No further specific points were made in Ms Easton's Right of Reply regarding the remainder of the objectives and no further recommended changes were been made to the wording of the three residential objectives from the notified version.

**Hearing Panel's Evaluation**

105. The Panel agrees with the reasoning provided by Ms Easton, which supports her view that introducing a new objective to address air pollution within residential areas is unnecessary. We agree that air quality is a matter for the WCRC and the Regional Air Plan and should not be addressed in the TTPP.
106. The Panel agrees with the reasoning provided by Ms Easton, that introducing an additional objective in relation to residential development, intensification, or managed retreat is unnecessary. We agree that the three existing objectives are sufficient given the urban form and development Strategic Direction in the Plan guiding residential and other urban zones (e.g. CCR-O1, CCR-P4).
107. In relation to Objective **RESZ-O1**, we agree with Ms Easton's reasoning and recommendation that the additional wording requested by Waka Kotahi NZTA is unnecessary because accessibility for walking and cycling is already part of the general term "*infrastructure*" included in the objective wording. We therefore recommend that RESZ-O1 remain as notified.
108. The Panel accept Ms Easton's recommendation to retain **RESZ-O2** as notified.
109. In relation to Objective **RESZ-O3**, the Panel agree with Ms Easton's reasoning and recommendation that use of the word "*area*" within this objective is more suitable than the word "*zones*" because this objective affects multiple zones. We accept Ms Easton's recommendation to retain RESZ-O3 as notified.
110. The Panel consider it is not appropriate to include a new objective specific to SFF's Hokitika site. We agree with Ms Easton that adjacent land zoning and setbacks is a better approach to protect the existing site from potential reverse sensitivity effects from land use changes. We record our recommendations on this issue where we consider the appropriate zoning of the adjacent land in this Report and in the Recommendations Reports for Rural Zones, Noise and the Industrial chapters.

**Hearing Panel's Recommendation**

111. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the notified **Residential Objectives** as follows:

<b>RESZ - O1</b>	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
<b>RESZ - O2</b>	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
<b>RESZ - O3</b>	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

## **2.4. Residential Policies**

### **Submissions and Further Submissions**

112. Eleven submission points and three further submission points relating to the RESZ policies (as a whole) were summarised in the Table on pages 16-17 of the s42A Report. Six submissions sought to retain all policies as notified. Five submissions sought to add new policies while three of these submission points were opposed by further submissions.
113. Two submission points and one further submission in support of Policy **RESZ-P1** were summarised in the Table on page 17 of the s42A Report.
114. Six submission points relating to Policy **RESZ-P2** were summarised in the Table on pages 17-18 of the s42A Report. Three submission points supported the retention of the policy as notified, and three sought amendments.
115. One submission point in support of Policy **RESZ-P3** as notified was summarised in the Table on page 18 of the s42A Report.
116. Six submission points relating to Policy **RESZ-P4** were summarised in the Table on page 18 of the s42A Report. Four of these submissions sought to retain the policy wording as notified. Two sought amendments. No further submissions were received on this policy.
117. Three submission points relating to Policy **RESZ-P5** were summarised in the Table on pages 18-19 of the s42A Report. One submission supported the retention of the policy as notified, and two sought amendments.
118. One submission point in support of Policy **RESZ-P6** as notified was summarised in the Table on page 19 of the s42A Report.
119. One submission and two further submission points supporting Policy **RESZ-P7** as notified were summarised in the Table on page 19 of the s42A Report.
120. Two submission points supporting Policy **RESZ-P8** as notified were summarised in a Table on page 19 of the s42A Report.
121. Two submission points supporting Policy **RESZ-P9** as notified were summarised in a Table on page 19 of the s42A Report.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

122. Three submission points relating to Policy **RESZ-P10** were summarised in a Table on pages 19-20 of the s42A Report. Two submissions supported the retention of the policy as notified, while the third supported it in part, subject to consistency in wording with earlier policies.
123. Two submission points supporting Policy **RESZ-P11** as notified were summarised in a Table on page 20 of the s42A Report.
124. Two submission points supporting Policy **RESZ-P12** as notified were summarised in a Table on page 20 of the s42A Report.
125. Two submission points supporting Policy **RESZ-P13** as notified were summarised in a Table on page 20 of the s42A Report
126. One submission and one further submission supporting Policy **RESZ-P14** as notified were summarised in a Table on page 20 of the s42A Report.
127. Two submission points supporting Policy **RESZ-P15** as notified were summarised in a Table on page 20 of the s42A Report.
128. Four submission points relating to Policy **RESZ-P16** were summarised in a Table on pages 20-21 of the s42A Report. Three of the submissions supported the retention of the policy as notified, while one sought amendment.
129. One submission and one further submission relating to Policy **RESZ-P17** were summarised in a Table on page 21 of the s42A Report. The submission sought amendments to the policy. The further submission opposed this submission.
130. The Panel has considered the relevant submissions and adopts the summaries in the s42A Report.

**Section 42A Report**

*RESZ - Policies (General)*

131. Ms Easton acknowledged most of the submissions and further submissions received generally supported the policies as notified.
132. Ms Easton did not support the addition of a new policy to support rezoning for residential development as sought by TTPP Committee (S171.013) (opposed by Forest and Bird FS34.014) because she did not consider this was necessary. Similarly, she did not support the new policy sought by TTPP Committee (S171.009) (opposed by Forest and Bird and SFF<sup>18</sup>) regarding rezoning specific land in Westport, Greymouth, and Hokitika because the rezoning had already occurred and was consistent with the current policy suite for residential development in areas outlined.
133. The submission of Te Mana Ora (S190.835) seeking a new policy related to the establishment of Clean Air Zones was not supported by Ms Easton because she noted that air quality was a matter regulated by the WCRC and did not fall within the jurisdiction of the district plan.

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<sup>18</sup> Forest and Bird FS34.013 and Silver Fern Farms FS101.039

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

134. Ms Easton did not support the amendments proposed by Frida Inta (S553.231) and the Buller Conservation Group (S552.231) regarding the provision of a 20m buffer around the periphery of residential zones to separate them from non-residential activities. She considered that if a buffer was to apply to adjoining residential zones, it would be impractical given many residential zones were less than 20m wide. In addition, she noted that if the buffer were to apply to adjoining non-residential zones only, these adjoining zones were already subject to specific setbacks depending on the zone; and that where non-residential activities met the required permitted activity standards of their respective zone, she considered they should be able to establish without the need for an additional buffer.
135. Ms Easton made no recommended changes to the policies based on these submissions.

*RESZ - P1*

136. Ms Easton acknowledged the support from the two submissions and one further submission<sup>19</sup> that sought to retain the policy as notified. She recommended retaining RESZ-P1 as notified.

*RESZ - P2*

137. Ms Easton acknowledged the support from the two submitters<sup>20</sup> who sought to retain the policy as notified.
138. In response to Frida Inta (S553.228) and Buller Conservation Group's (S552.228) request to amend clause (b) to refer to minimising nuisance from air pollution, Ms Easton did not support this. She reiterated that regulating air pollution was a function of WCRC.
139. Ms Easton did not support the Director General's (S602.226) to add '*maintain and enhance the natural environment and cultural and historic heritage features of the zone*' because these were already managed through the district-wide chapters.
140. Ms Easton recommended retaining RESZ-P2 as notified.

*RESZ - P3*

141. Ms Easton acknowledged the support from the one submitter (S190.838) who sought to retain the policy as notified. She recommended retaining RESZ-P3 as notified.

*RESZ - P4*

142. Ms Easton acknowledged the support from submitters<sup>21</sup> who sought to retain the policy as notified.
143. Ms Easton did not support the submission points of Frida Inta (S553.229) and Buller Conservation Group (S552.229) that sought amendments to refer to the adverse effects of air pollution and vibration because she considered air pollution was within the jurisdiction of the WCRC. Ms Easton considered if vibration was not regulated in the Noise Chapter, then she would support its addition. She agreed that "*do not have*" in relation to significant adverse effects should be replaced with "*avoid*" because the residential rules identify

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<sup>19</sup> S190.836, S349.015, F558.0136

<sup>20</sup> S190.837, S608.715, S608.716

<sup>21</sup> S190.839, S450.241, S456.040, S608.717

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

activities such as incompatible industrial activities as a non-complying activity and “avoid” is the appropriate term in this context.

144. Ms Easton recommended changes to this policy as follows:

**RESZ - P4**

*Enable existing non-residential activities and home occupations to continue and new non-residential activities to establish provided they ~~do not have an~~ avoid significant adverse effects on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.*

**RESZ - P5**

145. Ms Easton acknowledged the support from the submission (S190.840) who sought to retain the policy as notified.

146. Ms Easton did not support Frida Inta (553.230) and the Buller Conservation Group’s (S553.230) request to include the words “and will require a buffer zone”. She considered that the best way to manage the types of activities referred to in this policy was to ensure that residential zones were not located immediately adjacent to the Industrial Zone. Where this was not possible, she considered the use of a Light Industrial Zone (LIZ) to be preferable to minimise incompatible uses. She further considered that this direction was set in the strategic objectives rather than in the RESZ policies, which were to manage activities within these zones rather than in other zones.

147. Ms Easton recommended retaining RESZ-P5 as notified.

**RESZ - P6, RESZ-P7, RESZ-P8 and RESZ-P9**

148. Ms Easton acknowledged the support from the submissions and further submissions<sup>22</sup> that sought to retain these policies as notified. She recommended retaining policies RESZ-P6 to RESZ-P9 as notified.

**RESZ - P10**

149. Ms Easton acknowledged the support from the two submitters<sup>23</sup> who sought to retain the policy as notified.

150. Ms Easton agreed with GDC’s (S608.718) request to amend the policy to reflect that infrastructure should be vested with “the Council” as opposed to “the appropriate public agency”. She noted the policy was originally drafted to reflect the potential new public entities that were to be created under the Three Waters regime. However, as this was no longer applicable, she considered that the proposed amendment would ensure greater consistency with the rest of the Plan.

151. Ms Easton recommended changes to this policy as follows:

**RESZ - P10**

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<sup>22</sup> S190.841, S190.842, FS58.0137, FS58.0138, S620.234, S190.844, S450.242

<sup>23</sup> S190.845, S573.022

## Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel Residential Zones – Ngā Takiwa Noho

*Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~ **district council**.*

### RESZ - P11, RESZ-P12, RESZ-P13, RESZ-P14 and RESZ-P15

152. Ms Easton acknowledged the support from the submissions and further submissions<sup>24</sup> who sought to retain these policies as notified. She recommended retaining the policies as notified.

### RESZ - P16

153. Ms Easton acknowledged the support from three submitters who sought to retain this policy as notified<sup>25</sup>.
154. Ms Easton did not support SFF's request<sup>26</sup> to refer to "existing businesses and industrial activity" and specifically identify "the meat processing plant located at 140 Kumara Junction highway". She noted that the substantive matters raised by SFF, including those addressed in the submission on this policy, had been more fully discussed in the residential zoning section of the s42A Report. She considered the amendments proposed would create an inconsistency between RESZ-P16, which specifically focused on regionally significant infrastructure, and RESZ-P17, which focused on relocating industrial activities out of residentially zoned areas.
155. Ms Easton recommended retaining RESZ-P16 as notified.

156.

### RESZ - P17

157. Ms Easton did not support Te Mana Ora's request (S190.852) (opposed by GDC FS1.346) to refer to out-of-zone industrial activities relocating to industrial zoned areas as being "within the next 10 years" rather than "over the long term". She noted the policy and the pTTPP generally were not able to overrule the existing use rights held by industrial activities within residential zones. She considered the intent of this policy was to provide support for relocation should these activities seek to expand or redevelop.
158. Ms Easton recommended retaining RESZ-P17 as notified.

### Hearing and Submitter Evidence/Statements

159. In relation to RESZ-P2, Ms Inta reiterated her view that the Plan should include protection regarding air quality and odours. In relation to RESZ-P4, she confirmed her view that if air pollution generally could not be included, then the words "dust and odour" should be retained, while also reiterating that the word "vibration" should also be included.

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<sup>24</sup> S190.846, S620.235, S190.847, S450.243, S620.236, S190.848, S190.849, FS58.0139, S620.237, S190.850

<sup>25</sup> S190.851, S450.244, S608.719

<sup>26</sup> S441.064 – Silver Fern Farms

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

160. In relation to RESZ-P16, Mr Tuck (for SFF) reiterated that proposed amendments were needed to include specific references to *“any existing industrial activity”* and *“the meat processing plant located at 140 Kumara Junction Highway”* being the SFF site. He considered these amendments were necessary, in addition to the new specific objective sought if the s42A Report recommendation to rezone land adjoining the SFF’s Hokitika site to the south to from GRZ to RLZ rather than GRUZ was adopted. He acknowledged that a site-specific caveat to zone-wide objectives and policies was not ideal and reiterated the primary relief sought was to the zone configuration on land adjacent to the SFF site (i.e. to include a buffer zone) remained the more efficient and effective method to manage these effects. The Panel note that this zone-related discussion is addressed later in this Report and in the Recommendations Report on Rural Zones, Noise and the Industrial chapters.

**Reporting Officer Reply Evidence**

161. In relation to the issue of dust, Ms Easton considered that there was scope to address the amenity issues that may arise when dust was generated (e.g. wind picking up dust from an unsealed yard). She noted that Policy RESZ-P4 already included a reference to dust and therefore retained her recommendations in the s42A Report.
162. No further recommended changes were made in Ms Easton's Right of Reply regarding the remainder of the policies.

**Hearing Panel’s Evaluation**

163. The Panel adopts Ms Easton’s reasoning and her recommendation that it is unnecessary to include a new policy relating to rezoning areas for residential development because rezoning of specified areas can occur utilising other processes under the RMA.
164. Similarly, we agree that a new policy supporting the rezoning of specific land in Westport, Greymouth, and Hokitika is not necessary because the rezoning has already occurred and is consistent with the current policy suite in terms of residential development in these areas.
165. The Panel agree with Ms Easton that a new policy relating to the establishment of Clean Air Zones is outside the jurisdiction of a district plan and is a WCRC function.
166. The Panel agree with Ms Easton that applying a 20m buffer to an adjoining residential zone would result in impractical outcomes given many residential zones are less than 20m wide. We agree with Ms Easton that other plan provisions achieve the result the submitters seek and therefore a new policy providing buffers is not required.
167. In relation to **RESZ-P1**, the Panel adopts Ms Easton’s reasoning and accepts her recommendation to retain the policy as notified.
168. In relation to **RESZ-P2**, the Panel agree with Ms Easton’s reasoning and accepts her recommendation to retain the policy as notified.
169. In relation to **RESZ-P3**, the Panel agree with Ms Easton that no amendments are required. No submitters sought an amendment to this policy and the Panel recommend the policy is retained as notified.
170. In relation to **RESZ-P4**, the Panel agree with Ms Easton’s analysis of the air pollution and vibration issues and agree with her reasons to recommend that these submissions be

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

rejected. We note vibration is included in the Noise Chapter as notified under NOISE-R3(b)(iii) and (c)(iii) in the context of new dwellings being constructed within proximity of the state highway or railway lines. The Panel adopt Ms Easton's reasoning and agree with her recommended use of "avoid" in this context. The Panel note that the submission points referenced correctly address RESZ-P4 but the summary of submissions document does not incorporate the requested amendment to replace "do not have a" with "avoid".

171. In relation to **RESZ-P5**, the Panel agree with Ms Easton that no amendments are necessary. We agree with her response to the submitters that the best way to manage the types of activities referred to in this policy is to ensure that residential zones are not located immediately adjacent to industrial zones. Where this is not possible, the use of a LIZ is preferable to minimise incompatible uses. We also agree with her that this direction is set out in the strategic direction (e.g. UFD-P1) rather than in the residential zone policies, which are to manage activities within these zones rather than in other zones. We recommend retaining the policy as notified.
172. In relation to policies **RESZ-P6 to RESZ-P9**, the Panel agree with Ms Easton's recommendation that no changes are required given the support for the notified version of these policies.
173. In relation to **RESZ-P10**, the Panel note Ms Easton's explanation of the policy wording as notified. While the vesting of infrastructure in councils is usually achieved through consent conditions attached to developments, such as subdivisions, we see no issue with setting this out within a policy, as recommended by Ms Easton. We recommend replacing "appropriate public agency" with "district council".
174. In relation to policies **RESZ-P11 to RESZ-P15**, Ms Easton recommended no changes to these policies, citing submissions in support. The Panel recommend retaining these policies as notified.
175. In relation to **RESZ-P16** the Panel partially agree with Ms Easton's analysis of the SFF submission and Mr Tuck's evidence. We agree with Ms Easton that the substantive matters raised by SFF, including those addressed in the submission on this policy, are best addressed in our recommendation on the appropriate zoning of the adjacent land to the south of the site. We do not consider the SFF amendment to the policy would create an inconsistency between RESZ-P16 and RESZ-P17. We consider the focus's of the policies are different. We accept as notified RESZ-P16 explicitly references Regionally Significant Infrastructure. But in our view adding Industrial Zones to that policy, given that Industrial zones are located throughout the region does not give rise to any inconsistency. We note that the amendment proposed would give effect the revise Strategic Direction UFD-P1.
176. In relation to **RESZ-P17** the Panel agree that a district plan cannot retrospectively remove existing use rights. Therefore, a policy specifying a period when existing lawfully established activities must cease is not appropriate. In any event, we note that the intent of this policy is to provide relocation support should these activities seek to expand or redevelop. We agree with Ms Easton that this policy does not need to change for these reasons. We recommend retaining the policy as notified.

**Hearing Panel's Recommendation**

177. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted, and recommend the following amendments are made to the **Residential Zone policies**:

<b>RESZ -P4</b>	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they <del>do not have a</del> <u>avoid</u> <sup>27</sup> significant adverse effects on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
<b>RESZ-P10</b>	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the <del>appropriate public agency</del> <u>district council</u> . <sup>28</sup>
<b>RESZ - P16</b>	Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure <u>and industrial zones</u> <sup>29</sup> including: <ul style="list-style-type: none"><li>a. Hokitika, Greymouth and Westport Airports;</li><li>b. The rail network;</li><li>c. The arterial road and State Highway network;</li><li>d. The Ports of Westport and Greymouth;</li><li>e. Wastewater treatment plants;</li><li>f. Landfills;</li><li>g. Potable water supply plants;</li><li>h. Stormwater treatment facilities;</li><li>i. The National Grid.</li></ul>

## 2.5. General Residential Zone – Rules and Standards

### Submissions and Further Submissions

#### *Residential - General*

178. Five submission points and one further submission relating to the GRZ rules (as a whole or those that relate across multiple rules) were summarised in the Table on page 24 of the s42A Report. Three submission points sought to retain all, or selected, rules as notified. The remaining submissions all sought amendments. One further submission was received, which opposed one of the proposed amendments.

#### *General Residential Zone*

179. Nineteen submission points and eight further submission points relating to Rule **GRZ-R1** were summarised in a Table on pages 24-28 of the s42A Report. All submission points sought amendments to the rule as notified. One further submission was in opposition to a suggested

<sup>27</sup> Frida Inta S553.229 and Buller Conservation Group S552.229

<sup>28</sup> Grey District Council S608.718

<sup>29</sup> Silver Fern Farms (S441.064)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

amendment, while the remaining seven were either in full support or partial support of various submission points.

180. Eight submission points relating to Rule **GRZ-R2** were summarised in a Table on pages 28-29 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.
181. Seven submission points relating to Rule **GRZ-R3** were summarised in a Table on page 29 of the s42A Report. All submission points supported the retention of the rule as notified.
182. Ten submission points and two further submissions relating to Rule **GRZ-R4** were summarised in a Table on pages 29-31 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points opposed the rule as notified and sought its deletion in full. The remaining three submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.
183. Eight submission points relating to Rule **GRZ-R5** were summarised in the Table on pages 31-32 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining five submission points sought amendments.
184. Seventeen submission points relating to Rule **GRZ-R6** were summarised in a Table on pages 32-33 of the s42A Report. Three submission points supported the retention of the rule as notified. One submission point opposed the rule and sought its complete deletion. The remaining submission points sought amendments.
185. Ten submission points and two further submission points relating to Rule **GRZ-R7** were summarised in a Table on pages 33-35 of the s42A Report. Four submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.
186. Eight submission points and one further submission point relating to Rule **GRZ-R8** were summarised in a Table on page 35 of the s42A Report. Four submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.
187. Four submission points relating to Rule **GRZ-R9** were summarised in the Table on page 35 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought an amendment.
188. Two submission points relating to Rule **GRZ-R10** were summarised in the Table on page 36 of the s42A Report. Both submission points supported the retention of the rule as notified.
189. Seven submission points relating to Rule **GRZ-R11** were summarised in the Table on page 36 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.
190. Seven submission points relating to Rule **GRZ-R12** were summarised in the Table on page 36 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining five submission points all opposed the rule and sought its deletion.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

191. Thirteen submission points and four further submissions relating to Rule **GRZ-R13** were summarised in the Table on pages 36-38 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments with the four further submissions all in support or partial support of suggested amendments.
192. Five submission points relating to Rule **GRZ-R14** were summarised in a Table on page 38 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.
193. Four submission points and one further submission relating to Rule **GRZ-R15** were summarised in a Table on pages 38-39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission opposing the suggested amendments.
194. Seven submission points and one further submission relating to Rule **GRZ-R16** were summarised in a Table on page 39 of the s42A Report. Two submission points supported the retention of the rule as notified, with one further submission in support. The remaining submission points sought amendments.
195. Four submission points relating to Rule **GRZ-R17** were summarised in a Table on page 39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.
196. Two submission points relating to Rule **GRZ-R18** were summarised in a Table on page 39 of the s42A Report. Both submission points supported the retention of the rule as notified.
197. Twelve submission points relating to **GRZ-R19** were summarised in a Table on pages 39-40 of the S42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments with a single further submission in support of one of the submitters' suggested amendments.
198. Three submission points relating to Rule **GRZ-R20** were summarised in a Table on pages 40-41 of the s2A Report. All three submission points supported the retention of the rule as notified.
199. Three submission points relating to Rule **GRZ-R21** were summarised in a Table on page 41 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission point sought amendments.
200. Six submission points and one further submission relating to Rule **GRZ-R22** were summarised in a Table on page 41 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission supporting one of the submitters requested amendments.
201. Seven submission points relating to Rule **GRZ-R23** were summarised in a Table on page 41 of the s42A Report. All seven submission points supported the retention of the rule as notified.
202. Seven submission points relating to Rule **GRZ-R24** were summarised in a Table on pages 41-42 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

203. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

**Section 42A Report**

*Rules (General)*

204. Ms Easton acknowledged the support from the submitters who generally support all rules as notified.
205. Ms Easton did not support GDC's (S608.103) requested amendments to delete the references to "*Site of Area of Significance to Māori (SASM)*". She considered that these cross-references were important for clarity. She noted the more substantive request from GDC regarding SASM were specifically addressed in the SASM Chapter.
206. In response to Margaret Montgomery's submission point (S446.108) requesting that the standards better interact with subdivision provisions and to provide for the Council to be able to waive the residential activity/unit standard if no additional non-compliances were generated, Ms Easton did not support either approach. She noted that no examples had been provided as to how the residential standard interacts with subdivision standards; and waiving non-compliance could have unintended impacts on amenity and infrastructure.
207. Ms Easton recommended retaining the rule as notified.

*GRZ-R1 Permitted Activity – Residential Activities and Residential Units*

208. In relation to **GRZ-R1**, Ms Easton acknowledged the support from the four submitters who sought to retain the rule as notified. However, she acknowledged she recommended amendments in response to other submission points.
209. In response to Terry O'Regan's (S221.001) request to include height restrictions to prevent multistorey buildings or large trees blocking views, particularly in relation to Moana, Ms Easton noted that height restrictions were already included in the rule as notified. She noted that when these restrictions were coupled with recession planes there was appropriate control. However, she noted that protection of private views was not required under the RMA.
210. Ms Easton did not support the Westport Pistol Club's (S336.014) to add a requirement to the advice note for GRZ-R1 for any residential activity or unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements. She noted there were currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3 and she did not consider this amendment appropriate. However, she acknowledged that if this situation was to change and necessitate an amendment to NOISE-R3, then a consequential update to the advice notes for GRZ-R1 would be necessary.
211. Ms Easton did not support submitters requests to delete the advice note referring to Rule NOISE-R3<sup>30</sup> because she considered cross-referencing this rule was appropriate. She noted Rule NOISE-R3 would be considered under the Noise Chapter provision.

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<sup>30</sup> S567.454, S558.400, S566.400, S574.400

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

212. Ms Easton did not support Te Mana Ora's (\$190.854) request to include an additional standard in GRZ-R1 relating to clean air burners because this was outside of the jurisdiction of the Plan.
213. In response to the submissions<sup>31</sup> that sought a controlled activity status where compliance was not achieved, Ms Easton did not support this approach. She considered that defaulting to discretionary or restricted discretionary activity, depending on the standard that was not complied with, was appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character would be provided for within the zone, noting that a controlled activity consent application cannot be declined.
214. In response to BDC's (\$538.475) request for an exemption from the recession plane standards, and submitters seeking exemption because of the need to build higher to respond to flood hazard<sup>32</sup>, Ms Easton did not support this approach.
215. In response to the submission points of GDC (\$608.720) and Waka Kotahi NZTA (\$450.245) to amend standard 8 to GRZ-R1 to specify that stormwater be managed on-site in accordance with NZS4404:2010, Ms Easton supported these submissions; and considered that NZS4404:2010 was an appropriate standard to ensure uncontrolled stormwater was not exacerbated and that secondary flow was managed appropriately. Her recommended amendments in response were as follows:
- 8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision** Infrastructure used for the activity **and** must not drain to any public road ~~except for secondary flow purposes~~;*
216. In response to the submission point made by Waka Kotahi NZTA (450.245), Ms Easton did not support separating performance standards from the rule and placing them in a separate table, as this would result in a substantial restructuring of the Plan, which would not improve the clarity of the rule.
217. BDC (\$538.475) (supported by GDC FS1.434) sought several amendments to GRZ-R1, which are discussed under specific standard topics below.
218. BDC requested that rule GRZ-R1 also apply to accessory buildings as well as residential activities and residential units. Ms Easton supported this submission and considered that omitting accessory buildings from this rule was an error that should be corrected to avoid the need for accessory buildings to require resource consent otherwise. The amendments to include accessory buildings are outlined below, and the same amendments are recommended for Rule LLRZ-R1 and MRZ-R1.

*Permitted Activities*

*GRZ - R1 Residential Activities and Residential Units **and Accessory Buildings** - Activity Status Permitted*

*Where:*

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<sup>31</sup> S567.455, S558.401, S566.401, S574.401

<sup>32</sup> Rick Hayman S471.007, The Coda Trust S480.005, Warren French S494.005

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

...

219. BDC also sought to limit density to a maximum of two units per site and to delete the provision allowing one unit per 300m<sup>2</sup>, where two or more adjoining sites were developed. BDC sought these amendments to prevent the low-density character of Westport and Reefton from being compromised, while also recognising that Westport was subject to significant natural hazards and more intensive development should be encouraged in safer locations. This submission was opposed by the further submission of GDC, who preferred the current rule framework, which reflected the operative GDP provisions. Ms Easton supported the submission of BDC and further submission of GDC, recommending that Rule GRZ-R1 be redrafted to provide a specific maximum of two residential units per site within the Buller District, as set as follows:

*1. Residential unit density is no more than:*

- a. 1 unit per 350m<sup>2</sup> net site area; ~~or~~ **but within the Buller District there is a maximum of 2 residential dwellings per allotment***
- b. 1 unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply;***

220. The submission by Margaret Montgomery sought to relax residential provisions to allow three dwellings per site, aligning with the national direction of the NPSUD. Ms Easton did not support this submission and noted that the NPSUD did not apply to the West Coast in terms of directing increased densities.

221. Regarding the connection to services, the submission from BDC sought a further amendment to include the words “*where available*” in standard 8 of GRZ-R1, which requires all residential units and buildings used for residential activities to be connected to a community water supply and wastewater network. Ms Easton did not support this submission point and considered that for residential development to occur, connections to community infrastructure were a critical requirement; she noted that the permitted 350m<sup>2</sup> minimum section size for a residential unit would be unlikely to accommodate an on-site wastewater system as an alternative safely.

222. The submission from BDC sought amendments to remove wording related to neighbour approvals for recession plane infringements and to replace the wording in the standard with an advice note. Ms Easton supported making the standard clearer and recommended amendment as follows:

*9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:~~*

...

*Advice notes:*

**1** ...

*2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.*

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

223. BDC also sought an additional amendment, requesting that a setback of 150m from the designated wastewater treatment facility site boundary be applied. Ms Easton supported this addition, which was present in the operative Buller and Grey District Plans and considered it an error that it was omitted from the notified pTTPP.
224. FENZ sought a new standard requiring a developer to demonstrate how an alternative satisfactory water supply could be provided to each lot if a new development was not connected to a public reticulated supply with a sufficient level of service. Ms Easton did not support this amendment and noted that if a connection to a public reticulated supply was not possible, then a development cannot be a permitted activity. She considered the permitted standard sought by FENZ would not provide sufficient certainty. She also noted that this matter was better addressed at the subdivision stage, where it was covered by standard SUB-S3.
225. Margaret Montgomery also sought that the setback standards be consistent with the existing rules currently applicable in the different districts. Ms Easton did not support this submission and considered that a key driver of the TTPP was to develop a more standardised approach across the West Coast and reduce the complexity of provisions.
226. Ms Easton recommended setback amendments as follows:

*Buildings are setback a minimum of 1m from all other site boundaries, except that:*

- a. ***In the Grey and Westland Districts** ~~D~~duplexes do not require a setback from the side boundary of the other duplex unit; and*
- b. *~~Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~*
- b. ***A setback of 150m is required from the site boundary of any designated wastewater treatment plant***

*GRZ-R2 Minor Structures*

227. Ms Easton acknowledged the support from the two submitters who sought to retain the rule as notified<sup>33</sup>.
228. In response to the submissions<sup>34</sup> that sought amendments to accommodate existing legal non-compliances with the GRZ-R1 performance standards, and BDC's (S538.476) request to delete the reference to GRZ-R1 performance standards and replaced with a singular setback requirement from road and internal boundaries, Ms Easton supported these submissions in part and has recommended deleting the wording "*all performance standards for Rule GRZ-R2 are complied with*" from this rule. She noted that a consequential amendment to Rule GRZ-R11 was also recommended to provide alignment between the two rules.
229. FENZ (S573.024) also sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton supported this submission in part, noting that hose drying towers were an essential component of a functioning fire station. Ms Easton noted that only three fire stations were zoned GRZ whereas all other stations were zoned Commercial and Mixed Use. Ms Easton did not propose a change to GRZ-R2, noting that the

<sup>33</sup> S190.855, S446.085

<sup>34</sup> William McLaughlin S567.456, C and J Coll, S558.402, Chris Coll Surveying S566.402, Laura Coll McLaughlin S574.402

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

existing hose drying towers all hold existing use rights and that ideally any new fire stations would not be located within the GRZ.

230. Ms Easton's recommended amendments to GRZ-R2 and GRZ-R11 are set out below:

**GRZ - R2 Minor Structures**

**Activity Status Permitted**

Where:

- a. ~~All performance standards for Rule GRZ-R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**
- b. Masts, poles, aerials and pou whenua must not exceed 7m in height;
- c. Any antenna dish must be less than 1m in diameter;
- d. Any ornamental or garden structure must not exceed 2.4 m in height; and
- e. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved: Controlled**

**GRZ - R11 Minor Structures not meeting Permitted Activity Standards Activity Status**

**Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**

**Matters of control are:**

- a. Design and location of structures; and
- b. Landscape measures.

**Activity status where compliance not achieved: Discretionary**

**GRZ-R3 Fence Wall and Retaining Walls**

231. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified<sup>35</sup>. She recommends no changes to GRZ-R3.

**GRZ-R4 Relocated Buildings**

232. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified<sup>36</sup>.

233. There were several submitters<sup>37</sup> that sought that Rules GRZ-R4 and GRZ-R12 be deleted in their entirety and that any references to relocated buildings in GRZ-R19 be deleted. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

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<sup>35</sup> S190.856, S446.086, S567.457, S558.403, S566.403, S574.403, S538.477

<sup>36</sup> S190.857, S446.087

<sup>37</sup> William McLaughlin S567.019, S567.458, C & J Coll S558.109, S558.404, Chris J Coll Surveying Limited S566.109, S566.404, Laura Coll McLaughlin S574.109, S574.404, BDC S538.478

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

234. Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings. We consider the submission sought the opposite to that stated in the s42A Report.
235. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, including that any relocated building intended for use as a dwelling must have been previously designed, built and used as a dwelling, and additional standards around pre-inspections, foundations and reinstatement work. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.
236. FENZ also sought that a new standard be added to GRZ-R4 around water supply. This was not supported by Ms Easton, who noted what the standards of GRZ-R1 apply to relocation of buildings, and these already necessitate a connection to a public reticulated water supply.
237. Ms Easton's recommended no amendments to GRZ-R12 or GRZ-R19 and recommended amendments to GRZ-R4 as follows:

***GRZ - R4 Relocated Buildings***

***Activity Status Permitted***

*Where:*

1. *All performance standards for Rule GRZ - R1 are complied with;*
2. *Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ and used as a dwelling;*
3. ...
4. ...
5. ...

***Activity status where compliance not achieved: Controlled***

***GRZ-R5 Home Business***

238. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>38</sup>.
239. Frida Inta (S553.169 and S553.233) and Buller Conservation Group (S552.169) sought to have this rule amended to require approval from neighbours or the community; and to add reference to "other air pollution" to the standard that requires no external generation of dust, odour, or smoke. These submission points were not supported by Ms Easton who did not consider it appropriate to include a requirement for neighbour or community consent to establish a home business, noting that there is a range of permitted activity standards to ensure home businesses do not adversely affect the amenity and character of the GRZ. She

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<sup>38</sup> S190.858, S446.088, S608.721

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

considered the words “*or other air pollution*” were too broad to be appropriate as a permitted standard.

240. The submission of Waka Kotahi NZTA (S450.246) sought to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. Ms Easton noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 140 vehicle movements per week, whichever is greater. She noted this could be interpreted to allow for 140 vehicle movements per day and none for the rest of the week. She therefore, recommended amendments to provide greater clarity.
241. BDC (S538.479) sought to further regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business could reside off-site. Ms Easton noted that at present, there was no limit in the pTTPP. She supported this submission and considered it would ensure that the scale of any home business did not exceed what would be reasonably expected in a residential area.
242. Ms Easton’s recommended amendments to GRZ-R5, were as follows:

*GRZ - R5 Home Business Activity Status Permitted*

*Where:*

1. *This is ancillary to a residential activity;*
2. *All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
3. ***There is no more than one full – time -equivalent person engaged in the home business that resides off-site***
4. *Hours of operation are limited to:*
  - a. *7am-7pm weekdays; and*
  - b. *8am - 5pm weekends and public holidays;*
  - c. *Except where:*
    - i. *The entire activity is located within a building;*
    - ii. *Each person engaged in the activity outside the above hours resides permanently on site; and*
    - iii. *There are no visitors, customers or deliveries to the activity outside of the above hours*
5. *A maximum of 4 heavy vehicle movements per day, ~~and whichever is the greater of 20 light vehicle movements per day, or~~ **and** 140 light vehicle movements per week;*
6. ...
7. ...

***Activity status where compliance not achieved: Discretionary***

*GRZ-R6 Residential Visitor Accommodation*

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

243. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>39</sup>.
244. In relation to residential visitor accommodation, BDC (S538.480) supported the approach that only homestay accommodation was permitted in the Buller District, with the primary concern relating to long-term rentals being converted to short-term visitor accommodation, e.g. Airbnb.
245. In response to the submissions<sup>40</sup> that opposed the rule and sought that full house rentals for visitor accommodation be a permitted activity, Ms Easton did not support this approach. She considered the wider community concerns were a strong argument for restricting the conversion of residential dwellings to what is effectively a commercial use.
246. Regarding residential visitor accommodation in Westland, WDC (S181.036) sought to amend the rule to align with the approach pursued by BDC. This was supported by Ms Easton.
247. Regarding residential visitor accommodation in Greymouth, the submission of Lynda Richmond (S423.001) sought that this rule be amended to align with the approach of BDC and WDC above, noting concerns with this type of accommodation not facing the same sort of regulation as motels or hotels. This was not supported by Ms Easton, who considered that Greymouth was not impacted by residential visitor accommodation due to it not being a significant tourism destination compared to other parts of the West Coast.
248. GDC (S608.104) sought that records of letting activity be provided to the Council annually rather than on request because landowners undertaking such activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was reasonable requirement to ensure that permitted activity standards were met.
249. Margaret Montgomery (S446.089) sought additional standards for noise and a limit on the number of nights per 12-month period for use as visitor accommodation. Ms Easton did not support this submission and considered that it would make the rule unnecessarily complex. She considered that the noise standards in the Noise Chapter were appropriate.
250. Submissions<sup>41</sup> sought to amend this rule to accommodate existing legal non-compliance with the GRZ-R1 performance standard. This was not supported by Ms Easton because it could result in adverse environmental effects, using the example of insufficient wastewater capacity to cater to additional people.
251. Ms Easton recommends that GRZ-R6 be amended as follows:

***GRZ - R6 Residential Visitor Accommodation Activity Status Permitted***

*Where:*

- 1. The accommodation is ancillary to a residential activity;*
- 2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
- 3. There is a maximum of 6 paying guests at any one time;*

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<sup>39</sup> S190.859, S450.247, S538.480

<sup>40</sup> Jon Baltrop S572.004, Daniel Beetham S43.001, Lawrence Eade S346.001, Vivienne Sweeney S21.002

<sup>41</sup> S567.460 William McLaughlin, S558.407 C & J Coll, S566.407 Chris J Coll Surveying Limited, S574.407 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

4. *Written notification to the District Council is required 10 working days prior to the activity commencing;*
5. *Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and*
6. *No heavy vehicle movements are generated; and*
7. *In the Buller **and Westland** Districts the accommodation is homestay accommodation with a permanent resident living on site.*

**Advice Notes:**

1. *Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.*
2. *In the Buller **and Westland** Districts, where residential visitor accommodation has been lawfully established under the Buller **or Westland** District Plan provisions, then existing use rights apply.*

**Activity status where compliance not achieved:** *Restricted Discretionary*

*GRZ-R7 Community Facilities and Educational Facilities*

252. Ms Easton acknowledged the support from the four submissions that seek to retain the rule as notified<sup>42</sup>.
253. Ms Easton did not support the submissions<sup>43</sup> that sought to amend the rule to accommodate existing legal non-compliance with GRZ-R1 performance standard because of potential adverse effects on the environment, as discussed in earlier.
254. Ms Easton did not support the Ministry of Education's (S456.041) that sought to amend the rule to allow for 140 light vehicle movements per day for educational facilities. She considered the intent of the rule was to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.
255. FENZ (S573.026) sought a new standard be added to GRZ-R7 to provide an alternative satisfactory water supply where a connection to a public reticulated water supply was not available. This was not supported by Ms Easton who noted that the standards of GRZ-R1 were required to be met for community and educational facilities, and these already required a connection to a public reticulated water supply.
256. No changes were recommended by Ms Easton to GRZ-R7.

*GRZ-R8 Retirement Homes and Supported Residential Accommodation*

257. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified<sup>44</sup>.

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<sup>42</sup> S190.860, S446.090, S450.248, S538.481

<sup>43</sup> S567.461 William McLaughlin, S558.408 C & J Coll, S566.408 Chris J Coll Surveying Limited, S574.408 Laura Coll McLaughlin

<sup>44</sup> S349.011, S190.861, S446.091, S450.249, S608.722

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

258. In response to the submissions<sup>45</sup> that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton did not support the amendments because of potential adverse effects on the environment.

259. No changes were recommended by Ms Easton to GRZ-R8.

*GRZ-R9 Papakāinga Developments*

260. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified<sup>46</sup>.

261. Ms Easton did not support Margaret Montgomery's (S446.092) request for an allowance for developers to develop in a similar manner to papakāinga. She noted Papakāinga housing was cultural housing where whānau members generally lived closely together, often with some communal facilities, and that their establishment was supported as part of honouring the Te Tiriti o Waitangi/Treaty of Waitangi. She noted that in relation to other parts of the community, the Plan introduced significant relaxation of the rules surrounding the development of minor household units as a broader measure to provide greater housing choice and availability.

262. Ms Easton recommended no changes to GRZ-R9.

*GRZ-R10 Commercial Visitor Accommodation with the Hokitika Visitor Accommodation Area*

263. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified<sup>47</sup>. She recommended no changes to GRZ-R9.

*GRZ-R11 Minor Structures not meeting Permitted Activity Standards*

264. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified<sup>48</sup>.

265. In response to the submissions<sup>49</sup> that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton recognised existing use rights sat outside of a resource consent process but considered that otherwise existing non-compliance should not be explicitly accommodated within the rules due to potential adverse effects on the environment.

266. No changes were recommended by Ms Easton to GRZ-R11.

*GRZ-R12 Relocated Buildings not meeting Permitted Activity Standards*

267. Ms Easton recommended retention of this rule as notified. She advised the rule would most likely apply when someone was converting a non-residential building into a residential building and moving it onto a site. An example she gave was of a church being transformed into a dwelling and if the activity met the requirements of GRZ-R1, then matters of control

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<sup>45</sup> S567.462 William McLaughlin, S558.409 C & J Coll, S566.409 Chris J Coll Surveying Limited, S574.409 Laura Coll McLaughlin

<sup>46</sup> S620.238, S190.862, S446.092, S538.482

<sup>47</sup> S190.863, S446.093

<sup>48</sup> S190.864, S446.094, S538.483

<sup>49</sup> S567.463 William McLaughlin, S558.410 C & J Coll, S566.410 Chris J Coll Surveying Limited, S574.410 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

could address any amenity issues. However, she noted that if the rule was deleted, this would escalate to discretionary, which she considered to be unnecessarily onerous.

*GRZ-R13 Buildings not meeting Rule GRZ-R1*

268. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified<sup>50</sup>.
269. Ms Easton supported Margaret Montgomery’s (S446.096) request to provide an allowance for party walls or where it was related to a subdivision for failing internal boundary standards because the rule related to circumstances where internal setbacks of less than 1m were proposed.
270. Ms Easton did not support the submissions<sup>51</sup> that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard because of the potential for adverse effects on the environment. However, she supported the same submissions that sought to amend the matters of discretion of GRZ-R13 to include consideration of whether a building project falls into the recession plan due to the application of natural hazards rules. She considered this recognised that such circumstances would become increasingly common on the West Coast as freeboard requirements were incorporated into new developments and additions to existing developments.
271. Ms Easton supported amendments in response to BDC’s (S538.485) request for two additional matters of discretionary regarding “*shading and loss of sunlight to adjoining sites*” and “*loss of privacy to adjoining sites*”. She considered that these were two principal adverse effects generated by the activities subject to this rule.
272. FENZ (S573.027) sought to add a further matter of discretion to GRZ-R13 regarding the provision of servicing, including a firefighting water supply. This was not supported by Ms Easton because the rule did not apply noted if a property did not have a connection and the activity would default to a discretionary activity.
273. Ms Easton recommended that GRZ-R13 be amended as follows:

***GRZ - R13 Buildings not meeting Rule GRZ-R1  
Activity Status Restricted Discretionary***

*Where:*

- 1. The building projects into the recession plane as defined in Appendix Two; or*
- 2. The building is set back less than 1m from internal boundaries; and*
- 3. All other performance standards for Rule GRZ - R1 are complied with.*

*Discretion is restricted to:*

- a. Design and location of buildings;*
- b. Design and location of parking and access; ~~and~~*
- c. Landscape measures;*
- d. **Shading and loss of sunlight to adjoining sites; and***

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<sup>50</sup> S190.866, S608.723

<sup>51</sup> S567.465, S567.466 William McLaughlin, S558.412, S558.413 C & J Coll, S566.412, S566.413 Chris J Coll Surveying Limited, S574.412, S574.413 Laura Coll McLaughlin

*e. Loss of privacy to adjoining sites*

*Activity status where compliance not achieved: Discretionary*

*GRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards*

274. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>52</sup>.
275. Ms Easton supported in part Margaret Montgomery's (\$446.097) request for additional matters of discretion for access and fire standards but noted that access was already a matter of discretion. She did not support the addition of fire standards because it was addressed under the Building Act.
276. In response to BDC's (\$538.486) to add noise insulation as matter of discretion and to delete the word noise from clause (e), Ms Easton did not support this submission. She considered the intent of this matter of discretion was that any insulation requirements were to attenuate noise and manage its effects.
277. Ms Easton made no recommended amendments to GRZ-R14.

*GRZ-R15 Community Facilities and Educational Facilities not meeting Rule GRZ -R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages*

278. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>53</sup>.
279. Ms Easton supported BDC's (\$538.487) to add additional matters of discretion to cover noise management, traffic generation, loss of privacy to adjoining sites, and character and amenity of the surrounding area to manage key effects. She noted the further submission of Kainga Ora opposing the submission point of BDC concerning supported residential accommodation. However, she highlighted that Kainga Ora had stipulated in their submission that supported residential accommodation would generally be less than 10 residential units and therefore was likely to be permitted under GRZ-R8 and unlikely to be subject to GRZ-R15.
280. Ms Easton recommended that GRZ-R15 be amended as follows:

***GRZ - R15 Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages***

***Activity Status Restricted Discretionary  
Discretion is restricted to:***

- a. Design and location of buildings;*
- b. Design and location of parking and access;*
- c. Landscape measures;*
- d. Hours of operation;*
- e. Water supply, wastewater and stormwater management; and*

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<sup>52</sup> S190.867, S456.042, S608.724

<sup>53</sup> S190.868, S446.098

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*f. Acoustic and noise insulation requirements;*

**g. Noise management;**

**h. Traffic generation;**

**i. Loss of privacy to adjoining sites; and**

**j. Character and amenity of the surrounding area**

**Notification:**

*Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.*

**Activity status where compliance not achieved: N/A**

*GRZ-R16 Development of Medium Density Housing*

281. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified<sup>54</sup>.
282. Ms Easton did not support Margaret Montgomery's (S445.099) request to waive the density standards if there are no other infringements of the rule. She considered that medium-density housing would generally be expected and preferred in the MRZ and noted that the main settlements on the West Coast were characterised by low-density housing.
283. In response to the submissions<sup>55</sup> that sought amendments to provide more clarity, Ms Easton noted that no further information or examples had been provided about what amendment would be appropriate and she therefore did not support the submissions
284. No changes were recommended by Ms Easton to GRZ-R16.

*GRZ-R17 Papakāinga Developments not meeting Permitted Activity Standards*

285. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>56</sup>.
286. Ms Easton supported in part Margaret Montgomery's (S446.100) to establish that the rule requires the same standards as medium density housing, noting that many of the same standards as those for medium density housing applied. In relation to standards that were not required, Ms Easton considered that papakāinga housing may be clustered and was less likely to involve subdivision; therefore, she considered the standards that apply to the rule supported a common ownership model rather than a traditional individual ownership developer-led model.
287. No changes were recommended by Ms Easton to GRZ-R17.

*GRZ-R18 Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards*

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<sup>54</sup> S190.869, S608.726

<sup>55</sup> S567.467 William McLaughlin, S558.414 C & J Coll, S566.414 Chris J Coll Surveying Limited, S574.414 Laura Coll McLaughlin

<sup>56</sup> S620.239, S190.870

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

288. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified<sup>57</sup>. She recommended no changes to this provision.

*GRZ – R19 Residential Activity, Residential Units, Papakāinga developments, Fences, Walls and Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.*

289. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>58</sup>.

290. Ms Easton did not support Poutini Ngai Tahu’s (S620.240) request to amend the rule to reflect the points raised in their submission on the Nosie Chapter (Rule NOISE – R3 which was not referred to in this rule). She noted that the reference to Rule NOISE-R4 in this rule was an error because it should be Rule NOISE-R5.

291. In response to the submission of Frank and Jo Dooley and Frank O’Toole<sup>59</sup> which sought to remove fences, walls, and retaining structures from the rule and develop a new standalone rule for these structures, Ms Easton supported these submission points. She agreed that the rule contains matters that are not relevant to these structures and that these structures would otherwise be subject to an unreasonable degree of assessment against irrelevant matters at the resource consent stage.

292. Ms Easton recommended that GRZ-R19 be amended as follows:

***GRZ - R19 Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and Minor Structures~~ and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.***

***Activity Status Discretionary***

*Where:*

*1. All performance standards for Rules NOISE R1-R2 and R4 and LIGHT - R3 are complied with.*

***Activity status where compliance not achieved: Non-complying***

*GRZ – R20 Home Business not meeting Permitted Activity Standards*

293. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>60</sup>. No changes were recommended by Ms Easton to this provision.

*GRZ – R21 Residential and Commercial Visitor Accommodation not meeting the Permitted or Restricted Discretionary Activity Standards*

294. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified<sup>61</sup>.

295. Ms Easton did not support Margaret Montgomery’s (S446.104) request to add additional controls around residential visitor accommodation or some form of restriction upon time

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<sup>57</sup> S190.871, S446.101

<sup>58</sup> S190.872, S446.102, S538.488

<sup>59</sup> S478.031, S478.037 Frank and Jo Dooley, S595.019, S595.025 Frank O’Toole

<sup>60</sup> S190.873, S446.103, S538.489

<sup>61</sup> S190.874, S538.490

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

limits for renting of dwellings. She considered that as a discretionary activity there as sufficient scope to consider the issues of the submitter.

296. No changes were recommended by Ms Easton to this provision.

*GRZ – R22 Commercial Activities and Emergency Service Activities*

297. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified<sup>62</sup>.

298. In response to Frida Inda and Buller Conservation Group's<sup>63</sup> request to add "air pollution" and "dust, odour and smoke" to clause (4), Ms Easton did not support this submission. She considered that air pollution was an unquantifiable description and noted it was managed through the Regional Air Plan.

299. Ms Easton did not support FENZ's (S573.028) request to permit Emergency Service Activities in the GRZ because she considered that, although there were three fire stations located within the GRZ, the zone was generally not suitable and could create amenity issues.

300. No changes were recommended by Ms Easton to this provision.

*GRZ – R23 Industrial Activities*

301. Ms Easton acknowledged the support from the seven submissions who sought to retain the rule as notified<sup>64</sup>. No changes were recommended by Ms Easton to this provision.

*GRZ – R24 Any activity not provided for by another Rule in the zone*

302. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified<sup>65</sup>.

303. Ms Easton did not support the submissions<sup>66</sup> that sought to make this rule a discretionary rather than non-complying activity and noted no reasons had been provided to justify this change.

304. No changes were recommended by Ms Easton to GRZ-R24.

**Hearing and Submitter Evidence/Statements**

305. In relation to GRZ-R4 regarding relocated buildings, Ms Inta considered the amendments proposed in the s42A Report made less sense than the original wording. She recommended reinstating the wording as follows:

***GRZ - R4 Relocated Buildings***

***Activity Status Permitted***

*Where:*

1. *All performance standards for Rule GRZ - R1 are complied with;*

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<sup>62</sup> S190.875, S446.105, S538.491

<sup>63</sup> S552.170, S553.170

<sup>64</sup> S190.876, S446.106, S567.469, S558.416, S566.416, S574.416, S538.492

<sup>65</sup> S190.877, S446.107, S538.493

<sup>66</sup> S567.470 William McLaughlin, S558.418 C & J Coll, S566.418 Chris J Coll Surveying Limited, S574.418 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

2. *Any relocated building intended for use as a dwelling must have been designed, **and built to be** ~~and~~ used as a dwelling;*

...

306. Mr Bhana-Thompson, on behalf of the NZ Heavy Haulage Association Inc., focused on Rule GRZ-R4. He generally agreed with the s42A Report recommendations for the residential zones, except for the amendments sought regarding the maintenance of amenity values of relocated buildings. He noted support for permitting this activity, subject to meeting performance standards and criteria, such as the use of a pre-inspection/reinstatement report. A suggested template for this pre-inspection report was provided, and it was noted that some other councils had adopted (or adapted) this for their district plans.
307. In response to questions from the panel, Mr Bhana-Thompson confirmed that the original notified wording, as opposed to the revised wording in the s42A Report, was preferred. He also confirmed that he considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works.
308. In relation to GRZ-R5 regarding home businesses, Ms Inta considered the vehicle generation thresholds in clause (5) was too high and would disturb domestic animals and wildlife. She requested that any business with this level of traffic be subject to neighbours and/or community approval. She suggested that the number of permitted vehicular traffic should be reduced. She supported the inclusion of clause (7) and considered it should be applied to all parts of the Plan

**Reporting Officer Reply Evidence**

309. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries are addressed earlier in this report, specifically in the definitions, general chapter, objectives, and policies sections. These are not repeated here.
310. In relation to the activity status for undertaking residential development without connecting to reticulation systems, Ms Easton was of the view that there was not sufficient scope within submissions to make a change from discretionary to non-complying.
311. In response to Panel questions, Ms Easton agreed that GRZ-R2 could recognise existing use rights for the fire stations to provide greater certainty and recommended the following amendments in addition to those already recommended:

***GRZ - R2 Minor Structures***

***Activity Status Permitted***

*Where:*

***a. These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations;***

*b. ~~All performance standards for Rule GRZ – R1 are complied with~~ **All other s**Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;*

...

***Activity status where compliance not achieved: Controlled***

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

312. Regarding the minor error in Rule GRZ-R19 (and other similar rules), where Rule NOISE-R4 was referenced rather than NOISE-R5, Ms Easton considered whether this could be undertaken as an RMA Schedule 1, clause 16 amendment. Her view was that it would meet the criteria and should be recommended for updating across all rules where it was currently incorrectly applied. These are set out as follows:

Rules GRZ – R5, GRZ – R6, GRZ – R7, GRZ – R8, GRZ – R14, GRZ – R19, GRZ – R20, GRZ – R22, LLRZ – R5, LLRZ – R6, LLRZ – R7, LLRZ – R8, LLRZ – R13, LLRZ – R14, LLRZ – R15, LLRZ – R17, LLRZ – R19, LLRZ – R20, LLRZ – R22, MRZ – R5, MRZ – R6, MRZ – R7, MRZ – R8, MRZ – R14, MRZ – R15 and MRZ – R16.

1. *All performance standards for Rules NOISE R1-R2 and R45 and LIGHT - R3 are complied with.....*

313. In relation to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion but concluded there was no scope to support such a change.

314. In response to the evidence of NZ Heavy Haulage and subsequent questions from the Panel on GRZ-R4, Ms Easton considered a pre-inspection schedule could be included in the Plan and suggested adding based on the information provided by NZ Heavy Haulage Association. She recommended a new schedule as follows:

**Schedule XXXX Requirements for a Relocated Building Pre-Inspection Report**

**This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:**

- **Proposed new site location**
- **Date of report**
- **Type of building**
- **Date of construction**
- **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.**
- **Site address where the building was inspected**
- **Date when building inspected**
- **Name of inspector and qualifications**
- **Proposed use of the building**
- **Previous use of the building**
- **Description of areas accessed (i.e. interior/exterior)**
- **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery**
- **Any health and safety matters that need to be considered**
- **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, cleaning and painting of exterior elements.**

315. In response to the Panel question regarding existing use rights on residential accommodation in relation to Rule GRZ-R6, Ms Easton considered that an RMA Schedule 1, clause 16 amendment to the advice note for the rule, to avoid ambiguity around lawfully established activities in Grey District, would be appropriate. This was as follows:

**Advice Notes:**

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

1. ...
2. ~~In the Buller and Westland Districts, w~~*Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions, then existing use rights apply.*

**Hearing Panel's Evaluation**

316. The Panel agrees with Ms Easton's evaluation and recommendations on the general submissions on the rules provided in her s42A Report.
317. In relation to **GRZ-R1**, the Panel agrees with Ms Easton's evaluation that height restrictions are already included in this rule as notified, and when coupled with recession planes, will provide for appropriate control. We also agree that private views are not protected under the RMA. We therefore accept her recommendation on these submission points.
318. In relation to the Westport Pistol Club's submission to add a requirement to the advice note for any residential activity or residential unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements, the Panel agrees with Ms Easton that there are currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3. Therefore, we reject the Westport Pistol Club's submission and do not recommend any amendment.
319. The Panel agrees with Ms Easton that the Te Mana Ora submission, which sought an additional standard in GRZ-R1, relating to clean air burners, falls outside the jurisdiction of the Plan. We recommend no change in response to this submission.
320. The Panel agrees with Ms Easton that a controlled activity status where compliance is not achieved is inappropriate. This is because defaulting to discretionary or restricted discretionary, depending on the standard that is not complied with, is appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character being provided within the zone. We also note that a controlled activity cannot be declined which we consider is another reason to reject the submission.
321. The Panel generally agrees with Ms Easton's evaluation of those submissions which sought an exemption from the recession plane standards, where there is a requirement for a building to meet a freeboard under the natural hazard rules. We have considered her advice that a freeboard can reasonably be provided without infringing the recession planes and note that this will be context specific. The Panel recognise this issue as it arises in relation to GRZ-R13.
322. The Panel agrees with Ms Easton's recommended amendments detailed in Appendix 1 of the s42A Report to clause (8) of GRZ-R1, specifying that stormwater be managed onsite in accordance with NZS 4404:2010. Ms Easton confirmed that NZS 4404:2010 is an appropriate standard to ensure that uncontrolled stormwater is not exacerbated and that secondary flow is managed appropriately. We consider as a consequential amendment the same wording should apply in the MRZ zone.
323. The Panel generally agrees with both Ms Easton's reasons and recommended amendments to GRZ-R1 as sought in submissions and further submissions regarding accessory buildings, differing residential densities in the three districts, the recognition that developments secure connections to community infrastructure as a critical issue, recession plane and setback matters. However, the Panel finds no submission point to support amendment to notified

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

clause 10(a) and therefore makes no change to that part of the rule. Amendments relating to including accessory buildings are also recommended for Rule LLRZ-R1 and Rule MRZ-R1.

324. The Panel also agrees that this rule does not need to be amended to address the issue of connections to the public reticulated water supply, as other plan provisions provide for the same circumstance. We agree with Ms Easton that there is no need to place the standards in this rule in a separate table, as that would result in unnecessary complexity.
325. The Panel has considered the amendment to GRZ-R1(a) in light of recommendations on use of the term “*site*” in preference to “*allotment*”. The Panel are not satisfied that “*allotment*” is the correct term to use in this rule, as recommended by Ms Easton.
326. In relation to **GRZ-R2**, the Panel agrees with Ms Easton’s recommended amendments in response to submissions and accepts BDC’s submission to delete the reference to Rule GRZ-R1 performance standards and replace it with a 4.5m setback requirement from road boundary and 1m from internal boundaries. We also agree with her recommendation to amend the rule to recognise those existing fire stations with hose drying towers to avoid any uncertainty issues for those stations relying on existing use rights.
327. In relation to **GRZ-R3**, Ms Easton recommends no changes to this rule, and the Panel agree, noting no submitters sought to amend this rule.
328. In relation to **GRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.
329. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to be completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.
330. The Panel considers the s42A Report’s interpretation of Charles Elley’s submission point (S251.003) is the opposite to the relief sought, which is to not require that relocatable dwellings must have been originally used as dwellings. However, we agree with Ms Easton that such buildings that need converting into dwellings should not be a permitted activity and require assessment via a resource consent process. We therefore reject submission point S251.003.
331. In relation to **GRZ-R5**, the Panel accepts Ms Easton’s recommendation in relation to the BDC submission to regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business can reside off-site given, at present, there is no limit in the pTTPP. We agree this will ensure that the scale of any home business does not exceed what would be reasonably expected in

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

a residential area. We consider a consequential amendment to the LLRZ and MRZ Home Business rules is also appropriate as a result of the BDC submission. should We accept Ms Easton's reasons for rejecting submissions that sought other changes to this rule. However, we note that the Panel's recommendations on the Transport Chapter is to delete notified clause (4) in this rule relating to vehicle movements to avoid the potential for uncertainty between provisions.

332. In relation to **GRZ-R6**, the Panel agrees with Ms Easton's recommended amendments to require annual reporting and to align WDC with BDC but not GDC. We also accept her recommendation to utilise clause 16 to make an amendment to the advice note for this rule, clarifying existing use rights related to this rule. For the same reasons Ms Easton provides, we consider LLRZ-R6 and MRZ-R6, which cover similar matters to GRZ-R6, also need the recommended advice note as consequential amendments. Further, we agree with her recommendation that full-house leasing for visitor accommodation should not have a permitted activity status under the Plan, as that activity can have adverse effects that require assessment. We have made minor amendments to clarify that existing use right only apply if the activity is not discontinued for more than 12 months and that these "may" apply depending on any assessment under section 10 of the RMA.
333. The Panel agree that providing records of letting activity to the GDC is a helpful way for the GDC to gather data and monitor for potential effects. We also agree with Ms Easton's recommendation not to alter the rule concerning noise, as the Noise chapter provisions apply. Additionally, we agree that a limit on the number of nights of stay is unnecessary; and that it is not appropriate make amendments to address existing non-compliances.
334. Regarding **GRZ-R7**, the Panel generally agree with Ms Easton, as detailed in her s42A, that no changes are required for this rule. We agree with her assessment and the reasons for recommending rejection of the Ministry of Education and FENZ submissions seeking amendments to the rule, as well as the rejection of the submission seeking to amend the rule to accommodate existing non-compliances. The Panel notes however that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.
335. In relation to **GRZ-R8 to GRZ-R12**, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.
336. In relation to **GRZ-R13**, the Panel agrees with Ms Easton that it will become increasingly common on the West Coast for a building project to breach the recession plan due to the application of natural hazards rules, as freeboard requirements are included in new developments and additions to existing developments. We recommend this rule be amended to provide for that circumstance.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

337. The Panel agrees with Ms Easton’s recommendation to include two additional matters of discretion regarding “*shading and loss of sunlight to adjoining sites*” and “*loss of privacy to adjoining sites*” given the potential for adverse effects to be generated by the activities subject to this rule.
338. The Panel note this rule activates Appendix Two, which details where the relevant measurements are to be taken for determining recession planes. Appendix Two requires this to be taken from filled ground levels, except where an existing building is at a lower level on the other side of a common boundary, where the lower level is to be adopted. We consider this provision in combination with the recommended amendment to this rule will appropriately provide for circumstances where a breach of a recession plane arises due to the application of natural hazard rules and/or new freeboard requirements.
339. In relation to **GRZ-R14**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified. We agree that access is already a matter of discretion, so no amendment is needed. We also agree that clause (e) insulation requirements are to attenuate noise and manage its effects and therefore deletion of the word ‘noise’ is inappropriate.
340. Regarding **Rule GRZ-R14** for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, we agree with Ms Easton that there is no scope to add the number of occupants or size of building to the matters of discretion.
341. In relation to **GRZ-R15**, the Panel accepts Ms Easton’s recommended amendments to include new matters of discretion because those matters are the key effects that should be managed.
342. In relation to **GRZ-R16, GRZ-R17 and GRZ-R18**, the Panel accepts Ms Easton’s recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to ‘landscape measures’ and ‘landscape treatment’ have been removed from the matters of discretion and replaced with ‘measures to mitigate landscape effects’ throughout the chapter.
343. In relation to new **GRZ-R18A**, the Panel accepts Ms Easton’s recommendation to add this new rule and agree the matters of discretion are appropriate.
344. In relation to **GRZ-R19**, the Panel accepts Ms Easton’s recommendation to delete ‘*fences, walls, and retaining structures*’ from the heading because they are not relevant to the other structures identified in the rule and new GRZ-R18A addresses these.
345. In relation to **GRZ-R20 to GRZ-R23**, apart from minor integration issues, the Panel accepts Ms Easton’s recommendation to retain the rules as notified for the reasons outlined.
346. The Panel acknowledges that **GRZ-R24** is a ‘catch-all’ rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

**Hearing Panel’s Recommendation**

347. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part, and recommend the following amendments are made to the **General Residential Zone Rules**:

<b>GRZ – R1</b>	<p><b>Residential Activities and Residential Units <u>and Accessory Buildings</u></b><sup>67</sup></p> <p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"><li>1. Residential unit density is no more than:<ol style="list-style-type: none"><li>a. <del>one</del><sup>68</sup> unit per 350m<sup>2</sup> net site area; <del>or</del> <b>but within the Buller District there is a maximum of two residential dwellings per allotment;</b><sup>69</sup></li><li>b. <del>one</del><sup>70</sup> unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed <b>except within the Buller District this standard does not apply;</b><sup>71</sup></li></ol></li><li>2. There is no more than <del>one</del><sup>72</sup> minor residential unit per site with a maximum size of 65m<sup>2</sup>;</li><li>3. Maximum building height above ground level is:<ol style="list-style-type: none"><li>a. 10m; except that</li><li>b. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;</li></ol></li><li>4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance;</li><li>5. Maximum site coverage is 40%;</li><li>6. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; <b>and the outdoor living space must have a minimum dimension of 3m;</b><sup>73</sup></li><li>7. No more than one heavy vehicle is stored on site;</li><li>8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site <b>and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure used for the activity</b> <del>and</del> must not drain to any public road <del>except for secondary flow purposes;</del><sup>74</sup></li><li>9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary <del>except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:</del><ol style="list-style-type: none"><li>a. <del>Road boundaries;</del></li><li>b. <del>Buildings on adjoining sites that have a common wall along the boundary;</del></li></ol></li></ol>
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<sup>67</sup> Buller District Council S538.475

<sup>68</sup> RMA Schedule 1, clause 16 correction

<sup>69</sup> Buller District Council S538.475

<sup>70</sup> RMA Schedule 1, clause 16 correction

<sup>71</sup> Buller District Council S538.475

<sup>72</sup> RMA Schedule 1, clause 16 correction

<sup>73</sup> Davis Ogilvie & Partners Limited S465.036

<sup>74</sup> Waka Kotahi NZTA S450.245, Grey District Council S608.720

- ~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~<sup>75</sup>
- ~~d. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;~~
- ~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~
- ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and~~<sup>76</sup>
10. Buildings are setback a minimum of **1.5m from the railway corridor** 1m from all other site boundaries, except that:
- Duplexes do not require a setback from the side boundary of the other duplex unit; and
  - Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.
- b. A setback of 150m is required from the site boundary of any designated wastewater treatment plant.**<sup>77</sup>

**Advice Notes:**

- Where a residential building or noise sensitive activity is located within:
  - 80m of a State Highway with a speed limit of 70kph or greater; or
  - 40m of a State Highway with a speed limit of less than 70kph; or
  - 40m of a Railway Line; or
  - The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
  - The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

- Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**<sup>78</sup>

**Activity status where compliance not achieved:** Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.

**GRZ – R2**

**Minor Structures**

**Activity Status Permitted**

Where:

- These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations;**<sup>79</sup>
- All performance standards for Rule GRZ – R1 are complied with All other Sstructures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**<sup>80</sup>

<sup>75</sup> Buller District Council S538.635

<sup>76</sup> Buller District Council S538.635

<sup>77</sup> Buller District Council S538.475

<sup>78</sup> Buller District Council S538.475

<sup>79</sup> Fire and Emergency New Zealand S573.024

<sup>80</sup> Buller District Council S538.476

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than 1m in diameter;
5. Any ornamental or garden structure must not exceed 2.4 m in height; and
- F6 Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**GRZ – R3** No Change

**GRZ – R4 Relocated Buildings  
Activity Status Permitted**

Where:

1. All performance standards for Rule GRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, and built, ~~to be~~ **and** used as a dwelling;<sup>81</sup>
3. A building pre-inspection report **completed in accordance with Appendix Eleven**<sup>82</sup> shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months **of the building being delivered to the site; and;**<sup>83</sup>
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~<sup>84</sup>

**Activity status where compliance not achieved:** Controlled

**GRZ – R5 Home Business  
Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with;
3. **There is no more than one full-time equivalent person engaged in the home business that resides off-site;**<sup>85</sup>
4. Hours of operation are limited to:
  - a. 7am-7pm weekdays; and

<sup>81</sup> New Zealand Heavy Haulage Association Inc. S616.004

<sup>82</sup> New Zealand Heavy Haulage Association Inc. S616.004

<sup>83</sup> William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)

<sup>84</sup> William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)

<sup>85</sup> Buller District Council S538.479

- b. 8am - 5pm weekends and public holidays;
- c. Except where:
  - i. The entire activity is located within a building;
  - ii. Each person engaged in the activity outside the above hours resides permanently on site; and
  - iii. There are no visitors, customers or deliveries to the activity outside of the above hours
5. ~~A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~<sup>86</sup>
5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and
6. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

**GRZ – R6 Residential Visitor Accommodation  
Activity Status Permitted**

Where:

1. The accommodation is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~<sup>87</sup> paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the District Council ~~annually on request;~~<sup>88</sup> and
6. No heavy vehicle movements are generated; and
7. In the Buller ~~and Westland~~<sup>89</sup> Districts the accommodation is homestay accommodation with a permanent resident living on site.

**Advice Notes:**

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
2. ~~In the Buller and Westland Districts, w~~Where residential visitor accommodation has been lawfully established under the Buller, **Grey** or Westland District Plan provisions **and not discontinued for more than 12 months**, ~~then~~ existing use rights **may** apply.<sup>90</sup>

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R7 Community Facilities and Educational Facilities  
Activity Status Permitted**

Where:

<sup>86</sup> Consequential amendment from Transport Chapter, Buller District Council S538.083

<sup>87</sup> RMA Schedule 1, clause 16 correction

<sup>88</sup> Grey District Council S608.104

<sup>89</sup> Westland District Council S181.036

<sup>90</sup> Consequential Westland District Council S181.036

1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with; **and**<sup>91</sup>
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **compliance is achieved with TRN – R6**; and<sup>92</sup>
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R8 Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with;
2. There is a maximum of 10 residents; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R9** As notified

**GRZ – R10** As notified

**GRZ – R11 Minor Structures not meeting Permitted Activity Standards Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**<sup>93</sup>

**Matters of control are:**

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**,<sup>94</sup>

**Activity status where compliance not achieved:** Discretionary

**GRZ – R12 Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled**

Where:

All performance standards for Rule GRZ - R1 are complied with.

**Matters of control are:**

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**,<sup>95</sup> and

<sup>91</sup> RMA Schedule 1, clause 16 correction

<sup>92</sup> Consequential amendment from the Transport Chapter, Buller District Council S538.083

<sup>93</sup> Consequential amendment Buller District Council S538.476

<sup>94</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>95</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

**GRZ – R13**

c. Appearance of buildings.

**Activity status where compliance not achieved: Discretionary**

**Buildings not meeting Rule GRZ-R1**

**Activity Status Restricted Discretionary**

Where:

1. The building projects into the recession plane as defined in Appendix Two; or
2. The building is set back less than 1m from internal boundaries; and
3. All other performance standards for Rule GRZ - R1 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access; and
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects,**<sup>96</sup>
- d. Shading and loss of sunlight to adjoining sites; and**<sup>97</sup>
- e. Loss of privacy to adjoining sites.**<sup>98</sup>

**Activity status where compliance not achieved: Discretionary**

**GRZ – R14**

**Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary**

Where:

1. This is ancillary to a residential activity;
2. No heavy vehicle movements are generated; and
3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects,**<sup>99</sup>
- d. Hours of operation; and
- e. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved: Discretionary**

**GRZ – R15**

**Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages**

**Activity Status Restricted Discretionary Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects,**<sup>100</sup>
- d. Hours of operation;
- e. Water supply, wastewater and stormwater management; and
- f. Acoustic and noise insulation requirements;

<sup>96</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>97</sup> Buller District Council S538.485

<sup>98</sup> Buller District Council S538.485

<sup>99</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>100</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

**g. Noise management;**<sup>101</sup>

**h. Traffic generation;**<sup>102</sup>

**i. Loss of privacy to adjoining sites; and**<sup>103</sup>

**j. Character and amenity of the surrounding area.**<sup>104</sup>

**Notification:**

Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

**Activity status where compliance not achieved: N/A**

**GRZ – R16 Development of Medium Density Housing  
Activity Status Restricted Discretionary**

Where:

1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. All other performance standards for Rules GRZ - R1 are complied with;
3. The minimum density is 150m2 net site area;
4. The maximum height is 12.5m;
5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
6. Maximum building coverage is 50%.

Discretion is restricted to:

- a. Number of units;
- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. Compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Landscape measures~~ **Measures to mitigate landscape effects,**<sup>105</sup> and
- g. Acoustic and noise insulation requirements

**GRZ – R17 Papakāinga Developments not meeting Permitted Activity Standards  
Activity Status Restricted Discretionary**

Where:

1. The minimum residential unit density is 150m2 net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
4. Maximum building coverage is 50%.

**Discretion is restricted to:**

- a. Number of units;

<sup>101</sup> Consequential amendment Buller District Council S538.487

<sup>102</sup> Consequential amendment Buller District Council S538.487

<sup>103</sup> Consequential amendment Buller District Council S538.487

<sup>104</sup> Consequential amendment Buller District Council S538.487

<sup>105</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Landscape measures~~ Measures to mitigate landscape effects;<sup>106</sup> and
- g. Acoustic and noise insulation requirements

**GRZ – R18 Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

1. The maximum height is 12.5m;
2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
3. Maximum building coverage is 50%.

Discretion is restricted to:

- a. Number of units;
- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. ~~Landscape measures~~ Measures to mitigate landscape effects;<sup>107</sup> and
- f. Acoustic and noise insulation requirements

**GRZ – R18A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of structures;**
- b. Height of structures; and**
- c. Shading and dominance effects on adjoining sites.**<sup>108</sup>

**GRZ – R19 Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and Minor Structures~~<sup>109</sup> and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.**

Activity Status Discretionary

Where:

1. All performance standards for Rules NOISE R1-R2 and R45<sup>110</sup> and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**GRZ – R20 Home Business not meeting Permitted Activity Standards Activity Status Discretionary**

Where:

<sup>106</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>107</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>108</sup> Consequential amendment Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025

<sup>109</sup> Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025

<sup>110</sup> RMA Schedule 1, clause 16 correction

	<p>1. All performance standards for Rules NOISE R1-R2 and R45<sup>111</sup> and LIGHT - R3 are complied with. <b>Activity status where compliance not achieved:</b> Non-complying</p>
GRZ – R21	As notified
GRZ – R22	<p><b>Commercial Activities and Emergency Service Activities Activity Status Discretionary</b> Where:</p> <ol style="list-style-type: none"><li>1. This is not a Home Business or Visitor Accommodation;</li><li>2. All performance standards for Rules NOISE R1-R2 and R45<sup>112</sup> and LIGHT - R3 are complied with;</li><li>3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and</li><li>4. No external generation of dust, odour or smoke occurs as part of the activity.</li></ol> <p><b>Activity status where compliance not achieved:</b> Non-complying Refer Home Business and Visitor Accommodation Rules for these activities</p>
GRZ – R23	As notified
GRZ – R24	<p>Any Activity not provided for by another Rule in the zone <b>Activity Status Non-complying Discretionary</b> <b>Activity status where compliance not achieved:</b> N/A<sup>113</sup></p>
Appendix Eleven	<p><b><u>Requirements for a Relocated Building Pre-Inspection Report<sup>114</sup></u></b> <b><u>This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:</u></b></p> <ul style="list-style-type: none"><li>• <b><u>Proposed new site location</u></b></li><li>• <b><u>Date of report</u></b></li><li>• <b><u>Type of building</u></b></li><li>• <b><u>Date of construction</u></b></li><li>• <b><u>Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.</u></b></li><li>• <b><u>Site address where the building was inspected</u></b></li><li>• <b><u>Date when building inspected</u></b></li><li>• <b><u>Name of inspector and qualifications</u></b></li><li>• <b><u>Proposed use of the building</u></b></li><li>• <b><u>Previous use of the building</u></b></li><li>• <b><u>Description of areas accessed (ie interior/exterior)</u></b></li><li>• <b><u>Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery</u></b></li><li>• <b><u>Any health and safety matters that need to be considered</u></b></li></ul>

<sup>111</sup> RMA Schedule 1, clause 16 correction

<sup>112</sup> RMA Schedule 1, clause 16 correction

<sup>113</sup> William McLaughlin (S567.470), Chris & Jan Coll (S558.418), Chris J Coll Surveying Limited (S566.418), Laura Coll McLaughlin (S574.418)

<sup>114</sup> New Zealand Heavy Haulage Association (S616.006)

- **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, cleaning and painting of exterior elements.**

## 2.6. Large Lot Residential Zone – Rules and Standards

### Submissions and Further Submissions

#### *Large Lot Residential Zone - General*

348. Three submission points relating to the LLRZ rules (as a whole) were summarised in the Table on page 59 of the s42A Report. Two submission points sought to retain all, or select, rules as notified. The remaining submission sought amendments.

#### *Large Lot Residential Zone*

349. Eleven submission points and one further submission point relating to Rule **LLRZ-R1** were summarised in a Table on pages 59-60 of the s42A Report. Two submission points sought amendments to the rule as notified. The remaining submissions all sought amendments, with one further submission in partial support of a suggested amendment.
350. Six submission points and one further submission point relating to Rule **LLRZ-R2** were summarised in a Table on pages 60-61 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.
351. Five submission points in support of Rule **LLRZ-R3** as notified were summarised in a Table on page 61 of the s42A Report.
352. Eight submission points and two further submissions relating to Rule **LLRZ-R4** were summarised in a Table on pages 61-62 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.
353. Six submission points relating to Rule **LLRZ-R5** were summarised in the Table on pages 62-63 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.
354. Nine submission points relating to Rule **LLRZ-R6** were summarised in a Table on page 63 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.
355. Seven submission points and one further submission point relating to Rule **LLRZ-R7** were summarised in a Table on pages 63-64 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed in part the amendments sought by one submitter.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

356. Six submission points and one further submission point relating to Rule **LLRZ-R8** were summarised in a Table on page 64 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.
357. One submission point supported Rule **LLRZ-R9** as notified and was summarised in the Table on page 64 of the s42A Report.
358. Five submission points relating to Rule **LLRZ-R10** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified, while the remaining submissions sought amendments.
359. Five submission points relating to Rule **LLRZ-R11** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.
360. Eight submission points and two further submissions relating to Rule **LLRZ-R12** were summarised in the Table on pages 65-66 of the s42A Report. Seven submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submission sought amendments, which were supported in part by one further submitter.
361. Six submission points relating to Rule **LLRZ-R13** were summarised in the Table on page 66 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments.
362. Four submission points relating to Rule **LLRZ-R14** were summarised in a Table on pages 66-67 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.
363. Thirteen submission points relating to Rule **LLRZ-R15** were summarised in a Table on page 67 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
364. Nine submission points relating to Rule **LLRZ-R16** were summarised in a Table on pages 67-68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
365. Nine submission points relating to Rule **LLRZ-R17** were summarised in a Table on page 68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
366. Two submission points relating to Rule **LLRZ-R18** were summarised in a Table on page 68 of the s42A Report. One submission supported the retention of the rule as notified. One submission opposed the rule and sought amendments.
367. Five submission points relating to Rule **LLRZ-R19** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

368. Five submission points relating to Rule **LLRZ-R20** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
369. Five submission points relating to Rule **LLRZ-R21** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
370. Five submission points relating to Rule **LLRZ-R22** were summarised in a Table on pages 69-70 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.
371. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

**Section 42A Report**

*Standards (General)*

372. Ms Easton acknowledged the support from the submissions that support the rules, or selected rules, as notified.
373. In response to the submission of the New Zealand Motor Caravan Association (S490.014) that sought to provide campgrounds and camping as a permitted activity within this zone, Ms Easton did not support that submission. She considered that this zone primarily provides for residential activities, and that the visitor accommodation provisions in the zone rules address campgrounds and other visitor accommodations.
374. Ms Easton made no recommendations to amend the LLRZ rules in response to these submissions.

*LLRZ-R1 Residential Activities and Residential Units*

375. In relation to Rule **LLRZ-R1**, Ms Easton acknowledged the two submissions that sought to retain the standard as notified<sup>115</sup>.
376. In response to the submission points of Buller Conservation Group and Frida Inta<sup>116</sup> that sought to amend clause (7) only to require connection to a community water supply and wastewater if these services are provided, Ms Easton did not support these submissions. She noted the expectation of residential zones, including large lot residential zones, was that buildings are connected to three waters services. She also noted that many large-lot residential areas are known to have stormwater management issues, and therefore, on-site wastewater systems have a higher chance of causing cumulative adverse effects on water quality.
377. Ms Easton did not support the submissions<sup>117</sup> requesting to delete the advice note on the basis that an advice note is not a rule and because it cross-references to the requirements under NOISE-R3, which remain in place regardless of this advice note. She noted that Rule

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<sup>115</sup> S349.011, S190.879, S450.250

<sup>116</sup> S552.171, S553.171

<sup>117</sup> S567.471 William McLaughlin, S558.419-420 Chris and Jan Coll, S566.419-420 Chris J Coll Surveying Limited, S574.419-420 Laura Coll McLaughlin

NOISE-R3 would be considered under the Noise Chapter, and provided it remained in the Plan, Ms Easton considered that this advice note should remain.

378. In response to William McLaughlin's (S567.472) requested for a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this submission. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and character within the zone and given a controlled activity must always be granted, she did not consider this status was appropriate.
379. Ms Easton did not support FENZ's (S573.029) to add a new standard to require a developer to demonstrate how an alternative and satisfactory water supply could be provided to each lot where a development would not be connected to an adequate public reticulated water supply. She noted that a development was not a permitted activity where it could not connect to a public reticulated water supply; and therefore, she did not consider such a standard necessary.
380. Ms Easton supported GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6) because the exemption for secondary flow purposes was not consistent with NZS4404:2010.
381. Ms Easton considered a consequential amendment necessary following on from her recommendation on the BDC submission S538.475 on GRZ-R1 regarding accessory buildings.
382. Ms Easton recommended that LLRZ-R1 be amended as follows:

***LLRZ-R1 Residential Activities and Residential Units and Accessory Buildings  
Activity Status: Permitted***

1. ...

6. *Stormwater is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~;*

7. ...

***LLRZ-R2 Minor Structures***

383. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>118</sup>.
384. In response to the submissions<sup>119</sup> that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton supported these submissions in part. She considered that the reference to the LLRZ-R1 performance standards was inappropriate as this rule related to very minor structures such as flagpoles, water tanks, garden ornaments and sheds. She therefore recommended that only the setback requirement be included, similar to the standard for the equivalent Rule GRZ-R2.
385. Ms Easton did not support FENZ's (S573.030) request for an exemption for hose drying towers and siren towers to be up to 15m high in this zone. She noted that there were no fire

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<sup>118</sup> S190.880

<sup>119</sup> S567.473 William McLaughlin, S558.421 C and C Coll, S566.421 Chris Coll Surveying, S574.421 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

stations within the LLRZ and considered that the merits of such a proposal should be assessed through a resource consent process.

386. Ms Easton's recommended amendments to LLRZ-R2 were as follows:

***LLRZ - R2 Minor Structures***

***Activity Status Permitted***

*Where:*

*a. All performance standards for Rule LLRZ-R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;***

*b. Masts, poles, aerials and pou whenua must not exceed 7m in height;*

*c. Any antenna dish must be less than 1m in diameter;*

*d. Any ornamental or garden structure must not exceed 2.4 m in height; and*

*e. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.*

***Activity status where compliance not achieved: Controlled***

***LLRZ-R3 Fence Wall and Retaining Walls***

387. Ms Easton acknowledged the support from submitters that sought to retain the rule as notified<sup>120</sup>. She recommended no changes to this provision.

***LLRZ-R4 Relocated Buildings, LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards***

388. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>121</sup>.

389. There are several submissions<sup>122</sup> that sought that Rules LLRZ-R4 and LLRZ-R11 be deleted in their entirety. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards was completed within a specified timeframe.

390. As outlined above in relation to GRZ-R4, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

391. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

392. Ms Easton's recommended retaining LLRZ-R11 as notified and amending LLRZ-R4, as follows:

***LLRZ - R4 Relocated Buildings***

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<sup>120</sup> S190.881, S567.474, S558.422, S566.422, S574.422

<sup>121</sup> S190.882, S608.729

<sup>122</sup> S567.014, S567.475, S567.015, S567.481 William McLaughlin, S558.054, S558.423, S558.065, S558.430 C & J Coll, S566.054, S566.423, S566.065, S566.430 Chris J Coll Surveying Limited, S574.054, S574.423, S574.065, S574.430 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

**Activity Status Permitted**

Where:

1. All performance standards for Rule LLRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built to be~~ **and** used as a dwelling;
3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

**Activity status where compliance not achieved: Controlled**

*LLRZ-R5 Home Business*

393. Ms Easton acknowledged the one submitter that sought to retain the rule as notified<sup>123</sup>.
394. In response to the submissions<sup>124</sup> that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton did not support these submissions. She considered that where there may be a non-compliance, for example with noise or light emissions, that could lead to cumulative effects on neighbouring amenity.
395. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.251) request to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. She noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 210 vehicle movements per week, whichever is greater. She considered this could be interpreted to allow for 210 vehicle movements per day and none for the rest of the week.
396. Ms Easton recommended amendments to LLRZ-R5 as follows:

**LLRZ - R5 Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;
3. Hours of operation are limited to:
  - a. 7am-7pm weekdays; and
  - b. 8am - 5pm weekends and public holidays;
  - c. Except where:
    - i. The entire activity is located within a building;
    - ii. Each person engaged in the activity outside the above hours resides permanently on site; and

<sup>123</sup> S190.883

<sup>124</sup> S567.476 William McLaughlin, S558.424 Chris and Jan Coll, S566.424 Chris J Coll Surveying Limited, S574.424 Laura McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- iii. *There are no visitors, customers or deliveries to the activity outside of the above hours*
4. *A maximum of 4 heavy vehicle movements per day, ~~and whichever is the greater of~~  
30 light vehicle movements per day, ~~or~~ and 210 light vehicle movements per week;*
- ...

***Activity status where compliance not achieved: Discretionary***

***LLRZ-R6 Residential Visitor Accommodation***

397. Ms Easton acknowledged the three submissions that sought to retain the rule as notified<sup>125</sup>.
398. The submission of GDC (S608.105) sought that records of letting activity be provided to the Council on an annual basis rather than on request so that landowners undertaking this activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was a reasonable requirement to ensure that permitted activity standards were met.
399. Ms Easton did not support Lynda Richmond's (S423.002) request that only homestay accommodation in Greymouth be a permitted activity. She considered that Greymouth was not impacted by residential visitor accommodation and was not a major tourism destination compared to other parts of the West Coast.
400. Ms Easton did not support submissions<sup>126</sup> that sought amendments to accommodate existing legal non-compliance with LLRZ-R1 performance standard due to the potential for adverse effects on the environment, using the example of where wastewater capacity was insufficient to cater for additional people.
401. Ms Easton recommended that LLRZ-R6 be amended as follows:

***LLRZ - R6 Residential Visitor Accommodation Activity Status Permitted***

*Where:*

...

5. *Records of letting activity must be kept and provided to the District Council annually ~~on~~  
~~request~~; and*

...

***LLRZ-R7 Community Facilities and Educational Facilities***

402. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>127</sup>.
403. Similar to LLRZ-R6, Ms Easton did not support the amendments sought in submissions<sup>128</sup> to accommodate existing legal non-compliance because of potential adverse environmental effects.
404. In response to the Ministry of Education's (S456.043) request to allow for 210 light vehicle movements per day for educational facilities, Ms Easton did not support that amendment and considered that this rule intended to allow very small educational and community

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<sup>125</sup> S190.884, S450.252

<sup>126</sup> S567.477 William McLaughlin, S558.425 C & J Coll, S566.425 Chris J Coll Surveying Limited, S574.425 Laura Coll McLaughlin

<sup>127</sup> S190.885, S450.253

<sup>128</sup> S567.478 William McLaughlin, S558.426 C & J Coll, S566.426 Chris J Coll Surveying Limited, S574.426 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

405. No changes were recommended by Ms Easton to this provision.

*LLRZ-R8 Retirement Homes and Supported Residential Accommodation*

406. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>129</sup>.

407. Similar to LLRZ-R6 and LLRZ-R7, Ms Easton did not support the amendments sought in submissions<sup>130</sup> to accommodate existing legal non-compliance because of potential adverse environmental effects.

408. No changes are recommended by Ms Easton to this provision.

*LLRZ-R9 Papakāinga Developments*

409. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>131</sup>. She recommended no changes to this provision.

*LLRZ-R10 Minor Structures not meeting Permitted Activity Standards*

410. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>132</sup>.

411. In response to the submissions<sup>133</sup> that sought that this rule be amended to accommodate existing legal non-compliance with LLRZ-R1 performance standard, Ms Easton supported that outcome insofar as recognising existing use rights sit outside of a resource consent process, but otherwise she considered existing non-compliance should not be explicitly accommodated within the rules given the potential for adverse effects on the environment.

412. Ms Easton noted that due to earlier changes recommended to LLRZ-R2, to focus on setbacks only, consequential amendments were required to this rule. She recommended amendments as follows:

***LLRZ - R10 Minor Structures not meeting Permitted Activity Standards  
Activity Status Controlled***

*Where:*

- 1. The minor structure does not exceed 10m in height; and*
- 2. ~~All other performance standards for Rule LLRZ-R1 are complied with~~ ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****

***Matters of control are:***

- a. Design and location of structures; and*
- b. Landscape measures.*

***Activity status where compliance not achieved: Discretionary***

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<sup>129</sup> S349.011, S190.886, S450.254

<sup>130</sup> S567.479 William McLaughlin, S558.427 C & J Coll, S566.427 Chris J Coll Surveying Limited, S574.427 Laura Coll McLaughlin

<sup>131</sup> S190.887

<sup>132</sup> S190.888

<sup>133</sup> S567.480 William McLaughlin, S558.429 C & J Coll, S566.429 Chris J Coll Surveying Limited, S574.429 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards*

413. Ms Easton recommended retaining LLRZ-R11 as notified, which was supported by one submitter<sup>134</sup>, and therefore rejected submissions seeking deletion of the rule<sup>135</sup>.

*LLRZ-R12 Community Facilities and Educational Facilities not meeting Rule LLRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule LLRZ-R8 and Retirement Villages*

414. Ms Easton acknowledged the seven submissions that sought to retain the rule as notified<sup>136</sup>.
415. Ms Easton did not support FENZ's (S573.032) request to add a matter of discretion to LLRZ-R12 regarding the provision of servicing, including a firefighting water supply. She noted that if a property did not have a connection, this rule would not apply and the activity escalated to a discretionary activity.
416. No changes were recommended by Ms Easton to this provision.

*LLRZ-R13 Residential Visitor Accommodation not meeting Permitted Standards*

417. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>137</sup>.
418. Ms Easton did not support the amendments sought in submissions<sup>138</sup> for the reasons outlined in relation to other rules. She recommended LLRZ-R13 be retained as notified.

*LLRZ-R14 Papakainga Developments not meeting Permitted Activity Standards*

419. Ms Easton acknowledged the three submissions that sought to retain the rule as notified<sup>139</sup>.
420. In response to Poutini Ngāi Tahu's (S620.402) to delete the reference to "hours of operation" as a matter of discretion, Ms Easton supported this amendment and considered it corrected an error in the Plan.
421. Ms Easton recommends that LLRZ-R14 be amended as follows:

***LLRZ - R14 Papakainga Developments not meeting Permitted Activity Standards Activity Status  
Restricted Discretionary***

*Where:*

*1. The minimum residential unit density is 200m<sup>2</sup> net site area;*

*...*

***Discretion is restricted to:***

*a. Design and location of buildings;*

*...*

*f. ~~Hours of operation;~~ and*

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<sup>134</sup> S190.889

<sup>135</sup> S567.015, S567.481 William McLaughlin, S558.065, S558.430 C & J Coll, S566.065, S566.430 Chris J Coll Surveying Limited, S574.065, S574.430 Laura Coll McLaughlin

<sup>136</sup> S190.890, S567.482, S558.431, S566.431, S574.431, S456.044, S608.730

<sup>137</sup> S190.891, S608.731

<sup>138</sup> S567.483 William McLaughlin, S558.432 C & J Coll, S566.432 Chris J Coll Surveying Limited, S574.432 Laura Coll McLaughlin

<sup>139</sup> S620.241, S190.892, S608.732

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

...

Activity status where compliance not achieved: Discretionary

*LLRZ-R15 Residential Activities, Residential Units, Papakāinga Developments, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards*

422. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>140</sup>.
423. In response to the submissions<sup>141</sup> that sought clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance was not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.
424. In response to the submissions of Frank and Jo Dooley<sup>142</sup> and Frank O’Toole<sup>143</sup> that sought that “*fences, walls and retaining structures*” were removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule LLRZ-R15 contained matters that were not relevant to these structures.
425. Ms Easton recommended change to the heading of LLRZ-R15 and recommended the inclusion of the following new rule into the Plan:

**LLRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**  
**Activity Status Restricted Discretionary**  
**Discretion is restricted to:**  
**a. Design and location of structures**  
**b. Height of structures**  
**c. Shading and dominance effects on adjoining sites**

*LLRZ-R16 Home Business not meeting Permitted Activity Standards*

426. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>144</sup>.
427. In response to the submissions<sup>145</sup> that sought that clause (1), which required the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support those submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.
428. Ms Easton recommended retaining this rule as notified.

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<sup>140</sup> S190.893

<sup>141</sup> S567.484, S567.485 William McLaughlin, S558.433, S558.434 C & J Coll, S566.433, S566.434 Chris J Coll Surveying Limited, S574.433, S574.434 Laura Coll McLaughlin

<sup>142</sup> S478.032 Frank and Jo Dooley

<sup>143</sup> S595.020 Frank O’Toole

<sup>144</sup> S190.894

<sup>145</sup> S567.486, S567.487 William McLaughlin, S558.435, S558.436 C & J Coll, S566.435, S566.436 Chris J Coll Surveying Limited, S574.435, S574.435 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*LLRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation and LLRZ-R19 Visitor Accommodation not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards*

429. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>146</sup>.
430. Ms Easton did not support the submissions<sup>147</sup> that sought changes to clause (1) nor changing the default activity status for the reasons outlined previously in relation to LLRZ-R15 and LLZ-R16. She also did not support deleting Rule LLRZ-R19 be deleted. She noted that these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.
431. Ms Easton recommended retaining this rule as notified.

*LLRZ – R18 Emergency Service Activities*

432. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>148</sup>.
433. Ms Easton did not support FENZ's (S573.033) request for emergency service activities to be permitted in the LLRZ because she considered the predominant use of this zone should be residential with a reasonable expectation for residential activities and amenity. She noted that while there may be circumstances where an emergency service facility could locate in this zone, careful assessment needed to be undertaken via a consent process.
434. Ms Easton recommended retaining this rule as notified.

*LLRZ – R20 Commercial Activities including Home Business not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards*

435. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>149</sup>.
436. Ms Easton did not support submissions<sup>150</sup> that sought to change the activity status from non-complying to discretionary. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities were not met, Ms Easton considered that there would be a high risk of adverse effects. She therefore considered it was appropriate that these be classified as a non complying activity in this zone.
437. Ms Easton recommended retaining this rule as notified.

*LLRZ – R21 Industrial Activities*

438. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>151</sup>.

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<sup>146</sup> S190.895

<sup>147</sup> S567.488, S567.489 William McLaughlin, S558.437, S558.438 C & J Coll, S566.437, S566.438 Chris J Coll Surveying Limited, S574.437, S74.438 Laura Coll McLaughlin

<sup>148</sup> S190.896

<sup>149</sup> S190.898

<sup>150</sup> S567.491 William McLaughlin, S558.441 C & J Coll, S566.441 Chris J Coll Surveying Limited, S574.441 Laura Coll McLaughlin

<sup>151</sup> S190.899

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

439. Ms Easton did not support submissions<sup>152</sup> that sought to change the activity status from non-complying to discretionary. For the same reasons as outlined for Rule LLZR-R20 above, she considered it was appropriate that these be classified as a non-complying activity in this zone.

440. Ms Easton recommended retaining this rule as notified.

*LLRZ – R22 Any Activity not provided for by another Rule in the zone*

441. Ms Easton acknowledged one submitter that sought to retain the rule as notified<sup>153</sup>.

442. In response to the submission<sup>154</sup> that sought to delete this rule, Ms Easton noted that no reasons had provided to justify this and she therefore did not support these submissions.

443. Ms Easton recommended retaining this rule as notified.

**Hearing and Submitter Evidence/Statements**

444. Ms Inta requested two amendments to Rule LLRZ-R1. The first was to correct poor grammar; and the second related to the requirement to connect to reticulated services if these services were provided, using the example of a composting toilet, which does not require a connection. The amendments she sought was as follows:

***LLRZ – R1 Permitted Activities***

***Activity Status Permitted***

*Where:*

1.

...

6. *Stormwater is managed on site with any off-site discharge ~~is~~ managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road except for secondary flow purposes;*

7. *All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks ***if these services are provided***;*

...

445. As outline above, Mr Bhana-Thompson generally agreed with the s42A Report recommendations for the residential zones and sought use of a pre-inspection/reinstatement reports. He provided a template that some other Councils had adopted (or adapted) for district plans. He considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works in Rule LLRZ-R4.

**Reporting Officer Reply Evidence**

446. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries have been addressed earlier in this report under the definitions, general chapter, objectives, policies, and GRZ rule sections. These are not repeated here unless directly relevant.

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<sup>152</sup> S567.492 William McLaughlin, S558.442 C & J Coll, S566.442 Chris J Coll Surveying Limited, S574.442 Laura Coll McLaughlin

<sup>153</sup> S190.900

<sup>154</sup> S567.493 William McLaughlin, S558.443 C & J Coll, S566.443 Chris J Coll Surveying Limited, S574.443 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

447. Ms Easton considered the minor error where Rule NOISE-R4 was referenced rather than NOISE-R5 in some rules could be undertaken as a clause 16 amendment and should be used to update all rules across the Plan where there were errors or consequential numbering changes.
448. In relation to Rule LLRZ-R13 (and also Rule GRZ-R14 and MRZ-R14), Ms Easton considered was insufficient scope in submissions to add the number of occupants or size of building to the matters of discretion.
449. In response to the evidence of NZ Heavy Haulage Association, Ms Easton recommended including reference to a pre-inspection schedule in Rule LLRZ-R4, as set out above in relation to the GRZ-R4 above.

**Hearing Panel's Evaluation**

450. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.
451. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and MRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors and consequential renumbering of the rules cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.
452. In relation to Rule **LLRZ-R1**, the Panel generally accepts Ms Easton's recommendation to amend the rule to match recommended amendments to GRZ-R1, with the exception that only the first advice note is considered relevant to the zone.
453. In relation to Rule **LLRZ-R2**, the Panel accepts Ms Easton's recommendation and reasons to retain the rule as notified, except for deleting the reference to the LLRZ-R1 performance standard.
454. In relation to Rule **LLRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.
455. In relation to **LLRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.
456. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to be completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

457. In relation to Rule **LLRZ-R5**, the Panel acknowledges Ms Easton’s recommendation to retain the rule as notified, except for amendments to clause(4) to clarify traffic movements. However, we note that we have included a consequential amendment stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we note however that as a result of recommendations in the Transport Chapter in relation to trip generation that clause (4) relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.
458. In relation to Rule **LLRZ-R6**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified, except for amendments to clause (5) for the reasons outlined, including minor clause 16 amendments.
459. In relation to Rule **LLRZ-R7**, the Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.
460. In relation to Rule **LLRZ-R8**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified.
461. In relation to Rule **LLRZ-R9**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified.
462. In relation to Rule **LLRZ-R10**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified, except that due to earlier changes recommended to LLRZ-R2 to focus on setbacks only, consequential amendments are also required to this rule. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to ‘landscape measures’ and ‘landscape treatment’ have been removed from the matters of discretion and replaced with ‘measures to mitigate landscape effects’ throughout the chapter.
463. In relation to rules **LLRZ-R11 to LLRZ-R13**, the Panel accepts Ms Easton’s recommendation to retain the rules as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to ‘landscape measures’ and ‘landscape treatment’ have been removed from the matters of discretion and replaced with ‘measures to mitigate landscape effects’ throughout the chapter.
464. In relation to Rule **LLRZ-R14**, the Panel accepts Ms Easton’s recommendation to retain the rule as notified, except for deleting clause (f) to correct an error in the plan as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to ‘landscape measures’ and ‘landscape treatment’ have been removed from the matters of discretion and replaced with ‘measures to mitigate landscape effects’ throughout the chapter.
465. In relation to Rule **LLRZ-R15**, the Panel accepts Ms Easton’s recommendation to remove “*fences, walls and retaining structures*” and add a new **Rule LLRZ-RX** (new Rule LLRZ-R14A

below) for these because Rule LLRZ-R15 includes matters that are not relevant to these structures.

466. In relation to rules **LLRZ -R16** to **LLRZ-R21**, apart from minor integration issues, the Panel accepts Ms Easton’s recommendation to retain the rules as notified.
467. The Panel acknowledges that **LLRZ-R22** is a ‘catch-all’ rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

### **Hearing Panel’s Recommendation**

468. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part, and recommend the following amendments are made to the **Large Lot Residential Zone Rules**:

<b>LLRZ – R1</b>	<b>Residential Activities and Residential Units <u>and Accessory Buildings</u></b> <sup>155</sup> <b>Activity Status Permitted</b> Where: 1. There is no more than <del>one</del> <sup>156</sup> unit per 1000m <sup>2</sup> net site area; 2. The maximum height of a building above ground level is 10m; 3. There is no more than <del>one</del> <sup>157</sup> minor residential unit per 1000m <sup>2</sup> net site area with a maximum size of 65m <sup>2</sup> ; 4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm; 5. Maximum site coverage is 40% or 500m <sup>2</sup> whichever is the lesser; 6. Stormwater is managed on site with any off-site discharge <del>is</del> <sup>158</sup> managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road <del>except for secondary flow purposes</del> ; <sup>159</sup> 7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks; 8. No more than two heavy vehicles are stored on site; 9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing; 10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary <del>except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing</del> . <sup>160</sup> This standard does not apply to: a. <del>Road boundaries</del> ; b. <del>Buildings on adjoining sites that have a common wall along the boundary</del> ;
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<sup>155</sup> Consequential amendment Buller District Council S538.475

<sup>156</sup> RMA Schedule 1, clause 16 correction

<sup>157</sup> RMA Schedule 1, clause 16 correction

<sup>158</sup> Clause 16(2) of the RMA

<sup>159</sup> Grey District Council S608.728

<sup>160</sup> Consequential amendment Buller District Council S538.475

- ~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~
- ~~d. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;<sup>161</sup>~~
- ~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~
- ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.<sup>162</sup>~~

**Advice Note:**

- 1.** Where a residential building or noise sensitive activity is located within:
- i. 80m of a State Highway with a speed limit of 70kph or greater; or
  - ii. 40m of a State Highway with a speed limit of less than 70kph; or
  - iii. 40m of a Railway Line; or
  - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
  - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R2**

**Minor Structures**

**Activity Status Permitted**

Where:

- 1. All performance standards for Rule LLRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**<sup>163</sup>
- 2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
- 3. Any antenna dish must be less than 1m in diameter;
- 4. Any ornamental or garden structure must not exceed 2.4 m in height; and
- 5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**LLRZ – R3**

No Change

**LLRZ – R4**

**Relocated Buildings**

**Activity Status Permitted**

Where:

- 1. All performance standards for Rule LLRZ - R1 are complied with;
- 2. Any relocated building intended for use as a dwelling must have been designed, and built to be **and** used as a dwelling;<sup>164</sup>

<sup>161</sup> Buller District Council S538.635

<sup>162</sup> Buller District Council S538.476

<sup>163</sup> Consequential amendment Buller District Council S538.476

<sup>164</sup> New Zealand Heavy Haulage Association Inc. S616.005

3. A building pre-inspection report **completed in accordance with Appendix Eleven**<sup>165</sup> shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months of the building being delivered to the site; and;<sup>166</sup>

4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~<sup>167</sup>

**Activity status where compliance not achieved:** Controlled

LLRZ – R5

**Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45 and LIGHT - R3 are complied with;
3. Hours of operation are limited to:
  - a. 7am-10pm weekdays; and
  - b. 8am - 8pm weekends and public holidays;
  - c. Except where:
    - i. The entire activity is located within a building;
    - ii. Each person engaged in the activity outside the above hours resides permanently on site; and
    - iii. There are no visitors, customers or deliveries to the activity outside of the above hours.

**4. There is no more than one full-time equivalent person engaged in the home business that resides off-site.**<sup>168</sup>

~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~<sup>169</sup>

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

<sup>165</sup> New Zealand Heavy Haulage Association Inc. S616.005

<sup>166</sup> William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)

<sup>167</sup> William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)

<sup>168</sup> Consequential Amendment stemming from Buller District Council (538.479)

<sup>169</sup> Consequential amendment to recommendations on the Transport Chapter, Buller District Council S538.083

**LLRZ – R6 Residential Visitor Accommodation**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45<sup>170</sup> and LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~<sup>six</sup><sup>171</sup> paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council **annually on request**,<sup>172</sup> and
6. No heavy vehicle movements are generated.

**Advice Notes:**

**1.** Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

**2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.**<sup>173</sup>

**Activity status where compliance not achieved:** Restricted Discretionary

**LLRZ – R7 Community Facilities and Educational Facilities**

**Activity Status Permitted**

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45<sup>174</sup> and LIGHT - R3 and SIGN - R10 are complied with; **and**<sup>175</sup>
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week **and compliance is achieved with TRN – R6;** and<sup>176</sup>
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**LLRZ – R8 Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45<sup>177</sup> and LIGHT - R3 and SIGN - R10 are complied with;
2. The maximum number of residents is 10; and

<sup>170</sup> RMA Schedule 1, clause 16 correction

<sup>171</sup> RMA Schedule 1, clause 16 correction

<sup>172</sup> Grey District Council S608.105

<sup>173</sup> Consequential amendment Westland District Council S181.036

<sup>174</sup> RMA Schedule 1, clause 16 correction

<sup>175</sup> RMA Schedule 1, clause 16 correction

<sup>176</sup> Consequential amendment stemming from recommended amendments to the Transport Chapter, Buller District Council S538.083

<sup>177</sup> RMA Schedule 1, clause 16 correction

3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**LLRZ – R9** As notified

**LLRZ – R10** **Minor Structures not meeting Permitted Activity Standards Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. ~~All performance standards for Rule LLRZ – R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**<sup>178</sup>

**Matters of control are:**

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects.**<sup>179</sup>

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R11** **Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled**

Where:

1. All performance standards for Rule LLRZ - R1 are complied with.

**Matters of control are:**

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects,**<sup>180</sup> and
- c. Appearance of buildings.

**LLRZ – R12** **Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape treatment~~ **Measures to mitigate landscape effects;**<sup>181</sup>
- d. Water supply, wastewater and stormwater requirements;
- e. Hours of operation; and
- f. Acoustic and noise insulation requirements.

**Notification:**

Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

<sup>178</sup> Consequential amendment Buller District Council S538.476

<sup>179</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>180</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>181</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

**LLRZ – R13 Residential Visitor Accommodation not meeting Permitted Activity Standards  
Activity Status Restricted Discretionary**

Where:

1. This is ancillary to a residential activity;
2. No heavy vehicle movements are generated; and
3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45<sup>182</sup> and LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**<sup>183</sup>
- d. Water supply, wastewater and stormwater requirements;
- e. Hours of operation; and
- f. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R14 Papakainga Developments not meeting Permitted Activity Standards  
Activity Status Restricted Discretionary**

Where:

1. The minimum residential unit density is 200m<sup>2</sup> net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m;
4. All performance standards for Rules NOISE R1-R2 and R45<sup>184</sup> and LIGHT - R3 are complied with; and
5. Maximum building coverage is 50%.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**<sup>185</sup>
- d. Water supply, wastewater and stormwater requirements;
- e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Hours of operation;~~<sup>186</sup> and
- g. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved:** Discretionary

**LLRZ - R14A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards  
Activity Status Restricted Discretionary**

**Discretion is restricted to:**

<sup>182</sup> RMA Schedule 1, clause 16 correction

<sup>183</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>184</sup> RMA Schedule 1, clause 16 correction

<sup>185</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>186</sup> Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.402

	<p><b><u>a. Design and location of structures;</u></b>  <b><u>b. Height of structures; and</u></b>  <b><u>c. Shading and dominance effects on adjoining sites.</u></b><sup>187</sup></p>
<b>LLRZ – R15</b>	<p><b>Residential Activities, Residential Units, Papakāinga Developments, <del>Fences, Walls and Retaining Walls</del><sup>188</sup> and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards</b>  <b>Activity Status Discretionary</b>  Where:  1. All performance standards for Rules NOISE R1-R2 and R45<sup>189</sup> and LIGHT - R3 are complied with.</p> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>LLRZ – R16</b>	As notified
<b>LLRZ – R17</b>	<p><b>Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation</b>  <b>Activity Status Discretionary</b>  Where:  1. All performance standards for Rules NOISE R1-R2 and R45<sup>190</sup> and LIGHT - R3 are complied with.</p> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>LLRZ – R18</b>	As notified
<b>LLRZ – R19</b>	As notified
<b>LLRZ – R20</b>	As notified
<b>LLRZ – R21</b>	As notified
<b>LLRZ – R22</b>	<p><b>Any Activity not provided for by another Rule in the zone</b>  <b>Activity Status <del>Non-complying</del> <u>Discretionary</u></b>  <b>Activity status where compliance not achieved:</b> N/A<sup>191</sup></p>

## 2.7. Medium Density Residential Zone – Rules and Standards

### Submissions and Further Submissions

#### *Residential - General*

469. Three submission points and three further submissions relating to the MRZ Rules (as a whole) were summarised in the Table on pages 78-79 of the s42A Report. Two submission

<sup>187</sup> Frank and Jo Dooley S478.038, Frank O'Toole S595.026

<sup>188</sup> Frank and Jo Dooley S478.032, Frank O'Toole S595.020

<sup>189</sup> RMA Schedule 1, clause 16 correction

<sup>190</sup> RMA Schedule 1, clause 16 correction

<sup>191</sup> William McLaughlin (S567.493), Chris & Jan Coll (S558.443), Chris J Coll Surveying Limited (S566.443), Laura Coll McLaughlin (S574.443)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

points sought to retain all, or select, rules as notified. One of the further submissions supported these points, while two opposed. The remaining submission sought amendments.

*Medium Density Residential Zone*

470. Twelve submission points and two further submission points relating to Rule **MRZ-R1** were summarised in a Table on pages 79-80 of the s42A Report. All submission points sought amendments to the rule as notified. Both further submissions were in support of a suggested amendment.
471. Six submission points and one further submission relating to Rule **MRZ-R2** were summarised in a Table on pages 80-81 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.
472. Five submission points supporting Rule **MRZ-R3** as notified were summarised in a Table on page 81 of the s42A Report.
473. Eight submission points and two further submissions relating to Rule **MRZ-R4** were summarised in a Table on pages 81-82 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.
474. Six submission points relating to Rule **MRZ-R5** were summarised in the Table on pages 82-83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.
475. Seven submission points relating to Rule **MRZ-R6** were summarised in a Table on page 83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
476. Eight submission points and one further submission point relating to Rule **MRZ-R7** were summarised in a Table on pages 83-84 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed the amendments sought by one submitter.
477. Six submission points and relating to Rule **MRZ-R8** were summarised in a Table on pages 84-85 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.
478. Five submission points relating to Rule **MRZ-R9** were summarised in the Table on page 85 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
479. Six submission points relating to Rule **MRZ-R10** were summarised in the Table on page 85 of the s42A Report. Two submission points supported the retention of the rule as notified, while the remaining four submissions opposed the rule and sought its deletion.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

480. Six submission points and one further submission supporting Rule **MRZ-R11** as notified were summarised in the Table on pages 85-86 of the s42A Report.
481. Eight submission points and one further submission relating to Rule **MRZ-R12** were summarised in the Table on page 86 of the s42A Report. Six submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submissions sought amendments.
482. Six submission points and one further submission supporting Rule **MRZ-R13** as notified were summarised in the Table on page 86 of the s42A Report.
483. Six submission points relating to Rule **MRZ-R14** were summarised in a Table on pages 86-87 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
484. Seventeen submission points relating to Rule **MRZ-R15** were summarised in a Table on pages 87-88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
485. Nine submission points relating to Rule **MRZ-R16** were summarised in a Table on page 88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.
486. Nine submission points relating to Rule **MRZ-R17** were summarised in a Table on pages 88-89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
487. Five submission points relating to Rule **MRZ-R18** were summarised in a Table on page 89 of the s42A Report. One submission supported the retention of the rule as notified. The remaining submission points sought amendments.
488. Five submission points relating to Rule **MRZ-R19** were summarised in a Table on pages 89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
489. One submission point supporting Rule **MRZ-R20** as notified was summarised in a Table on page 89 of the s42A Report.
490. Five submission points relating to Rule **MRZ-R21** were summarised in a Table on pages 89-90 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.
491. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

**Section 42A Report**

*Standards (General)*

492. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

493. Ms Easton made no recommendations to amend the MRZ rules in response to submissions.

*MRZ-R1 Residential Activities and Residential Units*

494.

495. In response to the submissions<sup>192</sup> that sought that the advice note in MRZ-R1 regarding NOISE-R3 be deleted, Ms Easton did not support these submissions for the reasons outlined previously. She recommended that this advice note should remain.

496. In response to the submission point made by the submitters<sup>193</sup> that sought a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this submission. She considered that the standards have been designed to allow for a range of housing types, including medium density, to develop over time. Additionally, she considered that as this transition to more intensive residential occurs, a good degree of residential amenity and infrastructure capacity needs to be provided.

497. Ms Easton supported Waka Kotahi NZTA's (S450.255) request to include reference to NZS4404:2010, to manage stormwater on-site and GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6), for the reasons previously outlined.

498. Ms Easton did not support FENZ's (S573.034) request for a new standard for the reason previously outlined.

499. Ms Easton recommended that MRZ-R1 be amended as follows:

***MRZ-R1 Residential Activities and Residential Units and Accessory Buildings  
Activity Status: Permitted***

1. ...

7. *All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*

8. *~~and~~ Stormwater from the is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and used for the activity must not drain to any public road except for secondary flow purposes.*

...

*MRZ-R2 Minor Structures*

500. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>194</sup>.

501. Ms Easton supported in part the submissions<sup>195</sup> that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, in that she considered the reference to the MRZ-R1 performance standards was inappropriate (as this rule relates to very minor structures such as flagpoles, water tanks, garden ornaments and sheds). Ms Easton therefore recommended that only the setback requirement be included,

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<sup>192</sup> S567.494 William McLaughlin, S558.444 Chris and Jan Coll, S566.444 Chris J Coll Surveying Limited, S574.444 Laura Coll McLaughlin

<sup>193</sup> S567.495 William McLaughlin, S558.445 Chris and Jan Coll, S566.445 Chris J Coll Surveying Limited, S574.445 Laura Coll McLaughlin

<sup>194</sup> S190.903

<sup>195</sup> S567.496 William McLaughlin, S558.446 C and C Coll, S566.446 Chris Coll Surveying, S574.446 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

similar to the standard for the equivalent Rule GRZ-R2. She noted consequential amendments would also be required to Rule MRZ-R9.

502. FENZ (S573.035) sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton did not support this submission, noting that there were no fire stations within the MRZ and she considered that the merits of such a proposal should be assessed through a resource consent process.

503. Ms Easton recommended amendments to MRZ-R2 as follows:

***MRZ - R2 Minor Structures***

***Activity Status Permitted***

*Where:*

*a. ~~All performance standards for Rule MRZ-R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;***

...

***Activity status where compliance not achieved: Controlled***

***MRZ-R3 Fence Wall and Retaining Walls***

504. Ms Easton acknowledged the five submissions that sought to retain the rule as notified<sup>196</sup>. She did not recommend any changes to this provision.

***MRZ-R4 Relocated Buildings, MRZ-R10 Relocated Buildings not meeting Rule MRZ-R4***

505. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>197</sup>.

506. Ms Easton did not support the submissions<sup>198</sup> that sought to delete rules MRZ-R4 and MRZ-R11 because she considered the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

507. As outlined above, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

508. NZ Heavy Haulage Association Inc. (S616.006) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

509. Ms Easton recommended no changes to MRZ-R10 and amendments to MRZ-R4 as follows:

***MRZ - R4 Relocated Buildings***

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<sup>196</sup> S190.904, S558.447, S566.447, S567.497, S574.447

<sup>197</sup> S190.905

<sup>198</sup> S567.016, S567.498, S567.017, S567.504 William McLaughlin, S558.076, S558.448, S558.087, S558.455 C & J Coll, S566.076, S566.448, S566.087, S566.455 Chris J Coll Surveying Limited, S574.076, S574.448, S574.087, S574.455 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

**Activity Status Permitted**

Where:

1. All performance standards for Rule MRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built to be~~ **and** used as a dwelling;

...

**Activity status where compliance not achieved: Controlled**

*MRZ-R5 Home Business*

510. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>199</sup>.
511. Ms Easton did not support the submissions<sup>200</sup> that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, for the reasons previously outlined.
512. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.246) request to amend the rule to reduce the permitted level of vehicle movements.
513. Ms Easton recommended amendments to MRZ-R5 as follows:

**MRZ - R5 Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
  2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with;
- ...
4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day, ~~or~~ **and** 140 light vehicle movements per week;

...

**Activity status where compliance not achieved: Discretionary**

*MRZ-R6 Residential Visitor Accommodation*

514. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>201</sup>.
515. Ms Easton supported WDC's (S181.039) request to only provide for homestay accommodation as a permitted activity Westland District, being the same as Buller District, but different from Grey District. She considered that this reflected the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb).

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<sup>199</sup> S190.906

<sup>200</sup> S567.499 William McLaughlin, S558.449 Chris and Jan Coll, S566.449 Chris J Coll Surveying Limited, S574.449 Laura McLaughlin

<sup>201</sup> S190.907, S450.257

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

516. Ms Easton did not support the submissions<sup>202</sup> that sought to amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

517. Ms Easton recommended amendments to MRZ-R6 as follows:

***MRZ - R6 Residential Visitor Accommodation Activity Status Permitted***

*Where:*

1. *This is ancillary to a residential activity;*

...

5. *Records of letting activity must be kept and provided to the District Council annually ~~on~~ request; and*

6. *No heavy vehicle movements are generated.*

7. *In the Buller and Westland Districts the accommodation is homestay accommodation with a permanent resident living on site.*

...

***MRZ-R7 Community Facilities and Educational Facilities***

518. Ms Easton acknowledged the three submissions that sought to retain the rule as notified<sup>203</sup>.

519. Ms Easton did not support the submissions<sup>204</sup> that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

520. In response to the Ministry of Education's (S456.045) request to allow for 140 light vehicle movements per day for educational facilities, Ms Easton did not support this amendment. She considered that the intent of this rule is to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

521. Ms Easton did not support FENZ's (S573.036) for similar reasons as her recommendations for other residential zones.

522. No changes were recommended by Ms Easton to this provision.

***MRZ-R8 Retirement Homes and Supported Residential Accommodation***

523. Ms Easton acknowledged the two submissions that sought to retain the rule as notified<sup>205</sup>.

524. Ms Easton did not support the submissions<sup>206</sup> that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

525. No changes were recommended by Ms Easton to this provision.

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<sup>202</sup> S567.500 William McLaughlin, S558.451 C & J Coll, S566.451 Chris J Coll Surveying Limited, S574.451 Laura Coll McLaughlin

<sup>203</sup> S190.908, S450.258

<sup>204</sup> S567.501 William McLaughlin, S558.452 C & J Coll, S566.452 Chris J Coll Surveying Limited, S574.452 Laura Coll McLaughlin

<sup>205</sup> S190.909, S349.011, S450.259

<sup>206</sup> S567.502 William McLaughlin, S558.453 C & J Coll, S566.453 Chris J Coll Surveying Limited, S574.453 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*MRZ-R9 Minor Structures not meeting Permitted Activity Standards*

526. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>207</sup>.
527. Ms Easton did not support the submissions<sup>208</sup> that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.
528. Ms Easton noted that due to earlier changes recommended to MRZ-R2, to focus on setbacks only, consequential amendments were recommended as follows:

***MRZ - R9 Minor Structures not meeting Rule MRZ - R2  
Activity Status Controlled***

*Where:*

- 1. The minor structure does not exceed 10m in height; and*
- 2. All performance standards for Rule GRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;***

***Matters of control are:***

- 1. Design and location of structures; and*
- 2. Landscape measures.*

***Activity status where compliance not achieved: Discretionary***

*MRZ-R11 Development of Medium Density Developments*

529. Ms Easton acknowledged the six submissions that sought to retain the rule as notified<sup>209</sup>. No changes were recommended by Ms Easton to this provision.

*MRZ-R12 Community Facilities and Educational Facilities not meeting Rule MRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule MRZ-R8 and Retirement Villages*

530. Ms Easton acknowledged the six submissions that sought to retain the rule as notified<sup>210</sup>.
531. FENZ (S573.037) supported the rule subject to a new standard being provided in MRZ-R1 to require servicing, including a firefighting water supply. This was supported in part by Ms Easton, who noted that MRZ-R1 already required connection to a reticulated water supply system.
532. Ms Easton supported GDC's (S608.737) request to include "the provision of infrastructure to service the development" as an additional matter of discretion. She noted the significant additional demand on servicing that these facilities could generate.
533. The following changes were recommended by Ms Easton:

***MRZ - R12 Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages***

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<sup>207</sup> S190.910

<sup>208</sup> S567.503 William McLaughlin, S558.454 C & J Coll, S566.454 Chris J Coll Surveying Limited, S574.454 Laura Coll McLaughlin

<sup>209</sup> S190.912, S558.456, S566.456, S567.505, S574.456, S608.736

<sup>210</sup> S190.913, S456.046, S558.457, S556.457, S567.506, S574.457

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

***Activity Status Restricted Discretionary***

***Discretion is restricted to:***

- a. *Design and location of buildings;*
- b. *Design and location of parking and access;*
- c. *Landscape measures;*
- d. *Hours of operation; ~~and~~*
- e. *Acoustic and noise insulation requirements; **and***
- f. ***Provision of infrastructure to service the development***

***Notification:***

*Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.*

***Activity status where compliance not achieved: N/A***

***MRZ-R13 Medium Density Housing not meeting Rule MRZ-R11***

534. Ms Easton acknowledged the six submissions that sought to retain the rule as notified<sup>211</sup>. She made no recommended amendments to MRZ-R13.

***MRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards***

535. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>212</sup>.

536. Ms Easton did not support the submissions<sup>213</sup> that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

537. Ms Easton recommended no changes to this rule.

***MRZ-R15 Residential Activities, Residential Units, Relocated Buildings, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards***

538. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>214</sup>.

539. Ms Easton did not support submissions<sup>215</sup> that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to 'N/A' where compliance was not achieved. She considered these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

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<sup>211</sup> S190.914, S558.458, S566.458, S567.507, S574.458, S608.738

<sup>212</sup> S190.915

<sup>213</sup> S567.508 William McLaughlin, S558.459 C & J Coll, S566.459 Chris J Coll Surveying Limited, S574.459 Laura Coll McLaughlin

<sup>214</sup> S190.916

<sup>215</sup> S567.509, S567.510 William McLaughlin, S558.460, S558.462 C & J Coll, S566.460, S566.462 Chris J Coll Surveying Limited, S574.460, S574.462 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

540. In response to the submissions<sup>216</sup> that sought deletion of the reference to relocated buildings, Ms Easton did not support those submissions. She noted that the management and residential character were important considerations, including for relocated buildings.
541. In response to the submissions of Frank and Jo Dooley<sup>217</sup> and Frank O’Toole<sup>218</sup> that sought that fences, walls and retaining structures be removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule MRZ-R15 contained matters that were not relevant to these structures.
542. Ms Easton recommended no changes to MRZ-R15, but recommended the addition of the following new rule into the Plan:

**MRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

**a. Design and location of structures**

**b. Height of structures**

**c. Shading and dominance effects on adjoining sites**

*MRZ-R16 Home Business not meeting Rule MRZ-R6*

543. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>219</sup>.
544. In response to the submitters<sup>220</sup> seeking that standard 1, which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted, and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. Ms Easton considered that these rules apply to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.
545. No changes were recommended by Ms Easton to this provision.

*MRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards*

546. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>221</sup>.
547. Ms Easton did not support submissions<sup>222</sup> that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to ‘N/A’ where compliance was not achieved and that Rule MRZ-R19 be deleted. She considered these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.
548. No changes were recommended by Ms Easton to this provision.

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<sup>216</sup> S567.018 William McLaughlin, S558.098 C & J Coll, S566.098 Chris J Coll Surveying Limited, S574.098 Laura Coll McLaughlin

<sup>217</sup> S478.033, S478.039 Frank and Jo Dooley

<sup>218</sup> S595.021, S595.027 Frank O’Toole

<sup>219</sup> S190.917

<sup>220</sup> S567.511, S567.512 William McLaughlin, S558.463, S558.464 C & J Coll, S566.463, S566.464 Chris J Coll Surveying Limited, S574.463, S574.464 Laura Coll McLaughlin

<sup>221</sup> S190.918

<sup>222</sup> S567.513, S567.514 William McLaughlin, S558.465, S558.466 C & J Coll, S566.465, S566.466 Chris J Coll Surveying Limited, S574.465, S574.466 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*MRZ – R18 Visitor Accommodation not meeting Permitted, Restricted Discretionary or Discretionary Standards*

549. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>223</sup>.
550. In response to the submissions<sup>224</sup> that sought that the activity status be amended from non-complying to discretionary, Ms Easton did not support these submissions. She considered that the medium density residential zone was one where the primary purpose was around residential activities, and that while the framework was designed to allow for some commercial activities subject to meeting set standards, any failure to meet these standards would result in a high risk of adverse effects, and therefore that a non-complying status was appropriate.
551. No changes were recommended by Ms Easton to this rule.

*MRZ – R19 Any Commercial Activity not meeting another Rule in the Zone*

552. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>225</sup>.
553. In response to the submissions<sup>226</sup> that sought that these activities be classified as a discretionary rather than non-complying activity, Ms Easton did not support these submissions. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities are not met, Ms Easton considered that there was a high risk of adverse effects and considered it appropriate that these were classified as non-complying.
554. No changes were recommended by Ms Easton to this rule.

*MRZ – R20 Industrial Activities*

555. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>227</sup>. No changes were recommended by Ms Easton.

*MRZ – R21 Any Activity not provided for by another Rule in the zone*

556. Ms Easton acknowledged the submission that sought to retain the rule as notified<sup>228</sup>.
557. In response to the submissions<sup>229</sup> that sought that this rule be a discretionary rather than non-complying activity, Ms Easton did not support these submissions without further justification.
558. No changes were recommended by Ms Easton.

**Hearing and Submitter Evidence/Statements**

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<sup>223</sup> S190.919

<sup>224</sup> S567.515 William McLaughlin, S558.467 C & J Coll, S566.467 Chris J Coll Surveying Limited, S574.467 Laura Coll McLaughlin

<sup>225</sup> S190.920

<sup>226</sup> S567.516 William McLaughlin, S558.468 C & J Coll, S566.468 Chris J Coll Surveying Limited, S574.468 Laura Coll McLaughlin

<sup>227</sup> S190.921

<sup>228</sup> S190.922

<sup>229</sup> S567.517 William McLaughlin, S558.469 C & J Coll, S566.469 Chris J Coll Surveying Limited, S574.469 Laura Coll McLaughlin

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

559. Ms Inta noted the differences between the structure and wording of similar rules between the GRZ and MRZ.
560. In response to Panel questions, Mr Bhana Thomson noted his evidence also of relevance to Rule MRZ-R4.

**Reporting Officer Reply Evidence**

561. The Right of Reply acknowledged that the recommended amendments to MRZ-R1 in response to the submissions of GDC and Waka Kotahi NZTA were not shown in Appendix 1 of the s42A Report and therefore included these in the Right of Reply as follows:

***MRZ-R1 Residential Activities and Residential Units and Accessory Buildings  
Activity Status: Permitted***

1. ...
  7. *All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*
  8. *~~and~~ Stormwater ~~from the~~ is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure ~~and used for the activity~~ must not drain to any public road ~~except for secondary flow purposes.~~*
562. In response to the evidence of NZ Heavy Haulage Association and subsequent questions from the Panel regarding GRZ-R4, Ms Easton considered that a pre-inspection schedule (new Appendix Eleven) should also be included in MRZ-R4.
563. In response to a question on GRZ-R5 on whether there was scope to apply the same restriction sought by BDC concerning the number of people engaged in a home business that reside off-site to equivalent rules MRZ – R5 or LLRZ – R5, Ms Easton did not consider there was scope to address this matter within these rules.
564. In response to the question regarding existing use rights on residential accommodation rule GRZ-R6, Ms Easton considered that a clause 16 amendment to the advice note for the rule, to avoid ambiguity, around lawfully established activities in Grey District, would be appropriate as follows:

***Advice Notes:***

1. ...
  2. *~~In the Buller and Westland Districts, w~~Where residential visitor accommodation has been lawfully established under the Buller, **Grey or Westland** District Plan provisions, then existing use rights apply.*
565. With regard to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion. She concluded there was scope no scope to make this change to Rule MRZ-R14.

**Hearing Panel's Evaluation**

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

566. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.
567. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and LLRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors, provide for consequential renumbering of the rules and cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.
568. In relation to **MRZ-R1**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for a clause to be included, reference NZS4404:2010, to manage stormwater on-site, as well as the removal of the reference to "*secondary flow purposes*" in clause (6). We note that MRZ-R7 includes, in clause 2, similar wording to clause 1. in this rule that we recommend amending as a consequential amendment so as to ensure consistency. We also recommend consequential amendments to be consistent with our recommendations on GRZ-R1 and LLRZ-R1, to include a reference to accessory buildings.
569. In relation to **MRZ-R2**, the Panel agrees with Ms Easton that the reference to the MRZ-R1 performance standards is inappropriate, as this rule relates to very minor structures, such as flagpoles, water tanks, garden ornaments, and sheds. Ms Easton therefore recommends that only the setback requirement be included, similar to the standard for the equivalent rule in GRZ-R2. Consequential amendments will also apply to MRZ-R9. We agree with that approach and amendment to those rules.
570. In relation to **MRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.
571. In relation to **MRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.
572. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to be completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.
573. In relation to **MRZ-R5**, the Panel acknowledges Ms Easton's recommendation to retain the rule as notified, except for an amendment to provide greater clarity. However, we note that we have included a consequential amendment stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we also note that as a result of recommendations on the Transport Chapter in relation to trip generation that clause (4)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.

574. In relation to **MRZ-R6**, the Panel notes WDC's request that the Westland District only provide for homestay accommodation as a permitted activity, being the same as the Buller District, but different from Grey District. Ms Easton supported this submission and considered that this reflects the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb). We recommend changes for consistency with GRZ-R6 and LLRZ-R6 consistency.
575. In relation to **MRZ-R7**, the Panel notes Ms Easton's recommendation was to retain the rule as notified. However, as we record above, when discussing MRZ-R1, we recommend a consequential amendment to performance standard 2 in this rule to ensure consistency with MRZ-R1 regarding the inclusion of NZS4404:2010. We also note that, as a result of recommendations in the Transport Chapter in relation to trip generation, clause (2) relating to traffic movement is recommended to be deleted to avoid the potential for uncertainty between provisions.
576. In relation to **MRZ-R8, MRZ-R10 and MRZ-R11** the Panel accepts Ms Easton's recommendation to retain the rules as notified. However, we note that we recommend minor corrections to MRZ-R8. We also note in relation to MRZ-R10 and MRZ-R11 that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.
577. In relation to **MRZ-R9**, Ms Easton noted that, due to earlier changes recommended to MRZ-R2 to focus on setbacks only, consequential amendments were required to this rule. The Panel accept Ms Easton's recommendation to make those consequential amendments. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.
578. In relation to **MRZ-R12** the Panel agrees with Ms Easton's response to the submission of GDC that sought additional requirements to ensure that infrastructure is provided to service the development and that a further matter of discretion, "*the provision of infrastructure to service the development*" be added. Ms Easton supported that submission and noted the significant additional demand on servicing that these facilities could generate. We agree and support the rule amendment to include a new clause (f). We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.
579. In relation to **MRZ-R13**, the Panel accepts in part the submission of GDC (S608.738) and recommends the addition of a clause to match the recommendation on MRZ-R12. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

580. In relation to **MRZ-R14**, the Panel notes that Ms Easton did not specifically address GDC's (S608.739) to add "*the provision of infrastructure to service the development*" as a new matter of discretion to MRZ-R14. We recommend this new matter of discretion is appropriate and is consistent with Ms Easton's reasons and recommendation on MRZ-R12. We accept GDC's submission point (S608.739). We agree with Ms Easton that there is no scope to include number of occupants or size of building as new matters of discretion. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.
581. In relation to **MRZ-R15**, Ms Easton recommended no changes to MRZ-R15, but she did recommend the inclusion of a new restricted discretionary rule in the Plan providing for *Fences, Walls and Retaining Structures*, which we agree with. However, we also recommend that "*Fences, Walls and Retaining Structures*" is deleted from Rule MRZ-R15, as requested, in recognition of the new rule.
582. In relation to **MRZ-R16** to **MRZ-R20**, apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified.
583. The Panel acknowledges that **MRZ-R21** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

**Hearing Panel's Recommendation**

584. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part and recommends the following amendments are made to the **Medium Density Residential Zone Rules**:

<b>MRZ-R1</b>	<b>Residential Activities and Residential Units <u>and Accessory Buildings</u></b> <sup>230</sup> <b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"><li>1. Residential unit density is no more than <b>one</b><sup>231</sup> unit per 300m<sup>2</sup> net site area;</li><li>2. The maximum building height above ground level is 10m;</li><li>3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm;</li><li>4. Maximum site coverage is 40%;</li><li>5. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas; <b><u>and the outdoor living space must have a minimum dimension of 3m</u></b><sup>232</sup>;</li><li>6. No heavy vehicles are stored on site;</li><li>7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and</li></ol>
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<sup>230</sup> Consequential amendment Buller District Council S538.475

<sup>231</sup> RMA Schedule 1, clause 16 correction

<sup>232</sup> Davis Ogilvie & Partners Ltd S465.036

stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure**<sup>233</sup> used for the activity and must not drain to any public road ~~except for secondary flow purposes;~~<sup>234</sup>

~~89.~~ No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~<sup>235</sup>

~~d. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;~~

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~<sup>236</sup> and

10. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~<sup>237</sup>

#### **Advice Notes:**

1. Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

**2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**<sup>238</sup>

#### **Activity status where compliance not achieved:**

Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary

<sup>233</sup> Waka Kotahi NZTA S450.255

<sup>234</sup> Grey District Council S608.733

<sup>235</sup> Buller District Council S538.475 [presume consequential amendment]

<sup>236</sup> Buller District Council S538.635

<sup>237</sup> [presume consequential amendment from S538.475]

<sup>238</sup> Waka Kotahi NZTA S450.245 [presume consequential amendment from S538.475]

- MRZ-R2**      **Minor Structures**  
**Activity Status Permitted**  
Where:
1. All performance standards for Rule GRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**<sup>239</sup>
  2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
  3. Any antenna dish must be less than 1m in diameter;
  4. Any ornamental or garden structure must not exceed 2.4 m in height; and
  5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**MRZ-R3**      As notified

- MRZ-R4**      **Relocated Buildings**  
**Activity Status Permitted**  
Where:
1. All performance standards for Rule MRZ - R1 are complied with;
  2. Any relocated building intended for use as a dwelling must have been designed, and built, to be and **used** as a dwelling;<sup>240</sup>
  3. A building pre-inspection report **completed in accordance with Appendix Eleven**<sup>241</sup> shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months **of the building being delivered to the site; and;**<sup>242</sup>
  4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
  5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~<sup>243</sup>

**Activity status where compliance not achieved:** Controlled

- MRZ-R5**      **Home Business**  
**Activity Status Permitted**  
Where:
1. This is ancillary to a residential activity;

<sup>239</sup> Consequential amendment Buller District Council S538.476

<sup>240</sup> New Zealand Heavy Haulage Association Inc. S616.006

<sup>241</sup> New Zealand Heavy Haulage Association Inc. S616.006

<sup>242</sup> William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)

<sup>243</sup> William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)

2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45,<sup>244</sup> LIGHT - R3 and SIGN - R10 are complied with;
3. Hours of operation are limited to:
  - a. 7am-7pm weekdays; and
  - b. 8am - 5pm weekends and public holidays;
  - c. Except where:
    - i. The entire activity is located within a building;
    - ii. Each person engaged in the activity outside the above hours resides permanently on site; and
    - iii. There are no visitors, customers or deliveries to the activity outside of the above hours;
4. **There is no more than one full-time equivalent person engaged in the home business that resides off-site.**<sup>245</sup>
- ~~4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~<sup>246</sup>
4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and
5. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

#### MRZ-R6

#### Residential Visitor Accommodation

##### Activity Status Permitted

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45,<sup>247</sup> LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~<sup>248</sup> paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council on request;
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland**<sup>249</sup> Districts the accommodation is homestay accommodation with a permanent resident living on site.

##### Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
2. **Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply.**<sup>250</sup>

<sup>244</sup> RMA Schedule 1, clause 16 correction

<sup>245</sup> Consequential amendment stemming from Buller District Council (S538.479)

<sup>246</sup> Consequential amendment to the Transport Chapter, Buller District Council (S538.083)

<sup>247</sup> RMA Schedule 1, clause 16 correction

<sup>248</sup> RMA Schedule 1, clause 16 correction

<sup>249</sup> Westland District Council S181.039

<sup>250</sup> Consequential Westland District Council S181.039

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R7**

**Community Facilities and Educational Facilities**

**Activity Status Permitted**

Where:

1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45,<sup>251</sup> LIGHT - R3 and SIGN - R10 are complied with;
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6;**<sup>252</sup> and
3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure**<sup>253</sup> used for the activity and must not drain to any public road ~~except for secondary flow purposes;~~<sup>254</sup>; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R8**

**Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45,<sup>255</sup> LIGHT - R3 and SIGN - R10 are complied with;
2. There are a maximum of ~~six~~<sup>256</sup> residents living on site; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R9**

**Minor Structures not meeting Rule MRZ - R2**

**Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. All performance standards for Rule GRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**<sup>257</sup>

**Matters of control are:**

1. Design and location of structures; and
2. ~~Landscape measures.~~ **Measures to mitigate landscape effects.**<sup>258</sup>

<sup>251</sup> RMA Schedule 1, clause 16 correction

<sup>252</sup> Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083

<sup>253</sup> Consequential amendment to Waka Kotahi NZTA S450.255

<sup>254</sup> Consequential amendment to Grey District Council S608.733

<sup>255</sup> RMA Schedule 1, clause 16 correction

<sup>256</sup> RMA Schedule 1, clause 16 correction

<sup>257</sup> Consequential amendment Buller District Council S538.476

<sup>258</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

**Activity status where compliance not achieved:** Discretionary

**MRZ-R10 Relocated Buildings not meeting Rule MRZ - R4  
Activity Status Controlled**

Where:

1. All performance standards for Rule MRZ - R1 are complied with.
- 2.

Matters of control are:

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**,<sup>259</sup>
- c. Connections to water supply, wastewater and stormwater; and
- d. Appearance of buildings.

**Activity status where compliance not achieved:** Discretionary

**MRZ-R11 Development of Medium Density Developments  
Activity Status Controlled**

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m<sup>2</sup> net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

- a. Provision of infrastructure to service the development;
- b. Design and location of parking and access;
- c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.<sup>260</sup>

**MRZ-R12 Activity status where compliance not achieved:** Restricted Discretionary  
**Community Facilities and Educational Facilities not meeting Rule MRZ - R7,  
Supported Residential Accommodation and Retirement Homes not meeting Rule  
MRZ - R8 and Retirement Villages**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects**,<sup>261</sup>
- d. Hours of operation; ~~and~~<sup>262</sup>

<sup>259</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>260</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>261</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>262</sup> RMA Schedule 1, clause 16 correction

- e. Acoustic and noise insulation requirements; **and**
- f. **Provision of infrastructure to service the development.**<sup>263</sup>

**Notification:**

Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

**Activity status where compliance not achieved:** N/A

**MRZ-R13 Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages**  
**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures.~~ **Measures to mitigate landscape effects.**<sup>264</sup>

d. Hours of operation; **and**<sup>265</sup>

e. Acoustic and noise insulation requirements; **and**

f. **Provision of infrastructure to service the development.**

**MRZ-R14 Residential Visitor Accommodation not meeting Rule MRZ - R6**  
**Activity Status Restricted Discretionary**

Where:

a. This is ancillary to a residential activity;

b. No heavy vehicle movements are generated; and

c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45,<sup>266</sup> LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

1. Design and location of buildings;

2. Design and location of parking and access;

3. ~~Landscape measures.~~ **Measures to mitigate landscape effects.**<sup>267</sup>

4. Hours of operation; and

5. Acoustic and noise insulation requirements; **and**

6. **Provision of infrastructure to service the development.**<sup>268</sup>

**Activity status where compliance not achieved:** Discretionary

**MRZ-R14A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

**a. Design and location of structures;**

<sup>263</sup> Grey District Council S608.737

<sup>264</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>265</sup> RMA Schedule 1, clause 16 correction

<sup>266</sup> RMA Schedule 1, clause 16 correction

<sup>267</sup> Consequential Plan-wide amendment Manawa Energy Limited S438.100

<sup>268</sup> Grey District Council S608.739

	<p><b><u>b. Height of structures; and</u></b>  <b><u>c. Shading and dominance effects on adjoining sites.</u></b><sup>269</sup></p>
<b>MRZ-R15</b>	<p><b>Residential Activities, Residential Units, <del>Fences, Walls and Retaining Walls,</del>  <del>Relocated Buildings</del><sup>270</sup> and Minor Structures not meeting Permitted, Controlled  or Restricted Discretionary Standards.</b>  <b>Activity Status Discretionary</b>  Where:  a. All performance standards for Rules NOISE R1-R2 and R45<sup>271</sup> and LIGHT - R3 are  complied with.</p> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>MRZ-R16</b>	<p><b>Home Business not meeting Rule MRZ - R5</b>  <b>Activity Status Discretionary</b>  Where:  a. This is ancillary to a Residential Activity; and  b. All performance standards for Rules NOISE R1-R2 and R45<sup>272</sup> and LIGHT - R3 are  complied with.</p> <p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>MRZ-R17</b>	As notified
<b>MRZ-R18</b>	As notified
<b>MRZ-R19</b>	As notified
<b>MRZ-R20</b>	As notified
<b>MRZ-R21</b>	<p><b>Any Activity not provided for by another Rule in the zone</b>  <b>Activity Status <del>Non-complying</del> Discretionary</b>  <b>Activity status where compliance not achieved:</b> N/A<sup>273</sup></p>

## 2.8. Zoning Maps

### Submissions and Further Submissions

#### *Zoning Maps – Buller District – Alma Road Zoning*

585. Sixty-five submission points and 48 further submission relating to the Zoning Maps for the Alma Road zoning were summarised in the Table on pages 98-105 of the s42A Report.
586. Seven submitters sought specific zone changes for residential purposes. The remainder of the submissions sought to have that particular land zoned or retained as general rural. The

<sup>269</sup> Frank and Jo Dooley S478.039, Frank O'Toole S595.027

<sup>270</sup> Frank and Jo Dooley S478.033, Frank O'Toole S595.021

<sup>271</sup> RMA Schedule 1, clause 16 correction

<sup>272</sup> RMA Schedule 1, clause 16 correction

<sup>273</sup> William McLaughlin (S567.517), Chris & Jan Coll (S558.469), Chris J Coll Surveying Limited (S566.469), Laura Coll McLaughlin (S574.469)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

further submissions included a mix of support and opposition to submissions on the proposed zoning as notified.

*Zoning Maps – Buller District – Wider Westport Zoning*

587. Fifteen submission points relating to the Zoning Maps for the Wider Westport Area were summarised in the Table on pages 105-107 of the s42A Report. Twelve submission points were in support of specific zonings as notified. Three submissions sought amendments.

*Zoning Maps – Buller District – Reefton Zoning*

588. Two submission points relating to the Zoning Maps for Reefton area were summarised in the Table on page 107 of the s42A Report. One submission point was in opposition, while the other sought amendments.

*Zoning Maps – Grey District – Greymouth Area*

589. Three submission points and two further submissions relating to the Zoning Maps for the Greymouth area were summarised in the Table on pages 107 of the s42A Report. All three submission points sought amendments, with one further submission in support and the other in opposition.

*Zoning Maps – Grey District – Kaiata Park*

590. Three submission points relating to the Zoning Maps for the Kaiata Park area were summarised in the Table on page 107 of the s42A Report. All three submission points sought amendments.

*Zoning Maps – Westland District – Hokitika Area*

591. Thirteen submission points relating to the Zoning Maps for the Hokitika Area were summarised in the Table on pages 107-108 of the s42A Report. Four submissions were in opposition to specific zonings, three were in support of specific zonings, while the remainder sought amendments.

*Zoning Maps – Other Zoning Requests*

592. Two submission points and one further submission relating to the Zoning Maps for other areas were summarised in the Table on page 108 of the s42A Report. The two submission points seek amendments, with one further submitter supporting one of the submissions.

593. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions

**Section 42A Report**

*Zoning Maps – Buller District – Alma Road Zoning*

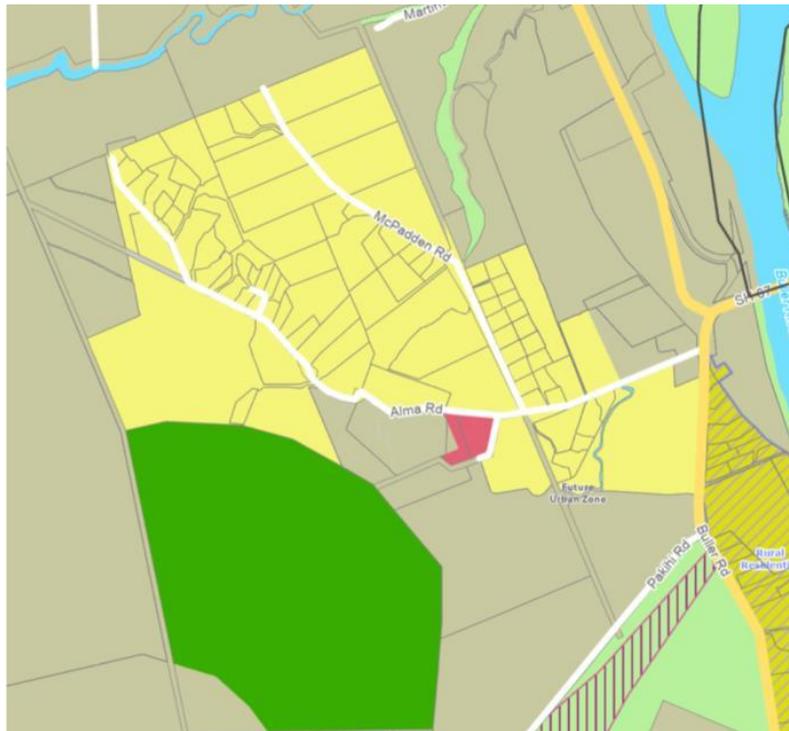
594. The 65 submission points in related to the Alma Road Terrace zoning sought a range of outcomes.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

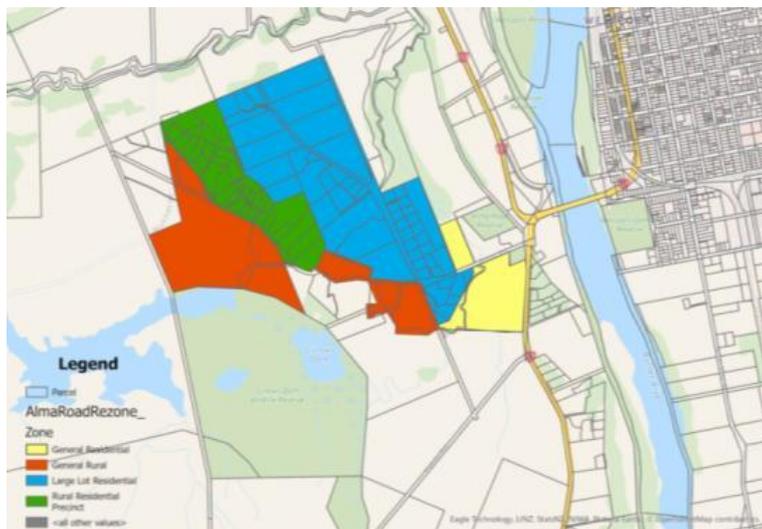
595. Ms Easton set out the context for rezoning of this area, noting that BDC had long considered this site for residential development and long-term growth direction for Westport given that the terrace was largely free from natural hazard risk. Ms Easton noted that because Westport was subject to significant flooding in 2019, planning for infrastructure servicing on the terrace had been undertaken.
596. Due to master planning and infrastructure work not being complete prior to the TTPP notification, Ms Easton noted that the zone boundaries for Alma Road were not finalised and that more information was expected to come forward from BDC during the submission period. She highlighted that BDC's submission sought alterations to the proposed zoning. She noted that in addition to the submission of BDC, many other submissions sought various zoning changes. These are outlined in more detail in a Table located in the s42A Report on pages 111-113.
597. Ms Easton identified three main groups of submitters: 'The Avery Group', 'The Rifle Range Group', 'The BDC, TTPP Committee' and other landowners in favour of urban development on the Alma Road Terrace Group.
598. Ms Easton noted The Avery Group represented the owners of the quarry at Alma Road, who had cited concerns that the quarry's operation could be impacted by reverse sensitivity effects as the reason for not supporting any rezoning of the Alma Road Terrace for urban uses.
599. Ms Easton noted The Rifle Range Group represented gun clubs and users of the range who were concerned about reverse sensitivity effects on the rifle range if urban uses were to occur in the area but do not oppose urban development *per se* if this could be addressed.
600. Ms Easton noted The BDC, TTPP Committee, and other landowner groups generally acknowledge the existing uses in the area but considered that providing a safe, low-hazard location for residential development and progressive managed retreat was now the highest priority for this land.
601. Following a pre-hearing meeting on 21 May 2024, for any submitters who wished to attend, BDC proposed additional amendments to address the range of submission points, while still enabling the development of part of the Alma Road terrace. Reverse sensitivity effects to noise were identified as the principal concern of the Rifle Range Group, and a technical noise assessment was considered necessary to understand the impact of any rezoning. BDC provided an agreement stating that the land between the rifle range and Gillows Dam should remain rural at this time.
602. The amended zoning sought by BDC following this pre-hearing meeting was set out by Ms Easton in her s42A Report as follows:

Notified Zoning Map

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**



Proposed Rezoning Map (Proposed by BDC)



603. Ms Easton supported BDC's amended proposal and considered it had taken a pragmatic approach to addressing landowner concerns while also addressing the critical housing needs of Westport.
604. As a result, Ms Easton recommended to accept, accept in part, reject and reject in part, the various submissions as they related to the amended zoning map provided above. A table of these recommendations, which can also be found on pages 114-117 of the s42A Report of Ms Easton is provided below:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

<b>Submission</b>	<b>How the Buller District Council amended zoning Proposal Addresses This</b>	<b>Recommendation And Scope Comment</b>
Retain General Rural Zone at 107 Alma Road S507.074 S558.495 S567.540 S574.495 S510.074 S512.074 S511.074 S513.074 S609.066 S508.074 S509.074	Retains General Rural Zone at 107 Alma Road	Accept In Scope
Retain General Rural Zone at Lot 1 DP 17523 (103 Alma Road_ S558.496 S566.496 S567.541 S574.496	Retains General Rural Zone at 103 Alma Road	Accept In Scope

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho

S507.075 S510.075 S513.075 S512.075 S609.067 S511.075 S508.075 S509.075		
Retain General Rural Zone at the land between the quarry and Pakihi Road (Lot 2 DP 404550, Lot 2 DP 418652 and Pt Section 24 Blk VII Kawatiri SD) S507.076 S512.076 S511.076 S508.076 S510.076 S509.076 S513.076 S574.497 S567.542 S566.497 S558.497 S336.005 S457.002 S330.001 S457.006 S263.001 S336.006 S336.007	Retains General Rural Zone on these three properties	Accept In scope
Ensure that there is sufficient buffer around the Westport rifle range to allow the existing use of the rifle range to continue without bring new developments in the area into dispute with current operations, particularly with regard to noise. S338.001	Uncertain without noise report	Accept in part. I consider the General Rural Zoning around the rifle range provides sufficient buffer.
Rezone Lot 2 DP 418652 Lot 2 DP 404550 Part Section 24 Block VII Kawatiri	Retains these sites as General Rural Zone	Reject In scope

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho

residential or rural lifestyle		
Address the issues raised in the submission around drainage and land covenants if rezoning of Alma Road area is to go ahead. S87.001	Infrastructure servicing has informed the revised zoning approach from Buller District Council. Land covenants are a civil matter that sit outside of the RMA.	Accept in part In scope
Amend General Residential Zoning in the Alma Road area to a lower density zone such as General Rural Zone or Rural Lifestyle Zone. S10.072 S511.072 S512.072 S513.072 S567.453 S609.064 S507.072 S508.072 S509.072 S558.399 S566.399	The Buller District Council proposal identifies that: <ul style="list-style-type: none"> <li>the area around the quarry is rezoned General Rural,</li> <li>the area around Alma Road that has already been subdivided to lifestyle properties is rezoned Settlement Zone: Rural Residential Precinct, and</li> <li>the McPadden Road area is rezoned Large Lot Residential Zone.</li> </ul> <p>This is a significant reduction in density from the notified plan provisions, though is not to the degree sought by these submitters.</p>	Accept in part In scope

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho

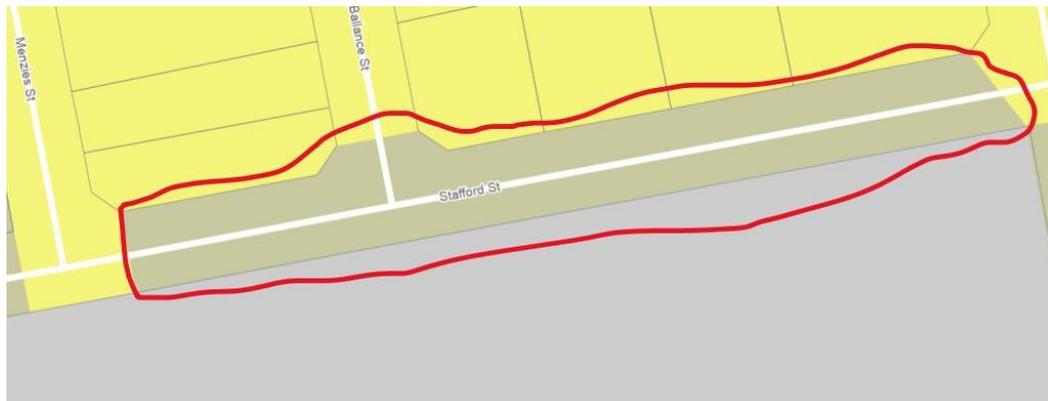
SD General Residential Zone S171.002 S538.528		
Retain General Residential Zone at 5/153 Alma Road 193.001	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone 103 Alma Road from Commercial to Residential 165.001	Proposes this site as General Rural Zone	Reject. In scope due to other submissions seeking a return to General Rural Zone
Rezone the proposed commercial zone designated at Alma Road, Westport to General Rural Zone 358.005	Proposes this site as General Rural Zone	Accept In scope
Remove the commercial zone from the property at 20 Gillows Dam Rd. 475.001	Proposes this site as General Rural Zone	Accept In scope
Change the zoning over 103 Alma Road and 20 Gillows Dam Road from Commercial to General Residential Zone 538.407	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone the land to the west of Buller Road between Alma Road and the Crossroads to General Residential Zone 358.002	Proposes this site as General Rural Zone	Reject In scope
To keep buildings at least 300 meters from Pakihi Road and to note ALL land titles that there is an active existing rifle range on Pakihi Road which is an approved activity.	N/A – not a zoning matter – is existing rifle range protection area	Reject In scope
Zone 141 Alma Road(Lot 2 DP362094 Blk IV Steeples SD) either	Retains this site as General Rural Zone	Reject In scope

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

*Zoning Maps – Buller District – Wider Westport Zoning*

605. Ms Eason acknowledged the submissions<sup>274</sup> that supported the zoning of specific properties within Westport as notified.
606. In response to the submission of The O'Connor Institute Trust Board (S466.002) and Frank and Jo Dooley (S478.045) that sought that Stafford Street beside the O'Connor Home was rezoned from General Rural Zone to GRZ, Ms Easton supported these submissions and noted that the general principle in the Plan was that the zone is the same as the adjacent land. She noted that where the zone differs on one side of the road from the other, the zone would change at the road centreline. In this circumstance, she confirmed the adjacent zoning was GRZ on one side and Special Purpose Hospital Zone on the other. Ms Easton considered that the rezoning to GRZ was a practical and pragmatic zoning in this situation.
607. In response to the submission of Paul Finlay (408.006) that sought that the zoning provided for cadastral and subdivision planning, including servicing, Ms Easton supported the submission. She noted that a 30-year Infrastructure Strategy and Master Planning exercise was currently underway for Westport, which would address this strategic planning issue outside the Plan.
608. Ms Easton made the following recommendations in response to these submissions.

*Rezone the identified area of Stafford Street from General Rural to General Residential Zone.*



*Zoning Maps – Buller District – Reefton Zoning*

609. Paul Finlay (S408.005) also sought a non-specific area of growth in Reefton be provided generally in the Butts and Crampton Road area. Ms Easton did not support this submission and considered that there was sufficient infill and rezoned development land provided for Reefton within the Plan, as well as a greenfield development area around Wicken Place/Conlon Street and Buller Road. She considered this zoning sufficient to meet the additional residential growth needs of Reefton beyond the life of the Plan.
610. In response to the submission by BDC that sought the rezoning of four Neighbourhood Centre Zones (NCZ) to GRZ, Ms Easton supported this submission. She noted that, prior to the TTPP, these sites were all zoned for residential use. She considered spot zoning was not appropriate

<sup>274</sup> S507.071 Leonie Avery, S509.071 Kyle Avery, S508.071 Jared Avery, S510.071 Avery Bros, S511.071 Bradshaw Farms, S512.071 Paul Avery, S513.071 Brett Avery, S609.063 Avery Brothers, S558.398 Chris and Jan Coll, S566.398 Chris J Coll Surveying Limited, S574.398 Laura Coll McLaughlin.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

in these locations, where limited demand has been identified for small commercial premises outside the town centre of Reefton.

611. Ms Easton made the following recommendations in response to these submissions:

*Rezone the land with red dots from Neighbourhood Centre Zone to General Residential Zone*



*Zoning Maps – Grey District – Greymouth Area*

612. Kim Scrivener (S5.001) requested the property at 2 Sturge Street, Cobden, be rezoned back to General Rural Zone from the proposed GRZ. Ms Easton noted that this land was proposed to be rezoned to GRZ to provide for the growth of Cobden because it was contiguous with the surrounding residential community. She noted that there was no obligation on the current landowners to develop the land but that its rezoning was advantageous in that it was a large land block on a terrace outside the coastal and flood hazard overlay areas. For this reason, Ms Easton did not support this submission.
613. Paul Finlay (S408.003) sought the rezoning of a section of Rural Lifestyle Zone to provide for increased subdivision potential. Ms Easton did not support that submission because the land was not contiguous with Cobden or other more developed areas.
614. Scoped Planning and Design Limited (S617.001) sought to rezone five parcels of land from Future Urban Zone (**FUZ**) to Large Lot Residential Zone (**LLRZ**) on Glen Road, Greymouth. Ms Easton did not support this submission and noted that this land was zoned FUZ because there was not sufficient infrastructure capacity for this area at present. She noted that the site was also subject to an instability overlay and, therefore, would require further consideration of this factor to determine what a suitable alternative zone would be.
615. Ms Easton did not recommend any changes as a result of these submissions.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

*Zoning Maps – Grey District – Kaiata Park*

616. Ball Developments Ltd (S453.002, S453.003, S453.006) requested a range of amendments to the zoning of land at Kaiata Park to reflect their proposed subdivision plan for the area. Ms Easton supported this submission in part concerning changes to Open Space Zone (OSZ) within the Park. However, she noted those changes had been more specifically addressed under the OSZ Chapter. Ms Easton did not support changes that sought a reduction in the Commercial Mixed Use Zone or the conversion from Commercial and Light Industrial Zones to GRZ. She considered these zones were intended to mitigate the potential for reverse sensitivity effects by providing a buffer between the GRZ and the General Industrial Zone (GIZ).
617. Ms Easton did not make any recommended changes beyond those addressed under the Open Space Zone as referenced above.

*Zoning Maps – Westland District – Hokitika Area*

618. Westland Milk Products (S63.001) supported the General Industrial Zone for their manufacturing plant and the GRZ for 14, 41, 43, 51, and 59 Livingstone Street.
619. Ms Easton supported Paul Finlay's (S408.004) request to provide for the former racecourse and Seaview mental institution sites to be rezoned for residential purposes. She noted that both areas had been rezoned in the Plan for residential development.
620. Silver Fern Farms (S441.071, S441.062) sought the GRZ be removed from land adjacent to the Hokitika Silver Fern Farms site to avoid reverse sensitivity effects. Ms Easton shared this concern but noted that the consents for subdivision of this adjoining land for residential properties had already occurred, with roads built and houses under construction. She considered changing the proposed GRZ to General Rural Zone, as requested by the submitter, would be inappropriate given it was now subdivided and sold for residential development at urban densities. However, for the lots that had not been consented to full residential densities, she recommended changing the proposed zoning from GRZ to Rural Lifestyle Zone to reduce the risk of further potential reverse sensitivity effects.
621. Ms Easton did not support submissions<sup>275</sup> that sought land along Revell Street be changed from MRZ to GRZ due to concerns about coastal erosion in this area. She referred to the coastal natural hazard overlays mapped in the area. She noted that the modelling work undertaken by NIWA concerning these hazards did not indicate that the properties zoned MRZ would be affected by these hazards. However, she did acknowledge that some of the properties proposed to be MRZ had existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties were subject to a higher degree of risk than indicated in the hazard overlays. In response to Panel questions, she did not know why this part of Revell St and only one side had been rezoned MRZ. She said there was no information to support why Westland District Council had identified this area.
622. Clare Backes (S444.018) requested that the Plan acknowledge the flooding potential in Hokitika, stop further building along the coastal strip, and encourage managed retreat. Ms Easton did not support this submission. She noted that the Plan included several different

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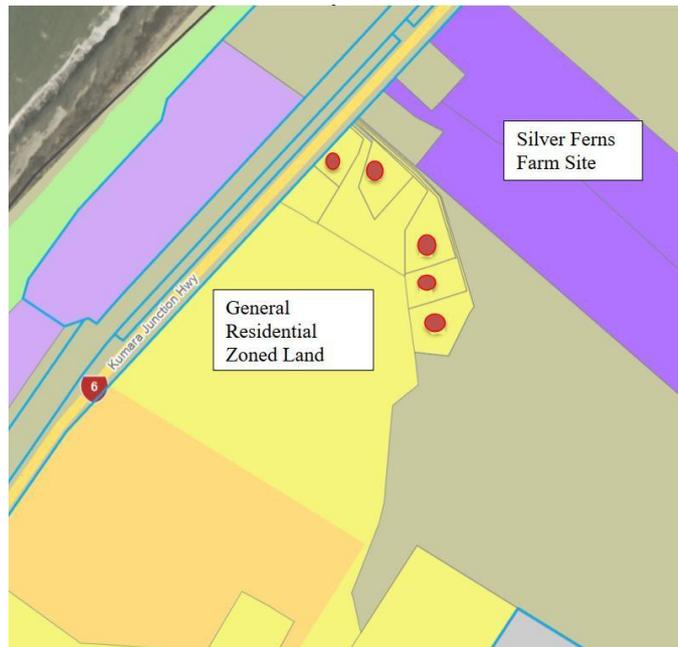
<sup>275</sup> S617.010 Scoped Planning and Design Ltd, S462.007 Inger Perkins, S473.017 Katherine Gilbert, S462.032 Inger Perkins, S195.001 Lois Meldrum, S267.001 Karyn Davis, S268.001 Michael Anderson, S424.001 Noeline Pullan

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

hazard overlays across various parts of Hokitika, which significantly restrict development in these areas. She also referred to policies in the Plan that supported managed retreat and noted that existing use rights could not be extinguished through the Plan.

623. Ms Easton made the following recommendations in response to these submissions.

*Rezone the land with red dots from General Residential to Rural Lifestyle Zone.*



*Zoning Maps – Other Zoning Requests*

624. Ms Easton supported in part WCRC's (S488.023 and S488.024) request for the Regional Council be party to the refinement of greenfield areas of the TTPP to ensure sites were efficient, effective and useable, and were appropriately serviced. She noted that the primary concern of this submitter related to the impact of earthworks and stormwater management. She highlighted several amendments recommended to provisions concerning stormwater management, including the requirement that this management be in accordance with NZS 4404:2010 and that stormwater be controlled within a site as part of any earthwork activities, in accordance with Rule EW-R1.
625. Lynley Hargreaves (S481.023) requested that there be no rezoning of any areas unless the rezoning approach had been subject to public consultation. Ms Easton supported this submission and outlined the consultation that was undertaken for proposed areas to be rezoned, including through the draft plan consultation process.
626. Ms Easton made no recommendations to amend the zoning maps rules in response to these submissions.

**Hearing and Submitter Evidence/Statements**

627. Concerning Zoning Maps – Buller District – Alma Road Zoning, the Panel heard from Ms McKenzie, planner, on behalf of the Westport Pistol Club, Westport Rifle Club Inc., and Mr Chris Hartigan. Ms McKenzie provided details on the location and nature of activities at the

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

Westport Rifle Club and Pistol Club. She outlined the relevant regulatory framework currently applicable to the activity, including a Rifle Range Protection Area. Ms McKenzie considered that there was potential for reverse sensitivity effects in the rezoning proposed in the notified TTPP, as well as additional rezoning sought by submitters, including both BDC and WCRC. Ms McKenzie was concerned with a lack of information and evidence to support the rezoning, in particular a noise evaluation to determine the extent of the noise profile and the effect on future residents.

628. Ms McKenzie also discussed the pre-hearing meeting held on 21 May 2024, whereby BDC tabled a revised zoning proposal. She noted that the revised proposal showed that BDC were no longer pursuing residential zoning directly adjacent to the Westport Rifle Range, but that the most intensive residential zoning proposed was still within 250m of the Rifle Range. Ms McKenzie was of the view that the additional areas sought to be rezoned through submissions (i.e. those adjacent to the rifle range) should remain General Rural Zone. Regarding the proposed residential zoning at Alma Road, Ms McKenzie considered that further noise analysis was required to ensure suitable provisions were included, which she considered should be incorporated into the Noise Chapter of the TTPP and essentially provided a buffer around the rifle range.
629. The Panel heard from the BDC, which was represented by Mr Barr, planner, and Ms Inwood, also a planner. Ms Inwood produced a written preliminary noise assessment (dated 14 June, 2024) and a supplementary written statement (dated 31 July 2024), both prepared at her request by Mr Farren, an acoustic expert, with Marshall Day Acoustic Consultants.
630. The preliminary noise assessment considered the shooting noise from the existing Rifle Range in relation to the proposed rezoned residential boundaries at Alma Road and provided three noise contours based on preliminary shooting noise, which were set at 50 dB LAFMax, 55 dB LAFMax, and 60 dB LAFMax. As a guide, Ms Inwood considered that gunshot noise levels in the range of 50-55db LAFMax were appropriate for residential amenity. However, she noted an advisory note may be appropriate to inform new residents that shooting noise will be audible. Between 55-60 dB LAFMax, Ms Inwood noted that some consideration of noise mitigation for new dwellings and their outdoor areas was deemed appropriate, while new residential development should be discouraged where noise levels will exceed 60 dB LAFMax. Ms Inwood also noted that if the noise contours were to be adopted by the Council, then actual measurements on site would be required to refine the contour extents.
631. The supplementary assessment, prepared by Mr Farren provided revised noise modelling with detailed terrain data. As a result of the updated assessment, an adjustment had been made to the 55 dB LAFMax contour that crossed the Alma Road land compared to the preliminary assessment. Mr Barr outlined the proposed rezoning that BDC now sought following consideration of submissions and noise information provided by Marshall Day. He noted that this rezoning would provide for a mix of GRZ, LLRZ, and Settlement Zone – Precinct 4 zoning. He stated that this could provide for approximately 605 residential units in an area that was not vulnerable to severe flooding, and one that BDC plans to service with water and wastewater infrastructure. Mr Barr also considered that the proposed rezoning would alleviate at least some of the concerns of submitters regarding Alma Road.
632. Mr Barr referred to the noise assessment prepared by Mr Farren, which identified the noise characteristics and nature, as well as the scale of activities from the Rifle Range. The assessment modelled the estimated noise and identified three sound level areas as noise contours. Mr Barr considered that the estimated sound levels modelled by Mr Farren could

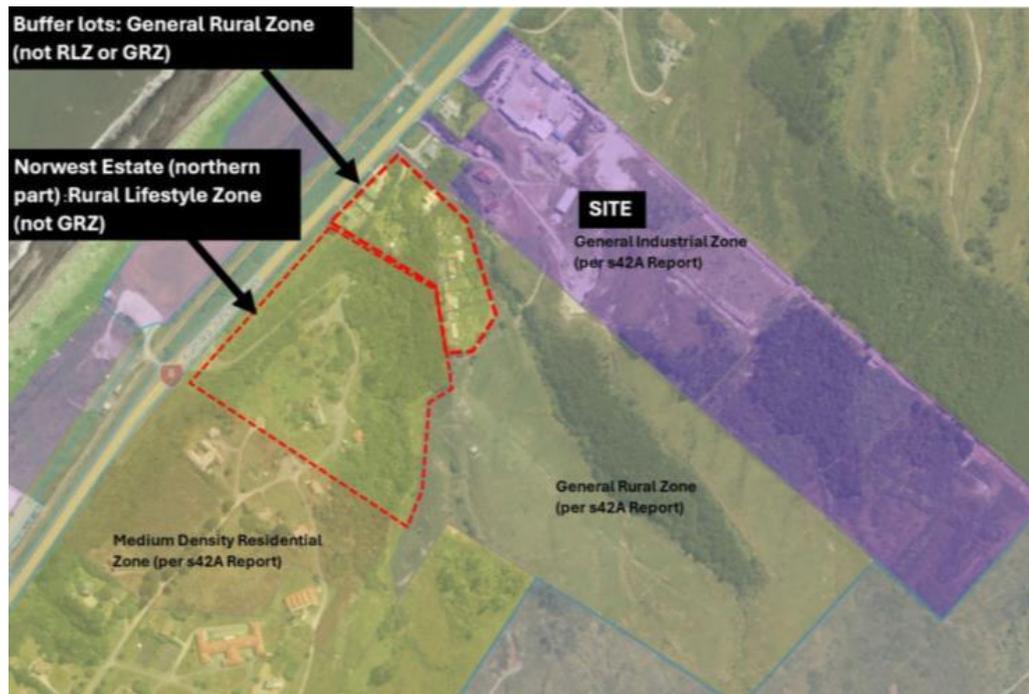
**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

be managed through rules in the TTPP so that new sensitive activities within the proposed GRZ and LLRZ could be appropriately managed. Mr Barr considered that the most efficient way to achieve this was through amendments to the rules in the Noise Chapter, with an additional matter of discretion added to the Subdivision Chapter, which could serve to provide further opportunities for site-specific mitigation as necessary. With this considered, Mr Barr concluded the proposed rezoning was appropriate and would not lead to any incompatibility issues between the Rifle Range and future residential activity within the proposed GRZ and LLRZ.

633. Mr Barr also addressed the existing Avery Brothers Quarry located at 107 Alma Road. He noted that the proposed rezoning, which sought to retain all properties located between the quarry as General Rural Zone as opposed to GRZ, had alleviated the concerns of those submitters.
634. Overall, Mr Barr considered the change in amenity and character as a result of the proposed rezoning would not be inappropriate and that the provision of acoustic attenuation rules for new housing within the influence of the Rifle Range would address compatibility effects. He also confirmed that the retention of the GRUZ land adjacent to the Avery quarry would provide an appropriate buffer.
635. The Panel issued direction via Minute #34 on 22 July 2024 following the Residential and Special Purpose Zones hearing. This minute acknowledged that several parties sought to provide further information to the Panel following the hearing. Further information was received from BDC on 16 August 2024, regarding the proposed rezoning at the Alma Road site. This information included details on flood risk, consideration of alternative sites, any further discussions or agreements between the submitters and the Council, and whether the Council wished to withdraw the part of their submission that sought to rezone land beyond the updated and refined proposed rezoning map presented at the hearing.
636. Regarding Zoning Maps – Grey District – Greymouth Area, the Panel heard from Mr Glen and Ms Kim Scrivener, who outlined the success of their property for use as an Airbnb farm stay accommodation and reiterated their opposition to the proposed rezoning of their land from General Rural Zone to GRZ in the Plan. Ms Scrivener considered that their land would be tricky to subdivide or undertake urban development on due to limited access and natural hazards (land instability). She considered that Rural Lifestyle Zone would be more appropriate, taking into account the circumstances. Ms Scrivener also raised concerns around the potential for rates to increase on the property due to the rezoning. They provided photographs of the site to support their submission.
637. Regarding the Zoning Maps – Grey District – Kaiata Park, a statement of evidence was provided by Ms Hadfield, which included an updated Outline Development Plan (ODP) zoning overlay for Kaiata Park. The updated plan included amendments to the roading layout, as well as to the Open Space, General Industrial, Light Industrial, Commercial, Mixed Use, General Residential, and Small Settlement Zoning – Rural Residential Precinct. In particular, the GRZ area had been amended to a smaller area to reduce the area within Kaiata Park where reticulated services were required and to provide a larger area of Open Space Zone, as well as increases in the Settlement Zone – Rural Residential Precinct where onsite servicing had been indicated.
638. In response to the matters raised in the s42A Report, Ms Hadfield also noted that she considered that adequate buffers between residential and industrial land uses had now been



**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**



642. The acoustic evidence of Mr Humpheson focused on residential amenity expectations from a noise perspective. He considered that reverse sensitivity effects were likely to occur from more dwellings being permitted and more future occupants being exposed to noise from the Silver Fern Farms site. He also considered that the outdoor noise level of residential zones was overly permissive and would be sufficient to interfere with speech and communication, while the WHO-recommended internal noise levels would also be exceeded through an open window at residential dwellings. Mr Humpheson noted that even if the Silver Fern Farms site was fully compliant with the TTPP noise rules, the expectation of noise amenity in residential environments was still likely to lead to reverse sensitivity issues that may constrain site operations.
643. Mr Humpheson therefore recommended the provision of a buffer zone between the GIZ and Residential zones, of approximately 100m in width, with light industrial or rural zoned land being suitable for the buffer zone area. Alternatively, he considered that, should the residential zoning remain, additional acoustic requirements should be introduced, which could include acoustic insulation requirements, or the use of “no complaints” covenants on lot titles.
644. Ms Inger Perkins provided a statement opposing the proposed MRZ on the seaside of Revell Street and requested it be zoned GRZ like the rest of the town. She noted that WCRC was behind other councils in its consideration of the risk of climate change and needed to plan for protection from storms, storm surge and sea level rise. She considered the intensification of housing beside the sea should not be an option and that allowing medium density housing on the seaward side of Revell Street was “frankly bonkers”. She also considered medium density housing (up to 10m high) would be at odds with the amenity and character of the existing low single storey housing.

**Reporting Officer Reply Evidence**

645. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

646. Regarding the **Zoning Maps – Alma Road Zoning**, Ms Easton retained her view expressed in the s42A Report, which was that she supported the updated rezoning proposal presented by Mr Barr on behalf of BDC. She considered that there was a need for some acoustic management provisions within the 55 dBLAMax contour, which would be addressed in the Noise Chapter of the Plan.
647. The Panel asked Ms Easton whether she could provide a joint view from the s42A authors on the rezoning and noise issues at Alma Road regarding the Rifle Range. Given that the noise hearing had not commenced at the time of the residential hearing, it was agreed by the respective s42A Reporting Officers that this joint position would be provided after the Noise Chapter hearing.
648. A joint Right of Reply statement was provided to the Panel on 24 September 2024 following the noise hearing. This confirmed that a joint witness statement (**JWS**) was prepared by the relevant s42A Reporting Officers for the residential and noise topics, BDC, Westport Pistol Club, Mr Hartigan, and Westport Rifle Club Incorporated, in relation to the provisions and mapping associated with the Westport Rifle Range noise overlay. This JWS confirmed agreement as they related to provisions of the Noise and Subdivision chapters, as well as the planning maps to reflect the Rifle Range Noise Overlay. It was also confirmed BDC had formally withdrawn its original submission seeking to rezone land adjacent to the Rifle Range for residential zoning.
649. No further recommendations were made by Ms Easton to the Zoning Maps – Buller District – Alma Road Zoning.
650. Regarding **Zoning Maps – Grey District – Greymouth Area**, Ms Easton considered the evidence of Ms Scrivener further. Regarding the land instability issue raised, Ms Easton noted that the land instability overlay was mapped at a regional scale based on the adjacent Elizabeth Range, rather than considering the past use and filling on the site from its previous use as sports grounds. In terms of the demand for residential land at Cobden, she agreed that at present, demand was low but was of the view that, due to the significant coastal and flood hazard overlays that sit across the low-lying area of Cobden, that overtime this could have significant effects on the ability for infill development to occur. In terms of the potential for rates to increase, Ms Easton was unable to comment on the specific implications for this site, other than to acknowledge that the value of a property often increased when it was rezoned, which can have an impact on rates. Overall, Ms Easton considered the property was likely to be important for the future development of Cobden but agreed that parts of the property were unlikely to be developable. Given that there was no strong pressure for development in this location and considering the detailed work that WCRC was continuing to undertake on land instability hazards, Ms Easton considers it was possible to leave this property as General Rural Zone and reconsider it at the time of the next Plan review.
651. In relation to the **Zoning Maps – Grey District – Kaiata Park**, Ms Easton reviewed the updated material presented by Ms Hadfield at the hearing and considered that the majority of change requests were within scope of the submission. In terms of proposed changes to zoning, Ms Easton supported the change from specific General Industrial to Commercial zoned land and considered this addressed her previous reverse sensitivity concerns with the ODP layout in the original submission of Ball Developments. Ms Easton reached the same conclusions for the change from specific Commercial Mixed Use and Open Space to GRZ zoning, Light Industrial to Commercial and GRZ, and Commercial to GRZ zoning.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

652. Regarding the **Zoning Maps – Westland District – Hokitika Area**, Ms Easton retained her view on the rezoning of the properties adjacent to the Silver Fern Farms site, as outlined in the s42A Report. She considered there was no difference in the likelihood of complaints between a RLZ and a GRUZ and noted people's expectations around amenity levels would be the same regardless of zoning. Ms Easton also considered that there was no practical rural production use of the properties adjacent to the Silver Fern Farms site.
653. Ms Easton considered the best approach to manage reverse sensitivity effects was through the use of setbacks from boundaries within the GIZ site. She noted that, at notified, the GIZ included setback requirements for buildings within 5m of any residential or settlement zoned property and considered that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue.
654. Ms Easton also met with Mr Belgrave, Reporting Officer for the Industrial and Commercial Zones Chapters, and Ms Evans, Reporting Officer for the Noise Chapter, in relation to the submission points of Silver Fern Farms. A joint Right of Reply was provided on 17 October 2024. It recorded agreement that no further changes to the Residential Zone provisions were recommended as a result of these discussions.
655. In response to Panel questions regarding the proposed MRZ located at Revell St, Hokitika, Ms Easton confirmed that there was an assumption that existing rock protection works would continue to be maintained and upgraded for coastal hazard protection. She also noted that discussions with WCRC's Chief Engineer confirmed that the existing seawall was constructed by the WCRC as emergency works and was unconsented, although a retrospective resource consent had been lodged to upgrade the protection works along the Revell Street frontage.
656. In response to Panel questions regard the proposed Revell Street MRZ and the relevant provisions of the NZCPS and RPS that apply, Ms Easton set out Policy 27 of the NZCPS, Policy 6, 7 and 8 of the coastal environment chapter of the RPS, and Policy 2 of natural hazards chapter of the RPS. In relation the NZCPS, Ms Easton understood that it was intended that Hokitika would continue to be protected by hard engineering structures to mitigate coastal erosion risk but that without the present seawall or similar structure in place, coastal properties along Revell Street would be increasingly at risk from coastal erosion. Ms Easton also noted that the Revell Street area was not at risk, even taking a 100-year view with allowance for climate change, from the coastal inundation hazard as modelled by NIWA.
657. No further recommendations were made to the Zoning Maps – Westland District – Hokitika Area in Ms Easton's Right of Reply.

**Hearing Panel's Evaluation**

658. In relation to **Zoning Maps – Buller District – Alma Road Zoning**, the Panel agree with both Mr Barr's and Ms Easton's assessment of the evidence, particularly the evidence available from the Avery Group and the Rifle Range Group. We agree with Ms Easton's evaluation of submissions in respect of scope. We further agree with Ms Easton's reasons for supporting the updated rezoning proposal presented by Mr Barr on behalf of BDC. We note Ms Easton's view that there is a need for some acoustic management provisions within the 55 dBLAMax contour, which should be provided in the Noise Chapter of the Plan. We understand the acoustic management provisions will include rifle range noise contours in the planning maps provided under the Noise Chapter, as outlined in the Recommendations Report for that

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

chapter. We agree that Alma Road rezoning will provide much needed options for Westport's community to be able to respond to existing flooding issues and future flood risks.

659. Regarding **Zoning Maps – Buller District – Wider Westport Zoning**, the Panel agree with Ms Easton's recommendation to rezone the identified area of Stafford Street from GRUZ to GRZ, for the reasons outlined in the s42A Report.
660. In relation to **Zoning Maps – Buller District – Reefton Zoning**, the Panel agree with Ms Easton recommendation to rezone the land with red dots from NCZ to GRZ, for the reasons outlined in the s42A Report.
661. Regarding **Zoning Maps – Grey District – Greymouth Area** and Mr and Ms Scrivener's property at 2 Sturge Street, Cobden, the Panel agree with Ms Easton's recommendation included in her Reply that the land be rezoned back to General Rural Zone. We agree this should be reconsidered when the Plan is next reviewed, given there is currently no strong pressure for development in this location and detailed work is presently being undertaken by WCRC on land instability hazards.
662. In relation to Mr Finlay's submission, the Panel agree with Ms Easton's recommendation to not rezone the land as requested by the submitter, for the reasons outlined in the s42A Report.
663. Regarding the Scoped Planning and Design Limited submission that sought to rezone five parcels of land from FUZ to LLRZ on Glen Road, Greymouth, the Panel agree with Ms Easton not to change the zone. The Panel recommend retaining future options for the zone and allowing for future council planning to guide the most effective use of the area, consistent with the purpose of the FUZ.
664. In relation to **Zoning Maps – Grey District – Kaiata Park**, the Panel notes Ms Easton supported this submission in part concerning changes to OSZ and agrees those changes need to be addressed in the recommendation in the OSZ Chapter. We agree with Ms Easton that the updated material, detailing changes from the submission are all within the scope of the submission. We accept Ms Easton's recommended changes to the zoning as set out in her Reply.
665. Regarding **Zoning Maps – Westland District – Hokitika Area**, we agree with Ms Easton's recommendation to rezone the land adjacent to the Hokitika Silver Fern Farms site from GRZ (as notified) to RLZ. The consents for subdividing this adjoining land for residential properties have already been issued and the development is existing, with roads built and houses both built and under construction. The Panel visited the Silver Fern Farms site to understand its processes and activities and to familiarise ourselves with the context of both the site and the adjacent developed land. We agree with Ms Easton that a General Rural Zone, as requested by the submitter, would be inappropriate for land that is now subdivided and sold for residential development at urban densities. However, we also agree that, for the lots that have not been consented to full residential densities, these could potentially be rezoned as Rural Lifestyle Zone to reduce the risk of further reverse sensitivity issues. We agree with Ms Easton that there is no difference in the likelihood of complaints between a rural lifestyle vs rural zone, and that expectations around amenity levels would be the same regardless of zoning. In particular, we noted that anticipated noise levels in the GRUZ and RLZ are identical, with reference to the Noise Chapter provisions. We also agree with Ms Easton that there is no practical rural production use of the properties adjacent to the Silver Fern Farms site.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Residential Zones – Ngā Takiwa Noho**

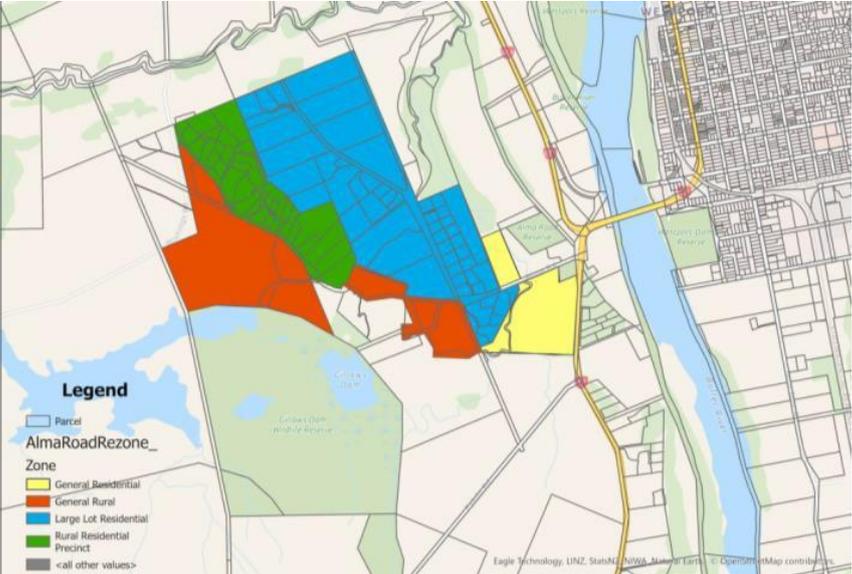
666. Ms Easton considered that the best approach to manage reverse sensitivity effects is through the use of setbacks from boundaries with the General Industrial Zone site. Ms Easton notes that at present the General Industrial Zone includes setback requirements for buildings within 5m of any residential or settlement zoned property and considers that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue. However, as she did not propose a specific setback distance for the Silver Fern site, we assume either there was no scope to do so, or she was satisfied with the 5m setback.
667. Regarding the submissions that sought land along Revell Street be rezoned from MRZ to GRZ due to concerns about natural hazards from coastal erosion and flooding, the Panel disagrees with Ms Easton's recommendation to reject these submissions. The Panel considers it is not appropriate to take into account any protection currently provided by an unconsented rock seawall that was constructed under the emergency provisions of the RMA to support the rezoning. There is no information available of any analysis undertaken to support the suitability of this area for medium density housing, except for the NIWA coastal mapping which takes into account the existing seawall. However, the seawall does not extend along the entire frontage of the MRZ. There is no certainty that the existing seawall will be extended to protect the entire frontage of the proposed MRZ or that it will be maintained for 50 years (the minimum life of a building).
668. During the Panel's site visit, we noted the seawall is currently being undermined and overtopped, with driftwood and tidal debris evident on top of the seawall and on the adjacent land. While we acknowledge Ms Easton's point that some of the properties proposed to be MRZ have existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties are subject to a higher degree of risk than indicated in the hazard overlays, our observations indicate the risks posed by coastal erosion are very real in this location.
669. Policy 25 of the NZCPS directs the Panel to avoid increasing the risk of social, environmental and economic harm from coastal hazards; to avoid redevelopment or change in land use that would increase the risk; and to discourage the use of hard protection structures. Policy 27 of the NZCPS is about strategies to protect significant existing development, not strategies for increasing development, and it directs that hard protection structure to protect private properties should not be located on public land.
670. The RPS objectives and policies must give effect to the NZCPS. RPS Chapter 9 (coastal environment) Policies 6, 7 and 8 direct that new development affected by coastal hazards must adopt a risk management approach, over a 100-year timeframe, and in areas of significant development, planners must use a range of options to reduce the risk. RPS Chapter 11 (natural hazards) Policies 1 and 2 direct a reduction of susceptibility to natural hazard by improving planning, and locating new use and development to avoid or minimise the need for hazard protection works.
671. The Panel finds there is no information or evidence available to support the proposed rezoning to MRZ on the seaward side of Revell Street. While Ms Easton considers the Revell Street area is not at risk from coastal inundation, as modelled by NIWA (even taking a 100-year view with allowance for climate change), the Panel's recommendation must take into account the *existing environment*. This does not include the existing unconsented *ad hoc* coastal protection structure or assumptions that new hard protection structures will be constructed and maintained along the frontage of the MRZ areas in the future.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

672. The Panel also agrees with submitters that medium density development in this area would be inconsistent with the existing amenity and character of the area. It also seems disconnected and some distance from the town centre.
673. For these reasons, the Panel recommends the MRZ on Revell Street Hokitika is changed to GRZ as requested by submitters. We accept the submissions of Scoped Planning and Design Limited (S617.010), Inger Perkins (S462.007 and S562.032), Katherine Gilbert (S473.017), Lois Meldrum (S195.001), Karyn Davis (S267.017) Michael Anderson (S268.001) and Noeline Pullan (S424.001). We consider our recommendation also partly addresses Clare Backes’ submission (S444.018) that sought to have the Plan acknowledge the flooding potential in Hokitika and stop building along the coastal strip, and encourage managed retreat; and therefore, also partly accept this submission point.
674. In relation to **Zoning Maps – Other Zoning Requests**, the Panel accepts Ms Easton’s recommendation that no amendment to the zoning maps were required in response to submissions.

**Hearing Panel’s Recommendation**

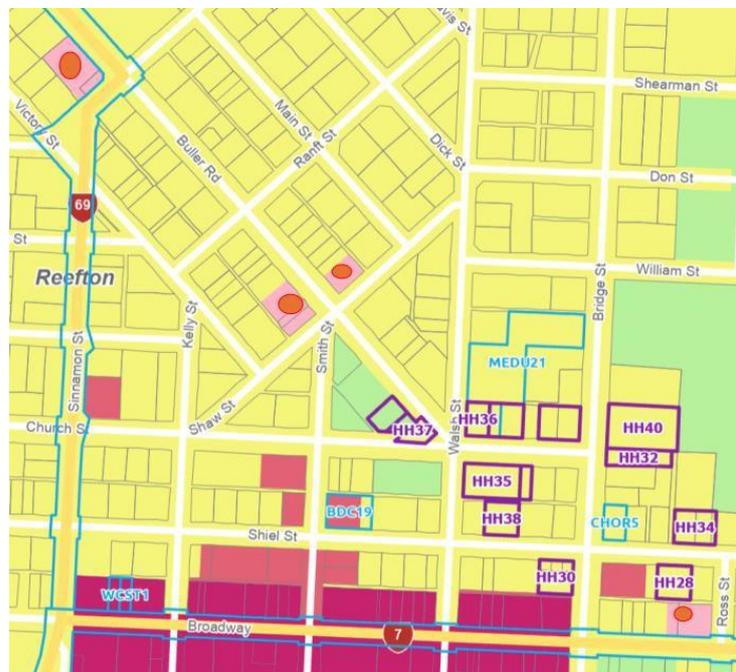
675. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to the Zoning Maps:

Provision	Recommended Amendments to Planning Maps
<b>Alma Road Terrace Area</b>	<p>Amend the Alma Road Terrace Area in accordance with the Map Below</p> 

**Stafford Street - Westport** Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone



**Neighbourhood Centre Zones - Reefton** Amend Neighbourhood Centre Zones (red dots) as General Residential Zone



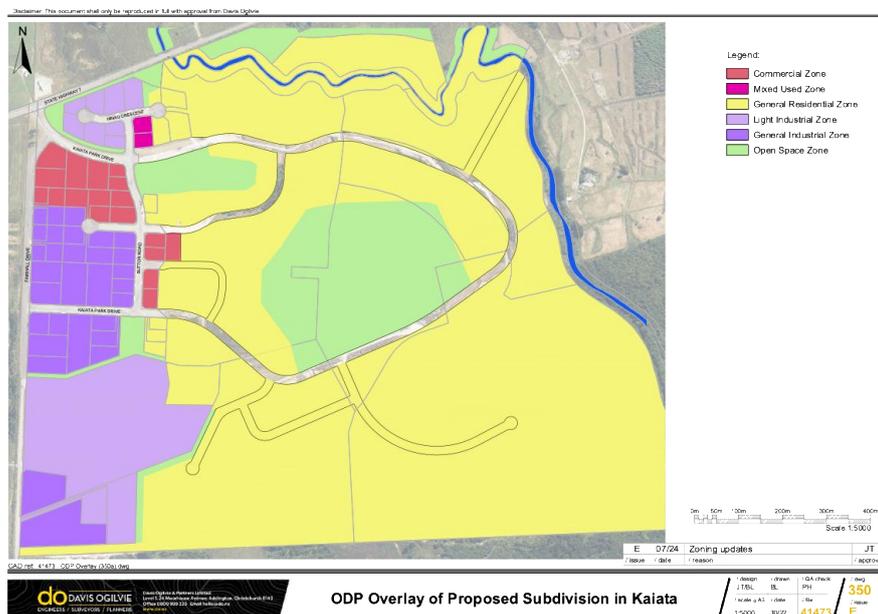
**Sturge Street – Cobden - Greymouth** Amend General Residential Zone (red outline) to General Rural Zone



**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

**Kaiata Park -  
Greymouth**

Amend Kaiata Park in accordance with the Kaiata Park ODP below



**Land Adjacent  
to Silver Fern  
Farms Site**

Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone



**Medium  
Density  
Residential**

Amend Medium Density Residential Zone at Revell Street to General Residential Zone



## 2.9. Appendix 2 of the Plan – Recession Planes

### Submissions and Further Submissions

#### *Appendix 2 of the Plan – Recession Planes*

676. Fifteen submission points and two further submissions relating to **Appendix 2 – Recession Planes** of the Plan were summarised in the Table on pages 128-130 of the s42A Report. All submission points sought amendments, with the two further submissions supporting in part the proposed amendments of two submissions.
677. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

### Section 42A Report

#### *Standards (General)*

678. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.
679. In response to the submissions<sup>276</sup> that sought amendments to the recession diagrams and indicators to improve clarity or reduce the restrictiveness of the recession plane, as notified,

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<sup>276</sup> S190.854, S190.837 Te Mana Ora, S567.736 William McLaughlin, S558.710 Chris and Jan Coll, S566.710 Chris J Coll Surveying Limited, S574.710 Laura Coll McLaughlin.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

Ms Easton did not support replacing the recession planes as notified in the Plan, including the request to replace these with those from the operative BDP.

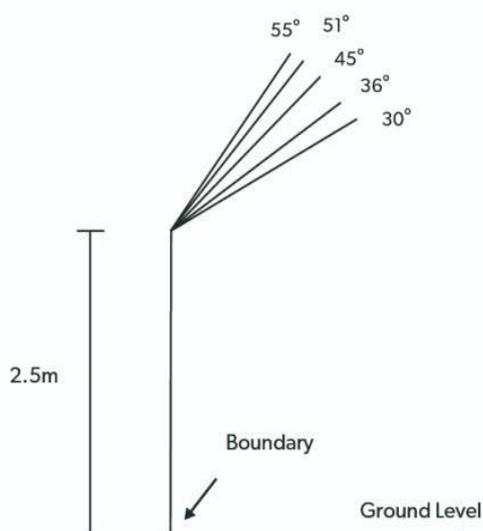
680. In response to the submission of BDC (S538.635) that sought additional clarification be added to Appendix Two to confirm that *“the level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted”*, Ms Easton supported this approach. She considered it was a practical approach to managing the issue of site boundaries in locations where land was required to be built up due to natural hazard or geotechnical reasons. Ms Easton also supported the additional submission point of BDC that providing exclusions to recession planes, e.g. road boundaries, antennas, solar panels, should be included with Appendix Two. Ms Easton considered that this would reduce duplication within the Plan, provided these exclusions were removed from the respective zone-based rules.
681. In response to the submissions<sup>277</sup> that sought a new recession plane diagram that was more enabling for those seeking to satisfy requirements for natural hazard mitigation, Ms Easton did not support changing the recession plane diagram. However, she noted that the above exclusions under the BDP submission points above would partly address these submission points.
682. Ms Easton recommended amending Appendix Two – Recession Planes as follows:

**Appendix Two: Recession Planes**

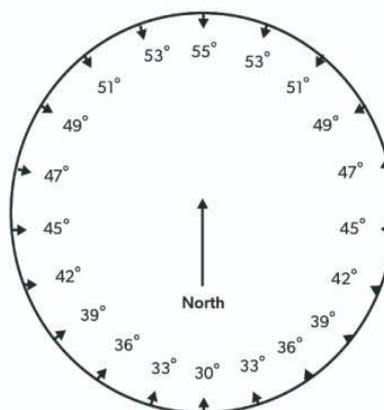
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<sup>277</sup> S567.738 William McLaughlin, S558.712 Chris and Jan Coll, S566.712 Chris J Coll Surveying Limited, S574.712 Laura Coll McLaughlin.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**



**Diagram A**



**Diagram B**

Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A.

*The level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries. These standards do not apply to:*

1. Road boundaries;
2. Buildings on adjoining sites that have a common wall along the boundary;
3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;

683. Ms Easton also recommended subsequent amendments to various zone rules in the Plan to remove duplication as follows:

Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.

*These standards do not apply to:*

- ~~i. Road boundaries;~~
- ~~ii. Buildings on adjoining sites that have a common wall along the boundary;~~
- ~~iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- ~~iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~
- ~~v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~

**Hearing and Submitter Evidence/Statements**

684. No evidence or statements were presented by any party in relation to Appendix Two: Recession Planes.

**Reporting Officer Reply Evidence**

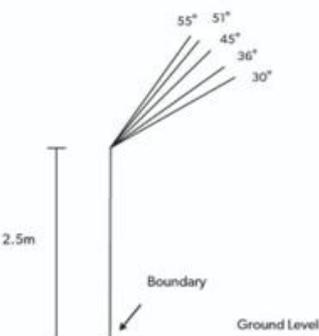
685. No further material related to Appendix Two: Recession Planes was provided in Reply.

**Hearing Panel’s Evaluation**

686. The Panel agree with Ms Easton’s assessment of the issues raised in submissions relating to Recession Planes and we also agree with her recommendations to make amendments to those provisions for the reasons she outlined.

**Hearing Panel’s Recommendation**

687. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to Appendix 2:

Provision	Recommendation
<p><b>Appendix Two: Recession Planes</b></p>	<p><b>Appendix Two: Recession Planes</b></p> <div style="text-align: center;">  <p><b>Diagram A</b></p>  <p><b>Diagram B</b></p> <p>Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A.</p> <p><b><u>The level of site boundaries shall be measured from filled ground level except where there is in existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries These standards do not apply to:</u></b></p> </div>

<p><b><u>1. Road boundaries;</u></b></p> <p><b><u>2. Buildings on adjoining sites that have a common wall along the boundary;</u></b></p> <p><b><u>3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;</u></b></p> <p><b><u>4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</u></b></p> <p><b><u>5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;</u></b></p>		
NOSZ	–	R1, Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1,
OSZ	–	R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1,
SARZ	–	R1, STADZ – R1, SVZ – R1.
MUZ	–	R1, <del>These standards do not apply to:</del>
NCZ	–	R1,
TCZ	–	R1, <del>i. Road boundaries;</del>
GIZ	–	R1, <del>ii. Buildings on adjoining sites that have a common wall along the</del>
LIZ	–	R1, <del>boundary;</del>
SETZ	–	R1, <del>iii. Boundaries abutting an access lot or right of way in which case the</del>
HOSZ	–	R1, <del>furthest boundary of the access lot or right of way may be used for</del>
PORTZ	–	R1, <del>assessing compliance with this standard;</del>
STADZ	–	R1, <del>iv. Antennas, aerials, satellite dishes (less than 1m in diameter),</del>
SVZ – R1.		<del>chimneys, flues and architectural features (e.g. finials, spires) provided</del> <del>these do not exceed the recession plane by more than 3m vertically; or</del> <del>v. Solar panels and solar water heaters, provided these do not exceed the</del> <del>height in relation to boundary plane by more than 0.25m vertically;</del>

### **Kumara Junction Development Plan**

#### **Submissions and Further Submissions**

##### *Kumara Junction Development Plan*

688. One submission point relating to the **Kumara Junction Development Plan** was summarised in the Table on page 130 of the s42A Report. That submission sought to retain the Kumara Junction Development Plan as notified.
689. The Panel adopts this summary and has considered the relevant submission.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

**Section 42A Report**

*Standards (General)*

690. Ms Easton acknowledged the submission that supported this development plan, as notified. She recommended retaining the Kumara Development Plan as notified.

**Hearing and Submitter Evidence/Statements**

691. No evidence or statements were presented by any party concerning the Kumara Junction Development Plan.

**Reporting Officer Reply Evidence**

692. No matters related to the Kumara Junction Development Plan were addressed in Reply.

**Hearing Panel's Evaluation**

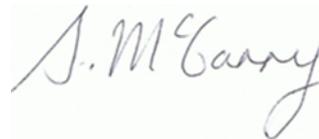
693. The Panel agree with Ms Easton's assessment of the issues raised in and accept her recommendations to retain the Kumara Junction Development Plan as notified.

**Hearing Panel's Recommendation**

694. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends retaining the Kumara Junction Development Plan as notified.



Paul Rogers  
Hearings Panel - Chair



Sharon McGarry  
Hearings Panel Member



Maria Bartlett  
Hearings Panel Member

Date: 5 September 2025

## APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

### Appendix One: Residential Zones

<b>RESZ - O1</b>	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
<b>RESZ - O2</b>	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
<b>RESZ - O3</b>	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

<b>RESZ -P4</b>	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they <del>do not have a</del> <b>avoid</b> significant adverse effects on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
<b>RESZ-P10</b>	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the <del>appropriate public agency</del> <b>district council</b> .
<b>RESZ - P16</b>	<p>Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure <b>and industrial zones</b> including:</p> <ol style="list-style-type: none"><li>Hokitika, Greymouth and Westport Airports;</li><li>The rail network;</li><li>The arterial road and State Highway network;</li><li>The Ports of Westport and Greymouth;</li><li>Wastewater treatment plants;</li><li>Landfills;</li><li>Potable water supply plants;</li><li>Stormwater treatment facilities;</li><li>The National Grid.</li></ol>

<b>GRZ – R1</b>	<b>Residential Activities and Residential Units <u>and Accessory Buildings</u></b> <b>Activity Status Permitted</b> Where:
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1. Residential unit density is no more than:
  - a. ~~one~~ unit per 350m<sup>2</sup> net site area; ~~or~~ **but within the Buller District there is a maximum of two residential dwellings per allotment;**
  - b. ~~one~~ unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply;**
2. There is no more than ~~one~~ minor residential unit per site with a maximum size of 65m<sup>2</sup>;
3. Maximum building height above ground level is:
  - a. 10m; except that
  - b. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance;
5. Maximum site coverage is 40%;
6. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; **and the outdoor living space must have a minimum dimension of 3m;**
7. No more than one heavy vehicle is stored on site;
8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure** ~~used for the activity and~~ must not drain to any public road ~~except for secondary flow purposes;~~
9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:~~
  - a. ~~Road boundaries;~~
  - b. ~~Buildings on adjoining sites that have a common wall along the boundary;~~
  - c. ~~Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~
  - d. ~~B~~boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;
  - e. ~~Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and~~

10. Buildings are setback a minimum of 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~

**b. A setback of 150m is required from the site boundary of any designated wastewater treatment plant.**

**Advice Notes:**

1. Where a residential building or noise sensitive activity is located within:

a. 80m of a State Highway with a speed limit of 70kph or greater; or

b. 40m of a State Highway with a speed limit of less than 70kph; or

c. 40m of a Railway Line; or

d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

**2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**

**Activity status where compliance not achieved:** Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.

**GRZ – R2**

**Minor Structures**

**Activity Status Permitted**

Where:

**1. These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations;**

~~2. All performance standards for Rule GRZ – R1 are complied with~~ **All other Sstructures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;

4. Any antenna dish must be less than 1m in diameter;

5. Any ornamental or garden structure must not exceed 2.4 m in height; and
- F6 Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**GRZ – R3** No Change

**GRZ – R4** **Relocated Buildings**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, and built, ~~to be~~ **and** used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months **of the building being delivered to the site; and;**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

**Activity status where compliance not achieved:** Controlled

**GRZ – R5** **Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with;
3. **There is no more than one full-time equivalent person engaged in the home business that resides off-site;**
4. Hours of operation are limited to:

- a. 7am-7pm weekdays; and
- b. 8am - 5pm weekends and public holidays;
- c. Except where:
  - i. The entire activity is located within a building;
  - ii. Each person engaged in the activity outside the above hours resides permanently on site; and
  - iii. There are no visitors, customers or deliveries to the activity outside of the above hours
- ~~5. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~
5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and
6. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

#### GRZ – R6 Residential Visitor Accommodation

##### Activity Status Permitted

Where:

1. The accommodation is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the District Council ~~annually on request~~; and
6. No heavy vehicle movements are generated; and
7. In the Buller ~~and Westland~~ Districts the accommodation is homestay accommodation with a permanent resident living on site.

##### Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
2. ~~In the Buller and Westland Districts, w~~Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan

provisions **and not discontinued for more than 12 months**, then existing use rights **may** apply.

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R7 Community Facilities and Educational Facilities**

**Activity Status Permitted**

Where:

1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<sup>5</sup>, LIGHT - R3 and SIGN - R10 are complied with; **and**
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **compliance is achieved with TRN – R6**; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R8 Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<sup>5</sup>, LIGHT - R3 and SIGN - R10 are complied with;
2. There is a maximum of 10 residents; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**GRZ – R9** As notified

**GRZ – R10** As notified

**GRZ – R11 Minor Structures not meeting Permitted Activity Standards**

**Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**

**Matters of control are:**

- a. Design and location of structures; and
- b. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**

**Activity status where compliance not achieved:** Discretionary

**GRZ – R12 Relocated Buildings not meeting Permitted Activity Standards**

**Activity Status Controlled**

Where:

All performance standards for Rule GRZ - R1 are complied with.

**Matters of control are:**

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects;** and
- c. Appearance of buildings.

**Activity status where compliance not achieved:** Discretionary

**GRZ – R13 Buildings not meeting Rule GRZ-R1**

**Activity Status Restricted Discretionary**

Where:

1. The building projects into the recession plane as defined in Appendix Two; or
2. The building is set back less than 1m from internal boundaries; and
3. All other performance standards for Rule GRZ - R1 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access; ~~and~~
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
- d. Shading and loss of sunlight to adjoining sites; and**
- e. Loss of privacy to adjoining sites.**

**Activity status where compliance not achieved:** Discretionary

**GRZ – R14 Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary**

Where:

1. This is ancillary to a residential activity;

2. No heavy vehicle movements are generated; and
3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
- d. Hours of operation; and
- e. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved:** Discretionary

**GRZ – R15 Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages**

**Activity Status Restricted Discretionary Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
- d. Hours of operation;
- e. Water supply, wastewater and stormwater management; and
- f. Acoustic and noise insulation requirements;
- g. Noise management;**
- h. Traffic generation;**
- i. Loss of privacy to adjoining sites; and**
- j. Character and amenity of the surrounding area.**

**Notification:**

Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

**Activity status where compliance not achieved:** N/A

**GRZ – R16 Development of Medium Density Housing**

**Activity Status Restricted Discretionary**

Where:

1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. All other performance standards for Rules GRZ - R1 are complied with;
3. The minimum density is 150m<sup>2</sup> net site area;
4. The maximum height is 12.5m;
5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
6. Maximum building coverage is 50%.

Discretion is restricted to:

- a. Number of units;
- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. Compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and
- g. Acoustic and noise insulation requirements

**GRZ – R17**

Papakāinga Developments not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. The minimum residential unit density is 150m<sup>2</sup> net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
4. Maximum building coverage is 50%.

**Discretion is restricted to:**

- a. Number of units;
- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and
- g. Acoustic and noise insulation requirements

**GRZ – R18**

**Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

1. The maximum height is 12.5m;
2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
3. Maximum building coverage is 50%.

Discretion is restricted to:

- a. Number of units;
- b. Provision of infrastructure to service the development;
- c. Design and location of parking and access;
- d. Design and location of buildings;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and
- f. Acoustic and noise insulation requirements

**GRZ – R18A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of structures;**
- b. Height of structures; and**
- c. Shading and dominance effects on adjoining sites.**

**GRZ – R19 Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and~~ Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.**

**Activity Status Discretionary**

Where:

1. All performance standards for Rules NOISE R1-R2 and R4~~5~~ and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**GRZ – R20 Home Business not meeting Permitted Activity Standards Activity Status Discretionary**

Where:

1. All performance standards for Rules NOISE R1-R2 and R4~~5~~ and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**GRZ – R21** As notified

**GRZ – R22 Commercial Activities and Emergency Service Activities Activity Status Discretionary**

Where:

1. This is not a Home Business or Visitor Accommodation;
2. All performance standards for Rules NOISE R1-R2 and R45 and LIGHT - R3 are complied with;
3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and
4. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Non-complying

Refer Home Business and Visitor Accommodation Rules for these activities

**GRZ – R23** As notified

**GRZ – R24 Any Activity not provided for by another Rule in the zone  
Activity Status ~~Non-complying~~ Discretionary**

**Activity status where compliance not achieved:** N/A

**Appendix  
Eleven**

**Requirements for a Relocated Building Pre-Inspection Report**

**This report must be provided prior to the building being relocated to its new site.  
The information required in the pre-inspection report is as follows:**

- **Proposed new site location**
- **Date of report**
- **Type of building**
- **Date of construction**
- **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.**
- **Site address where the building was inspected**
- **Date when building inspected**
- **Name of inspector and qualifications**
- **Proposed use of the building**
- **Previous use of the building**
- **Description of areas accessed (ie interior/exterior)**
- **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery**
- **Any health and safety matters that need to be considered**
- **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, cleaning and painting of exterior elements.**

**LLRZ – R1 Residential Activities and Residential Units and Accessory Buildings**

**Activity Status Permitted**

Where:

1. There is no more than ~~one~~<sup>1</sup> unit per 1000m<sup>2</sup> net site area;
2. The maximum height of a building above ground level is 10m;
3. There is no more than ~~one~~<sup>1</sup> minor residential unit per 1000m<sup>2</sup> net site area with a maximum size of 65m<sup>2</sup>;
4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm;
5. Maximum site coverage is 40% or 500m<sup>2</sup> whichever is the lesser;
6. Stormwater is managed on site with any off-site discharge ~~is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road except for secondary flow purposes;~~
7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;
8. No more than two heavy vehicles are stored on site;
9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing;
10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
  - a. ~~Road boundaries;~~
  - b. ~~Buildings on adjoining sites that have a common wall along the boundary;~~
  - c. ~~Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~
  - d. ~~Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;~~
  - e. ~~Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~
  - f. ~~Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.~~

**Advice Note:**

1. Where a residential building or noise sensitive activity is located within:
  - vi. 80m of a State Highway with a speed limit of 70kph or greater; or
  - vii. 40m of a State Highway with a speed limit of less than 70kph; or

- viii. 40m of a Railway Line; or
- ix. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- x. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R2 Minor Structures**

**Activity Status Permitted**

Where:

1. ~~All performance standards for Rule LLRZ – R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**LLRZ – R3** No Change

**LLRZ – R4 Relocated Buildings**

**Activity Status Permitted**

Where:

1. All performance standards for Rule LLRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built to be~~ **and** used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months **of the building being delivered to the site; and;**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

**Activity status where compliance not achieved:** Controlled

**LLRZ – R5 Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45 and LIGHT - R3 are complied with;
3. Hours of operation are limited to:
  - a. 7am-10pm weekdays; and
  - b. 8am - 8pm weekends and public holidays;
  - c. Except where:
    - i. The entire activity is located within a building;
    - ii. Each person engaged in the activity outside the above hours resides permanently on site; and
    - iii. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. **There is no more than one full-time equivalent person engaged in the home business that resides off-site.**
- ~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~
5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and
6. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R6 Residential Visitor Accommodation**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;

2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~5~~ and LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council annually ~~on request~~; and
6. No heavy vehicle movements are generated.

**Advice Notes:**

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.

**Activity status where compliance not achieved:** Restricted Discretionary

**LLRZ – R7 Community Facilities and Educational Facilities**

**Activity Status Permitted**

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~5~~ and LIGHT - R3 and SIGN - R10 are complied with; and
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week and compliance is achieved with TRN – R6; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**LLRZ – R8 Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~5~~ and LIGHT - R3 and SIGN - R10 are complied with;
2. The maximum number of residents is 10; and

3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

LLRZ – R9 As notified

LLRZ – R10 **Minor Structures not meeting Permitted Activity Standards Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. ~~All performance standards for Rule LLRZ – R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**

**Matters of control are:**

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects.**

**Activity status where compliance not achieved:** Discretionary

LLRZ – R11 **Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled**

Where:

1. All performance standards for Rule LLRZ - R1 are complied with.

**Matters of control are:**

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects;** and
- c. Appearance of buildings.

LLRZ – R12 **Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages**

**Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape treatment~~ **Measures to mitigate landscape effects;**
- d. Water supply, wastewater and stormwater requirements;

- e. Hours of operation; and
- f. Acoustic and noise insulation requirements.

**Notification:**

Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

**LLRZ – R13 Residential Visitor Accommodation not meeting Permitted Activity Standards  
Activity Status Restricted Discretionary**

Where:

1. This is ancillary to a residential activity;
2. No heavy vehicle movements are generated; and
3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45 and LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
- d. Water supply, wastewater and stormwater requirements;
- e. Hours of operation; and
- f. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved:** Discretionary

**LLRZ – R14 Papakainga Developments not meeting Permitted Activity Standards Activity  
Status Restricted Discretionary**

Where:

1. The minimum residential unit density is 200m<sup>2</sup> net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m;
4. All performance standards for Rules NOISE R1-R2 and R45 and LIGHT - R3 are complied with; and
5. Maximum building coverage is 50%.

**Discretion is restricted to:**

- a. Design and location of buildings;

- b. Design and location of parking and access;
- c. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
- d. Water supply, wastewater and stormwater requirements;
- e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three;
- f. ~~Hours of operation;~~ and
- f. Acoustic and noise insulation requirements.

**Activity status where compliance not achieved:** Discretionary

**LLRZ - R14A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of structures;**
- b. Height of structures; and**
- c. Shading and dominance effects on adjoining sites.**

**LLRZ – R15 ~~Residential Activities, Residential Units, Papakāinga Developments, Fences, Walls and Retaining Walls~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards**

**Activity Status Discretionary**

Where:

1. All performance standards for Rules NOISE R1-R2 and R4~~5~~ and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**LLRZ – R16** As notified

**LLRZ – R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation**

**Activity Status Discretionary**

Where:

1. All performance standards for Rules NOISE R1-R2 and R4~~5~~ and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

LLRZ – R18 As notified

LLRZ – R19 As notified

LLRZ – R20 As notified

LLRZ – R21 As notified

LLRZ – R22 **Any Activity not provided for by another Rule in the zone**  
**Activity Status ~~Non-complying~~ Discretionary**

**Activity status where compliance not achieved:** N/A

**MRZ-R1 Residential Activities and Residential Units and Accessory Buildings**

**Activity Status Permitted**

Where:

1. Residential unit density is no more than one unit per 300m<sup>2</sup> net site area;
2. The maximum building height above ground level is 10m;
3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm;
4. Maximum site coverage is 40%;
5. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas; **and the outdoor living space must have a minimum dimension of 3m;**
6. No heavy vehicles are stored on site;
7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** used for the activity and must not drain to any public road ~~except for secondary flow purposes;~~
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
  - a. ~~Road boundaries;~~
  - b. ~~Buildings on adjoining sites that have a common wall along the boundary;~~
  - c. ~~Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~
  - d. ~~B~~boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically; and

9. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.

**Advice Notes:**

1. Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

**2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**

**Activity status where compliance not achieved:**

Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary

**MRZ-R2**

**Minor Structures**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**

2. Masts, poles, aerials and pou whenua must not exceed 7m in height;

3. Any antenna dish must be less than 1m in diameter;

4. Any ornamental or garden structure must not exceed 2.4 m in height; and

5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Controlled

**MRZ-R3** As notified

**MRZ-R4 Relocated Buildings**

**Activity Status Permitted**

Where:

1. All performance standards for Rule MRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built, to be and~~ **used** as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-months **of the building being delivered to the site; and;**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

**Activity status where compliance not achieved:** Controlled

**MRZ-R5 Home Business**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and ~~R4~~**5**, LIGHT - R3 and SIGN - R10 are complied with;
3. Hours of operation are limited to:
  - a. 7am-7pm weekdays; and
  - b. 8am - 5pm weekends and public holidays;
  - c. Except where:

- i. The entire activity is located within a building;
- ii. Each person engaged in the activity outside the above hours resides permanently on site; and
- iii. There are no visitors, customers or deliveries to the activity outside of the above hours;

**4. There is no more than one full-time equivalent person engaged in the home business that resides off-site.**

4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

**Activity status where compliance not achieved:** Discretionary

**MRZ-R6**

**Residential Visitor Accommodation**

**Activity Status Permitted**

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4~~5~~, LIGHT - R3 and SIGN - R10 are complied with;
3. There is a maximum of ~~six~~6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council on request;
6. No heavy vehicle movements are generated; and
7. In the Buller and Westland Districts the accommodation is homestay accommodation with a permanent resident living on site.

**Advice Notes:**

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

**2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply.**

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R7 Community Facilities and Educational Facilities**

**Activity Status Permitted**

Where:

1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with;
2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6**;and
3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** used for the activity and must not drain to any public road ~~except for secondary flow purposes~~; and
4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R8 Retirement Homes and Supported Residential Accommodation Activity Status Permitted**

Where:

1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with;
2. There are a maximum of ~~six~~6 residents living on site; and
3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place.

**Activity status where compliance not achieved:** Restricted Discretionary

**MRZ-R9 Minor Structures not meeting Rule MRZ - R2**

**Activity Status Controlled**

Where:

1. The minor structure does not exceed 10m in height; and
2. All performance standards for Rule GRZ – R1 are complied with **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**

**Matters of control are:**

1. Design and location of structures; and
2. ~~Landscape measures~~ **Measures to mitigate landscape effects.**

**Activity status where compliance not achieved:** Discretionary

**MRZ-R10 Relocated Buildings not meeting Rule MRZ - R4**

**Activity Status Controlled**

Where:

1. All performance standards for Rule MRZ - R1 are complied with.
- 2.

Matters of control are:

- a. Design and location of structures;
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- c. Connections to water supply, wastewater and stormwater; and
- d. Appearance of buildings.

**Activity status where compliance not achieved:** Discretionary

**MRZ-R11 Development of Medium Density Developments**

**Activity Status Controlled**

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m<sup>2</sup> net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

- a. Provision of infrastructure to service the development;
- b. Design and location of parking and access;
- c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects.**

MRZ-R12	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p><b>Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages</b></p> <p><b>Activity Status Restricted Discretionary</b></p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"><li>a. Design and location of buildings;</li><li>b. Design and location of parking and access;</li><li>c. <del>Landscape measures.</del> <b><u>Measures to mitigate landscape effects;</u></b></li><li>d. Hours of operation; <del>and</del></li><li>e. Acoustic and noise insulation requirements; <b><u>and</u></b></li><li>f. <b><u>Provision of infrastructure to service the development.</u></b></li></ul> <p><b>Notification:</b></p> <p>Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.</p>
MRZ-R13	<p><b>Activity status where compliance not achieved:</b> N/A</p> <p><b>Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages</b></p> <p><b>Activity Status Restricted Discretionary</b></p> <p><b>Discretion is restricted to:</b></p> <p>Design and location of buildings;</p> <ul style="list-style-type: none"><li>a. Design and location of parking and access;</li><li>b. <del>Landscape measures.</del> <b><u>Measures to mitigate landscape effects;</u></b></li><li>c. Hours of operation; <del>and</del></li><li>d. Acoustic and noise insulation requirements; <b><u>and</u></b></li><li>e. <b><u>Provision of infrastructure to service the development.</u></b></li></ul>
MRZ-R14	<p><b>Residential Visitor Accommodation not meeting Rule MRZ - R6</b></p> <p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p>

- a. This is ancillary to a residential activity;
- b. No heavy vehicle movements are generated; and
- c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with.

**Discretion is restricted to:**

1. Design and location of buildings;
2. Design and location of parking and access;
3. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**
4. Hours of operation; and
5. Acoustic and noise insulation requirements; **and**
6. **Provision of infrastructure to service the development.**

**Activity status where compliance not achieved:** Discretionary

**MRZ-R14A Fences, Walls and Retaining Structures not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of structures;**
- b. Height of structures; and**
- c. Shading and dominance effects on adjoining sites.**

**MRZ-R15 Residential Activities, Residential Units, ~~Fences, Walls and Retaining Walls, Relocated Buildings~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards.**

**Activity Status Discretionary**

Where:

- a. All performance standards for Rules NOISE R1-R2 and R45 and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**MRZ-R16 Home Business not meeting Rule MRZ - R5**

**Activity Status Discretionary**

Where:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

- a. This is ancillary to a Residential Activity; and
- b. All performance standards for Rules NOISE R1-R2 and R45 and LIGHT - R3 are complied with.

**Activity status where compliance not achieved:** Non-complying

**MRZ-R17** As notified

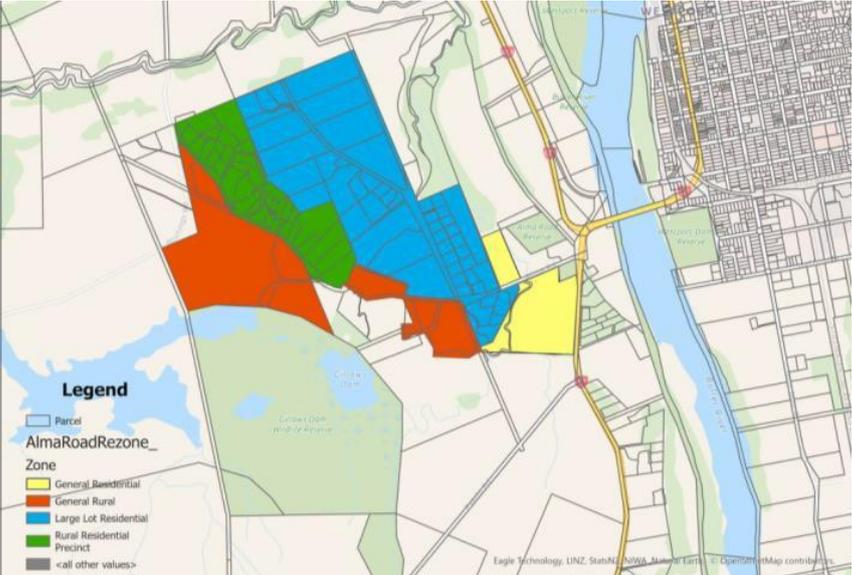
**MRZ-R18** As notified

**MRZ-R19** As notified

**MRZ-R20** As notified

**MRZ-R21** **Any Activity not provided for by another Rule in the zone**  
**Activity Status ~~Non-complying~~ Discretionary**  
**Activity status where compliance not achieved:** N/A

**Zoning Maps**

Provision	Recommended Amendments to Planning Maps
<b>Alma Road Terrace Area</b>	<p>Amend the Alma Road Terrace Area in accordance with the Map Below</p>  <p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Parcel</li> <li>AlmaRoadRezone_</li> <li>Zone</li> <li>General Residential</li> <li>General Rural</li> <li>Large Lot Residential</li> <li>Rural Residential Precinct</li> <li>&lt;all other values&gt;</li> </ul>

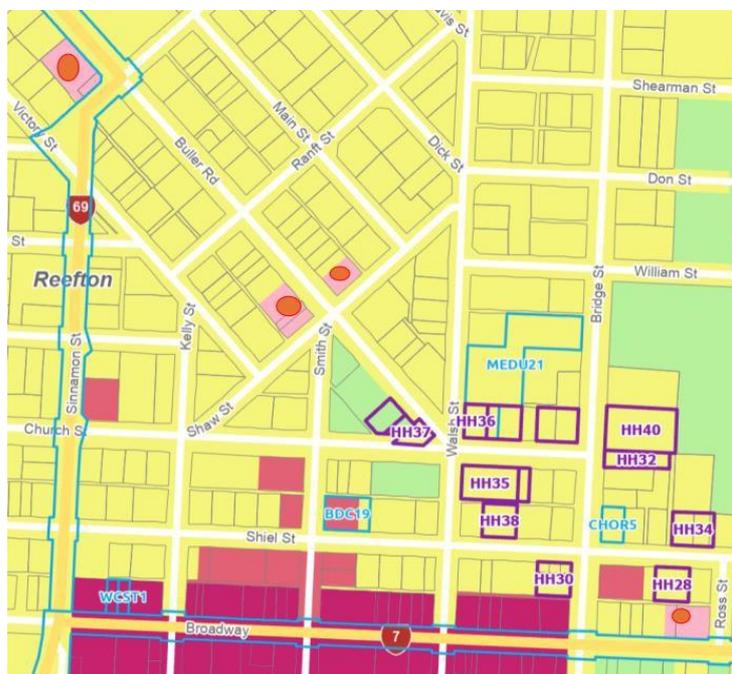
**Stafford Street - Westport**

Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone



**Neighbourhood Centre Zones - Reefton**

Amend Neighbourhood Centre Zones (red dots) as General Residential Zone



**Sturge Street – Cobden - Greymouth**

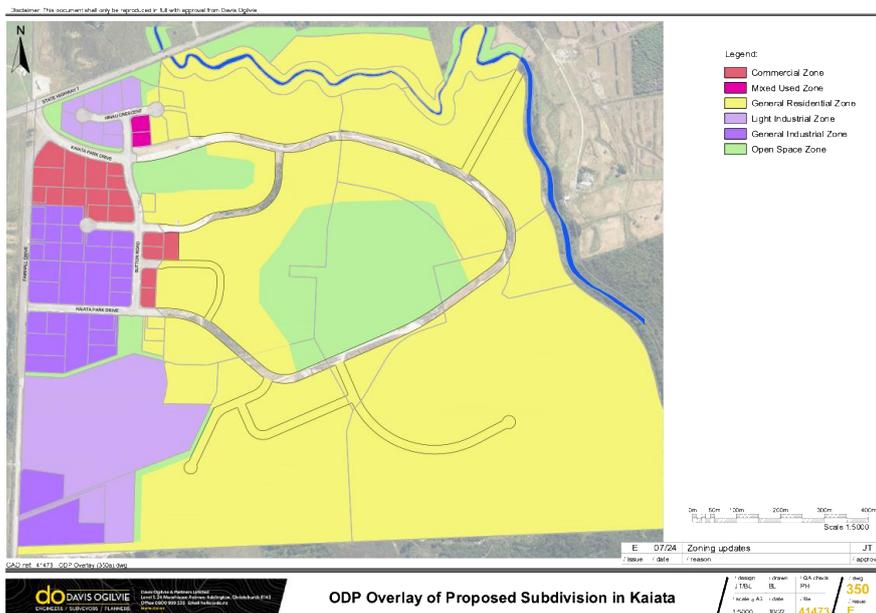
Amend General Residential Zone (red outline) to General Rural Zone



**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**

**Kaiata Park -  
Greymouth**

Amend Kaiata Park in accordance with the Kaiata Park ODP below



**Land Adjacent  
to Silver Fern  
Farms Site**

Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone



**Medium  
Density  
Residential  
Zone Revell  
Street, Hokitika**

Amend Medium Density Residential Zone at Revell Street to General Residential Zone

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel  
Residential Zones – Ngā Takiwa Noho**



Provision	Recommendation
<b>Appendix Two: Recession Planes</b>	<p data-bbox="491 1099 890 1133"><b>Appendix Two: Recession Planes</b></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div data-bbox="497 1176 821 1512"> <p data-bbox="630 1534 734 1563"><b>Diagram A</b></p> </div> <div data-bbox="917 1243 1177 1512"> <p data-bbox="997 1534 1101 1563"><b>Diagram B</b></p> </div> </div> <p data-bbox="507 1612 1181 1675">Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A.</p> <p data-bbox="491 1691 1369 1863"><b><u>The level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries. These standards do not apply to:</u></b></p> <ol style="list-style-type: none"> <li data-bbox="491 1886 742 1915"><b><u>1. Road boundaries;</u></b></li> <li data-bbox="491 1937 1369 2004"><b><u>2. Buildings on adjoining sites that have a common wall along the boundary;</u></b></li> </ol>

<p><b><u>3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;</u></b></p> <p><b><u>4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</u></b></p> <p><b><u>5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;</u></b></p>		
NOSZ	–	R1, Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1,
OSZ	–	R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1,
SARZ	–	R1, STADZ – R1, SVZ – R1.
MUZ	–	R1, <del>These standards do not apply to:</del>
NCZ	–	R1,
TCZ	–	R1, <del>j. Road boundaries;</del>
GIZ	–	R1, <del>ii. Buildings on adjoining sites that have a common wall along the</del>
LIZ	–	R1, <del>boundary;</del>
SETZ	–	R1, <del>iii. Boundaries abutting an access lot or right of way in which case the</del>
HOSZ	–	R1, <del>furthest boundary of the access lot or right of way may be used for</del>
PORTZ	–	R1, <del>assessing compliance with this standard;</del>
STADZ	–	R1,
SVZ – R1.		<del>iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</del>
		<del>v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;</del>