

TE TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Rural Zones

Ngā Takiwa Tuawhenua

Hearing Dates: 29th & 30th and 1st & 2nd August 2024

Hearing Panel

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

Maria Bartlett

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Rural Zones - Ngā Takiwa Tuawhenua and Settlement Zone -Te Takiwā Nōhanga Pōnaho**

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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 Rural Zones - Ngā Takiwa Tuawhenua of the pTTPP. It contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on Part 1 (Definitions), Part 2 (Subdivision), Part 3 (Rural Zones), and the planning maps.
3. The Report contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 3 of the Plan.
4. The Section 32 Report¹ provided an evaluation of the Rural Zones (General Rural and Rural Lifestyle), and how they were managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.
5. The Section 42A Officer’s Report² (‘s42A Report’) for the Rural Zones was authored by Ms Lois Easton, a planner with Kererū Consultants as the Reporting Officer, was circulated before the hearing. The s42A Report provided an analysis of submissions and further submissions received, and made recommendations on changes to the notified plan provisions.
6. Ms Easton subsequently provided an Addendum s42A Report³ covering the rural and settlement zone topics and prepared to address submission points which were omitted, and updated commentary and recommendations on the specific submission of Russell Robinson concerning rezoning at Moana as a result of further technical information received from the Grey District Council. The latter matter is covered in the Settlement Zone Recommendations Report.

1.2. Rural Zones

7. The Rural Zones s42A Report assessed a total of 1499 submission points and 298 further submission points on the RURZ objectives and policies, GRUZ and RLZ Chapters, relevant definitions, minimum allotment sizes for subdivision and the planning maps. It provided summaries of all submissions and further submissions received, as well as the relief sought; an analysis of the proposed changes to the provisions; and recommendations on changes to the plan provisions.
8. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues:

¹ Te Tai o Poutini Plan – Section 32 Evaluation Report Twelve

² Te Tai o Poutini Plan Section 42A Officer’s Report Rural Zones (excluding Settlement Zone) – Ngā Takiwa Tuawhenua

³ Addendum to Rural Zones and Settlement Zones s42A Reports and Appendices

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- Definitions
- General Submissions;
- Overview;
- Objectives;
- Policies;
- Rules;
- Rezonings
- Associated Planning Maps

9. A s32AA Evaluation for the changes was provided at the end of the s42A Report.

1.3. Recommendation Report

10. This Recommendation Report follows the same structure as 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.
11. As with Ms Easton's s42A reports, the provisions concerning Mineral Extraction within this zone are not included within this Recommendation Report. The provisions affected are Objective RURZ – O5, Policies RURZ – P18 – P25, and Rules GRUZ-R11, GRUZ – R12, GRUZ – R18, GRUZ – R25, GRUZ – 32, RLZ – R11 and RLZ – R15.
12. These Plan provisions are dealt with in our Recommendation Report on the Mineral Extraction chapter.
13. 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 strikethrough, 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.
14. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either the 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.
15. 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

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- c. The Panel has recommended retaining the provision as notified for reasons set out in this Recommendation Report.
16. Where there is a recommended change to a notified provision of the TTPP, it is because:
- (a) The Panel has recommended an amendment 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
 - (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 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).
17. 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.
18. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions 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 sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
19. 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 that a further evaluation was undertaken.
20. 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.

1.4. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
BCG	Buller Conservation Group
BDC	Buller District Council

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Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
Federated Farmers	Federated Farmers of New Zealand
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone
HortNZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MOE	Ministry of Education
NZAAA	New Zealand Agricultural Aviation Association
NPSHPL	National Policy Statement for Highly Productive Land
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
RNZ	Radio New Zealand
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.5. Hearing Arrangements

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22. The hearing was held at two venues, the first being the NBS Theatre in Westport on the 29 & 30 July 2024, and the second being the West Coast Regional Council Building on the 1 & 2 August 2024. Some submitters appeared via internet connection.
23. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.6. Appearances

24. The following submitters appeared at the combined Rural and Settlement zones hearing:

Mr John Menlove for himself

Ms Emily Levenson for Horticulture New Zealand

Mr Tony Michelle for NZAAA

Mark & Emily Wiechern for themselves

Mr Vance Boyd for himself

Mr Hadleigh Pedler, Mr Steve White and Mr Mark Bullen for Radio New Zealand

Ms Sarah Eveleigh, Ms Amy Callaghan & Ms Kathrine Jones for CMP Kokiri Limited

Mr Steve Tuck, Planner for Silver Fern Farms Limited (SFF)

Mr Frank O'Toole for himself and **Ms Anna Bensemman** for Mr Frank O'Toole

Mr Philippe Dumout, Mr Andrei Cotiga, Mr Jade McFarlane, Ms Claire McKeever, Mr Garry Howard, Ms Holly Luzak, Mr Anthony Fisher, Mr Tom McGaveston & Mr Bryan McGillan for Tauranga Bay Holdings Ltd

Mr Larry Eade and Ms Jane Bayley for Cape Foulwind Stape 1 (CFS1) and Cape Foulwind Stape 2 (CFS2)

Mr Murray Stewart for himself

Mr Jeremy Dillon for Forest Habitats Ltd

Ms Marie Elder for herself

Ms Christina Bushby for herself

Ms Pauline Hadfield for T Croft Ltd, International Panel & Lumber Ltd, Te Kinga Investments Ltd and Davis Oglivie Ltd

Ms Shari McLaughlin for herself and representing Mr John Boyles; Mr David McInRoe; Ms Kay Leighton, Mr Ken and Mrs Robyn Ferguson

Ms Kelsey Barry, Mr Russel Robinson, Mr Tony Penny, Mr Richard Nichol, Ms Helen Kellet, Ms Louise Bailey & Mr Craig Barr for Russell Robinson and Brunner Builders Limited

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Mr Karl Luxon for Scenic Hotel Group

Mr Andrew Beaumont for himself

Mr Rob Kinney for Te Kinga Estate Ltd

Mr Martin Kennedy for himself

Mr Martin Kennedy for Westpower

Mr Tom McGaveston for himself

Ms Frida Inta for herself and Buller Conservation Group

1.7. Overview of submitter evidence received

25. Legal submissions were received from Ms Sarah Eveleigh for CMP Kokiri Limited, Hadleigh Pedler for RNZ.
26. For those appearing at the hearing, the following evidence and/or statements were received:
 - a. Mr Steve Tuck, planner for SFF (dated 1 July 2024).
 - b. Ms Jane Bayley, planner for CFS1 and CFS2 (dated 22 March 2024 and 2 July 2024).
 - c. Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc (dated 14 June 2024);
 - d. Mr Martin Kennedy, planner for Westpower Limited (dated 1 July 2024);
 - e. Barry MacDonell, planner for Forest Habitats Ltd (dated 25 June 2024)
 - f. Emily Levenson, policy advisor to HortNZ, (dated 1 July).
 - g. Anna Jane Bensemman, planner for Frank O'Toole (dated 1 July 2024)
 - h. Amy Callaghan, planner, Katharine Jones, transport engineer, and Darryl Tones, General Manager Operations of ANZCO Foods Limited, for CMP Koriri limited (dated 18 March 2024). Supplementary evidence from Amy Callaghan and Katharine Jones (dated 1 July 2024), and summary statements from Amy Callaghan, Katharine Jones and Darryl Tones, (dated 29 July 2024)
 - i. Steve White, Transmission Engineer Specialist for RNZ (dated 2 July 2024).
 - j. Andrea Cotiga, Jade McFarlane, Claire McKeever, Philippe Dumont for Tauranga Bay Holdings, (dated 4 July 2024).
 - k. Lionel Hume, policy advisor, and Simon Cameron (West Coast Provincial President of Federated Farmers of NZ), for Federated Farmers (dated 1 July 2024).
 - l. Pauline Hadfield, planner for International Panel and Lumber and T Croft Ltd, (dated 1 July 2024).
 - m. Statement of Tony Michelle, NZAAA (dated 12 July 2024)

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27. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

- a. FENZ provided a letter⁴ with additional discussion on those submission points that the reporting officer rejected.
- b. KiwiRail provided a letter⁵ confirming that they did not wish to be heard. The letter indicated that KiwiRail sought minimum building setback requirements from the rail corridor in the rural zones.
- c. Stephanie Styles, planner for Manawa Energy Ltd, provided a statement of evidence (dated 19 June 2024). The statement discusses submission points that were not addressed in the s42A Report and confirms support for various recommendations made by the reporting officer.
- d. A site location map was provided by Shirley Godfrey, confirming the location of the properties requested to be rezoned.

28. Following the hearing, the subsequent information was received as follows:

- a. Jane Bayley (for Cape Foulwind Staple 1 and 2) responded to the WCRC discharge report by BTW dated 20 December 2024.
- b. Forest Habitats Ltd provided a letter⁶ addressing flood mapping.
- c. Emily Levenson responded to Panel questions on greenhouses and artificial crop protection structures (dated 31 July 2024).
- d. Memoranda of Counsel were submitted on behalf of CMP Kokiri Ltd (dated 14 August 2024 and 12 December 2024) confirming that CMP Kokiri Ltd continue to seek rezoning of 7 Blair Road, Arnold Valley, and provide further clarification on the officer's zoning recommendation.
- e. Closing legal submissions and statement of planning evidence were submitted on behalf of Russell Robinson and Brunner Builders Ltd (dated 9 September 2024).
- f. Further legal submissions were submitted on behalf of RNZ, providing legal advice on the scope of RNZ's submission and confirming support for the draft provisions prepared by the s42A Officer (dated 25 September 2024).
- g. Scenic Hotels Ltd provided a letter and memo⁷ responding to the Panel's request for proposed text amendments to the Proposed Plan.
- h. SFF provided a letter⁸ in response to Panel requests confirming the extent of SFF landholdings and confirming that a car park is under development at Lot 3 DP 577157.
- i. Suzanne Hills provided an email requesting rezoning of 3342 Coast Road, to Natural Open Space Zone (dated 30 September 2024).

⁴ Letter from Alec Duncan dated 19 July 2024

⁵ Letter from Michelle Grinlinton-Hancock dated 1 July 2024

⁶ Letter from Barry MacDonnell dated 1 October 2024

⁷ Letter from Karl Luxon dated 22 August 2024 and attached memo from Planz Consultants dated 23 August 2024

⁸ Letter from Steve Tuck dated 16 August 2024

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- j. Tauranga Bay Holdings provided a letter responding to the Panel's request for a proposed Outline Development Plan framework⁹, and a letter reviewing the WCRC onsite wastewater disposal report by BWT dated 20 December 2024. Copies of a presentation made to the TTPP Planning Committee in May 2021, a contaminated land map dated January 2018, and further information relating to the potential yield of areas proposed to be rezoned were also provided.
- k. Te Tumu Paeroa and Poutini Ngāi Tahu provided an agreed statement dated 14 August 2024 addressing RURZ-P17 and GRUZ-R4.

1.8. Right of Reply

- 29. Ms Easton provided a written right of reply (dated 30 September 2024) that addressed the Panel's questions on various matters. She proposed amendments to several provisions, including both track changes and a clean copy of the amended provisions.
- 30. Ms Easton provided a written right of reply (dated 12 February 2025) addressing the matters raised by the Panel with rezoning at Moana and Cape Foulwind.
- 31. A joint right of reply was also received in response to the submission from SFF (dated 17 October 2024).

1.9. Procedural Steps and Issues

- 32. The Panel notes that Commissioner Chrystal took no part in recommendations relating to Cape Foulwind Stape 1, O'Connor Crossroads Limited or Scenic Hotel Group and Commissioner Becker took no part in in the recommendations on Highly Productive Land. No procedural issues arose from this hearing.

1.10. Site Visits

- 33. As part of this hearing, we undertook several site visits as follows:
 - a. The Cape Foulwind sites
 - b. 261 Utopia Road,
 - c. Sergeants Hill
 - d. Nine Mile Road
 - e. Buller Road
 - f. Alma Road Terrace
 - g. Grey Valley-Atarua
 - h. Waipuna
 - i. CMP Kokiri Site, Arnold Valley Road
 - j. 11 Lake Brunner Road -Kempl Block
 - k. SH67A between Bulls Road and Bradshaw Road,
 - l. 28 Tuis Way

⁹ Letter from Claire McKeever dated 13 September 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

34. Rural Zones are in Part 3 – Area-specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Rural Zones include the General Rural, Rural Lifestyle and Settlement Zone. The section contains one objective and policies chapter that applies across the zones, and three rules chapters, with the rules that are specific to each zone. The Settlement Zone provisions have been addressed in the Settlement Zone Recommendations Report.
35. The Section 32 Report outlined the relevant statutory considerations applicable to the Rural Zones, and the relationships between the sections of the RMA and higher order documents.
36. The section 42A Report highlighted the relevant sections of the RMA, and higher order statutory documents and relevant documents. The Panel notes in particular the following:
 - a. National Policy Statement for Highly Productive Land (NPS HPL)
 - b. National Planning Standards
37. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.
38. There is also a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented
39. The purpose of Strategic Direction in Part 2, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives and policies in place, the articulation of location-specific and activity-specific objectives and policies is enabled in other chapters of the pTTPP, which are consistent with the strategic provisions. Relevant to our recommendations in this Report are the Rural Production and Climate Change and Resilience strategic provisions.
40. Clause 4 of the First Schedule, RMA, sets out the requirements to be inserted prior to notification of proposed district plans.
41. Clause 10 of the First Schedule, RMA, states that it is not necessary to provide decisions on individual submissions.
42. The National Planning Standards mandatory direction requires that the zones must be included in the order in which they are set out in Table 4. The Zone Framework Standard specifies that the Council can only use zones provided for in the standard. The District Spatial Layers Standard sets out the spatial layers that can be used. The Definitions Standard sets out standard definitions that must be applied if used in the District Plan. Of relevance to the Rural sections are the definitions for *'intensive indoor primary production'* and *'rural industry'*. We are satisfied that the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

43. Forty-five submission points and thirty-four further submission points relating to definitions are summarised in a Table on pages 14-24 of the s42A Report. Seven submissions sought the inclusion of the NPS definition of '*primary production*', six submissions related to the definition of '*agricultural, pastoral and horticultural activities*', and twenty-one submissions related to the definition of '*intensive indoor primary production*'. The remainder of the submissions related to various other definitions.
44. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

45. Ms Easton acknowledged Federated Farmers' support for the notified '*rural industry*' definition.
46. Ms Easton supported the submission point from NZAAA (S166.006) seeking a new definition of '*Agricultural aviation activity*' to be included in the Plan, albeit that she proposed a slight amendment to the proposed wording, which references '*Primary production*'. Ms Easton noted that the definition of '*primary production*' includes mineral extraction, and she considers that the focus of the agricultural aviation activity needs to relate to rural production activities.
47. Ms Easton did not support the NZAAA submission point (S166.011) seeking a new definition of *Rural Airstrip*, as she was not convinced there was a significant need for this definition.
48. Ms Easton did not support the NZAAA (S166.012) submission point seeking a new definition of *Helicopter Landing Area* as she considered it would widen the definition to include a heliport or potentially a rural industry, as it includes buildings and helicopter servicing. She noted this is not what is intended by the current Plan provisions.
49. Ms Easton supported the NZAAA submission point (S166.013) seeking a new definition of Rural Production, stating "*While the primary definition around farming type activities in relation to the rules is Agricultural, Pastoral and Horticultural activities, in terms of policies there is a need for a term that includes forestry activities which would apply where the NESPF does not permit these.*"
50. Seven submission points from BRM Developments Ltd (S603.004), Birchfield Ross Mining Ltd (S604.004), Birchfield Coal Mines Ltd (S601.0049), Phoenix Minerals Ltd (S606.004), Whyte Gold Ltd (S607.004), and Tiga Minerals and Metals Ltd (S493.004) sought that the National Planning Standards (NPS) definition of *Primary Production* be included in the Plan. Ms Easton supported these submissions, noting that the definition would be helpful for interpretation as the term is used in the Plan policies. However, she did not include a definition for *Primary Production* within her s42A Report, Appendix 1. We discuss this issue further in our Recommendations section.
51. In response to a submission point (S486.076) from HortNZ seeking a new definition for *Artificial Crop Protection Structures*, Ms Easton considered that definition unnecessary as she did not support the proposed rule, and *Artificial Crop Protection Structures* are permitted under the Minor Structures provisions.

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52. Ms Easton did not support a submission point (S486.077) from HortNZ seeking a new definition for *Greenhouses*, noting that she did not see a compelling case for specific provisions for *Greenhouses*, and these structures would be permitted subject to compliance with standards for Agricultural, Pastoral and Horticultural Activities.
53. Ms Easton did not support a submission point (S489.001) from Rural Contractors New Zealand Incorporated seeking a new definition for a *Rural Contractor Depot*, as she considers this activity falls within the definition of rural industry.
54. Ms Easton did not support a submission point (S524.026) from Federated Farmers seeking that a new definition of *Quarrying* be included within the Plan, as she considered the wide range of provisions and definitions for mineral extraction addressed quarrying.
55. Ms Easton supported in part a submission point (S524.008) from Federated Farmers seeking to amend the definition of a *Farm Quarry* to remove the requirement that this occurs on the same site, acknowledging that a farm may consist of multiple allotments. Ms Easton, therefore, proposed an amendment to the definition to refer to the activity occurring on the same “*property*” rather than the same “*site*.”

Agricultural, Pastoral and Horticultural Activities

56. Ms Easton acknowledged NZAAA’s support of rural airstrips and helicopter landing areas being included in this definition. She supported their submission (S166.008) seeking a change to the wording of matter k. in the notified definition, to replace “*rural production*” with “*agricultural aviation activities*”.
57. HortNZ (S486.001) and Federated Farmers (S524.003) sought to amend the title to this definition to “*Rural Production Activities*”, and to delete from clause a. the exclusion of intensive indoor primary production from this definition (i.e. to include intensive indoor primary production). Ms Easton did not support this submission point to amend the title, noting that she had proposed a new definition for Rural Production to be used in policies, which encompasses a broader range of activities than the Agricultural, Pastoral, and Horticultural Activities definition, used in the chapter rules. Ms Easton also considered that intensive indoor primary production has effects that need to be specifically managed, beyond what can be managed within a Permitted Activity status. Therefore, these activities should not be included in the definition, and the exclusion in clause a. should remain.
58. Forest and Bird (S560.410) sought that clause *j. farm quarries* be deleted from the definition, or alternatively, the provisions in GRUZ be amended to exclude *farm quarries* to ensure SNAs are adequately protected. Ms Easton did not support this definition, on the basis that the provisions for SNAs and vegetation clearance are found in the Ecosystems and Biodiversity chapter, not the zone rules. Ms Easton noted she has supported an amendment to the Chapter Overview to emphasise this. Ms Easton pointed out that *farm quarries* are a normal part of farming operations, and there is no need to exclude them from this definition.

Intensive Indoor Primary Production

59. BDC (S538.012) sought that the definition be amended to include the words “*For the avoidance of doubt, Herd Homes and Wintering Barns are not considered Intensive Indoor Primary Production*”. GDC (S608.007) sought an explanatory note to be added to the definition with similar wording, and several other submitters sought identical relief. Ms Easton supported these submissions but noted that, as the definition is a National Planning Standard definition,

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it cannot be amended, so an advice note would be an appropriate way to manage this. She included wording for an Advice Note.

60. Frida Inta (S553.021) sought that the definition be amended to state that it includes intensive indoor and outdoor primary production. Ms Easton did not support this submission point, noting that, as a National Planning Standard definition, it cannot be amended.

Recommended changes

61. Ms Easton recommended the following amendments to the definitions:

Agricultural aviation activities: *means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for farming activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).*

Agricultural, Pastoral and Horticultural Activities *means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:*

- a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive
- b. indoor primary production;
- c. beekeeping;
- d. sphagnum moss collection;
- e. storage of products and initial processing of horticultural and agricultural products produced on that site;
- f. the storage, treatment and disposal of solid and liquid animal waste;
- g. wood lots;
- h. stock sale yards;
- i. rural research;
- j. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale);
- k. farm quarries;
- m. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for
- n. ~~rural production purposes~~ *agricultural aviation activities; and*
- o. ancillary structures/accessory buildings.

Farm Quarry *means an open pit or excavation from which quantities of soil, stone, gravel or mineral is are extracted for farming activities on the same site property.*

Intensive Indoor Primary Production *means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.*

Advice Note: *For the avoidance of doubt, intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.*

Rural Production means agricultural, pastoral, horticultural, or forestry activities.

Hearing and Submitter Evidence

62. NZAAA supported the revised definitions of *Agricultural aviation activities*, *Agricultural, Pastoral and Horticultural activities*, and *Rural Production* in the s.42A report and seeks that these are accepted.
63. NZAAA continued to seek a new definition for *Rural Airstrip*, noting that it would provide clarity between regularly used airstrips for general aviation and those used intermittently for agricultural aviation activities. NZAAA acknowledged the concerns raised in the s42A Report regarding the proposed definition of Helicopter Landing Area and sought a definition that provides clarity to prevent future ambiguity. They noted that the inclusion of these additional definitions would provide clarity for the proposed policies.
64. In relation to the *Farm Quarry* and *Quarrying* definitions, Federated Farmers supported the reporting officer's recommendation to replace the words '*on the same site*' with the phrase '*on the same property*'. Federated Farmers continued to request a new definition of quarrying, maintaining that it is sufficiently different from other forms of mineral extraction to justify its own definition.
65. Federated Farmers also suggested that a definition of *Stock Sale Yards* may be necessary to differentiate these from stock yards used in normal farming operations.
66. HortNZ accepted the officer's recommendation to retain the exclusion of intensive primary production from the *Agricultural, Pastoral and Horticultural Activities* definition, but sought an amendment to include *Greenhouses* in the list of activities covered by the definition of *Agricultural, Pastoral and Horticultural Activities* to provide specificity and clarity.
67. HortNZ continued to seek a new definition for an *Artificial Crop Protection Structure* and an additional definition of a *Crop Support Structure*.
68. Frida Inta, representing herself and Buller Conservation Group, sought changes to the *Agricultural, Pastoral and Horticultural Activities* definition because it did not exclude small cottage industries such as selling surplus home garden produce or eggs, etc. She also noted that the Plan does not include a definition of *Woodlot*, although the term is used in the Plan rules. Neither Ms Inta nor the Buller Conservation Group had made submissions on these definitions.
69. ANZCO Kokiri's planner sought the addition of a new definition for *Meat Processing Facility/Meat Processing* as follows:

means the use of a site for the yarding and slaughtering of animals; the associated processing of meat including fish processing, stock finishing, by-product and co-product processing; rendering; fellmongery, tanning, casing and pelt processing; the associated chilling, freezing, packaging and storage of meat and associated products; the treatment and disposal of effluent from the above processes; and ancillary activities.

Reporting Officer Reply Evidence

70. In relation to the definition of a *Farm Quarry*, Ms Easton considered that referring to '*farm property*' rather than just '*property*' is an appropriate amendment, and that there is scope to make this change under the Federated Farmers submission.

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***Farm Quarry** means an open pit or excavation from which quantities of soil, stone, gravel or mineral are extracted for farming activities on the same ~~site~~ farm property.*

71. In response to a Panel question on the regulatory framework for *Woodlots*, Ms Easton noted that a definition had been recommended under the Sites and Areas of Significance to Māori topic as follows:

Woodlot means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long-term ecological restoration planting of forest species or willows and poplars, or space planted for soil conservation purposes.

72. Ms Easton noted that the NES-CF does not regulate *Woodlots* established for personal, not commercial purposes and considered it prudent to amend the proposed definition to include forests greater than 1ha that the NES does not regulate. She recommends the following changes:

Woodlot means a forest of ~~up to 1ha of continuous forest cover~~ deliberately established forest species that has been planted and has or will be harvested or replanted ~~and is not regulated by the NES – CF due to its size or non-commercial nature~~. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long-term ecological restoration planting of forest species or willows and poplars, or space planted for soil conservation purposes.

73. In response to the Panel asking whether the NPSHPL definition of Land Based Primary Production could be used rather than the proposed *Rural Production* definition, Ms Easton replied that she did not support using the NPSHPL definition, as Primary Production is an NPS definition. Ms Easton also noted that there are technical problems with using definitions that include words from another definition for the automatic definition pop-ups in the e-plan. Ms Easton also stated that, as no submitters had sought to use this definition, there may not be scope for this change.

74. Ms Easton confirmed her support for the HortNZ submission point, requesting that *Greenhouses* and *Artificial Crop Protection Structures* be listed as sub clauses l. and m. respectively in the definition of Agricultural, Pastoral or Horticultural Activities.

75. In response to a Panel question about Highly Productive Land, Ms Easton confirmed the submission points from HortNZ and Federated Farmers both sought to add a new definition of *Highly Productive Land*, providing scope for this change. However, Ms Easton did not include a new definition of *Highly Productive Land* in her Appendix 1 of recommended changes to the Plan.

Hearing Panel's Evaluation

76. Concerning the definition of ***Agricultural Aviation Activity***, the Panel agrees with Ms Easton and NZAAA (\$166.006) that a new definition of *Agricultural Aviation Activity* should be included in the Plan. We prefer Ms Easton's version, as it is more in keeping with the zone chapter. Ms Easton noted that the definition of *Primary Production* includes mineral extraction, and she considers that the focus of the *Agricultural Aviation Activity* needs to relate to *rural production activities*, as she prefers. We agree.
77. We also note that, arising from the recommendation to include this definition, further changes result, namely the deletion from clause k. of the notified definition of Agricultural, Pastoral

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and Horticultural Activities, the words '*rural production purposes*' to be replaced by '*agricultural aviation activities*'.

78. The Panel agrees with Ms Easton's reasons not to include the definitions of a *Rural Airstrip* or a *Helicopter Landing Area*. The Panel notes that, other than being included within the definition of both *Agricultural aviation activities and Agricultural, Pastoral and Horticultural Activities*, these two terms are not used elsewhere within the Plan, so defining them is unnecessary.
79. Regarding the definition of **Rural Production**, the Panel notes that Ms Easton supported including a definition in the Plan, mainly because a clear definition would aid interpretation of how the term is used in the Plan's policies. Ms Easton also agreed with NZAA's submission (S166.013) that "*While the primary definition around farming type activities in relation to the rules is Agricultural, Pastoral and Horticultural activities, in terms of policies, there is a need for a term that includes forestry activities which would apply where the NESPF does not permit these.*" We concur with Ms Easton that this submission offers an additional reason—namely, the reference to forestry—to include such a definition. We disagree with Ms Easton that '*Rural production*' is the right term to use, given that the NPSHPL contains a definition that achieves the same result of incorporating forestry, and we must give effect to the higher order instrument. Our preference is therefore to use the term '*Land based primary production*' from the NPSHPL, which we consider is supported by the HortNZ submission seeking implementation of the NPSHPL. We note that '*Rural Production*' has been used as the topic heading in the Strategic Directions Chapter and are satisfied with that heading remaining.
80. Ms Easton supported submissions from (S601.004) Birchfield Coal Mines Ltd, (S603.004) BRM Developments Limited, (S604.004) Birchfield Ross Mining Limited, (S606.004) Phoenix Minerals Limited, (S607.004) Whyte Gold Limited, (S608.492) GDC, and (S493.004) Tiga Minerals and Metals Limited, seeking the inclusion of the National Planning Standards definition of *Primary Production* in the Plan. , noting that the definition would be helpful for interpretation as the term is used in the Plan policies. However, she did not include a definition for *Primary Production* within her s42A Report, Appendix 1. We note that the NPS provides that where terms defined in the Definitions List of the NPS are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. To avoid confusion caused by the absence of a definition and for the reasons Ms Easton provides, we recommend the inclusion of the NPS definition of *Primary Production* within the plan.
81. Regarding the notified definition of **Agricultural, Pastoral and Horticultural Activities** we agree with Ms Easton's recommendations for the reasons she provides, to reject the submissions from both HortNZ (S486.001) and Federated Farmers (S524.003) that sought to amend the title to this notified definition to include the words "*Rural Production Activities*", and to delete the exclusion of intensive indoor primary production from this definition (i.e. to include intensive indoor primary production).
82. The Panel agree that an amendment to the title of the definition is not required and support retaining the definition. The Panel also agrees with Ms Easton's reasons for not including intensive indoor primary production within this definition. We note that when presenting evidence to the hearing, HortNZ accepted Ms Easton's recommendation to retain the exclusion of intensive primary production from the Agricultural, Pastoral and Horticultural activities definition, as it then was.

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83. Concerning the inclusion of a definition for **Greenhouse and Artificial Crop Protection Structures**, the Panel notes that HortNZ, in their submission, (S486.077), originally sought the addition of a new definition for a Greenhouse and specific rules attached to this. However, in their supplementary statement of 31 July, they proposed an alternative to include Greenhouse within the definition of “Agricultural, Pastoral or Horticultural Activities”. Ms Easton supported this approach because she considered that both Greenhouses and Artificial Crop Protection Structures implicitly fall within the notified definition of “Agricultural, Pastoral or Horticultural Activities”. However, in the interests of clarity, she supported the addition of both types of structures to that definition. The Panel agrees with Ms Easton’s reasoning and recommendation to add both types of structure to the definition of Agricultural, Pastoral or Horticultural Activities.
84. While on the point of these structures, the Panel notes Ms Easton considered that an amendment to Rule RURZ–R1 to specifically clarify that the rule applies to structures as well as buildings would be useful, as the definition of “*Agricultural, Pastoral or Horticultural Activities*” specifically includes “*ancillary structures/accessory buildings*”. She considered that this could be regarded as either a consequential amendment or a minor amendment. She considered that this rule is the most appropriate for managing these structures, rather than the Minor Structures rule or another bespoke rule. We agree with her reasoning and her recommendation to amend RURZ-R1 by adding the word ‘*structures*’ to the rule, clarifying that the rule applies to buildings and structures.
85. Concerning the submission from Rural Contractors New Zealand Incorporated (S489.001) seeking a new definition for *Rural Contractor Depot*, as Ms Easton considered this activity falls within the definition of a rural industry and that other plan provisions apply to that activity. The Panel agrees with her reasoning and agrees with her recommendation not to include a definition of a Rural Contractors Depot. In any event, the Panel is concerned about the ramifications of including the definition promoted by the Rural Contractors due to its extensive reach.
86. The Panel agrees with Ms Easton that a *Quarry* is defined elsewhere in the Panel and a further definition of a *Quarry* for this chapter is not required as sought by Federated Farmers (S524.026). However, the Panel agrees with her recommendation to amend the definition of a *Farm Quarry*, as the amendment recognises that a farm may comprise more than one site. Using the descriptor ‘*farm property*’ provides recognition that a farm may operate over several sites. We recommend one clause 16 amendment to delete the word ‘*is*’ and replace it with ‘*are*’.
87. Concerning *farm quarries*, the Panel agrees with Ms Easton that such quarries are a regular part of farming operations, and there is no need to exclude them from this definition. We agree with Ms Easton that the Forest and Bird issue of concern, namely that SNAs are protected from farm quarries, is addressed, on the basis that the provisions for safeguarding SNAs and vegetation clearance are found in the Ecosystems and Biodiversity chapter, not the zone rules of this chapter.
88. Regarding the definition of *Intensive Indoor Primary Production*, the Panel agrees with Ms Easton, for the reasons she outlines, that the only suitable way to address BDCs’ submission point (S538.012) is to add an advice note to the rule. We concur with her proposed wording for that advice note. We have considered the submission by BCG (S552.224) on including a definition of Factory Farming and consider it is not necessary.

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89. Regarding the definition of ‘*Meat works*’ sought by ANZCO Kokiri’s planner, we note Ms Easton makes no recommendation on that definition, and the definition is not included in Ms Easton’s recommendations for Plan provisions in her Appendix 1. We note that the submitter sought rezoning of the meat works site, which Ms Easton supported. We also recommend rezoning, so to that extent, the submitters' needs are met. The words *Meat works* are not used extensively in the Plan, so we see no need to define them.
90. Regarding the *Woodlot* definition, the Panel have given consideration to the definitions before us. We do not consider the definition proposed by Ms Easton which eliminates the 1ha requirement is appropriate as it would mean that there is no distinction between Woodlots and Plantation Forestry which is defined in the NES-CF. We consider that the 1ha distinction is important and as a belts and braces approach, we consider adding in ‘*and is not regulated by the NES–CF due to its size or non-commercial nature*’, which ensures that Woodlots are separately regulated in the Plan. We also consider that the definition of Plantation Forestry in the NES-CF should be included in the Plan as requested in submissions.¹⁰
91. The Panel also note that the NES-CF was amended after notification of the Plan and now differentiates between Plantation Forestry and Commercial Forestry. The Panel consider that the definition of Commercial Forestry is required to be included in the Plan in order to understand the definition of Plantation Forestry as requested by submitters. The definition of Commercial Forestry relies on a definition of exotic continuous-cover forestry that the Panel also consider is required in the Plan. The Panel notes that these definitions have implications for other chapters which utilise them.
92. Regarding the submission to include a definition of *Highly Productive Land*, the Panel consider a definition is required in the Plan and recommends the sentiments of the NPS-HPL definition are adopted in the Plan as set out below.
93. The Panel has included a definition of *Specified Māori Land*, which arises from discussion of RURZ-P5 and implementation of the NPSHPL, as well as the NPSIB.

Hearing Panel’s Recommendation

94. We agree with 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 recommends the following amendments be made to the **Definitions**:

Term	Definition
<u>Agricultural aviation activities</u>	<u>means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for rural production activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).</u> ¹¹

¹⁰ Poutini Ngāi Tahu (S620.026), Buller Conservation Group (S552.026)

¹¹ New Zealand Agricultural Aviation Association (S166.006)

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<p>Agricultural, Pastoral and Horticultural Activities</p>	<p>means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:</p> <ul style="list-style-type: none"> a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production; b. beekeeping; c. sphagnum moss collection; d. storage of products and initial processing of horticultural and agricultural products produced on that site; e. the storage, treatment and disposal of solid and liquid animal waste; f. wood lots; g. stock sale yards; h. rural research; i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale); j. farm quarries; k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for rural production purposes agricultural aviation activities,¹² and l. greenhouses m. artificial crop protection structures; and¹³ n. ancillary structures/accessory buildings.
<p><u>Commercial Forestry</u></p>	<p><u>means exotic continuous-cover forestry or plantation forestry.</u>¹⁴</p>
<p><u>Exotic continuous-cover forestry</u></p>	<p><u>means</u></p> <ul style="list-style-type: none"> <u>(a) a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</u> <ul style="list-style-type: none"> <u>(i) will not be harvested or replanted; or</u> <u>(ii) is intended to be used for low-intensity harvesting or replanted; and</u> <u>(b) includes all associated forestry infrastructure; but</u> <u>(c) does not include—</u> <ul style="list-style-type: none"> <u>(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or</u>

¹² New Zealand Agricultural Aviation Association (S166.038, S166.039)

¹³ HortNZ (S486.077),

¹⁴ Consequential amendment stemming from Poutini Ngāi Tahu (S620.026)

	<p><u>(ii) forest species in urban areas; or</u></p> <p><u>(iii) nurseries and seed orchards; or</u></p> <p><u>(iv) trees grown for fruit or nuts; or</u></p> <p><u>(v) long-term ecological restoration planting of indigenous forest species; or</u></p> <p><u>(vi) willows and poplars space planted for soil conservation purposes.</u>¹⁵</p>
Farm quarry	means an open pit or excavation from which quantities of soil, stone, gravel or mineral is <u>are</u> ¹⁶ extracted for farming activities on the same site <u>farm property.</u> ¹⁷
Intensive Indoor Primary Production	Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. <u>Advice Note: For the avoidance of doubt intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.</u> ¹⁸
<u>Primary Production</u>	<u>Means:</u> <u>a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and</u> <u>b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);</u> <u>c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but</u> <u>d. excludes further processing of those commodities into a different product.</u> ¹⁹
<u>Land Based Primary Production</u>	<u>means production from agricultural, pastoral, horticultural, or forestry activities that is reliant on the soil resource of the land.</u> ²⁰
<u>Plantation Forestry</u>	<u>means a forest deliberately established for commercial purposes, being—</u> <u>a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</u> <u>b. includes all associated forestry infrastructure; but</u>

¹⁵ Consequential amendment stemming from Poutini Ngāi Tahu (S620.026)

¹⁶ Clause 16(2) of the RMA

¹⁷ Federated Farmers (S524.008)

¹⁸ Buller District Council (S538.012), Grey District Council (S608.007), Jared Avery (S508.001), Kyle Avery (509.001), Avery Bros (S510.001), Bradshaw Farms (S511.001), Paul Avery (S512.001), Brett Avery (S513.001), Leonie Avery (S507.001), Geof Volkman (S563.001), Catherine Smart-Simpson (S564.004), Koiterangi Lime Co Ltd (S577.001), Chris J Coll Surveying Limited (S566.307), William McLaughlin (S567.037), Laura Coll McLaughlin (S574.307), Chris + Jan Coll (S558.307), Avery Bros (S609.001), Karamea Lime Company (S614.001), Peter Langford (S615.001), Ngai Tahu (S620.033)

¹⁹ Birchfield Coal Mines Ltd (S601.004), BRM Developments Limited (S603.004), Birchfield Ross Mining Limited (S604.004), Phoenix Minerals Limited (S606.004), Whyte Gold Limited (S607.004), TiGa Minerals and Metals Limited (S493.004)

²⁰ New Zealand Agricultural Aviation Association (S166.013)

	<p>c. <u>does not include—</u></p> <p>(i) <u>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or</u></p> <p>(ii) <u>forest species in urban areas; or</u></p> <p>(iii) <u>nurseries and seed orchards; or</u></p> <p>(iv) <u>trees grown for fruit or nuts; or</u></p> <p>(v) <u>long-term ecological restoration planting of forest species; or</u></p> <p>(vi) <u>willows and poplars space planted for soil conservation purposes.</u>²¹</p>
<p><u>Specified Māori land</u></p>	<p><u>means:</u></p> <p>(a) <u>Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</u></p> <p>(b) <u>land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</u></p> <p>(c) <u>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:</u></p> <p>(d) <u>land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:</u></p> <p><u>and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:</u></p> <p>(e) <u>Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</u></p> <p>(i) <u>as part of redress for the settlement of Treaty of Waitangi claims; or</u></p> <p>(ii) <u>by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</u>²²</p>
<p><u>Woodlot</u></p>	<p><u>means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted and is not regulated by the NES – CF due to its size or non-commercial nature. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long term ecological restoration</u></p>

²¹ Poutini Ngāi Tahu (S620.026), Buller Conservation Group (S552.026)

²² Consequential amendment as a result of HortNZ (486.068) and their overarching submission

	<u>planting of forest species or willows and poplars space planted for soil conservation purposes.</u> ²³
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3. RURAL ZONES

3.1. Whole Chapter

Submissions and Further Submissions

95. Six submission points and one further submission point were received on the chapter as a whole.
96. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

97. Ms Easton acknowledges support from several submitters for the approach of having three zones, the chapter generally, and the use of NES-PF to manage exotic forestry.
98. Ms Easton did not support GDC's submission point (S608.106) seeking references to "*Site or Area of Significance to Māori*" be deleted, noting that cross-referencing in the Plan is important for clarity.
99. Ms Easton supported in part the submission point by HortNZ (S486.086) seeking that the provisions manage reverse sensitivity pressures on horticultural growers. Ms Easton noted that the Plan was drafted with consideration given to reverse sensitivity and that this was a key matter that TTPP sought to address. She did not propose any amendments as a result of this submission point. HortNZ also sought that the provisions recognise highly productive land in line with the National Policy Statement Highly Productive Land.

Hearing and Submitter Evidence

100. There was no specific hearing or submitter evidence on the topic as a whole.

Reporting Officer Reply Evidence

101. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

102. The Panel agrees, for the reasons put forward by Ms Easton, that no changes to the Plan provisions are required as a consequence of the matters raised in the submissions and further submissions. We note however that we have addressed a component of the HortNZ submission in our discussion of Highly Productive Land later and have recommended amendments.

Hearing Panel Recommendation

103. No changes to the provisions are recommended in relation to the general matters raised in submissions and further submissions across the GRUZ.

²³ Poutini Ngāi Tahu (S620.026)

3.2. General Rural Overview-RURZ and GRUZ Overviews

Submissions and Further Submissions

104. Seventeen submission points and seven further submission points relating to the zone Overview were received and are summarised in a table on pages 27-30 of the s42A report and pages 2-4 of the s42A addendum report.
105. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and addendum report.

Section 42A Report

106. Ms Easton acknowledged support for the Overview from several submitters.
107. Forest and Bird (S560.370) sought that a section "Other relevant Te Tai o Poutini Plan provisions" be included, listing all relevant chapters, that it be made clear that the ECO chapter deals with clear vegetation clearance, and that cross references be included. Ms Easton supported listing other relevant Plan provisions, consistent with amendments made to other plan chapters, but considered additional cross-referencing within rules to be unnecessary. She recommended the following amendments:

~~*Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply*~~

Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Rural Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Rural Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.

Natural Character and Margins of Waterbodies -in some locations areas of General Rural 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.

Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Rural Zone, the provisions of the Ecosystems and Biodiversity chapter apply.

108. NZAAA (S166.028) sought a note or amendment to ensure that *Agricultural aviation activities* are part of forestry production activities. Ms Easton supported the submission point in part, recommending a new definition and amendments to the *Agricultural, Pastoral and Horticultural Activities* definition to address this issue. No change to the overview was recommended.

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109. Ms Easton did not support the Foodstuffs submission point (S464.034), seeking additional wording to the Overview, and noted that settlements include existing commercial activities, such as supermarkets. Ms Easton stated that paragraph 4 identifies that commercial activity can be in settlements, and that there are no supermarkets in the rural zones.
110. Ms Easton supported a submission point (S489.003) from Rural Contractors New Zealand Incorporated ("RCNZ") seeking an amendment to paragraph 6 to include the words "*including through enabling support industries and services*". Ms Easton did not support a similar change to the seventh paragraph of the overview section as she considered it unnecessarily repetitive.
111. Ms Easton did not support the Celine Stokowski Anthony Thrupp submission point (S522.007), seeking to delete text referring to the mineral extraction strategic direction. Ms Easton noted that consequential changes to the Overview resulting from decisions affecting the strategic direction would be made at the time.
112. Buller Conservation Group's submission (S552.172) sought that the third paragraph of the Overview be amended to refer to proximity to resource extraction sites as a driver for some settlements becoming more like commuter areas. Ms Easton disagreed with this assessment and did not support the submission point.
113. Ms Easton did not support Buller Conservation Group's submission point (S552.172), seeking a cap on dairy and other intense rural production, noting that many of the effects of intensive rural production are managed through regional plans, and that the TTPP manages land use effects of intensive rural production by requiring a resource consent. (Note – the s.42A report addresses this submission point in the overview section, but the original submission indicates that this submission point relates to the chapter as a whole).
114. Ms Easton supported Federated Farmers' submission point (S524.104), seeking a minor error correction to the Overview text. The submission also sought an amendment to note that since on-farm accommodation for workers is often located near other dwellings, separation from neighbours is not guaranteed. Ms Easton did not support this part of the submission, noting that the Overview provides a general statement about the character of rural areas, and that dwellings are generally separated by much greater distances than in urban environments.
115. Manawa Energy (S438.136) seek amendments to the Rural Zones Objectives and Policies Overview, identifying the Connections and Resilience strategic directions around regionally significant infrastructure and renewable electricity generation. Ms Easton supported this submission and the proposed amendments, as the Rural Zones are a major location for these activities.

Hearing and Submitter Evidence

116. Frida Inta and the Buller Conservation Group sought minor changes to the Overview reference to strategic direction AG-Agriculture, and to insert the word '*economic*' into the last paragraph.
117. Federated Farmers agreed with Ms Easton that the statement that there are '*lower levels of development*' in rural areas is generally correct. Still, they continued to seek an amendment to delete the wording '*and greater separation distance from neighbours.*'
118. Manawa continued to seek several changes to the Overview to recognise renewable energy generation operation, which had not been addressed in the original s42A report.

S.42A Addendum Report

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119. The addendum addressed several submission points that were not addressed in the original s42A report. Ms Easton supported the submission point from Manawa Energy seeking amendments to identify that regionally significant infrastructure and renewable electricity generation are located within the zone.

Reporting Officer Reply Evidence

120. There was no specific consideration of these general matters in the reply evidence.
121. The reporting officer considered changes to the Rural Zones Overview sought in the Scenic Hotel Group presentation to the hearing to be outside the scope of their original submission.

Hearing Panel's Evaluation

122. The Panel agrees, for the reasons put forward by Ms Easton, that the Federated Farmers submission to delete the word 'a' from the seventh line of the Overview should be accepted along with the Buller Conservation Group submission to include the word 'is' within the first line following the heading "Key Points to Note are".
123. The Panel agrees, for the reasons Ms Easton provides, that the submission of RCNZ to add the words, "including through enabling support industries and services." to the first bullet point under the heading 'Key Points to note are' should be accepted as the addition is a clarification.
124. The Panel agrees, for the reasons Ms Easton provides, that all of Manawa's submission points on the Overview should be accepted for inclusion within the Overview because there is a range of structures, including regionally significant infrastructure and renewable energy, associated with regionally significant infrastructure that are a feature of the rural areas. Recognition within the Overview is considered appropriate, however we have amended this to better reflect the revised strategic directions, and the following wording is recommended:

Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones.

125. The Panel agrees with Ms Easton's reasons for accepting the submission points made by Forest and Bird to amend that part of the Overview that details the relationship between this chapter and others within the Plan. We agree this change should be applied to all 3 Rural Chapters.
126. The Panel does not agree with Ms Easton's reasons to amend the General Rural Zone Overview to detail the relationship between this chapter and the Energy, Infrastructure and Transport chapters, and instead recommends including reference to these chapters under the other plans provisions section of the Overview.
127. Regarding the remaining submission points on the Overview, the Panel agrees with Ms Easton's analysis of them and her reasons for not supporting them. We agree with her that no changes or amendments to the Overview are appropriate after considering those submission points.

Hearing Panel Recommendation

128. 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 recommends amendments be made to the Overviews for the **Rural Zones-Objectives and Policies** and the **General Rural Zone**.

Rural Zones – Objectives and Policies

Overview

Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, wetlands, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a²⁴ lower levels of built development and greater separation distance from neighbours.

The rural area is characterised by its open vistas and natural features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.

Small settlements and townships are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities or their proximity to the main centres meaning they are becoming more like commuter areas.

Settlements have a range of characteristics – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the West Coast/Te Tai o Poutini, in addition to the RURZ - Rural Zones Objectives and Policies the Strategic Objectives also provide particularly relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for **LBPP – Land Based Primary Production** is to maintain productive values and maintain agricultural viability **including through enabling support industries and services.**²⁵
- **Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones**²⁶
- The importance of identifying and protecting unique and important NENV - Natural Environments as well as areas where subdivision use and development can occur;
- Supporting POU - Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of Pounamu and Aotea stone resources;
- The role that the rural areas play in terms of supporting TRM – Tourism as a major economic activity on the West Coast/Te Tai o Poutini.

²⁴ Federated Farmers (S524.104)

²⁵ Rural Contractors New Zealand Inc (S489.003)

²⁶ Manawa Energy (S438.136)

There are three RURZ - Rural Zones on the West Coast/Te Tai o Poutini - the GRUZ - General Rural Zone, the RLZ - Rural Lifestyle Zone and the SETZ - Settlement Zone.

- The GRUZ - General Rural Zone covers much of the land on the West Coast/Te Tai o Poutini where primary production uses are the major activities. There are two Precincts within the Zone - GRUZ - PREC1 - Community Living Precinct and GRUZ - PREC5 - Highly Productive Land Precinct.
- The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Because of the range of conditions within the Settlement Zone there are three Precincts within the Zone - SETZ - PREC2 -Settlement Centre Precinct, SETZ - PREC3 Coastal Settlement Precinct, and SETZ - PREC4 - Rural Residential Precinct.
- The RLZ - Rural Lifestyle Zone is located around the edges of towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually moved out of economic primary production, although they still may have rural activities occurring.

Alongside the RURZ - Rural Zone Policies there is a specific policy for each Precinct.

Note with Regard to ~~Plantation~~ Commercial Forestry²⁷

There are no specific provisions as relate to ~~plantation~~ **commercial**²⁸ forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial**²⁹ forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial**³⁰ Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

3.3. General Rural Objectives

Submissions and Further Submissions

129. Seventy-three submission points relating to the Rural Zone objectives were received and are summarised in a Table on pages 32-39 of the s42A Report. Nineteen submission points related to the objectives as a whole, and four sought the addition of a new objective.
130. Twenty-four submission points related to **RURZ-01**, of which twelve were in support, and sought to retain the objective as notified. The remaining twelve submission points sought amendments.
131. Nine submission points related to **RURZ-02**, of which six were in support, and three sought amendments.
132. Six submission points related to **RURZ-03**, of which four were in support, and two sought amendments.
133. Eight submission points related to **RURZ-04**, of which six were in support, and two sought amendments.

²⁷ Clause 16(2) of the RMA

²⁸ Clause 16(2) of the RMA

²⁹ Clause 16(2) of the RMA

³⁰ Clause 16(2) of the RMA

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134. Seven submission points related to **RURZ-O6**, of which six were in support, and one requested amendments.
135. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

Objectives (General)

136. Concerning the objectives (as a group), Ms Easton acknowledged the support from the submitters that sought to retain the objectives as notified.
137. Ms Easton did not support a submission point (S419.005) from Richard Aldridge seeking that the objectives and policies be amended to reflect better that the rural zones are residential locations and that agriculture and mineral extraction are not prioritised over rural residential living. Ms Easton noted that the Rural Lifestyle and Settlement Zones are identified explicitly as zones that prioritise residential living over agriculture and primary production, and the objectives and policies reflect this.
138. HortNZ (S486.085) sought policy support for future potential horticultural development on the west coast. Ms Easton supported this submission point in part, noting that RURZ-O1 and RURZ-P5 recognise the need to protect the future potential for horticultural development.
139. Forest and Bird (S560.373) sought a new objective requiring the maintenance and protection of natural values. Frida Inta (S553.173) and Buller Conservation Group (S552.173) sought similar relief through a new objective to protect indigenous biodiversity. Ms Easton did not support these submission points on the basis that these matters are addressed in the Natural Environmental Values chapters in the district-wide provisions.
140. HortNZ (S486.062) sought a new objective to give effect to the NPS-HPL. Ms Easton supported this submission point in part, but did not recommend any changes to the provisions, noting that this matter would be more appropriately addressed after WCRC develops the required amendments to the WCRPS to give effect to the NPS-HPL, which TTPP must, in turn, give effect to.
141. GDC (S608.107) sought a new objective stating, *'The General Rural Zone is managed to ensure its availability for primary production activities and its long term protection from being compromised by reserve sensitivity'*. Ms Easton supported this submission point, noting that the notified objectives are not sufficiently clear that the General Rural Zone is being managed principally for primary production activities, and this objective addresses this omission. Ms Easton recommends the following objective wording:

RURZ-OX The General Rural Zone is managed to maintain its availability for primary production purposes and its long term protection from being compromised by reverse sensitivity

RURZ-O1

142. Ms Easton acknowledged the submissions in support of this objective.
143. Ms Easton supported submission points from Federated Farmers (S524.106) and HortNZ (S486.061), seeking to amend the objective to focus on primary production activities. Ms

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Easton noted that the recommended new objective addresses the relief sought in these submission points.

144. Ms Easton did not support three submission points from Peter Jefferies (S544.003), Martin and Lisa Kennedy (S545.003), Nick Pupich and Sandy Jeffries (S546.005), seeking to delete the reference to *Highly Productive Land*, noting that this reference is appropriate and recognises the clear direction in the NPSHPL clause 3.5(7).
145. Six submission points from WMS Group (HQ) LTD and WMS Land Co Ltd (S599.105), Tiga Minerals and Metals LTD (S493.090), Birchfield Coal Mines Ltd (S601.084), Birchfield Ross Mining Ltd (S604.074), Phoenix Minerals Ltd (S606.059) and Whyte Gold Ltd (S607.059) sought that the objective be amended to add the words '*including primary production*' and that it refer to highly productive land '*and*' rural activities rather than '*for*' rural activities. Ms Easton supported these submission points in part, noting that the recommended new objective addresses the relief sought by these submitters. Ms Easton did not consider any further amendment to RURZ-O1 necessary. She considered that replacing '*and*' with '*for*' would alter the intent of the objective concerning why highly productive land is being retained.

RURZ-O2

146. Ms Easton acknowledged the submissions in support of this objective.
147. HortNZ (S486.063) and Federated Farmers (S524.107) sought to amend the objective to refer to the Rural Lifestyle Zone specifically. Ms Easton supported this part of these submission points, noting that although the objective relates to the rural lifestyle zone, this is not explicitly addressed in the wording, and she recommended the following amendment:

~~*The Rural Lifestyle zone provides for low density rural lifestyle living while still enabling primary production to occur, while avoiding conflicts and reverse sensitivity effects with rural production activities.*~~

148. These submissions also sought amendments to the objective, which would remove reference to rural character and instead focus on enabling primary production and avoiding reverse sensitivity. Ms Easton did not support these parts of these submission points, noting that rural character is important to reference and that this zone may not be an appropriate location for some types of primary production
149. Ms Easton did not support a submission point (S461.005) from Cashmere Bay Dairy Limited seeking to amend the objective to cater for residential activity, noting that the objective correctly provides direction for the Rural Lifestyle Zone, which has an intermediary role between the General Rural Zone and the Settlement Zone.

RURZ-O3 and RURZ-O4

150. Ms Easton acknowledged the submissions in support of these objectives.
151. HortNZ (S48.064) and Federated Farmers (S524.108) sought that these objectives be moved to the Settlement zone chapter and renamed SETZ-O1 and SETZ-O2, respectively. Ms Easton did not support these submission points as all Rural zones objectives are found in the RURZ chapter, and this is consistent with the structure of the pTTPP's other zone chapters.

RURZ-O6

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152. Ms Easton acknowledged the submissions in support of these objectives.
153. Cashmere Bay Dairy Ltd, (S461.008), sought an amendment that would allow on-site servicing where there are no existing Council services and where effects can be contained on-site. Ms Easton supported this submission point in part, as the objective already states that on-site servicing is expected outside of settlements and major developments. Ms Easton noted that the Settlement policies and rules also recognise that on-site servicing may be required, as provision of community infrastructure varies by location across the West Coast.

Hearing and Submitter Evidence

154. SFF sought the addition of a new, issue-specific objective to be added if the zoning configuration for five lots, adjacent to SFF's Hokitika meat processing facility, recommended in the residential zones s42A Report is accepted. The requested objective wording is as follows:

RURZ-O8 The Rural Lifestyle Zone is managed to avoid reverse sensitivity effects on lawfully established industrial activity located at 140 Kumara Junction Highway, Hokitika.

RURZ-O1

155. HortNZ sought an amendment to change the wording from 'retain' to 'protect' in relation to highly productive land.
156. Federated Farmers maintained that a highly productive rural working environment should be the first and foremost objective for the rural zone. They continued to seek an amendment to RURZ-O1 to provide for primary production activities.

RURZ-O2

157. Scenic Hotels requested that the objective be reworded to refer to the Rural Lifestyle Zone specifically. The following wording is requested:

***The Rural Lifestyle Zone** ~~To~~ provides for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character*

RURZ-O3

158. HortNZ accepted the s42A Report assessment in part, but sought an amendment to make it clear that this objective relates to the Settlement Zone, through the following wording:

*To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements **in the Settlement Zone** while:*

- 1. Allowing settlements to grow and adapt as economic activity changes;*
- 2. Providing for commercial and industrial land uses in larger settlements*

where these land uses provide for the local community and rural services

RURZ-O4

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159. HortNZ accepted the s42A Report assessment in part, but sought an amendment to make it clear that this objective relates to the Settlement Zone, through the following wording:

*To support the expansion of existing settlements **in the Settlement Zone** and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high-risk locations*

RURZ-07

160. Federated Farmers considered the recommended new objective 'a step in the right direction' but sought that it be reworded to provide more actively for primary production and associated activities.

Reporting Officer Reply Evidence

161. The Panel asked Ms Easton whether the term '*protect*' should be used in Objective RURZ-O1 rather than 'retain' concerning highly productive land. Ms Easton considered the term 'protect' to be appropriate if the objective is referring specifically to Highly Productive Land as defined in the NPS-HPL.
162. No changes to the wording of the objectives were recommended in the Right of Reply.

Joint Right of Reply

163. A joint right of reply was prepared by Briar Belgrave, Ruth Evans and Lois Easton, all Reporting Officers, concerning the SFF submission and noted that Ms Easton did not support the additional objective that the submission sought on the basis that there was insufficient supporting evidence for this amendment. The reply acknowledged that the request to refer specifically to the SFF site was only a secondary request and not the submitter's preferred option.

Hearing Panel's Evaluation

164. In relation to Objective RURZ-O1, the Panel agrees with the reasoning provided by Ms Easton to amend this objective. However, we consider that the objective requires further amendment to emphasise the importance of protecting highly productive land and to give effect to the NPS-HPL. We therefore have recommended reordering and rewording the objective to better reflect this position.
165. In relation to Objective RURZ-O2, the Panel agrees with Ms Easton's reasons to amend this objective to refer to the Rural Lifestyle Zone specifically based on submissions. Ms Easton supported this part of these submission points, noting that although the objective relates to the rural lifestyle zone, this is not explicitly addressed in the wording, and she recommended an amendment to achieve that outcome. We agree with that amendment.
166. The Panel agrees with Ms Easton's reasons for rejecting all other submission points on RURZ-02, including those from Cashmere Bay Dairy Limited seeking to amend the objective to cater for residential activity, noting that the objective correctly provides direction for the Rural Lifestyle Zone, which has an intermediary role between the General Rural Zone and the Settlement Zone.
167. In relation to Objectives RURZ-O3 and RURZ-O4, the Panel agrees with Ms Easton's analysis of the HortNZ and Federated Farmers submissions that sought that these objectives be moved to the Settlement zone chapter and renamed SETZ-O1 and SETZ-O2, respectively. Ms Easton

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did not support these submission points as all Rural zones objectives are found in the RURZ chapter, and this is consistent with the structure of the pTTPP’s other zone chapters. We agree. Additionally, we do not support including the words in the Settlement Zone in each of the objectives because Settlement Zones are not the subject matter of these objectives. We support the retention of both objectives as notified.

- 168. In relation to Objective RURZ-O5, the Panel supports retention of this objective as notified.
- 169. In relation to Objective RURZ-O6, the Panel considers that the submission of Cashmere Bay Dairy Ltd is met to a significant degree by the objective as notified. Whether or not on-site servicing of wastewater can or should occur may depend on either meeting permitted activity requirements in the WCRPS or obtaining Regional Council consents. So, we consider adding further words to the objective unnecessary and could create confusion. We consider RURZ-O6 as notified to be appropriate.
- 170. In relation to New Objective RURZ-O7, the Panel agrees with Ms Easton that, as notified, the objectives are not sufficiently clear that the General Rural Zone is being managed principally for primary production activities, and a new objective is required. Ms Easton provided wording for the new objective, however we consider this needs to be refined and have recommended a more succinct wording of the objective.
- 171. Forest and Bird sought a new objective requiring the maintenance and protection of natural values. Frida Inta and Buller Conservation Group sought similar relief through a new objective to protect indigenous biodiversity. Ms Easton did not support these submission points on the basis that these matters are addressed in the Natural Environmental Values chapters in the district-wide provisions. We agree.
- 172. SFF sought the addition of a new, issue-specific objective if the zoning configuration, namely the Rural Lifestyle Zone, for the five lots adjacent to SFF Hokitika meat processing facility, as recommended in the residential zones s42A Report, is accepted. Ms Easton considered that the submitter provided insufficient evidence to support the inclusion of a new objective. We agree.
- 173. In respect of other submissions where Ms Easton recommends rejecting those submissions, we agree with that outcome for the reasons she provided.

Hearing Panel’s Recommendation

- 174. 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 recommends that the following amendments are made to the Rural Zone Objectives:

RURZ-O1	To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while protecting retaining highly productive and rural activities land for land based primary production , and supporting a productive rural working environment and rural activities . ³¹
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³¹ Horticulture New Zealand (S486.062)

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RURZ-O2	<u>Te The Rural Lifestyle Zone</u> ³² provides for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.
RURZ-O3	To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while: <ul style="list-style-type: none"> a. Allowing settlements to grow and adapt as economic activity changes; b. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.
RURZ-O4	To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.
RURZ-O5	To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
RURZ-O6	To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.
RURZ-O7	<u>The General Rural Zone is managed to ensure its primary production purpose is not compromised by reverse sensitivity effects.</u> ³³

3.4. General Rural Policies

Submissions and Further Submissions

175. Two hundred and sixty-nine submission points and fifty-three further submission points relating to the Rural Zone policies were received and are summarised in a Table on pages 42-65 of the s42A Report. Fourteen submission points related to the policies as a whole, and fifty-nine related to specific policies.
176. Fourteen submission points were received on the Rural Zone policies as a whole and are summarised in a Table on pages 42-44 of the s42A Report. One was in support of the policies in general, and four were in support of several specific policies. The remaining nine submission points sought amendments. The Panel adopts these summaries.
177. Two submission points were received in support of policies RURZ-P1-P4 and are summarised in a Table on page 44 of the s42A Report.
178. Twenty-six submission points were received on RURZ-P1, of which nineteen were in support of retaining the policy as notified and are summarised in a Table on pages 44-47 of the s42A Report. The remaining seven submission points sought amendments.

³² Horticulture New Zealand (S486.063) and Federated Farmers (S524.107)

³³ Grey District Council (S607.107)

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179. Twelve submission points were received on RURZ-P2 and are summarised in a Table on page 48 of the s42A Report. Nine were in support of retaining the policy as notified. The remaining three sought amendments.
180. Seventeen submission points were received on RURZ-P3 and are summarised in a Table on pages 48-50 of the s42A Report. Ten were in support of retaining the policy as notified. The remaining seven sought amendments.
181. Sixteen submission points were received on RURZ-P4 and are summarised in a Table on pages 50-51 of the s42A Report. Twelve were in support of retaining the policy as notified. The remaining four sought amendments.
182. Fourteen submission points were received on RURZ-P5 and are summarised in a Table on pages 51-52 of the s42A Report, of which twelve were in support of retaining the policy as notified. The remaining two sought amendments.
183. Seven submission points were received in support of policies RURZ-P6-P8 and are summarised in a Table on page 52 of the s42A Report
184. Thirteen submission points were received on RURZ-P6 and are summarised in a Table on pages 52-54 of the s42A Report. Nine were in support of retaining the policy as notified. The remaining four sought amendments.
185. Eight submission points were received on RURZ-P7 and are summarised in a Table on pages 54-55 of the s42A Report. Six were in support of retaining the policy as notified. The remaining two sought amendments.
186. Eight submission points were received in support of RURZ-P8 and are summarised in a Table on page 55 of the s42A Report.
187. Seven submission points were received in support of RURZ-P9-10 and are summarised in a Table on page 55 of the s42A Report.
188. Six submission points were received on RURZ-P9 and are summarised in a Table on pages 55-56 of the s42A Report. Five are in support, and one sought an amendment.
189. Seven submission points were received on RURZ-P9 and are summarised in a Table on page 56 of the s42A Report. Six are in support, and one has sought an amendment.
190. Fifteen submission points were received on RURZ-P11 and are summarised in a Table on pages 56-57 of the s42A Report. Eleven were in support of retaining the policy as notified. The remaining four sought amendments.
191. Twelve submission points were received on RURZ-P12 and are summarised in a Table on pages 57-58 of the s42A Report. Eleven were in support of retaining the policy as notified, and one sought an amendment.
192. Eight submission points were received on RURZ-P13 and are summarised in a Table on page 58 of the s42A Report. Four were in support, and the remaining four sought to delete the policy.

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193. Nine submission points were received on RURZ-P14 and are summarised in a Table on pages 58-59 of the s42A Report. Eight were in support of retaining the policy as notified, and one sought an amendment.
194. Six submission points were received in support of policies RURZ-15 and RURZ-P16 and are summarised in a Table on page 59 of the s42A Report.
195. Eighteen submission points were received on RURZ-P15 and are summarised in a Table on pages 59-60 of the s42A Report. Thirteen were in support of retaining the policy as notified, and the remaining five sought amendments.
196. Nine submission points were received on RURZ-P16 and are summarised in a Table on pages 60-62 of the s42A Report. Five were in support of retaining the policy as notified, and the remaining four sought amendments.
197. Eleven submission points were received on RURZ-P17 and are summarised in a Table on page 62 of the s42A Report. Ten were in support of retaining the policy as notified, and one sought an amendment.
198. Five submission points were received in support of policies RURZ-P26-P28 and are summarised in a Table on pages 62-63 of the s42A Report
199. Six submission points were received on RURZ-P26 and are summarised in a Table on page 63 of the s42A Report. Four were in support of retaining the policy as notified. The remaining two sought amendments.
200. Seven submission points were received on RURZ-P27 and are summarised in a Table on pages 63-64 of the s42A Report. Three were in support of retaining the policy as notified. The remaining four sought amendments.
201. Seven submission points were received on RURZ-P28 and are summarised in a Table on page 64 of the s42A Report. Six were in support of retaining the policy as notified, and one sought an amendment.
202. Eight submission points were received on GRUZ-PREC1-Policy P1 and are summarised in a Table on page 65 of the s42A Report. Six were in support of retaining the policy as notified. The remaining two sought amendments.
203. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

RURZ Policies (General)

204. Ms Easton acknowledged the submissions in support of the policies as a whole.
205. Ms Easton did not support a submission (\$595.009) from Frank O'Toole seeking to allow a minimum allotment size of 4000m² in the Rural Lifestyle Zone. She noted that this is the minimum lot size in the Rural Residential Precinct of the Settlement Zone, and that the Rural Lifestyle Zone is intended to accommodate some primary production uses.

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206. Ms Easton did not support a submission (S619.053) from Snodgrass Road submitters, seeking a policy specific to their properties, providing for the continued reasonable use of these properties and supporting the establishment of natural hazard mitigation works. Ms Easton noted that many parts of the rural zone are subject to natural hazard overlays and that existing use rights protect current properties, while further development is restricted through those natural hazard overlays, in the overlay chapters. Furthermore, seeking continued reasonable use of a property is not a zoning matter.
207. Ms Easton did not support submissions from Rocky Mining Ltd (S474.044) and Papahaua Resources Ltd (S500.031) seeking a requirement to avoid sensitive activities establishing in proximity to mineral resources and extraction activities. She noted that reverse sensitivity effects are provided for through the zones, minimum setbacks, performance standards, and restrictions on further subdivision. She acknowledged the reverse sensitivity impact that widespread ad hoc lifestyle subdivision across the West Coast has had on primary production activities, but noted that the provisions, as notified, address reverse sensitivity, particularly RURZ-P 15 and 19.
208. Ms Easton did not support a submission from Forest and Bird (S560.374) seeking a new policy requiring the maintenance and protection of natural values in these zones, as these matters are addressed in the district-wide Natural Environment Values chapters.
209. In response to a submission from Federated Farmers (S524.112) seeking a new policy for rural industry, Ms Easton considered that rural industry is adequately provided for in RURZ-P6.
210. Ms Easton supported, in part, a submission from the Ministry of Education (S456.048) seeking a new policy that provides for education facilities in rural zones. She recommended an amendment to Policy RURZ-P6 to include 'educational facilities' to address this matter.
211. Ms Easton supported in part a submission from WMS Group (S599.107) seeking a new policy to support the operation, use and development of Jackson Bay Port. Ms Easton recommended an amendment to policy SETZ-PREC3-P3 to address this matter, as follows:

SETZ - PREC3- P3

Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should:

- a. Take into account the coastal natural character and scenic landscape values of the area;*
 - b. Have appropriate controls on design and height to protect the landscape and coastal natural character values and be undertaken in accordance with the coastal development guidelines;*
 - c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; and*
 - d. Allow for the further development of the port area at Jackson Bay where this is of a scale and extent that is appropriate to the location; and***
 - e. Be located to avoid the significant risks of natural hazards.*
212. In relation to a submission, from GDC (S608.108) seeking two additional policies to support the rural zone rules and specifically primary production, Ms Easton recommended a single additional policy that amalgamates elements of both proposed policies, as follows:

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RURZ-PXXX Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production.

RURZ - Policy 1

213. Ms Easton acknowledged submission points in support of policies RURZ-P1-P4 as a whole, and those in support of RURZ-P1 specifically.
214. In relation to a submission point from Te Tumu Paeroa (S440.045) seeking the wording of RURZ-P1 to be changed to refer to profile and location rather than bulk and location, Ms Easton noted that 'bulk' is a well-understood planning term and is appropriate in this policy and throughout the Plan. Ms Easton did not support this submission point.
215. Ms Easton supported submission points from Federated Farmers (S524.109) and HortNZ (S486.066), seeking that RURZ-P1 be significantly redrafted to focus explicitly on the General Rural and Rural Lifestyle zones.
216. Ms Easton did not support a submission point from NZAAA (S166.030) seeking an additional clause g. 'be consistent with the level of noise and odour from rural production activities' to be added, noting that the HortNZ and Federated Farmers amendments that she supported sufficiently address this issue.
217. In response to submission points from Frida Inta (S553.174) and from the BCG (S552.174) seeking an additional clause to protect biodiversity, natural character, and waterbodies, Ms Easton did not support these changes, noting that these matters are addressed in the District Wide chapters.
218. Ms Easton did not support a submission point from Frank and Jo Dooley (478.020) seeking an amendment to state that appropriate levels of rural amenity can be achieved on allotments of 4,000m². Allotment sizes are discussed in section 4.2 of this report.

RURZ - Policy 2

219. Ms Easton acknowledged the support from submitters who sought to retain the policy as notified.
220. Ms Easton supported in part a Federated Farmers submission point (S524.110) seeking that RURZ-P2 be moved to SETZ-P1. Ms Easton did not support renaming/renumbering the policy, but recommended it be amended to make explicit that this policy applies to the Settlement zone and not the General Rural or Rural Lifestyle zones.
221. Ms Easton supported a submission point from the Director General (S602.229) seeking to delete the words 'dominance of the' from clause f, noting that the wording was cumbersome.

RURZ- Policy 3

222. Ms Easton acknowledged the support from submitters who sought to retain the policy as notified.
223. Ms Easton did not support a submission point from Federated Farmers (S524.125) seeking to renumber the policy SETZ-P2

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224. Ms Easton supported several submission points from WMS Group (HQ) Ltd and WMS Land Co Ltd (S599.109), Birchfield Coal Mines Ltd (S601.087), Tiga Minerals and Metals Ltd (S493.093), Birchfield Ross Mining Ltd (S604.077), Phoenix Minerals Ltd (S606.062) and Whyte Gold Ltd (S607.062) seeking that the words '*significant agricultural values*' be replaced by '*primary production values*.' Ms Easton noted that this is important to ensure reverse sensitivity effects do not arise.

RURZ - Policy 4

225. Ms Easton acknowledged the submission points in support of this policy as a whole, as well as those in support of specific clauses.

226. Ms Easton supported, in part, a submission point from Cashmere Bay Dairy Ltd (S461.012), seeking an amendment that identified large lots may not be the most appropriate development in settlement outskirts and could result in the fragmentation of the rural land resource. Ms Easton recommended that, for clarity, this policy should specifically reference the rural lifestyle zone, to clarify that this is the policy direction for that zone.

227. Ms Easton supported in part a submission point from HortNZ (S486.067) seeking 'rural production values' to be replaced with 'rural production activities.' Ms Easton recommended that this be addressed by using the term 'primary production activities.'

228. Ms Easton did not support a submission point from Frank and Jo Dooley (S486.067) seeking an amendment to allow for a minimum allotment size of 4000m². Allotment sizes are discussed in sections 4.2 (General Rural Zone) and 4.5 (Rural Lifestyle Zone) of this recommendation report.

RURZ-P5

229. Ms Easton acknowledged the submission points in support of this policy.

230. Ms Easton did not support a submission point from HortNZ (S486.068) seeking to delete the words 'and soils' and amend the policy to refer to prioritising primary production. She noted that primary production includes mineral extraction and considered that the reference to soils is important, as there are few areas on the West Coast with high-quality soils suitable for horticultural uses.

231. Ms Easton did not support a submission point from Federated Farmers (S524.111) seeking to move this policy to GRUZ-P1, noting that this would be inconsistent with the plan's structure.

RURZ-P6

232. Ms Easton acknowledged the submission points in support of RURZ-P6.

233. Manawa Energy (S438.137) sought that this policy be amended to include a reference to regionally significant infrastructure and to amend the '*functional relationship*' to '*functional and operational need*'. Ms Easton supported the addition of regionally significant infrastructure but considered that '*functional and operational need*' would significantly change the intent of the policy.

234. In relation to a submission point from RNZ (S476.037), Ms Easton supported the addition of the wording 'In particular, critical infrastructure may have a functional need to be located in rural areas in order to operate effectively'.

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235. In response to a submission point from HortNZ (S486.069) seeking to streamline and refocus the policy on providing for non-rural activities with a functional need to locate in the rural zone, Ms Easton considered the policy, as drafted, to be better aligned with the plan provisions it supports.

RURZ-P7

236. Ms Easton acknowledged the submission points in support of policy P7.

237. In response to a submission point from Cashmere Bay Dairy (S461.014) seeking an amendment to recognise that most settlements have limited servicing and allow for on-site servicing, Ms Easton noted this policy supports the rules managing commercial and industrial activities within the rural zones. On this basis, she did not support this submission.

RURZ-P8

238. Ms Easton acknowledged the submission points in support of policy P8. As all submissions supported this policy, she did not recommend any amendments.

RURZ-P9 and RURZ-P10

239. Ms Easton acknowledged the submission points in support of policies P9 and P10.

240. In response to a Federated Farmers submission (S524.124) seeking an amendment to these policies so that the activities do not adversely affect rural production activities, Ms Easton recommended an amendment to Policy P10. She considered the amendment to Policy P9 unnecessary and did not align with the policy's intent.

RURZ-P11

241. Ms Easton acknowledged the submission points in support of Policy P11.

242. In response to several submission points from Te Mana Ora Community and Public Health (S190.944), Fire and Emergency NZ (S573.039) and David Ellerm (S581.053, S581.054) seeking amendment to this policy, Ms Easton noted that the policy sets in place expectations and understanding for infrastructure development, reflecting the Council's insufficient capacity to provide and service such infrastructure, and that such infrastructure changes the character of an area from rural to urban. In particular, she noted that the second submission point of David Ellern sought an outcome opposite to that which the policy aims to achieve. Ms Easton did not support these submission points and did not recommend any changes to the policy wording.

RURZ-P12

243. Ms Easton acknowledged the submissions in support of Policy P12.

244. Ms Easton did not support a submission point from Cashmere Bay Dairy (S461.016) seeking that the policy be amended to provide for on-site servicing where settlements are not already fully serviced, noting that the general expectation in the zone is that on-site servicing is expected.

RURZ-P13

245. Ms Easton acknowledged the submissions in support of Policy P13.

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246. In relation to several submission points from Chris + Jan Coll (S558.481), Chris J Coll Surveying Ltd (S566.481), William McLaughlin (S567.528) and Laura Coll McLaughlin (S574.481), requesting that the policy be deleted, Ms Easton noted that the policy has arisen due to past issues where private developers retained ownership of water supply and wastewater infrastructure and failed to maintain it, requiring the Council to take over and fund maintenance and repairs. Ms Easton notes that from the Council's perspective, this is a failed model, and this policy signals that community-scale infrastructure will be vested to prevent similar failures in the future.

RURZ-P14

247. Ms Easton acknowledged the submissions in support of Policy P14.

248. Ms Easton did not support a submission point from Cashmere Bay Dairy (S461.018) seeking that the policy be amended to recognise that some rural lifestyle/settlement development is more appropriately serviced using on-site infrastructure, noting that this policy is about who pays for the infrastructure.

RURZ-P15

249. Ms Easton acknowledged the submissions in support of Policies P15 and P16.

250. Ms Easton did not support a submission point from Suzanne Hills (S443.042) requesting an amendment to the policy wording to specify that reverse sensitivity of new development encompasses all new development, including mineral extraction. Ms Easton noted that the submission seeks to address adverse effects, not reverse sensitivity.

251. Ms Easton supported submission points from Waka Kotahi (S450.269), HortNZ (S486.070) and Federated Farmers (S524.115) seeking that the policy be amended to refer to lawfully established activities rather than consented activities.

252. Cashmere Bay Dairy (S461.019) sought an amendment to enable the testing and addressing of reverse sensitivity effects at the resource consent stage. Ms Easton did not support this submission point, noting that the policies will be assessed as part of any assessment of Discretionary or Non-complying activities; otherwise, this is a matter for assessment criteria or matters of control.

RURZ-P16

253. Ms Easton supported a submission point from Manawa (S438.139), seeking the addition of a reference to renewable electricity generation, but did not support including a reference to other regionally significant infrastructure, noting that not all regionally significant infrastructure is affected by reverse sensitivity.

254. Ms Easton supported a submission point from RNZ (S476.038) seeking that the policy includes telecommunication/radio communication equipment.

255. Ms Easton did not support a submission point from SFF (S441.069) seeking an amendment to include '*industry*,' noting that only rural industry is provided for in the rural zones, so reference to industrial activities is unnecessary.

256. Ms Easton supported a submission point from HortNZ (S486.071) seeking that the policy be reworded to state: '*to ensure that reverse sensitivity effects do not compromise infrastructure.*'

RURZ-P17

257. Ms Easton acknowledged the submissions in support of Policy P17.
258. Ms Easton supported a submission point from Te Tumu Paeroa (S440.046) seeking that the policy be amended to refer to Māori landowners, noting that it is consistent with the agreed definition of papakāinga.

RURZ-P26

259. Ms Easton acknowledged the submissions in support of Policy 26.
260. Ms Easton supported a submission point from NZAAA (S166.032) seeking several amendments to the wording of the policy, noting that the proposed changes better capture the aspects the policy is intended to support, but proposed minor amendments for clarity.
261. Ms Easton supported a submission point from HortNZ (S486.072) seeking similar relief, noting that the NZAAA changes address this submission.

RURZ-P27

262. Ms Easton acknowledged the submissions in support of Policy 27.
263. NZAAA (S166.033), Federated Farmers (S524.116), and HortNZ (S486.073) sought similar amendments to this policy to specify that it relates to activities other than primary production and conservation. Ms Easton supported this part of these submission points. HortNZ and Federated Farmers also sought to delete Settlements from the policy. Ms Easton did not support this change, noting that managing the adverse effects of airfields and helicopter landing areas on settlements' amenity is a significant issue.
264. Balance Agri-nutrients (S345.011) sought that the policies be amended to refer to practicable alternative locations for air strips and landing areas. Ms Easton did not support this submission point, noting that the activities the submission concerns are permitted activities supported by policy, and the amendment is unnecessary.

RURZ-P28

265. Ms Easton acknowledged the submissions in support of Policy 28.
266. NZAAA (S166.034) sought that the policy be amended to refer to agricultural aviation activities. Ms Easton supported this change, which uses a defined term.

GRUZ-PREC1-P1

267. Ms Easton acknowledged the submission points in support of policy GRUZ-PREC1-P1.
268. Ms Easton did not support a submission point from BCG (S552.177) seeking that reference to the GDC be amended to '*relevant*' District Council, as the precinct only occurs in Grey District.

Hearing and Submitter Evidence

269. The joint statement presented by Frida Inta and the BCG sought several amendments to the policies including:

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- (a) Reword RURZ-P1 clause e. to state ‘and avoid activities being sited on ridge lines and *ancestral mountains*’. The submitters considered that the s42A Report proposed amendments to clause e and the recommended deletion of clauses f and g diluted the original intent of the clauses and conflicted with Policy 2.f, which seeks to avoid development on the ridgelines and peaks of ancestral mountains.
 - (b) Add reference to ‘*primary production*’ to RURZ-P3 and delete ‘*primary production values*’.
 - (c) Minor rewording of RURZ-P7 to improve syntax.
 - (d) Addition of the words ‘*nor create reverse sensitivity effects on residents or residential activities*’ to RURZ-P8.
 - (e) Delete the words ‘*settlement zone*’ from RURZ-P11. The submitters considered this to be confusing and out of step with SETZ-PREC3.
270. HortNZ accepted the s42A Report comments on RURZ-P5 in part but sought recognition of agricultural, pastoral and horticultural activities in the policy wording.
271. RNZ supported the recommended changes to P6 to refer to regionally significant infrastructure and noted that the proposed changes to P16 supported the relief RNZ sought.
272. In further legal submissions, Hadleigh Pedler (on behalf of RNZ), responded to matters raised by the Panel at the hearing and confirmed that RNZ considered the draft provisions provided by the s42A officer to be sensible and within the scope of RNZ’s submission. The provisions included a new overlay and associated policy. RNZ sought that an advice note be included, noting that RNZ can provide technical advice and risk management.
273. Scenic Hotel Group sought an amendment to RURZ-P10 to reference workers accommodation.
274. Steve Tuck presented evidence on behalf of SFF. He sought a new reverse sensitivity policy (P17) to be added, protecting SFF’s Hokitika site from reverse sensitivity effects, and the subsequent policies were renumbered. The requested policy is worded as follows:
- RURZ-P17 Lawfully established industrial activities located at 140 Kumara Junction Highway, Hokitika must not be constrained or curtailed by reverse sensitivity effects associated with land in the Rural Lifestyle Zone identified below:*
- *124 Kumara Junction Highway (Lot 1 DP 2378 BLK XIII Waimea SD);*
 - *128B Kumara Junction Highway (Lots 1 2 DP 1603 BLK XIII Waimea SD);*
 - *128C Kumara Junction Highway (Lot 2 DP 1818 BLK XIII Waimea SD,*
 - *Lot 3 DP 1818 BLK XIII Waimea SD and Lot 4 DP 1818 BLK XIII Waimea SD)*
275. Mr Tuck noted that two other sites were not recommended to be rezoned to Rural Lifestyle Zone in the Residential s42A Report but should be included in the above policy if they are rezoned. These properties are identified in his evidence as:
- *120 Kumara Junction Highway (PT Lot 1 DP 1365 BLK XIII Waimea SD); and*
 - *128A Kumara Junction Highway (Lot 2 DP 2378 BLK XIII Waimea SD)*
276. Mr Tuck notes that this policy change is only sought if the properties listed above are not zoned General Rural Zone and acknowledges that this change sought is a less efficient and effective solution. However, he considered the benefits of protecting the SFF Hokitika site from reverse sensitivity outweigh the costs of the ‘inelegant’ site-specific provisions.

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277. Mr Tuck supported the amendments to RURZ-P6 recommended in the s42A Report.
278. Mr Tuck supported the recommended amendment to RURZ-P15 and noted that this change, if accepted, would provide the relief that SFF sought through the requested amendment to RURZ-P16, which was not supported in the s42A Report.
279. The statement of Evidence³⁴ on behalf of Federated Farmers supported the s42A Report recommended amendments to RURZ-P1, RURZ-P2, RURZ-P10, RURZ-P15, RURZ-P27 and the recommended new policy. Federated Farmers continued to seek further amendments to RURZ-P27 concerning settlement areas, suggesting that a distinction could be made between aircraft activity supporting primary production and other activity, including tourist flights, and that flight numbers for primary production are likely to be substantially less overall and less constant than tourist flights.
280. Ms Styles for Manawa supported the recommended amendment to RURZ-P6. Concerning the second amendment sought to this policy, Ms Styles acknowledged that ‘functional and operational need’ could be interpreted to apply to other activities within the rural zone. Ms Styles noted that the s42A Report nevertheless included an additional sentence at the end of the policy “In particular, regionally significant infrastructure may have a functional need to be located in rural areas in order to operate effectively.” She noted that the Panel can clarify this matter, within the scope of the Manawa submission, and that this could be achieved either by adopting the change in the s42A appendix or through rewording the policy as follows:
- Recognise that the rural areas may be the most appropriate location for some utility, regionally significant infrastructure, educational facilities, industrial or commercial uses to establish, where these have a functional relationship with rural areas, **or where regionally significant infrastructure has a functional or operational need to locate in that area, provided the character and amenity of the rural areas is maintained and adverse effects are managed.***
281. Ms Styles for Manawa supported the s42A officer’s recommended changes to RURZ-P15 and RURZ-P16.
282. Mr Alec Duncan, by way of a letter dated 19 July 2024 for FENZ, continued to seek an amendment to RURZ-P11 to provide the policy framework to support the relief sought to the zone rules.
283. Te Tumu Paeroa and Poutini Ngāi Tahu provided an agreed statement of their position in relation to policy 17 as follows:
- Enable ~~the housing needs of~~ **Māori land and** Poutini Ngāi Tahu **housing** ~~to be met~~ in rural areas and locations safe from significant natural hazards.*

Reporting Officer Reply Evidence

284. In response to a question from the Panel about whether reference to prominent ridgelines or skylines was necessary in Policies 1 and 2, Ms Easton noted that this matter was raised in the verbal evidence of Frida Inta but was not included in her original submission. Ms Easton, therefore, considered that there was no scope to consider this matter.
285. Ms Easton recommended that an additional policy and advice note be introduced to address the issues raised by RNZ concerning electromagnetic radiation, noting that the legal

³⁴ Lionel Hume and Simon Cameron

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submission of Mr Pedlar considers that there is scope within the original submission to pursue alternative relief. The recommended policy is worded as follows:

RURZ – PXXX Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.

Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand's AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to specific proposed structures as well as advice on steps to minimise and reduce risks.

286. Upon reviewing the HortNZ evidence, Ms Easton confirmed that she supported an amendment to Policy 5 to refer to both agricultural and horticultural production.

287. Ms Easton considered that a consequential amendment should be made to Policy RURZ-P27 to refer to 'rural airstrip' rather than 'airfield' as follows:

RURZ - P27

*Manage the location and operation of rural airstrip ~~airfield~~ and helicopter landing areas within the rural area **for activities other than rural production and conservation** to provide for the amenity values of the surrounding rural and settlement areas.*

288. A joint right of reply responding to the SFF submission did not support a 'carve out approach' for the Hokitika site, and Ms Easton considered there was insufficient information to support the amendments Mr Tuck sought to the rural policies.

Hearing Panel's Evaluation

289. In relation to a submission from GDC seeking two additional policies to support the rural zone rules and specifically primary production, Ms Easton recommended a single additional policy that amalgamates elements of both proposed policies, as follows:

RURZ-PXXX Within the General Rural Zone, enable primary production activities as the predominant land use, alongside activities that support primary production.

290. The Panel agrees with Ms Easton's recommendation to include a new policy crafted from the words used within the GDC submission, making clear that the predominant uses within the General Rural zone are primary production and those activities that support it.

291. Ms Easton recommended a new policy relating to the Westport Radio Mast in her reply. She had considered the evidence and legal submissions from RNZ. She supported the inclusion of a new policy to ensure that buildings located within the Masts overlay are designed and constructed to prevent safety risks from electromagnetic radiation. Because this is a highly specialised area, she also supported, including an advice note to the policy that further detailed the nature of the risk and directed the reader to which party could provide advice on those risks. That party is RNZ, who operate the mast. We agree with her reasons to include the new policy and advice note.

292. Regarding other new policies, the Panel notes that Mr Tuck for SFF sought to include in the Plan a new policy directed at protecting SFF Hokitika from reverse sensitivity effects. He was supportive of other changes made to other rural policies that also addressed reverse sensitivity effects.

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293. We further note that a joint right of reply, from Ms Easton, Briar Belgrave, and Ruth Evans, all of whom are Reporting Officers responding to the SFF submissions on the Plan, was provided to us. The joint officer's reply was needed because SFF submissions were on the Noise, Industrial and Commercial, as well as Rural chapters. Different Reporting Officers reported on other chapters, hence the need for a joint reply. We do discuss the SFF submissions in our other recommendation reports.
294. In respect of the Rural chapter, Ms Easton considered that there was insufficient information to support the amendments Mr Tuck sought to the rural policies. We agree with her for the reasons she provided and do not support the inclusion of Mr Tuck's new rural policy within the Plan.
295. In relation to RURZ-P1, the Panel agrees with Ms Easton's analysis of the submissions that sought changes to this policy. We agree with her reasons for rejecting some of the submissions and accepting others.
296. We agree with her recommendations to amend the beginning of this policy because those amendments focus on the policy's purpose compared to the notified version. We agree with her recommended amendments to clause a. The word '*bulk*' that appears in clause a. has a well-understood meaning in the planning context. We agree that, for this reason, it needs to be retained and not replaced with the word '*profile*'. We agree with adding the phrase '*and primary production activities*' as she recommends, because primary production activities are pivotal activities undertaken within the zone. We agree with her recommended minor wording changes to clauses b. and c. as they assist with clarity. We agree with her recommended amendments to clause d. noting this clause will help in achieving good amenity outcomes as well as providing for reverse sensitivity effects on primary production activities. We generally agree with her recommendation to amalgamate clauses f. and g. into new clause e and her recommended wording for new clause e., particularly the threshold for effects being to minimise adverse visual and cultural effects. However, we have recommended an amendment to the clause to be consistent with SASM-P10. We do not consider that further changes to this policy beyond those detailed are required.
297. In relation to RURZ-P2, the Panel agrees with Ms Easton's recommendation to amend, but not renumber, the policy. The amendment is necessary to clarify that this policy applies specifically to the Settlement zone, rather than the General Rural or Rural Lifestyle zones. We also agree with her support of the submission point from the Director General, seeking to delete the words '*dominance of the*' from clause f, because the notified wording was cumbersome. Other than these amendments, we do not recommend further change.
298. In relation to RURZ-P3, the Panel agrees with Ms Easton's analysis of the submissions on this policy and agrees with her recommendation that the words '*significant agricultural values*' be replaced by '*primary production values.*' Ms Easton noted that this is important to ensure reverse sensitivity effects do not arise. We agree. We also agree with her recommendation that no further changes to this policy are required.
299. In relation to RURZ-P4, the Panel agrees with Ms Easton's recommendations to support, in part, a submission point from Cashmere Bay Dairy Ltd, seeking an amendment that identifies large lots may not be the most appropriate development in settlement outskirts and could result in the fragmentation of the rural land resource. Ms Easton recommended that, for clarity, this policy should specifically reference the rural lifestyle zone, to ensure that this is the policy direction for that zone. We agree.

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300. Ms Easton also supported, in part, a submission point from HortNZ seeking 'rural production values' to be replaced with 'rural production activities.' Ms Easton recommended that this be addressed by using the term 'primary production activities. We agree that these amendments ensure the policy is appropriately focused.
301. In relation to RURZ-P5, the Panel agrees with the HortNZ that the policy requires amendment to give effect to the NPS-HPL. We also note that the West Coast has a very limited amount of high productive land and as such protection of that land should be a priority. We have therefore recommended a substantial amendment to the policy to reflect this situation. Additionally, we agree with Ms Easton's recommendation not to renumber this policy to GRUZ-P1, as that would be inconsistent with the plan's structure.
302. As a consequence of giving effect to the NPS-HPL a definition of Specified Māori Land is required. We recommend that a definition is included in the interpretation section of the Plan as shown in the definition section of this Recommendation Report.
303. In relation to RURZ-P6, the Panel agrees with Ms Easton's recommendation that this policy be amended to include a reference to '*regionally significant infrastructure*'. We agree with Manawa and RNZ that including '*functional and operational need*' is appropriate and we do not consider it would significantly change the intent of the policy. We consider as radio communication has been included in the definition of regionally significant infrastructure no further amendment to Policy 6 is required as this addressed RNZ's concerns.
304. The Panel notes Ms Easton supported, in part, a submission from the Ministry of Education seeking a new policy that provides for education facilities in rural zones. She recommended an amendment to Policy RURZ-P6 to include '*educational facilities*' to address this matter. We agree that it is appropriate to provide for education facilities in rural zones and further agree that this policy is the proper place to give that reference.
305. In relation to RURZ-P7 and RURZ-P8 the Panel agrees with Ms Easton's analysis of submissions on this policy and further agrees that this policy remains as notified. We note in response to Ms Inta that reserve sensitivity is addressed in RURZ-P15.
306. In relation to RURZ-P9 and RURZ-P10, the Panel agrees with Ms Easton's consideration of the Federated Farmers submission, which sought an amendment to these policies to ensure that tourism and visitor activities do not adversely affect rural production activities. Ms Easton recommended an amendment to Policy 10. She considered the amendment to Policy 9 unnecessary and did not align with the policy's intent. We agree. Ms Easton did not support the Scenic Hotel Group position on workers accommodation due to their submission being out of scope. We agree with Ms Easton's position, but we acknowledge the issue raised by Scenic Hotel Group.
307. In relation to RURZ-P11, the Panel agrees in part with Ms Easton's analysis of submissions seeking amendments to this policy. We agree with Ms Easton that this policy establishes clear expectations and understanding for character and form of rural-based infrastructure development. That character and form, for example, roads with roadside ditches rather than kerb and channel, also reflect the Council's limited capacity to provide and maintain such infrastructure, and that such infrastructure changes the character of an area from rural to urban. However, we consider it would be appropriate to include reference to fire-fighting capacity within the policy as sought by FENZ and have recommended such an amendment.

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308. In relation to RURZ-P12, the Panel agrees with Ms Easton's analysis of submissions seeking amendment to this policy. We agree that this policy supports the general expectation in the zone that on-site servicing is expected. So, we do not see any need to amend the policy. We agree with Ms Easton for the reasons she provides that this policy be retained as notified.
309. In relation to RURZ-P13, the Panel accepts Ms Easton's advice that this policy has arisen due to past issues where private developers retained ownership of water supply and wastewater infrastructure and failed to maintain it, requiring the Council to take over and fund maintenance and repairs. Ms Easton noted that from the Council's perspective, this is a failed model, and this policy signals that community-scale infrastructure will be vested to prevent similar failures in the future. So, for these reasons, we agree with Ms Easton's recommendation to reject those submissions seeking that the policy be deleted. We agree with her that the policy should be retained as notified.
310. In relation to RURZ-P14, the Panel agrees with Ms Easton that this policy is about timing of infrastructure provision and who pays for the infrastructure, rather than recognising that some rural lifestyle/settlement development is more appropriately serviced using on-site infrastructure, as referenced in the Cashmere Bay Dairy submission. We agree with Ms Easton's assessment of that submission and agree that this policy be retained as notified.
311. In relation to RURZ-P15, the Panel agrees with the amendment proposed by Ms Easton to delete the word '*consented*' and include the words '*lawfully established*' because inclusion of those words captures not only consented activities but those that have valid existing use rights. We also agree with Ms Easton's analysis of those submissions seeking other amendments to this policy and her reasons for rejecting those submissions. She noted that the policies, that is RURZ-P15 and RURZ-P16, will be assessed as part of any assessment of Discretionary or Non-complying activities, enabling sufficiency of design and buffer distances to be tested. Otherwise, reverse sensitivity is a matter for assessment criteria or matters of control. So, no further amendments were required. We agree.
312. In relation to RURZ-P16, also deals with reverse sensitivity, but is focused on infrastructure located in the rural zone. The Panel agrees with Ms Easton's recommendation to include a specific reference to both renewable electricity generation and telecommunication/radio communication equipment within the policy, as both are located in rural zones and the Plan should provide for consideration of reverse sensitivity effects on them. We do not agree with Ms Easton regarding the non-inclusion of '*regionally significant infrastructure*', as we consider it is important to address reverse sensitivity in relation RSI.
313. We also agree with her additional amendment, accepting the submission from HortNZ, that the policy be reworded to state: '*to ensure that reverse sensitivity effects do not compromise infrastructure.*' Ms Easton's recommended wording is slightly different but conveys the same meaning. Linked with this amendment is the deletion of the notified words, 'to avoid reverse sensitivity effects on the infrastructure'. Ms Easton supports that deletion as we do. The notified words, particularly the word 'avoid', effectively mean do not allow. So, as notified, no reverse sensitivity effects would be permissible. The amended wording allows for a different threshold that is to 'ensure no compromise'. While still a suitably high threshold, which is justifiable given that infrastructure is the subject matter, the amended wording provides greater flexibility in that assessment, which we consider preferable to the blanket approach notified. We agree with her analysis of the other submissions on this policy and agree with her recommendations relevant to them.

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314. In relation to RURZ-P17, the Panel do not agree with Ms Easton that the policy should be amended to also refer to Māori landowners. Te Tumu Paeroa and Poutini Ngāi Tahu provided a joint statement of position to the Panel dated 10 November 2023 that confirmed the term *Papakāinga* was specific to Poutini Ngāi Tahu on Māori land, as opposed to Māori land owners with whakapapa other than to Poutini Ngāi Tahu. The Panel received evidence that owners of Māori land in the region may not be Poutini Ngāi Tahu, and in that case development of their land is provided for in the Māori Purpose Zone.
315. In relation to RURZ-P26, the Panel agrees with Ms Easton, support for submission points from NZAAA and HortNZ seeking several amendments to the wording of the policy, noting that the proposed changes better capture the aspects that the policy is intended to support, namely rural airstrips and helicopter landing areas which support rural production, conservation and recreation. We agree with Ms Easton's recommended wording amendments.
316. In relation to RURZ-P27, the Panel agrees with Ms Easton's analysis of submissions on this policy and her recommendations for amendments. The amendments broaden the policy to encompass aviation activities beyond those for rural production and conservation, while managing these activities and preserving the amenity values of rural and settlement areas surrounding the airstrips and helicopter landing areas. The subject matter of RURZ-P26 and Policy 27 is similar, so there are consequential amendments to Policy 27 arising from the Policy 26 amendment, such as ensuring that both policies use the term '*rural airstrips*'.
317. In relation to RURZ-P28, the Panel agrees with Ms Easton that this policy should be amended to use a defined term that NZAAA sought, namely, to use agricultural aviation activities.
318. In relation to GRUZ-PREC1-P1 (Community Living Precinct), which covers both Gloriavale sites, the majority of the Panel agrees with Ms Easton that this policy can be retained as notified. In the majorities view the developed Gloriavale site represents a significant physical resource and is home to some 600 people. In such situations it is accepted practise at Plan review to use a zone or precinct approach where sites of significant scale have initially established via resource consent (often a Special Purpose Zone) e.g. the Dairy Processing Zone in Selwyn for Synlait and Fonterra or the Flock Hill Station Visitors Zone in Selwyn. Doing so is effective and efficient in reducing further consenting and Council administrative costs.
319. Without the Precinct any activity on the sites would be a fully discretionary activity under the revised provisions because the activity(ies) do not appear to fit into any other category. This leads to inefficiencies.
320. Accepting the s32 did not provide significant detail on these sites and that could apply to a number of other matters included the TTPP. A report to the Committee by Lois Easton in October 2021 which forms part of the s32 noted:
- Feedback from the Grey District Council staff is that they support a precinct, to cover the new site as well as the existing location. The main point of a precinct would be to reduce the complexity of consenting requirements – so more like the approach of a special purpose zone.
 - A mechanism to give some certainty on environmental effects, while recognising that the development should be allowed to proceed without unnecessary consenting requirements would be ideal. A Concept Plan developed by the Gloriavale community – which identified specific locations for different facilities would seem to be the best approach. This could be included in the relevant appendices of TTPP.

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- Without such a concept plan, staff consider that more oversight and resource consents for many activities would be necessary, though for “expected and appropriate” activities, a less restrictive approach than the General Rural Zone provisions could be provided for

321. The Panel majority note that we did not receive any equivocal evidence at the hearing regarding the removal of the Community Living Precinct. We note submissions from Ngāi Tahu (S620.243), Te Mana Ora (S190.962), Chris & Jan Coll (S558.488), Chris J Coll Surveying Limited (S566.488), William McLaughlin (S567.534), Laura Coll McLaughlin (S574.488) all support retention of the Policy.

322. The Panel majority have only identified one submission that possibly could be relied upon to delete the precinct (Misato Nomura (S151.008)) who said *“There are currently too many precinct and overlay layers that makes the plan harder to read. Some of the overlays and precincts are similar and it is not clear if it is necessary to have them separated.”* The decision sought was *“To combine or delete some of the overlays present”*. There is no specific mention of the Community Living Precinct. The submitter did not appear at the hearing to explain what was meant by the submission. As we read the submission, we see it opposing all precincts because their inclusion in the Plan makes the Plan complex. We do not consider this a sufficient reason when balanced against what we have written above to support deletion of Precinct 1.

323. The Panel majority in the absence a compelling to delete Precinct 1 we consider retention and not deletion as supported by the submitters and the s42A reporting officer best meets the purpose of the Act.

324. The Panel minority position is contained in Appendix 2.

Hearing Panel’s Recommendation

325. 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 recommends that the following amendments be made to the **Rural Zone Policies**:

Rural Amenity and Character	
<u>RURZ-P1</u>	<u>Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production.</u> ³⁵
<u>RURZ-P12</u>	<p>Enable a variety of activities to occur within RURZ – Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:</p> <p><u>Rural character and amenity within the GRUZ - General Rural Zone and RLZ - Rural Lifestyle Zone is maintained by:</u></p> <p>a. For b<u>Buildings and structures haveing</u> a bulk and location that is characteristic of rural environments <u>and primary production activities;</u></p> <p>b. <u>Maintainin</u>g privacy and rural outlook for residential buildings;</p>

³⁵ GDC (S608.108)

	<p>c. Ensuring activities are Be compatible with existing development and the surrounding area while recognising that primary production activities can generate noise, odour and dust;</p> <p>d. Haveing appropriate setbacks from the road and adjacent primary production activities significant natural and cultural features; and</p> <p>e. Locating activities sensitively in the environment to minimise adverse visual and cultural effects including restricting activities on ridge lines or ancestral mountains.</p> <p>f. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and</p> <p>g. Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains³⁶</p>
<p>RURZ-P23</p>	<p>Provide for growth and change to settlements within the SETZ – Settlement Zone³⁷ that:</p> <p>a. Improves the long-term viability of the settlements and their communities;</p> <p>b. Fits with the historic, cultural and environmental character of the existing settlement;</p> <p>c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;</p> <p>d. Integrates with the existing residential settlement and maintains a consolidated settlement form;</p> <p>e. Supports rural community needs by providing for community facilities and educational facilities; and</p> <p>f. Does not compromise the dominance of the³⁸ natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.</p>
<p>RURZ-P34</p>	<p>Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural primary³⁹ production values.</p>
<p>RURZ-P45</p>	<p>Provide for rural lifestyle development within the RLZ – Rural Lifestyle Zone⁴⁰ on the outskirts of towns and settlements where this will not conflict with rural production values primary production activities, ⁴¹ and recognising that these have the following characteristics:</p> <p>a. Large lots with onsite infrastructure servicing;</p>

³⁶ Federated Farmers (S524.109) and Horticulture New Zealand (S486.066)

³⁷ Federated Farmers of New Zealand (524.110)

³⁸ Director General (602.229)

³⁹ Tiga Minerals and Metals Limited (S493.0930, WMS Group (S599.109), Birchfield Coal Mines Ltd (S601.087), Birchfield Ross Mining Limited (S604.077), Phoenix Minerals Limited (S606.062), Whyte Gold Limited (S607.062)

⁴⁰ Cashmere Bay Dairy Ltd (S461.012)

⁴¹ HortNZ (S486.067)

	<ul style="list-style-type: none"> b. A mix of activities; c. Low traffic and moderate noise levels; d. Dominance of open space and plantings over buildings; and e. Setbacks from property boundaries.
Production Values	
RURZ-P56	<p>Recognise that there are only Protect the remaining small areas of highly productive land for land based primary and soils for agricultural production on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations including by:</p> <ul style="list-style-type: none"> a. avoiding subdivision, unless: <ul style="list-style-type: none"> i. the proposed lots will maintain the overall productive capacity of the land over the long-term; ii. on specified Māori land; or iii. for regionally significant infrastructure; b. avoiding inappropriate use or development that is not land based primary production; and c. any subdivision, use or development: <ul style="list-style-type: none"> i. minimises or mitigates loss of the availability or capacity of high productive land; and ii. avoids or otherwise mitigates any reserve sensitivity effects on land based primary production. <p>Advice Note: For the purposes of determining what is inappropriate use or development for the purposes of clause b. reference is to be made to the NPS-HPL. ⁴²</p>
Non-rural activities	
RURZ-P67	<p>Recognise that the rural areas may be the most appropriate location for some utilities,⁴³ regionally significant infrastructure,⁴⁴ educational facilities,⁴⁵ industrial or commercial uses to establish, where these have a functional relationship with rural areas, or where regionally significant infrastructure has a functional need or operational need to locate in that area⁴⁶ provided the character and amenity of the rural areas is maintained and adverse effects are managed.</p>
RURZ-P78	<p>Recognise that where non-rural activities are located in rural areas, this should not be to the detriment of the effective functioning⁴⁷ of towns and settlements, nor⁴⁸ to avoid the costs of connection to community funded infrastructure.</p>

⁴² HortNZ (S486.068)

⁴³ RMA First Schedule, Clause 16

⁴⁴ Manawa Energy (S438.137)

⁴⁵, Clause 16(2) of the RMA

⁴⁶ Manawa (S438.137), RNZ (S476.037)

⁴⁷ Clause 16(2) of the RMA

⁴⁸ Clause 16(2) of the RMA

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RURZ-P 8 <u>9</u>	Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.
Visitor Economy	
RURZ-P 9 <u>10</u>	Recognise that the rural areas form an important part of the visitor economy of the West Coast/Te Tai o Poutini, particularly as a location where tourism and visitor attractions are established.
RURZ-P 10 <u>11</u>	Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located; <u>and which do not adversely affect primary production activities</u> ⁴⁹
Infrastructure in Rural Areas	
RURZ-P 11 <u>12</u>	Subdivision and development in GRUZ – General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 – Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone – Rural Residential Precinct should recognise the character and form of rural infrastructure including: <ul style="list-style-type: none"> a. Roads with roadside ditches rather than kerb and channel; b. An absence of street lights and urban style footpaths; and c. On-site provision of water supply <u>with sufficient capacity for firefighting purposes</u>⁵⁰ and on-site land treatment and disposal of stormwater and wastewater.
RURZ-P 12 <u>13</u>	Within the SETZ – Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ-PREC4 – Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.
RURZ-P 13 <u>14</u>	Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.
RURZ-P 14 <u>15</u>	Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.
<u>RURZ – P16</u>	<u>Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.</u> <u>Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand’s AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to specific proposed structures as well as advice on steps to minimise and reduce risks</u> ⁵¹

⁴⁹ Federated Farmers (S524.124)

⁵⁰ Fire and Emergency New Zealand (S573.039)

⁵¹ RNZ (S489.XXX)

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Reverse sensitivity	
RURZ-P157	New development should be designed and located with sufficient buffers so that existing rural uses and consented lawfully established ⁵² activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.
RURZ-P168	There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, renewable electricity generation activities , ⁵³ electricity ⁵⁴ transmission and other regionally significant ⁵⁵ infrastructure and telecommunication and radiocommunications infrastructure ⁵⁶ , and water supply catchments to avoid reverse sensitivity effects on the infrastructure to ensure that infrastructure is not compromised by reverse sensitivity effects. ⁵⁷
Papakainga Housing	
RURZ-P179	Enable the housing needs of Poutini Ngāi Tahu whānui to be met in rural areas and locations safe from significant natural hazards.
Mineral Extraction	
RURZ-P1820	Addressed in the Mineral Extraction Recommendation
RURZ-P1921	Addressed in the Mineral Extraction Recommendation
RURZ-P2022	Addressed in the Mineral Extraction Recommendation
Airfields and helipads	
RURZ-P268	Provide for development and use ⁵⁸ of ancillary infrastructure such as rural airstrips and helipads helicopter landing areas which support rural land uses such as farming including rural production, conservation and recreation.
RURZ-P279	Manage the location and operation of rural airstrips airfield and helicopter landing areas within the rural area for activities other than primary production, and conservation ⁵⁹ to provide for the amenity values of the surrounding rural and settlement areas.
RURZ-P2830	Enable aircraft and helicopter movements within the rural area for purposes agricultural aviation activities ⁶⁰ ancillary to rural production on a seasonal and short-term basis.
GRUZ-PREC1 - Community Living Precinct	
GRUZ-PREC1-P1	Subdivision, use and development within the GRUZ - PREC1 - Community Living Precinct should:

⁵² Waka Kotahi (S450.269), Horticulture New Zealand (S486.071), and Federated Farmers (S524.115)

⁵³ Manawa Energy (S438.139)

⁵⁴ RMA First Schedule, Clause 16

⁵⁵ Manawa (S438.139)

⁵⁶ Radio New Zealand (S476.038)

⁵⁷ HortNZ (S486.071)

⁵⁸ New Zealand Agricultural Aviation Association (S166.032), HortNZ (S486.072)

⁵⁹ New Zealand Agriculture Aviation Association (S166.033), HortNZ (S486.073) and Federated Farmers (S524.116)

⁶⁰ New Zealand Agricultural Aviation Association (S166.034)

1. Provide for grouped housing, community infrastructure and other activities with appropriate buffers to avoid impacts on the amenity of surrounding properties and the environment;
2. Minimise any impacts on natural environment values and appropriately locate wastewater treatment infrastructure to avoid adverse effects on water quality;
3. Provide for appropriate expansion and redevelopment of the buildings and activities within the Precinct, allowing for change and growth of the communities within it; and
4. Be undertaken in a planned manner, in accordance with a concept plan agreed with the Grey District Council.

4. GENERAL RURAL ZONE

4.1. General/Whole Chapter

Submissions and Further Submissions

326. Four hundred eighty-eight submission points and thirty-eight further submission points were received for the zone chapter and are summarised in a table on pages 75-113 of the S42A report.
327. Eight submission points were received on the General Rural Zone Chapter and are summarised in a Table on pages 75-76 of the s42A Report. Four were in support of the zone or rules. The remaining five submissions sought amendments.
328. Seven submission points were received on the chapter overview and are summarised in a table on pages 76-77 of the s42A report. All submissions sought amendments.
329. Thirty submission points were received on GRUZ-R1 and are summarised in a table on pages 77-82 of the s42A report. Three were in support of the rule, and the remainder sought amendments.
330. Twenty-two submission points were received on GRUZ-R2 and are summarised in a table on pages 82-84 of the s42A report. Five were in support of the rule, and the remainder sought amendments.
331. Forty-five submission points were received on GRUZ-R3 and are summarised in a table on pages 84-88 of the s42A report. Two were in support of the rule as a whole, six were in support of subclause 2, and two were in support of subclause 3. Thirty-five submissions sought amendments.
332. Eight submission points were received on GRUZ-R4 and are summarised in a table on pages 88-89 of the s42A report. Five were in support of the rule and three sought amendments.
333. Twenty-three submission points were received on GRUZ-R5 and are summarised in a table on pages 89-90 of the s42A report. Two were in support of the rule, and twenty-one sought amendments.

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334. Fifteen submission points were received on GRUZ-R6 and are summarised in a table on pages 90-91 of the s42A report. All submission points were in support of the rule, with one conditional on a requested amendment to GRUZ-R1.
335. Nine submission points were received on GRUZ-R7 and are summarised in a table on pages 91-92 of the s42A report. One was in support of the rule, and one was in support conditional on a requested amendment to GRUZ-R1. Five submissions opposed the rule and sought its deletion, and one sought amendment.
336. Twenty-one submission points were received on GRUZ-R8 and are summarised in a table on pages 92-94 of the s42A report. Four were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. One opposed the rule and sought to have it deleted. Sixteen submissions sought amendments.
337. Eleven submission points were received on GRUZ-R9 and are summarised in a table on page 94 of the s42A report. Two were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. Nine sought amendments.
338. Fourteen submission points were received on GRUZ-R10 and are summarised in a table on pages 94-95 of the s42A report. Three were in support of the rule and one was in support, conditional on a requested amendment to GRUZ-R1. Eleven sought amendments.
339. Thirteen submission points were received on GRUZ-R13 and are summarised in a table on pages 95-96 of the s42A report. One was in support of the rule, and one was in support conditional on a requested amendment to GRUZ-R1. Eleven sought amendments.
340. Seven submission points were received on GRUZ-R14 and are summarised in a table on pages 96-97 of the s42A report. All submissions were in support of the rule, with one in support conditional on a requested amendment to GRUZ-R1.
341. Six submission points were received in support of GRUZ-R15 and are summarised in a table on page 97 of the s42A.
342. Thirteen submission points were received on GRUZ-R16 and are summarised in a table on pages 97-98 of the s42A report. Two were in support of the rule, and the remainder sought amendments.
343. Fourteen submission points were received on GRUZ-R17 and are summarised in a table on pages 98-99 of the s42A report. One was in support of the rule, five were opposed and sought its deletion, and eight sought amendments.
344. Six submission points were received on GRUZ-R19 and are summarised in a table on page 99 of the s42A report. One was in support of the rule, and the remainder sought amendments.
345. Eighteen submission points were received on GRUZ-R20 and are summarised in a table on pages 99-101 of the s42A report. Two were in support of the rule and the remainder sought amendments.
346. Eighteen submission points were received on GRUZ-R21 and are summarised in a table on pages 101-102 of the s42A report. Four were in support of the rule and the remainder sought amendments.

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347. Fifteen submission points were received on GRUZ-R22 and are summarised in a table on pages 102-103 of the s42A report. Three were in support of the rule and the remainder sought amendments.
348. Four submission points were received on GRUZ-R23 and are summarised in a table on pages 103-104 of the s42A report. Three were in support of the rule and one sought amendment.
349. Twenty-four submission points were received on GRUZ-R24 and are summarised in a table on pages 104-105 of the s42A report. Three were in support of the rule, eight were opposed and sought its deletion, and thirteen sought amendments.
350. Thirteen submission points were received in support of GRUZ-R26 and are summarised in a table on pages 105 -106 of the s42A report.
351. Twelve submission points were received in support of GRUZ-R27 and are summarised in a table on page 106 of the s42A report.
352. Seventeen submission points were received on GRUZ-R28 and are summarised in a table on pages 106-107 of the s42A report. Nine were in support of the rule, and the remainder sought amendments.
353. Fourteen submission points were received on GRUZ-R29 and are summarised in a table on pages 107-108 of the s42A report. Thirteen were in support of the rule and one sought amendment.
354. Twenty-eight submission points were received on GRUZ-R30 and are summarised in a table on pages 108-110 of the s42A report. One was in support of the rule, and the remainder sought amendments.
355. Twenty-three submission points were received on GRUZ-R31 and are summarised in a table on pages 110-111 of the s42A report. One was in support of the rule, and the remainder sought amendments.
356. Thirteen submission points were received on GRUZ-R33 and are summarised in a table on pages 111-112 of the s42A report. Twelve were in support of the rule and one sought amendment.
357. Eleven submission points were received on GRUZ-R34 and are summarised in a table on page 112 of the s42A report. One was in support of the rule, five were opposed and sought its deletion, and five sought amendments.
358. Six submission points were received on GRUZ-R35 and are summarised in a table on pages 112-113 of the s42A report. Two were in support of the rule, and four were opposed and sought that the rule be deleted.
359. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

Chapter as a whole

360. Ms Easton acknowledged submissions in support of the chapter.

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361. Ms Easton did not support a submission point from Buller Conservation Group (S552.021) seeking an amendment to the zone description, as the zone description is set out in the National Planning Standards.
362. Ms Easton did not support a submission point from Skyline Enterprises Ltd (S250.001) seeking to have their amenities area identified on the planning maps and zone provisions, noting that she had considered this site in the Special Purpose Zones report. She concluded that the most appropriate zone would be an Open Space zone.
363. Ms Easton supported a submission point (S488.028) from WCRC seeking that biosecurity and biodiversity-associated helicopter operations be provided for as a Permitted Activity, noting that this has already been addressed through recommended amendments to the definition of Conservation Activities.
364. Ms Easton supported, in part, a submission point from the New Zealand Motor Caravan Association (S490.015), seeking to permit camping, noting that recreational activities, including camping, are permitted activities. She also noted that establishing new commercial camping grounds would be a Discretionary activity. She considered this activity status appropriate given that these activities can result in adverse effects, including reverse sensitivity.
365. Ms Easton supported a submission point from Manawa Energy (S438.141) seeking the following sentence be added: The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly, the rules in this chapter do not apply to these activities. However, she considered that this should be part of a wider statement explaining the relationship with the Energy, Infrastructure, and Transport chapters.
366. Manawa Energy (S438.140) also sought amendments to the General Rural Zones Overview to identify that regionally significant infrastructure and renewable electricity generation is located within the zone. Ms Easton supported this submission and the proposed amendments which she considered reflect the importance of these activities in the General Rural Zone lands.
367. Ms Easton supported a submission point from Forest and Bird (S560.382) seeking that the overview be amended to reference other relevant District Wide chapters, including the ECO chapter, consistent with her recommendations on the other chapters.
368. Ms Easton did not support a submission point from Craig Schwitzer (S96.024) seeking stronger rules controlling intensive farming, noting that the District Plan provisions control indoor intensive farming due to the adverse effects these activities can create, and she considered this level of restriction appropriate. She noted that regional plans regulate other aspects of farming, including discharges to land, air, and water.
369. The s42A report states that Ms Easton did not support a submission point from Riarnne Klempel (S67.005) seeking that intensive farming operations should not be able to locate near cemeteries. This submission does not explicitly seek setbacks from cemeteries but raises more general concerns about the impacts of intensified dairying and large animal herds on Barrytown Township. Ms Easton noted that the issues raised may relate to the broader issue of reverse sensitivity that the Plan is attempting to address.

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370. Concerning Ms Klempel's submission point (S296.003) regarding the need for greater regulation of large-scale industry, Ms Easton did not support this submission, as she considered that the Plan provisions provide an appropriate level of regulation for rural industries and direct industrial activities to industrial zones.
371. Ms Easton did not support a submission point from Rural Contractors NZ Incorporated (S489.006), which sought to have rural contract depots permitted as an activity in the zone. She considered this to be a rural industry and that the proposed definition and rule do not address the potential adverse effects to the degree that permitted activity status is justified.

GRUZ-R1 Agricultural, Pastoral and Horticultural Activities

372. Ms Easton acknowledged the submissions received in support of the rule.
373. Ms Easton supported in part a submission point (S476.041) from RNZ seeking an advice note highlighting notification to RNZ for structures within 100m of their Cape Foulwind facility. She noted that a 10m height limit applies under R1 and did not consider any need for an amendment to the rule, but indicated that amendments to R10 Emergency Service Facilities may be necessary. We note that, as discussed below, when considering GRUZ-R10 amendments, they were recommended within her Reply to GRUZ-R10, which addresses the core of the RNZ submission.
374. Ms Easton did not support a submission point (S560.056) from Forest and Bird seeking three advice notes referring to the NES-F regulations on sphagnum moss and other Plan chapters, noting that cross-references to other chapters will be contained in the chapter overview. She said that WCRC administers the NES-F and that sphagnum moss regulation is in the Land and Water Regional Plan.
375. Ms Easton supported a submission point (S450.271) from Waka Kotahi seeking an amendment to require sites to meet vehicle crossing standards in the transport chapter in order to be permitted activities. She noted that a large proportion of rural areas are accessed from state highways and that while existing use rights apply to existing crossings, new or expanded activities should have crossings constructed to a safe standard.
376. Ms Easton supported a submission point (S465.033) from Davis Ogilvie, seeking to reduce internal boundary setbacks from 10m to 5m, to be more consistent with the operative Plan rules. She noted that all three councils considered a 5m setback to be appropriate.
377. Ms Easton did not support a submission point (S570.006) from Dean Van Mierlo seeking reduced setbacks for GRUZ sections less than 1000m². She considered that a reduced setback may encourage landowners to seek subdivision consent to create more small lots. Ms Easton considered that, as there are a very small number of sites this size that are not already built upon, the matter can be managed through the resource consent process, noting that the deemed permitted approach could also be used with neighbours' written approval.
378. Ms Easton supported submission points by submitters, Chris + Jan Coll (S558.503), Chris J Coll Surveying Ltd (S566.503), William McLaughlin (S567.548) and Laura Coll McLaughlin (S574.503), seeking reduced setbacks, and considered that the reduced internal boundary setback addressed these submissions.
379. Ms Easton did not support submissions by submitters, John Brazil (S360.050), Steve Croasdale (S516.110), Geoff Volckman (S563.113), Catherine Smart Simpson (S564.122), Koiterangi Lime Co Ltd (S577.095), William McLaughlin (S567.561), Karamea Lime Company (S614.177), Peter

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Langford (S615.177) and Chris J Coll Surveying Ltd (S566.518) seeking to ensure that existing non-compliance with permitted activity standards would not preclude the application of the rule. Ms Easton noted that existing use rights cover existing activities, but new and expanding activities should be subject to the standards to ensure effects are adequately managed.

380. Ms Easton did not support submission points from Hort NZ (S486.075) and Federated Farmers (S524.118) seeking that the rule be split into two rules for buildings and activities, as she did not think this would make the Plan more straightforward.
381. Ms Easton did not support a submission point (S486.075) from HortNZ seeking that artificial crop protection structures and temporary workers' accommodation be included with the activities rule. She considered that these structures would not meet the NPS definition of a building and would be permitted under R5 Minor Structures. Concerning temporary workers' accommodation, she considered that the minor residential unit provisions under R3 would be sufficient to provide for workers' accommodation.
382. Ms Easton supported a submission point (S538.497) from BDC seeking a minimum ground floor area standard, noting that BDC suggested a 500m² standard, but GDC considered this to be too small for farm buildings. Ms Easton proposed a maximum of 500 m² for residential buildings and 1000 m² for farm buildings. Ms Easton also supported BDC's submission seeking a 150m setback from a wastewater treatment plant, noting that this issue is relevant in several small communities.
383. Ms Easton did not support submission points from Chris + Jan Coll (S558.504), Chris J Coll surveying Ltd (S566.504), William Mc Laughlin (S567.549), and Laura Coll McLaughlin (S574.504) seeking a controlled activity status for activities that do not meet the permitted standards, noting that the proposed Discretionary activity status is consistent with the operative plans. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and rural character. She did not consider controlled activity status to be appropriate, given that controlled activities must be granted.
384. Ms Easton did not support submission point (S560.383) from Forest and Bird seeking to remove quarrying from the permitted activities, noting that farm quarries are an expected activity on farms and are defined in the Plan, and must comply with District-wide and zone rules.
385. Ms Easton supported in part submission point (S573.040) from FENZ seeking a maximum height of 10m for emergency service facilities and critical facilities, and that these activities be exempt from setback requirements. She considered 10m an appropriate height for emergency service facilities but noted critical facilities are not provided for in the zone and did not consider a setback exemption appropriate.
386. FENZ also sought an additional standard requiring new developments to have connections to public reticulated water supply or an alternative satisfactory on-site water supply. Ms Easton considered that this submission appeared to anticipate significant development in the rural zones, which is not expected or provided for in the zone rules. She also considered water supply to be a subdivision matter and covered by Building Act requirements.

GRUZ-R2 Conservation and recreation areas

387. Ms Easton acknowledged the submissions received in support of the rule.

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388. Ms Easton supported submission point (S336.012) from the Westport Pistol Club seeking to amend standard 2 to read: "Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms Shooting," and other submissions seeking similar relief⁶¹.
389. Ms Easton did not support submission points by submitters, John Brazil (S360.049), Steve Croasdale (S516.111), Chris & Jan Coll (S558.508), Catherine Smart Simpson (S564.123), Geoff Volckman (S563.114), Chris J Coll Surveying Ltd (S566.508), William McLaughlin (S567.552), Laura Coll McLaughlin (S574.508) and Koiterangi Lime Company (S577.096) seeking to ensure that existing non-compliance with permitted activity standards would not preclude the application of the rule. Ms Easton noted that existing use rights cover existing activities, but new and expanding activities should be subject to the standards to ensure effects are adequately managed.

GRUZ-R3 Residential Activities and Residential Units

390. Ms Easton acknowledged the submissions received in support of the rule.
391. Several submission points sought reductions in residential density standards, with Frank O,Toole (S595.008) seeking minimum allotment sizes of 4000m², and Christopher and Donna Meates (S430.002), Russel and Joanne Smith (S477.022), Tim Mc Farlane (S482.022), Lauren Nyhan, Anthony Philips (S533.022), Stewart and Catherine Nimmo (S559.022), Dennis and Wendy Cadigan (S532.005) and Claire and John West (S506.022) were seeking minimum allotment sizes of 5000m² and Bert Hoffmans (S504.014) was seeking two dwellings per property with 2ha density. Ms Easton did not support these submissions, noting that TTPP zoning approach differs from the Operative Plans, and provides specific, identified locations for Rural Lifestyle Zone (1ha lots) and Settlement Zone Rural Residential Precinct (4000m²). She noted that this is in direct response to the fragmentation of rural land, the proliferation of lifestyle living in rural areas, and the consequent reverse sensitivity effects that primary production is facing on the West Coast.
392. Ms Easton did not support the submission point (S571.011) from Greg Maitland, seeking that there be no restrictions on where minor units can be located on a property, noting that tying minor units to the main house is a key mechanism to prevent minor units from being subdivided off.
393. Ms Easton did not support submission point from Elley Group Ltd (S164.001) seeking that minimum lot sizes be replaced by a maximum concentration approach, as she considered this to be more complex and would not meet the Plan's objectives concerning reverse sensitivity and maintaining production values.
394. Ms Easton supported, in part, the submission points by BDC (S538.499) and Graeme Cavaney (S121.002), seeking a maximum of two dwellings per property, as she considered that the proposed minimum densities addressed the issues submitters were concerned with, relating to the fragmentation of rural land and the proliferation of residential development.
395. Ms Easton did not support submission points from Westport Pistol Club (S336.013) and Silver Fern Farms (S441.070) seeking that the advice note be amended to refer to the rifle range and adjoining industrial sites. She noted that this matter is addressed in the Noise chapter, and the advice note would be amended as a consequential amendment if Noise-R3 is amended.

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396. Ms Easton did not support submission points (S558.511) Chris & Jan Coll, (S566.511) Chris J Coll Surveying Ltd, (S567.555) William McLaughlin, (S574.511) Laura Coll McLaughlin, seeking the advice note to be deleted, noting that whether acoustic insulation should be required is a matter addressed in the Noise s42A.
397. Ms Easton supported, in part, submission point (S450.272) from Waka Kotahi, seeking that the rule be amended to require sites to meet vehicle crossing standards in the transport chapter, noting that the requirement in R1 will also apply here.
398. Ms Easton did not support submission point (S486.078) from Hort NZ seeking the deletion of a reference to primary production buildings. She noted that minor units are required to be associated with existing buildings to prevent a proliferation of residential units throughout the zone.
399. Ms Easton did not support submission point (S524.119) from Federated Farmers seeking a maximum of 5 minor units per 10 hectares, noting that this would significantly increase residential activity within the rural environment. She considered that the proposed rule allows for sufficient accommodation to support dairy farming, which is the main primary production land use on the West Coast.
400. Ms Easton supported submission points (S552.178) by BCG and (S553.178) Frida Inta on the use of the term 'site' vs 'allotment,' but noted this matter has already been addressed in the s42A reports on General Provisions and Historic Heritage.
401. Several submissions, (S558.509), (S566.509), (S567.553), (S574.509), (S577.097), (S614.179), (S615.179) sought that the rule be amended to accommodate existing non-compliance. Ms Easton did not support these submission points for the reasons outlined in relation to similar submissions.

GRUZ-R4 Papakāinga Developments

402. Ms Easton acknowledged the submissions received in support of the rule.
403. Ms Easton did not support submission point (S360.074) from John Brazil seeking that pre-existing non-compliance does not preclude application of the rule. She considered that, outside of a resource consent process, existing non-compliance should not be accommodated in the rules, as this could result in a range of adverse effects.
404. Te Tumu Paeroa (S440.047) sought that the Papakāinga definition be amended to reference Maori Landowners. Ms Easton supported this submission point in part, noting that Ngāi Tahu and the Māori Trustee had since agreed upon the definition, and she endorsed the agreed-upon definition.

GRUZ-R5 Minor Structures

405. Ms Easton acknowledged the submissions received in support of the rule.
406. Ms Easton supported submission point (S538.500) from BDC seeking that Clause 2 be replaced with a setback requirement. She considered the setbacks for buildings under R1, including the recommended 5m internal boundary setback, to be appropriate.
407. Ms Easton did not support submission point from Horticulture New Zealand (S486.079) seeking the rule be amended to refer to rural production activities rather than agricultural,

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horticultural or pastoral activities, as she did not support the change to the definition. She supported, in part, their submission seeking that Clause 2 be deleted, as she had recommended the change discussed above.

408. In response to submission points, (S577.098) Koiterangi Lime Co Ltd, (S614.180) Karamea Lime Company, (S516.113) Steve Croasdale, (S563.116) Geoff Volckman, (S564.126) Catherine Smart Simpson, and (S615.180) Peter Langford that sought to simplify the rule and address existing non-compliance, Ms Easton supported the submissions in part, particularly in relation to her recommended change to Clause 2.

409. She did not support providing for existing non-compliance, for reasons previously given. As sought by Laura Coll McLaughlin (S574.512), William McLaughlin (S567.556), Chris J Coll Surveying Ltd (S566.512), Catherine Smart Simpson (S564.125), Geoff Volckman (S563.117), Steve Croasdale (S516.114), Chris & Jan Coll (S558.512), John Brazil (S360.051)

GRUZ-R6 Fences, Walls and Retaining Walls

410. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support of this rule, she did not recommend any amendments.

GRUZ-R7 Relocated Buildings/GRUZ-R17 Relocated Buildings not meeting permitted activity standards

411. Ms Easton acknowledged the submissions received in support of the rule.

412. Submission points (S538.502) BDC, (S558.021, S558.514) Chris & Jan Coll, (S566.021, S566.514) Chris J Coll Surveying, (S567.011, S567.558) William McLaughlin, (S574.021, S574.514) Laura Coll McLaughlin, sought that these rules be deleted, and Ms Easton supported these submissions, noting that amenity concerns relating to relocated buildings are associated principally with urban locations. She considered that these issues do not arise in the same way in rural areas and that the TTPP does not need to manage this matter in the Rural zone.

413. Ms Easton did not support submission point (S616.007) from the New Zealand Heavy Haulage Association, as she had recommended that the rule be deleted.

GRUZ – R8 Residential Visitor Accommodation

414. Ms Easton acknowledged the submissions received in support of the rule.

415. Ms Easton did not support submission point (S251.001) from Charles Elley, seeking that the rule be deleted, and opposed the regulation of this activity through the Plan. She noted that the impacts of residential visitor accommodation were the single most significant issue raised by the community, and that the TTPP committee considered the matter in substantial detail and consulted on the proposed approach. Ms Easton considered residential visitor accommodation to be a business, and where a whole house is rented out, it is no different to a commercial visitor operation except in scale. However, as the scale is small, a permitted activity status is provided within a framework to manage adverse effects.

416. Ms Easton supported submission point (S608.109) from GDC seeking that records of letting activity be provided to the Council annually, rather than on request, placing the onus on landowners to provide evidence of compliance. She considered this a reasonable requirement to ensure permitted activity standards are met and that it would assist the Council in discharging Building Act compliance duties.

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417. Ten submitters, John Brazil (S360.053), Steve Croasdale (S516.116), Chris & Jan Coll (S558.515), Geoff Volckman (S563.119), Catherine Smart Simpson (S564.128), Chris J Coll surveying Ltd (S566.515), William McLaughlin (S567.559), Laura Coll McLaughlin (S574.515), Karamea Lime Company (S614.183), and Peter Langford (S615.183) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submissions, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.
418. Ms Easton did not support submission points (S566.517) Chris J Coll SurveyingLtd, (S558.517) Chris & Jan Coll, (S567.560) William McLaughlin and (S574.517) Laura Coll McLaughlin seeking that the noise advice note be deleted, as the substantive matter is dealt with in the Noise topic. She noted that if the rule is amended, a consequential amendment would be made to the advice note.

GRUZ – R9 Home Business

419. Ms Easton acknowledged the submissions received in support of the rule.
420. Ms Easton supported submission point (S538.504) from BDC seeking that the permitted activity standards allow no more than two full-time equivalent persons engaged in the home business who reside off-site. The Council are concerned that traffic generation standards are difficult to monitor on sites with combined uses, and this change would provide a clear compliance method to ensure the scale of home business doesn't exceed that expected in a rural area. Ms Easton was persuaded by this argument and noted that the operative Buller and Westland District Plans have this requirement in their rules.
421. Ms Easton supported, in part, the submission point (S450.275) from Waka Kotahi, seeking the rule be amended to reduce the permitted vehicle movement to 30 per day, as use of the vehicle access at this level is considered a high trip-generating activity. She noted the standard as drafted could allow up to 210 vehicle movements on a single day and recommended it be amended as follows: a maximum of 10 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.
422. Submitters Steve Croasdale (S516.117), John Brazil (S360.054), Geoff Volckman (S563.120), Catherine Smart Simpson (S564.129), Karamea Lime Company (S614.184) and Peter Langford (S615.184) sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submissions, noting that existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R10 Emergency Service Facility

423. Ms Easton acknowledged the submissions received in support of the rule.
424. Submitters John Brazil (S360.055), Steve Croasdale (S516.118), Chris & Jan Coll (S558.519), Geoff Volckman (S563.121), Catherine Smart Simpson (S564.130), Chris J Coll Surveying Ltd (S566.519), William McLaughlin (S567.562), Laura Coll McLaughlin (S574.519), Karamea Lime Company (S614.185) and Peter Langford (S615.185) sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submission points, noting that

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existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R13 Community Halls

425. Ms Easton acknowledged the submissions received in support of the rule.
426. Nine submissions supported the rule but requested that an error in the text be corrected, as it states 12:00 p.m. instead of 12:00 a.m. Ms Easton supported these submission points.
427. Ms Easton supported a submission point from BDC (S538.508) and GDC (S608.111), seeking that the wording of Standard 3 be amended to refer to the correct numbering of Standards 1 and 2.
428. A submission from BDC (S538.508) sought a schedule of Community Halls to be included in the Plan, to provide certainty on which community facilities are considered halls for this rule. Ms Easton noted that existing halls would have existing use rights, and the Plan does not include schedules of other similar facilities. She suggested that a definition would more appropriately address this issue and invited Buller DC to propose a suggested wording.

GRUZ-R14 Community Facilities and Educational Facilities in the Community Living Precinct.

429. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support of this rule, she did not recommend any amendments.

GRUZ-R15 Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

430. Ms Easton acknowledged that all submissions were in support of the rule.

GRUZ-R16 Minor structures not meeting Permitted Activity Standards

431. Ms Easton acknowledged the submissions received in support of the rule.
432. Submitters John Brazil (S360.059), Steve Croasdale (S516.121), Chris & Jan Coll (S558.529), Geoff Volckman (S563.127), Catherine Smart Simpson (S564.136), Chris J Coll Surveying Ltd (S566.529), William McLaughlin (S567.571), Laura Coll McLaughlin (S574.529), Koiterangi Lime Co Ltd (S577.103) and Peter Langford (S615.191) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights covers existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ – R19 Intensive Indoor Primary Production in the Community Living Precinct

433. Ms Easton acknowledged the submission received in support of the rule.
434. Ms Easton did not support submission point (S190.986) from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses protection of

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drinking water sources and is required to be implemented by Regional Councils, and therefore, she considered that WCRC would most appropriately manage the matter.

435. Submitters Chris & Jan Coll (S558.532), Chris J Coll Surveying Ltd (S566.532), William McLaughlin (S567.574), Laura Coll McLaughlin (S574.532), sought the rule be amended to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R20 Intensive Primary Production

436. Ms Easton acknowledged the submissions received in support of the rule.
437. Ms Easton did not support submission point (S608.113) from GDC seeking that the activity status be amended to controlled, noting that the effects of intensive primary production can be considerable, and that larger-scale industries can require significant management, warranting a restricted discretionary activity status. Ms Easton considered that the recommended advice note to the intensive primary production definition, confirming that herd homes are excluded, may address the submitters' concerns.
438. Ms Easton did not support submission point (S190.987) from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses protection of drinking water sources and is required to be implemented by Regional Councils, and therefore, she considered that WCRC would most appropriately manage the matter.
439. Ms Easton did not support submission point (S560.387) from Forest and Bird seeking additional conditions requiring these activities not to be located in overlays, SNAs, the coastal environment, or where indigenous vegetation clearance would occur, noting that these matters are addressed in the relevant District-wide chapters. She did not support the proposal that such activities should be non-complying if these matters are breached.
440. Ms Easton did not support submission points (S552.184) from BCG and (S553.184) from Frida Inta seeking that the number and type of livestock be a matter of discretion, as she considered the District Plan primarily manages building bulk and location, traffic and noise effects, and that the number and type of livestock is more relevant to discharge effects which the Regional Council manages.
441. Submitters John Brazil (S360.062), Steve Croasdale (S516.124), Chris & Jan Coll (S558.533), Geoff Volckman (S563.130), Catherine Smart Simpson (S564.139), Chris J Coll Surveying Ltd (S566.533), William McLaughlin (S567.575), Laura Coll McLaughlin (S574.533), Koiterangi Lime Company (S577.106), Karamea Lime Company Ltd (S614.194) and Peter Langford (S615.194) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-21 Rural Industry

442. Ms Easton acknowledged the submissions received in support of the rule.

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443. Ms Easton did not support submission points (S524.120) from Federated Farmers and (S486.080) from HortNZ seeking that the activity be permitted, or a submission from Rural Contractors NZ Inc seeking that the rule exclude rural contractor depots. She noted that a proliferation of industrial activities in rural areas surrounding the main towns has become a significant issue. She said that the nature of the West Coast economy is that many activities service both urban and rural sectors. She considered that requiring resource consent for these activities means that effects can be appropriately managed and ensures that activities established in the rural zone serve the rural economy as intended.
444. Submitters Steve Croasdale (S516.125), John Brazil (S360.063), Chris & Jan Coll (S558.534) Geoff Volckman (S563.131) Catherine Smart Simpson (S564.140), Chris J Coll Surveying Ltd (S566.534), William McLaughlin (S567.576), Laura Coll McLaughlin (S574.534) Koiterangi Lime Co Ltd (S577.107), Karamea Lime Company (S614.195) and Peter Langford (S615.195) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ-R22 Visitor and Temporary Worker Accommodation not meeting Permitted Activity Standards

445. Ms Easton acknowledged the submissions received in support of the rule.
446. Ms Easton did not support submission point (S486.081) from HortNZ seeking provision for temporary workers' accommodation in a new permitted activity rule. She considered that the minor unit provisions sufficiently provide for worker accommodation of the type required on the Coast.
447. Submitters John Brazil (S360.064), Steve Croasdale (S516.126), Chris & Jan Coll (S558.535), Geoff Volckman (S563.132), Catherine Smart Simpson (S564.141), Chris J Coll Surveying Ltd (S566.535), William McLaughlin (S567.577), Laura Coll McLaughlin (S574.535), Koiterangi Lime Co Ltd (S577.108), Karamea Lime Company (S614.196) and Peter Langford (S615.196) sought to amend the rule to allow for existing non-compliance. Ms Easton did not support these submission points, noting that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects.

GRUZ – R23 Papakāinga Developments not meeting Permitted Activity Standard

448. Ms Easton acknowledged the submissions received in support of the rule.
449. Ms Easton supported, in part, submission point (S608.758) from GDC seeking that management of access, parking, and traffic generation be added as a matter of discretion. She considered access and parking to be relevant, but not traffic generation, as Papakāinga are a residential activity.

GRUZ-R24 Non-rural Activities/ GRUZ-R30 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules

450. Ms Easton acknowledged the submissions received in support of the rules.
451. Ms Easton supported in part submission point (S538.516) from BDC seeking that the title be amended to 'commercial and industrial activities' as non-rural activities are not a defined

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term. Ms Easton noted that there is a definition and rules for rural industry, so rules R24 and R30 must be clear that they do not apply to rural industry.

GRUZ-R24 Non-rural Activities

452. Submitters Tiga Minerals and Metals Limited (\$493.104), Westland Farm Services (\$550.017), WMS Group (HQ) Limited and WMS Land Co Limited (\$599.120), Birchfield Coal Mines Ltd (\$601.098), Birchfield Ross Mining Limited (\$604.088), Phoenix Minerals Limited (\$606.073), Whyte Gold Limited (\$607.073), sought that the rule be deleted. Federated Farmers (\$524.121) and Hort NZ (\$486.082) sought the rule be deleted or amended to Discretionary as they were concerned it was too permissive given the policy framework, which directs that the General Rural Zone be used for primary production ahead of other uses. Ms Easton supported these submission points, agreeing that the objective and policy direction is clear and noting that the issue of the proliferation of commercial and industrial activities in the rural zones is significant. She recommended deleting GRUZ-24 and retaining GRUZ-30 and renaming it 'Industrial and commercial activities excluding rural industry'.
453. Submission points Chris & Jan Coll (\$558.536), Chris J Coll Surveying Ltd (\$566.536), William McLaughlin (\$567.578), Luara Col McLaughlin (\$574.536), John Brazil (\$360.065), Steve Croasdale (\$516.127), Geoff Volckman (\$563.133), Catherine Smart Simpson (\$564.142), Koiterangi Lime Co Ltd (\$577.109), Karamea Lime Company (\$614.197) and Peter Langford (\$615.197) sought amendments to the rule. Ms Easton did not support these, as she recommended that the rule be deleted.

GRUZ-R30 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules

454. Ms Easton supported submission point (\$538.522) from Buller DC, seeking either that a definition of Large Format Retail be included or that Clause 1 refer to commercial activities, and recommended that the standard refer to commercial activities.
455. Submission points Chris & Jan Coll (\$558.544), Geoff Volckman (\$563.139), Catherine Smart Simpson (\$546.148), Chris J Coll Surveying Ltd (\$566.544), William McLaughlin (\$567.585), Laura Coll McLaughlin (\$574.544), Koiterangi Lime Co Ltd (\$577.115), Karamea Lime Company (\$614.203) and Peter Langford (\$615.203) sought that the rule have more clearly defined terms. Ms Easton supported these submissions and considered that her recommended amendments addressed this matter. Ms Easton did not support several submission points from these submitters that sought that Clauses 1 and 2 be deleted and that activity status where compliance is not achieved be n/a. She noted that the focus of the General Rural Zone is to provide for primary production activities, and the rule recognises that some commercial or industrial activities may be appropriate in the zone, but not at the expense of productive land values, with the standards providing this framework. She also noted that the submissions gave no reasons for opposing the standards, other than that they were too restrictive.

GRUZ – R26 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards / GRUZ – R27 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

456. Ms Easton acknowledged the submissions received in support of the rule. As all submissions were in support, no changes were recommended to the rule.

GRUZ-R28 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Standards

457. Ms Easton acknowledged the submissions received in support of the rule.
458. Ms Easton supported submission points from Frank and Jo Dooley (S478.040) and from Frank O'Toole (S595.022), seeking that fences, walls, and retaining structures be removed from this rule and placed in a separate, restricted discretionary rule, with matters of discretion relating to the effects of these types of structures. She noted that these submitters sought a similar change to the rules in other zones and considered that a restricted discretionary activity is appropriate for structures that do not meet permitted activity standards.
459. Ms Easton supported submission points Chris & Jan Coll, (S558.043, S558.542) Chris J Coll Surveying Ltd (S566.043, 566.542), William McLaughlin, (S567.013, 567.583) Laura Coll McLaughlin (S574.043) seeking to delete relocated buildings from this rule, noting that this is a consequential amendment from her recommendation to delete relocated buildings to not regulate relocated buildings in the General Rural Zone.

GRUZ- R29 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards

460. Ms Easton acknowledged the submissions received in support of the rule.
461. Ms Easton did not support submission point from GDC (S608.114) seeking to include reference to controlled activity, as a consequence of their submission seeking a controlled activity status for intensive indoor primary production. Ms Easton noted that she had also not supported that submission.

GRUZ-R31 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards

462. Ms Easton acknowledged the submissions received in support of the rule.
463. Submission points John Brazil (S360.071), Steve Croasdale (S516.133), Geoff Volckman (S563.142), Catherine Smart Simpson (564.151), Koiterangi Lime Co Ltd (S577.118), Karamea Lime Company (S614.206), Peter Langford (S615.206), Chris & Jan Coll (S558.547), Chris J Coll Surveying Ltd (S566.547), William McLaughlin (S567.588), and Laura Coll McLaughlin (S574.547) sought that Clause 1 be removed and that the activity status not be escalated to non-compliant. Ms Easton supported these submissions, as she considered a Discretionary activity status to enable all relevant matters to be assessed. She also noted that some visitor accommodation, such as campgrounds, is appropriate in the General Rural Zone and considered a non-complying activity status unnecessary for these activities.

GRUZ-R33 Residential Activities and Residential Units not meeting Permitted or Restricted Discretionary Activity Standards

464. Ms Easton acknowledged the submissions received in support of the rule.
465. Ms Easton supported submission point from HortNZ (S486.084), seeking clarification of the rule, as there are no restricted discretionary rules concerning residential activities. She recommended the words '*or restricted discretionary*' be removed.

GRUZ-34 Non-rural Activities, Visitor and Temporary Worker Accommodation not meeting any other Rule in the zone

466. Ms Easton acknowledged the submission received in support of the rule.
467. Ms Easton supported submission point from BDC (S538.526), seeking that the rule title be amended to "Commercial and Industrial activities not meeting any other rule in the zone," noting that this is a consequential amendment to other submissions she had supported.
468. Submitters Geoff Volckman (S563.146), Catherine Smart Simpson (S564.155), Koiterangi Lime Co Ltd (S577.122), Karamea Lime Company (S614.210), Peter Langford (S615.210), Chris J Coll Surveying Ltd (S566.552), William McLaughlin (S567.592) and Laura Coll McLaughlin (S574.552) sought that the activity status be Discretionary or that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons are provided for opposing the rule, other than it being too restrictive. She noted that the focus of the rural zone is to provide for primary production.

GRUZ – R35 Any Activity not provided for by another Rule in the zone

469. Ms Easton acknowledged the submission received in support of the rule.
470. Submission points (S558.553) Chris & Jan Coll, (S566.553) Chris J Coll Surveying Ltd, (S567.593) William McLaughlin and (S574.553) Laura Coll McLaughlin sought that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons were given. She acknowledged that a Discretionary activity status is often applied to this type of 'catch-all' rule and invited the submitters to provide information at the hearing on whether they would support this alternative relief.

Hearing and Submitter Evidence

471. Frida Inta, on behalf of herself and BCG, sought that GRUZ-R1 address livestock herd intensities via additional wording under GRUZ-R1.3, as follows: no detectable odour or fly problem beyond zone boundaries, for both housed and free-range stock. She sought a consistent set of rules that define animal number thresholds, more logical setback distances and address cattle, pigs and sheep separately. She considered a blanket intensity of 10 animals to be inadequate. She also sought to have specific standards for dairy sheds included to control adverse effects.
472. Regarding GRUZ-R5, Ms Inta noted that the road and state highway setbacks were onerous but did not request a specific change to this standard. She inquired whether the Plan could enforce restrictions on secondary buildings smaller than 30 m², as these are now permitted under a national ruling.
473. Ms Inta considered that if GRUZ-R7 relating to relocated buildings is to be deleted, then GRUZ-R1 should be amended to include relocated buildings.
474. Ms Inta queried why GRUZ-R8.7 only applies to Buller and noted that this Clause is not addressed in the s42A report. She considered the traffic generation standards under GRUZ-R9 to be disruptive to quiet neighbourhoods and pointed out that the traffic movement standards under GRUZ-R8 and GRUZ-R9 are inconsistent. She supported the GRUZ-R9 standard controlling dust, odour or smoke, noting that these can be debilitating.
475. In response to the s42A report comments on GRUZ-R20, Ms Inta queried why this rule could not include a matter of discretion about the number and type of livestock when other matters

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of discretion include effluent management and wastewater and stormwater disposal, which are also related to discharges managed by the Regional Council. She raised concerns with the grammar used in the wording of GRUZ-30.

476. Mr Vance Boyd raised concerns that the maximum permitted size (1m) for antenna dishes was insufficient, as dishes can be up to 1.4m in diameter, and the cost of a resource consent for an oversized dish is not justifiable.
477. Steve White on behalf of RNZ continued to seek controls for structures over 10m in height and in proximity to the RNZ Cape Foulwind site. Mr White did not consider the recommendations in the s42A report to be appropriate, noting that there would be no requirement for electromagnetic radiation risk to be considered for any structures except emergency service facilities. He said that while structures over 18m may be unusual, it is precisely the higher and more unusual structures that are exposed to greater risk and he considers that it makes sense for this risk to be assessed at the resource consent stage.
478. Further legal submissions from RNZ, provided in response to matters raised by the Panel in the hearing, confirmed that RNZ and Ms Easton had reached an agreed position on a proposed overlay, with accompanying permitted activity standards and matters of discretion for restricted discretionary activities. RNZ consider that the s42A officers' proposed provisions provide good protection. The legal submission considered that there was scope in the original RNZ submission to propose an appropriate alternative relief, including an overlay.
479. In a letter dated 1 July 2024 KiwiRail indicated support for the building setbacks in GRUZ-R1, noting that their original submission sought a minimum 5m setback from the rail corridor boundary in all zones, and sought that both structures and buildings be subject to these Clauses. They also sought several amendments, including that the following standard be added to GRUZ-R13, requiring community halls to comply with the building setbacks under GRUZ-R1: Performance Clause 2 of GRUZ-R1, relating to building and structure setbacks from roads, State Highways and internal boundaries, is complied with that home businesses that do not comply with standards be subject to a discretionary activity status, and that the following additional matters of discretion relating to reduced setbacks be added to GRUZ-R23 and 26:

The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and

The safe and efficient operation of the rail network.

480. In a letter tabled at the hearing, on behalf of FENZ acknowledged Ms Easton's response to their original submission and noting that the intent of their relief sought was to capture potential scenarios where reticulation may be available. They considered there to be a gap in the Plan as there is no rule or standard requiring on-site water supply or firefighting water supply to be provided for new developments. To address this perceived gap, FENZ requested the Panel consider the requested relief further and proposed an alternative wording to that in the original submission, as follows:

7. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

Advice Notes: [...]

3. *The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.*

481. HortNZ⁶² accepted in part the s42A recommendations on GRUZ-R1 and did not continue to seek amendments to this rule. They accepted in part Ms Easton's recommendations on GRUZ-R3. They supported the provision of workers' accommodation under this rule, noting that activities not meeting the standards are restricted and discretionary under GRUZ-R22. They sought an amendment to GRUZ-R3 to clarify this as follows: Activity status where compliance not achieved with GRUZ-R3 (4): Restricted Discretionary (under GRUZ-R22).

482. Hort NZ sought a new rule for Artificial Crop Protection Structures (ACPS), as follows:

GRUZ – RX Artificial crop protection structures

Where:

- i. **The height of the structure does not exceed 6m; and***
- ii. Either: green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council;*
OR
- iii. the structure is setback 3m from the boundary*

When compliance with GRUZ-RX is not achieved: Restricted Discretionary

Matters of discretion: Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth.

483. HortNZ also sought further amendments to GRUZ-R5 to remove area restrictions and raise the height limit for Crop Protection Structures, as follows:

GRUZ - R5 Minor structures

Activity Status Permitted

Where:

- 1. These are **Artificial Crop Protection Structures, Crop Support Structures, or not structures not** associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ - R1;*
- 2. All performance standards for Rule GRUZ - R1 are complied with; Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m 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;*

⁶² Emily Levenson

5. Artificial Crop Protection Structures and Crop Support Structures must not exceed 6m and no site coverage will apply.

56. Any other structure must not exceed 10m² and 2m in height; and

67. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

484. Following the hearing, Ms Levenson provided a memo on behalf of HortNZ responding to questions from the Panel and providing additional commentary on greenhouses, ACPS, and other District Plan approaches to these structures. She proposed an amended wording of the new rule HortNZ seeks for ACPS, as follows:

GRUZ – RX Artificial crop protection structures

Where:

i. The height of the structure does not exceed 6m; and

ii. Either: green or black cloth is used on any vertical faces

within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council;

OR

iii. the structure is setback 3m from the boundary

iv. Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance, a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.

When compliance with GRUZ-RX is not achieved: Restricted Discretionary

Matters of discretion: Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth

485. SFF acknowledged the s42A report's comments on GRUZ-R3, specifically regarding the acoustic insulation addressed in the Noise topic.
486. Lionel John Hulme and Simon Cameron, on behalf of Federated Farmers, continued to seek that up to 5 minor units be permitted per 10ha of site area, noting that they considered there would be little difference in the effects of minor residential units on two blocks of 10ha compared to more units on one 10ha block. In relation to GRUZ-R21 they continued to seek that rural industry be allowed to locate in the GRUZ as a permitted activity as of right subject to suitable safeguards in the form of standards.

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487. Federated Farmers supported the s42A recommendations to delete GRUZ-R24.
488. Jonathan Bhana-Thomson on behalf of New Zealand Heavy Haulage Association Inc., opposed the s42A report recommendations to delete the relocated building rules, noting that this may result in building relocations defaulting to non-complying status under the catch-all rule R35. He also stated that relocated building rules were recommended to be retained in residential zones, as per the s42A report. He considered that a consistent approach to relocated buildings should be taken across the district. Mr Bhana-Thomson stated that the association supports a move to a permitted activity status, subject to meeting performance standards and criteria, and a restricted discretionary activity status for activities that do not meet the standards. He clarified that the association does not oppose a permitted activity status with no performance standards, but if the Panel considered that standards were not necessary, they requested that the Plan identifies that building relocation is permitted.
489. The associations draft rule framework attached to Mr Bhana-Thompson's statement and included in their original submission is as follows:
- a. *Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.*
 - b. *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.*
 - c. *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.*
 - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
 - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12- month period.*

Reporting Officer Reply Evidence

490. In relation to the agreed amendments to address the matters raised by RNZ, Ms Easton's right of reply recommended the following changes to GRUZ-R10:

GRUZ - R10 Emergency Service Facility

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ - R1 are complied with except that:

- a. Hose drying towers are exempt from the height standard; and*
- b. A setback of 5m from the road or State Highway Boundary is required.*

*2. Where the facility will be located within **the Westport Radio Mast EM Overlay** ~~1000m of the Cape Foulwind Radio New Zealand radiocommunications site~~, any hose drying or siren tower of a height ~~greater than~~ **of 108m or greater** must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.*

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Activity status where compliance not achieved: Restricted Discretionary

491. Ms Easton also recommended that rules GRUZ-R23 and R26 have the following matter of discretion added:

Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.

492. Ms Easton agreed that a discretionary activity for GRUZ-R27 status was unnecessarily onerous and agreed with HortNZ's submission that a restricted discretionary activity status would be appropriate. She noted this would be consistent with the management of other activities with a comparable level of effects on amenity. She proposed a new rule as follows:

*GRUZ – RXXXX Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards
Activity Status Restricted Discretionary*

Discretion is restricted to:

- a. Bulk and location of buildings;*
- b. Effects on visual amenity and rural character;*
- c. Landscape measures; and*
- d. Methods of stormwater treatment and disposal.*

Activity Status where Compliance Not Achieved: N/A

493. In relation to submissions and evidence from HortNZ seeking specific rules for greenhouses, Ms Easton stated, on careful reading of the definition for agricultural, pastoral and horticultural activities, she considered GRUZ-R1 applies to structures, and that the rule wording should be amended to clarify this. Ms Easton considered that this could be regarded as a consequential or minor amendment. She considered GRUZ-R1 is a more appropriate rule to manage greenhouses than the minor structures rule or a new bespoke rule. She recommended the following text changes:

*GRUZ-R1 Agricultural, Pastoral or Horticultural Activities and Buildings **and Structures***

Activity Status Permitted

Where:

- 1. Maximum building **or structure** height above ground level is:
 - i. 10m; except that*
 - ii. 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;**
- 2. Buildings **and structures** are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m 5m from internal boundaries;*

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494. In relation to worker accommodation, Ms Easton noted it is not defined in the Plan and would fit within the definition of a residential unit. She agreed with HortNZ that there is a conflict between the activity status where compliance not achieved in GRUZ-R3 (Discretionary) and the activity status in GRUZ-R22 (Restricted Discretionary), and recommended an amendment to GRUZ-R3 to correct this as follows:

Activity status where compliance not achieved: Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise Discretionary

495. In response to a verbal submission from Mr Boyd, Ms Easton agreed there were valid issues supporting a change to the maximum permitted activity size for antenna dishes in the General Rural Zone, and recommended Clause 4 be amended as follows:

4. Any antenna dish must be less than 1.5m in diameter;

496. In response to Frida Inta's submission Ms Easton stated that she did not consider that an additional setback was necessary for dairy sheds within the rural zone. However, she considered that it would be appropriate to specify a larger setback of 10m from boundaries with adjoining settlement-zoned properties. Ms Easton considered that there is scope within Davis Ogilvie's submission to amend the setbacks and retain the notified 10m setback from boundaries with the settlement zone. She recommended the following change to GRUZ-R1 Clause 2:

2. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, 10m from any Settlement Zone boundary and 5m from other internal boundaries;

497. Regarding relocated buildings, Ms Easton confirmed that there are several other District Plans that do not regulate this activity in rural zones, while others have rules governing controlled or permitted activity status.
498. Concerning the firefighting water supply, Ms Easton revised her view following the additional information provided by FENZ. She considered that there was merit in a consistent approach to this issue across the rural zones. She proposed that an additional standard and an advice note be added to GRUZ-R3 and GRUZ-R4 as follows:

Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

Advice Note: The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

499. In a joint right of reply on the KiwiRail submission, Ms Easton and Ms Briar Belgrave considered a 5m setback from the rail corridor to be appropriate in the General Rural and Rural Lifestyle zones. The planners noted that the Midland line, being the most frequently utilised rail line, adjoins both of these rural zones.

Hearing Panel's Evaluation

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500. In relation to General submissions on the Rules the Panel agrees with Ms Easton's evaluation and recommendations on the general submissions on the rules. In particular we agree with her support of a submission points from Manawa on the Overview seeking to add 'regionally significant infrastructure' the following sentences:

A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.

Relationship With Energy, Infrastructure and Transport provisions

The ENG chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets

501. The Panel agrees with Ms Easton that this should be part of a wider statement explaining the relationship with the Energy, Infrastructure, and Transport chapters.
502. Ms Easton supported a submission point from Forest and Bird seeking that the overview be amended to reference other relevant District Wide chapters, including the ECO chapter, consistent with her recommendations on the other chapters. We agree.
503. In relation to GRUZ-R1, the Panel agrees with Ms Easton that, with regard to submissions and evidence from HortNZ seeking specific rules for greenhouses, a careful reading of the definition for agricultural, pastoral, and horticultural activities indicates that GRUZ-R1 applies to structures. The rule wording should therefore be amended to clarify this. Ms Easton considered that this could be regarded as a consequential or minor amendment. She considered GRUZ-R1 to be a more appropriate rule to manage greenhouses than the minor structures rule or a new bespoke rule. The amendments include adding the word Structures to the rule heading and into Clauses 1 and 2. We agree with that reasoning and outcome.
504. The Panel agrees with Ms Easton's reasoning and recommendation to amend Clause 2. to provide for a 10m setback from any Settlement Zone boundary. While considering Ms Inta's submission, Ms Easton stated that she did not think that an additional setback was necessary for dairy sheds within the rural zone. However, she considered that it would be appropriate to specify a larger setback of 10m from boundaries with adjoining settlement-zoned properties. Ms Easton thought that there is scope within Davis Ogilvie's submission to amend the setbacks and retain the notified 10m setback from boundaries with the settlement zone. For the reasons she provides, we agree.
505. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 2 further. Ms Easton supported a submission point from Davis Ogilvie, seeking to reduce internal boundary setbacks from 10m to 5m, to be more consistent with the operative Plan rules. She noted that all three councils considered a 5m setback to be appropriate. For the reasons given we agree with this amendment.
506. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 7. and 9. Ms Easton supported a submission point from BDC seeking a minimum ground floor area standard, noting that BDC suggested a 500m² standard, but GDC considered this to be too small for farm buildings. Ms Easton proposed a maximum of 500m² for residential buildings and 1000m² for farm buildings. Ms Easton also supported BDC's submission seeking a 150m

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setback from a wastewater treatment plant, noting that this issue is relevant in several small communities.

507. The Panel agrees with Ms Easton's reasoning and recommendation to amend clause 8. based on her evaluation of a submission point from Waka Kotahi seeking an amendment to require sites to meet vehicle crossing standards in the transport chapter in order to be permitted activities. She noted that a large proportion of rural areas are accessed from state highways and that while existing use rights apply to existing crossings, new or expanded activities should have crossings constructed to a safe standard.
508. The Panel agrees with Ms Easton's recommendations regarding activity status under GRUZ-R1. Ms Easton did not support submission points⁶³ seeking a controlled activity status for activities that do not meet the permitted standards, noting that the proposed Discretionary activity status is consistent with the operative plans. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and rural character. She did not consider controlled activity status to be appropriate, given that it must be granted. We agree and note that, consequent upon the amendment of Clause 7. Ms Easton recommends that any agricultural, pastoral or horticultural building that does not meet Clause 7 should be restricted discretionary. Given the purpose of the zone and those buildings, we agree. In all other circumstances, such as for a residential building, status is fully discretionary, which we agree with.
509. In relation to GRUZ-R2, the Panel agrees with Ms Easton's reasons for and her recommendation to amend clause 2 of this rule, deleting the word '*Target*' and replacing it with the word '*Shooting*'.
510. In relation to GRUZ-R3 the Panel does not agree with the amendment to clause 3. To delete the words '*Highly Productive Land*' and replace them with '*Rural Production Precinct*' in response to the GDC⁶⁴ submission to rename GRUZ-PREC5 Rural Production Precinct Policy from the notified Highly Productive Land, noting that we have recommended the retention of Highly Productive Land for the reasons outlined below.
511. Ms Easton reconsidered her s42A recommendation concerning the water supply for firefighting. She recommended wording for an additional clause 5 in GRUZ-R3, and an advice note to be added to both GRUZ-R3 and GRUZ-R4 in her reply. We agree with her reasons for change and her recommendations. We note a further minor amendment, adding an 's' to the word 'Note' as it appears in the heading 'Advice Note'.
512. In relation to worker accommodation, Ms Easton noted it is not defined in the Plan and would fit within the definition of a residential unit. She agreed with HortNZ that there is a conflict between the activity status where compliance is not achieved in GRUZ-R3 (Discretionary) and the activity status in GRUZ-R22 (Restricted Discretionary) and recommended an amendment to GRUZ-R3 to correct this. We agree with her recommended wording.
513. In relation to GRUZ-R4, the Panel accepts Ms Easton's recommendations to make minor corrections, such as adding an 's' on the end of the word Note in the heading Advice note and creating a new clause 1. Because of the addition of a new clause 2 relating to the earlier discussed water supply for firefighting.

⁶³ Chris & Jan Coll, Chris J Coll Surveying Limited, William McLaughlin and Laura Coll McLaughlin

⁶⁴ Grey District Council (S608.484)

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514. In relation to GRUZ-R5, the Panel accepts Ms Easton's recommendation to amend clause 2 to replicate clause 2 in GRUZ-R1 except for the setback distance of 10m from any Settlement Zone boundary. This rule addresses minor structures as permitted activities and Clause 1. makes it plain that these minor structures this rule covers are not structures permitted under GRUZ-R1, hence the need for this amendment.
515. Ms Easton also recommends a minor amendment to clause 4 increasing the diameter of a permitted antenna dish from the notified 1m to 1.5m. This recommendation arose from a response to a verbal submission from Mr Boyd. Ms Easton agreed there were valid reasons supporting a change to the maximum permitted activity size for antenna dishes in the General Rural Zone, and recommended clause 4 be amended to increase the width to 1.5m We have reservations as to scope supporting this amendment but given its minor nature in this instance we rely on clause 16 to support the amendment.
516. In relation to GRUZ-R6, the Panel agrees with Ms Easton it can be retained as notified.
517. In relation to GRUZ-R7, the Panel agrees with Ms Easton's recommendation to delete this rule We accept that amenity concerns relating to relocated buildings are associated principally with urban locations and consider that these issues do not arise in the same way in rural areas. We therefore agree that the TTPP does not need to manage this matter in the Rural zone and recommend the deletion of this rule.
518. In relation to GRUZ-R8, the Panel agrees with Ms Easton's evaluation and rejection of submissions seeking to delete this rule. She advised that the impacts of residential visitor accommodation were the single most significant issue raised by the community, and that the TTPP committee considered the matter in substantial detail and consulted on the proposed approach. Ms Easton considered residential visitor accommodation to be a business, and where a whole house is rented out, it is no different to a commercial visitor operation except in scale. However, as the scale is small, a permitted activity status is provided within a framework to manage adverse effects.
519. We noted that Ms Easton supported a submission point from the GDC, seeking that records of letting activity be provided to the Council annually, rather than on request, placing the onus on landowners to provide evidence of compliance. She considered this a reasonable requirement to ensure permitted activity standards are met and that it would assist the Council in discharging Building Act compliance duties, so she recommended an amendment to clause 5.
520. In relation to GRUZ-R9, the Panel agrees with Ms Easton's recommended amendments in response to submissions and accepts the submission point from BDC seeking that the permitted activity standards allow no more than two full-time equivalent persons engaged in the home business who reside off-site. The Council is concerned that traffic generation standards are difficult to monitor on sites with combined uses, and this change would provide a precise compliance method to ensure the scale of home businesses does not exceed that expected in a rural area. Ms Easton was persuaded by this argument and noted that the operative Buller and Westland District Plans have this requirement in their rules. We agree that clause 3. should be amended to give effect to this recommendation.
521. While the Panel notes Ms Easton's recommendation to amend Clause 4 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-

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time equivalent person should address the amenity issue associated with people and vehicle numbers.

522. In relation to GRUZ-R10, the Panel agrees with Ms Easton's recommended amendments detailed in clause 2. in response to RNZ's request. We note that Ms Easton also recommended that rules GRUZ-R23 and GRUZ-R26 have the following matter of discretion added:

Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.

523. We agree with her reasons, namely, to limit the risk and harm associated with electromagnetic radiation, and the wording of the additions to these three rules. While we agree that structures over 18m may be rare, it is precisely the higher and more unusual structures that are exposed to greater risk, and it makes sense for this risk to be assessed at the resource consent stage.
524. Further legal submissions from RNZ, provided in response to matters raised by the Panel in the hearing, confirmed that RNZ and Ms Easton had reached an agreed position on a proposed overlay, with accompanying permitted activity standards including clause 1. b. as to a setback and matters of discretion for restricted discretionary activities within GRUZ-R23 and GRUZ-R26. RNZ considered that the s42A officers' proposed provisions provide good protection. The legal submission considered that there was scope in the original RNZ submission to propose an appropriate alternative relief, including an overlay. We accept these views and agree with the recommended amendments.
525. In relation to GRUZ-R13, the Panel agrees with Ms Easton's recommended amendments. We note that several submissions⁶⁵ supported the rule but requested that an error in the text be corrected, as it states 12:00 p.m. instead of 12:00 a.m. Ms Easton supported these submission points. We agree.
526. Ms Easton supported a submission point from BDC and GDC, seeking that the wording of Standard 3 be amended to refer to the correct numbering of Clauses 1 and 2. Again, we agree.
527. A submission from BDC sought a schedule of Community Halls to be included in the Plan, to provide certainty on which community facilities are considered halls for the purpose of this rule. Ms Easton noted that existing halls would have existing use rights, and the Plan does not include schedules of other similar facilities. She suggested that a definition would be more appropriate for addressing this issue and invited BDC to propose suggested wording. We agree with Ms Easton, and we note we did not receive any wording for consideration from BDC.
528. In relation to GRUZ-R14 the Panel agrees with Ms Easton to retain this rule as notified.
529. While the Panel acknowledges Ms Easton's recommendation to retain GRUZ-R15, as notified we note at this point 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 control and discretion and replaced with '*measures to mitigate landscape effects*'. This will apply to all such situations with the GRUZ and RLZ provisions.
530. In relation to GRUZ-R16, the Panel agrees with Ms Easton in not supporting several submitters⁶⁶ who sought to amend the rule to allow for existing non-compliance. Ms Easton

⁶⁵ Buller District Council, Chris & Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co Ltd, Karamea Lime Company, Peter Langford

⁶⁶ John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin.

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noted that existing use rights cover existing, lawfully established activities. Outside of a resource consent process, she considered that accommodating existing non-compliance within the rules would result in a range of adverse effects. We agree with her analysis and her recommendation to retain the rule as notified.

531. In relation to GRUZ-R17, the Panel agrees, based on the reasons provided by Ms Easton in respect of GRUZ-R7, that this rule should subsequently be deleted.
532. In relation to GRUZ-R19, the Panel agrees with Ms Easton that this rule should be retained as notified. We agree with Ms Easton's consideration of a submission point from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone. Ms Easton acknowledged that this is an important issue, but no such zones currently exist on the Coast, and she had not been able to gather information about where they should be located. She noted that the NES for drinking water addresses the protection of drinking water sources and is required to be implemented by Regional Councils. Therefore, she considered that WCRC would most appropriately manage the matter. We agree. We also agree with her recommendation to reject those submissions that sought to amend the rule to allow for existing non-compliance for the reasons she provides in her s42A.
533. In relation to GRUZ-R20, the Panel agrees with Ms Easton that this rule should be retained as notified. We accept that the effects of intensive primary production can be considerable, and that larger-scale industries can require significant management, warranting a restricted discretionary activity rather than a controlled status. Ms Easton considered that the recommended advice note to the intensive primary production definition, confirming that herd homes are excluded, may address GDC's concerns.
534. Ms Easton did not support a submission point from Te Mana Ora seeking that the rule be amended to require that the activity not be established within a Drinking Water Source Protection Zone for reasons earlier discussed. We agree.
535. Ms Easton did not support a submission point from Forest and Bird seeking additional conditions requiring these activities not to be in overlays, SNAs, the coastal environment, or where indigenous vegetation clearance would occur, noting that these matters are addressed in the relevant District-wide chapters. We agree. She did not support the proposal that such activities should be non-complying if these matters are breached. Again, we agree.
536. Ms Easton did not support a submission point from BCG and Frida Inta seeking that the number and type of livestock be a matter of discretion, as she considered the District Plan primarily manages building bulk and location, traffic and noise effects, and that the number and type of livestock is more relevant to discharge effects which the Regional Council manages. We also note that livestock numbers could be the subject of By-laws. We agree with this analysis.
537. Several submitters⁶⁷ sought to amend the rule to allow for existing non-compliance. This issue has been discussed earlier, and we agree with Ms Easton's analysis of these submissions.
538. In relation to GRUZ-R21, the Panel agrees with Ms Easton that the restricted discretionary status of this rule remains unchanged. We do not consider separating rural contractors' yards from rural industry is appropriate and we note as reported that there has been a proliferation of industrial activities in rural areas surrounding the main towns and it has become a significant

⁶⁷ John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD.

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issue. We acknowledge that the nature of the West Coast economy is that many activities serve both urban and rural sectors and consider that requiring resource consent for these activities means that effects can be appropriately managed and it ensures that activities established in the rural zone serve the rural economy as intended. We recommend that the rule remain as notified.

539. In relation to GRUZ-R22, the Panel agrees with Ms Easton's reasons for rejecting the submission point from HortNZ seeking provision for temporary workers' accommodation in a new permitted activity rule. She considered that the minor unit provisions sufficiently provide for worker accommodation of the type required on the Coast. We agree, however we consider the heading of the rule needs to be amended to make it clear there is no permitted status for Temporary Worker Accommodation.
540. Several submitters⁶⁸ sought to amend the rule to allow for existing non-compliance. We have addressed that issue earlier and retain the same position on it. We agree with Ms Easton's recommendation to retain this rule as notified.
541. In relation to GRUZ-R23, the Panel agrees with Ms Easton's recommendation to support, in part a submission point from GDC seeking that management of access, parking, and traffic generation be added as a matter of discretion. She considered access and parking to be relevant, but not traffic generation, as Papakāinga are a residential activity. Adding the additional matter of discretion requires minor editing of the rule to relocate the word 'and'. As well, we agree with adding the matter of discretion relating to the Westport Radio Mast EM overlay as a consequential amendment to this rule.
542. In relation to GRUZ-R24, the Panel agrees with Ms Easton's recommendation to delete this rule based on the submissions from Federated Farmers and Hort NZ. The submitters were concerned that the rule was too permissive given the policy framework, which directs that the General Rural Zone be used for primary production ahead of other uses. Ms Easton supported these submission points, agreeing that the policy direction is clear and noting that the issue of the proliferation of commercial and industrial activities in the rural zones is significant. She recommended deleting GRUZ-24 and retaining GRUZ-30 and renaming it '*Industrial and commercial activities excluding rural industry*'. We agree with her reasoning and recommendation to delete the rule and to amend GRUZ-R30.
543. In relation to GRUZ-R26, the Panel acknowledges the submissions received in support of the rule. As all submissions were in support, no changes were recommended by Ms Easton to the rule. We note the consequential amendment to include a new matter of discretion at clause e. relating to the Westport Radio Mast EM overlay, which we support.
544. In relation to New Rule GRUZ-RXXX Fences, Walls and Retaining Walls not meeting Permitted Activity Standards Ms Easton supported submission points from Frank and Jo Dooley and Frank O'Toole, seeking that fences, walls, and retaining structures be removed from GRUZ-R28 and placed in a separate, restricted discretionary rule, with matters of discretion relating to the effects of these types of structures. She noted that these submitters sought a similar change to the rules in other zones and considered that a restricted discretionary activity is appropriate for structures that do not meet permitted activity standards. We agree with Ms Easton's recommendation to remove fences, walls, and retaining structures from GRUZ-R28 and create

⁶⁸ John Brazil, Steve Croasdale, Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD.

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a new restricted discretionary rule for these matters, as doing so would be consistent with other recommendations.

545. In relation to New Rule GRUZ-RXXXX Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards, Ms Easton agreed that a discretionary activity for GRUZ-R27 status was unnecessarily onerous and agreed with HortNZ's submission that a restricted discretionary activity status would be appropriate. She noted this would be consistent with the management of other activities with a comparable level of effects on amenity. She proposed a new rule which we have detailed above. For the reasons she provides we agree with the wording and need for a new rule and recommend its inclusion.
546. In relation to GRUZ-R27, the Panel acknowledges the submissions received in support of the rule. As all submissions were in support, Ms Easton recommended no changes to the rule. We agree with that recommendation.
547. In relation to GRUZ-R28, the Panel has already recorded above agreement to remove from this rule Fences, Walls, Retaining Walls and Relocated Buildings and to include a new rule covering these matters, except for Relocated Buildings, for which no provision within this zone is being made.
548. In relation to GRUZ-R29, the Panel agrees with Ms Easton to not support a submission point from GDC seeking to include reference to controlled activity, as a consequence of their submission seeking a controlled activity status for intensive indoor primary production. Ms Easton noted that she had also not supported that submission. We agree to the retention of this rule as notified.
549. In relation to GRUZ-R30, the Panel agrees with Ms Easton's recommendation to amend the rule's heading. Ms Easton supported in part a submission point from BDC seeking that the title be amended to 'commercial and industrial activities' as non-rural activities are not a defined term. Ms Easton noted that there is a definition and rules for rural industry, so Rule R30 must be clear that it does not apply to rural industry. The same issue arose concerning GRUZ-R24, which we have discussed above. For the reasons she provides, we agree with Ms Easton's recommendation to both amend the rule heading and amend clauses 1 and 2 to clarify the Rule applies to both commercial and industrial activities seeking to locate in the rural zone.
550. In relation to GRUZ-R31, the Panel agrees with Ms Easton's recommendation that Clause 1 be removed and that the activity status does not escalate to non-complying. Ms Easton supported those submissions, seeking that amendment. She considered a Discretionary activity status to enable all relevant matters to be assessed was appropriate for this zone. She also noted that some visitor accommodation, such as campgrounds, is appropriate in the General Rural Zone and considered a non-complying activity status unnecessary for these activities. We agree with her reasoning and recommendation to delete clause 1 from this rule.
551. In relation to GRUZ-R33, the Panel agrees with Ms Easton's recommendation that, as there are no restricted discretionary rules concerning residential activities, the words 'or restricted discretionary' be removed.
552. In relation to GRUZ-R34, the Panel agrees with Ms Easton's recommendation that, the rule title be amended to "Commercial and Industrial activities not meeting any other rule in the zone," noting that this is a consequential amendment to other submissions she had supported

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for the likes of GRUZ-R30. She further noted several submission points⁶⁹ sought that the activity status be Discretionary or that the rule be deleted. Ms Easton did not support these submissions, noting that no reasons were provided for opposing the rule, other than it being too restrictive. She noted that the focus of the rural zone is to provide for primary production. We agree with Ms Easton that to give proper focus to the purpose of the rural zone her recommended activity status for the activity the rule covers is appropriate.

553. In relation to GRUZ-R35, while the Panel agrees that the rule should not be deleted, we consider, in line with other recommendations we have made, that it should become discretionary activity. We note that Ms Easton acknowledged that a Discretionary activity status is often applied to this type of ‘catchall’ rule. We recommend that approach is taken here.

554. In relation to non-complying rules GRUZ-R34, the Panel notes the escalation for residential activities and residential units not meeting the discretionary status in GRUZ 33 in relation to a Rifle Range Protection Area to a non-complying status was missing a rule in the notified Plan. We consider this to be a Clause 16(2) of the First Schedule of the RMA matter and have accordingly recommended the amendment.

Hearing Panel’s Recommendation

555. 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 recommends the following amendments be made to the **General Rural Zone Overview and rules:**

General Rural Zone
<p>Overview</p> <p>The GRUZ – General Rural Zone is the largest zone that affects private land on the West Coast/Te Tai o Poutini. Rural land is an important resource as it underpins the social and economic well-being of the West Coast/Te Tai o Poutini. The rural area is a dynamic environment, influenced by changing farming practice and by a wide range of productive activities. The RURZ – Rural Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development within this zone.</p> <p>The GRUZ - General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining, <u>regionally significant infrastructure</u>⁷⁰, and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and machinery, odour from dairy-sheds and associated effluent treatment and discharge systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the GRUZ – General Rural Zone is a production-oriented working environment that is characterised by these activities.</p> <p>The GRUZ - General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and</p>

⁶⁹ Chris and Jan Coll, Geoff Volckman, Catherine Smart-Simpson, Karamea Lime Company and Peter Langford, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Koiterangi Lime Co LTD

⁷⁰ Manawa Energy (S438.140)

appearance used for intensive primary production or rural industry. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.**⁷¹ Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain this rural character.

Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character.

A range of structures associated with regionally significant infrastructure are also a feature of the rural areas.⁷²

Urban activities such as commercial and retail, or industrial activities not associated with primary production, are restricted within the zone. Rural lifestyle subdivision is also limited due to the potential for reverse sensitivity effects impacting on primary production activities and the potential for fragmentation of productive land.

The RURZ – Rural Zones Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development in the GRUZ – General Rural Zone. However, there are additional specific policies and different rules for the two precincts – the GRUZ – PREC1 – Community Living Precinct and the GRUZ – PREC5 – Highly Productive Land Precinct. Where there is a conflict between a GRUZ – General Rural Zone provision and the GRUZ – PREC1 – Community Living Precinct or GRUZ – PREC5 – Highly Productive Land provision, within each Precinct, the relevant Precinct provision applies.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~**commercial** forestry within the RURZ – Rural Zone Chapters. This is because ~~plantation~~**commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.⁷³

Other relevant Te Tai o Poutini Plan provisions

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 GRUZ – General Rural Zone, including:

- ~~• Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~⁷⁴
- The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater,**

⁷¹ Manawa Energy (S438.140)

⁷² Manawa Energy (S438.140)

⁷³ Clause 16(2) of the RMA

⁷⁴ Forest and Bird (S560.370 and S560.0543)

stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities.⁷⁵

- Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Rural Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Rural Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- Natural Character and Margins of Waterbodies -in some locations areas of General Rural 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.
- Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Rural Zone, the provisions of the Ecosystems and Biodiversity chapter apply.⁷⁶
- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** - The Subdivision Chapter sets out the requirements for subdivision activities in the GRUZ - General Rural Zone.
- **Financial Contributions** – The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

GRUZ – R1 Agricultural, Pastoral or Horticultural Activities and Buildings and structures⁷⁷

Activity Status Permitted

Where:

1. Maximum building or structure⁷⁸ height above ground level is:
 - i. 10m; except that

⁷⁵ Manawa Energy (S438.141)

⁷⁶ Forest and Bird (S560.370)

⁷⁷ HortNZ (S486.075)

⁷⁸ HortNZ (S486.075)

- ii. 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;
2. Buildings **and structures**⁷⁹ are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, **5m from the rail designation,**⁸⁰ **10m from any settlement zone boundary** and **105m**⁸¹ from internal boundaries;
3. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m;
4. Woodlots are not established within:
 - i. 10m of the boundary of an adjoining property unless that property is within plantation forest; and
 - ii. 40m of a dwelling.
5. Within the Rifle Range Protection Areas only buildings that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities are established; ~~and~~
6. Performance standards for beekeeping in the Westland District apply as follows:
 - i. No bees may be kept on a property less than 600m² net site area; and
 - ii. Beehives must be placed with an obstruction in front of them or be elevated to enable bees to be 2.5m above ground level prior to crossing the site boundary;-
7. **The maximum ground floor area of any single building is 1000m² or 500m² for any residential building,**⁸²
8. **Vehicle crossing standards in Rule TRN – R1 are met,**⁸³ **and**
9. **No building housing sensitive activities shall be located within 150m of a Designated community wastewater treatment facility site boundary.**⁸⁴

Advice Note:

1. If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.
2. Quarrying activity within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.

Activity status where compliance not achieved: Restricted Discretionary for Agricultural, Pastoral or Horticultural buildings not meeting standard 7, Otherwise⁸⁵ Discretionary

GRUZ – R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.

⁷⁹ HortNZ (S486.075)

⁸⁰ KiwiRail (S442.093)

⁸¹ Davis Ogilvie & Partners (S465.033)

⁸² Buller District council (S538.497)

⁸³ Waka Kotahi (S450.271)

⁸⁴ Buller District Council (S538.497)

⁸⁵ Buller District Council (S538.497)

2. Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms Target Shooting.⁸⁶

Activity status where compliance not achieved: Discretionary where 1 is not complied with Non-complying where 2 is not complied with.

GRUZ-R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No residential activities or residential units occur within the Rifle Range Protection Area;
3. Residential unit density is no more than one unit per 10ha net site area in the Highly Productive Land Overlay and one unit per 4ha net site area in the rest of the General Rural Zone except
 - i. Where:
 - a. The site is already in existence and complied with the previous relevant Grey, Buller or Westland District Plan density provisions; or
 - b. The site is subject to an approved subdivision consent at the operative date of the plan;
 - c. Then the residential unit density is no more than one unit per site;
 - ii. Where this is within the Community Living Precinct and in accordance with the Concept Plan contained in Appendix Eight; ~~and~~
4. There is no more than 3 minor residential units per 10ha net site area that:
 - i. Are located within 20 metres of and share the driveway with either the principal dwelling; or
 - ii. Are worker accommodation associated with primary production buildings; and
5. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).⁸⁷

Activity status where compliance not achieved:

Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise⁸⁸ Discretionary

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

⁸⁶ Westport Pistol Club (S336.012), Westport Rifle Club Incorporated (S457.011), Chris & Jan Coll (S558.507), Chris J Coll Surveying Ltd (S566.507), William Mc Laughlin (S567.551), and Laura Coll McLaughlin (S574.507)

⁸⁷ Fire and Emergency New Zealand (S573.040)

⁸⁸ HortNZ (S486.075)

- 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 are set out in Rule NOISE – R3 will apply.

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.⁸⁹

GRUZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

- 1. All performance standards for Rule GRUZ – R1 are complied with;
- 2. No papakāinga development occurs within any Rifle Range Protection Area;
- 3. Residential building density is no more than one unit per hectare net site area, however units are able to be clustered; and
- 4. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; **and**
- 5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**⁹⁰

Advice Notes:

1.Where a 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. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.⁹¹

GRUZ – R5 Minor structures

⁸⁹ Fire and Emergency New Zealand (S573.040)

⁹⁰ Fire and Emergency New Zealand (S573.040)

⁹¹ Fire and Emergency New Zealand (S573.040)

Activity Status Permitted

Where:

1. These are not structures associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ – R1;
2. ~~All performance standards for Rule GRUZ – R1 are complied with;~~ **Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries**⁹²
3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than **1.5m**⁹³ in diameter;
5. Any other structure must not exceed 10m² and 2m in height; and
6. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

GRUZ-R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level;
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall; and
3. Within the Rifle Range Protection Area only fences walls and retaining walls that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: **Restricted** Discretionary⁹⁴

~~GRUZ R7 Relocated Buildings~~

~~Activity Status Permitted~~

~~Where:-~~

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

⁹² Buller District Council (S538.500)

⁹³ Amendment made on Vance Boyd evidence

⁹⁴ Frank O'Toole (S595.028, S595.022)

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- ~~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~~⁹⁵

GRUZ -R87 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or rural activity or is located within the GRUZ – PREC1 – Community Living Precinct;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. 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~~ **annually**;⁹⁶
6. No heavy vehicle movements are generated; and
7. In the Buller District, the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

Where a 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: Restricted Discretionary

GRUZ-R98 Home Business

Activity Status Permitted

⁹⁵ Buller District Council (S538.502), Chris & Jan Coll (S558.021, S558.514), Chris J Coll Surveying Limited (S566.021 S566.514), William McLaughlin (S567.011 S567.558), Laura Coll McLaughlin (S574.021 S574.514)

⁹⁶ Grey District Council (S608.109)

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. **There are no more than two full-time equivalent persons engaged in the home business that reside off site; and**⁹⁷
4. ~~A maximum of 10 heavy vehicle movements occurs per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~⁹⁸
4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R109 Emergency Service Activity

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with except that:
 - a. Hose drying towers are exempt from the height standard; and
 - b. A setback of 5m from the road or State Highway Boundary is required; **and**
2. **Where the facility will be located within the Westport Radio Mast EM Overlay, any hose drying or siren tower of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.**⁹⁹

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R110 Mineral Prospecting and Mineral Explorations – Addressed in Mineral Extraction Recommendation

GRUZ-R121 Mineral Extraction– Addressed in Mineral Extraction Recommendation

GRUZ-R132 Community Halls

Activity Status Permitted

Where:

1. No restriction on hours is in place for up to 12 days per calendar year;
2. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes;
3. For circumstances other than outlined in **1 and 2 and 3.**¹⁰⁰ above, hours of operation are limited to:
 - i. 7am to 10pm Sunday – Thursday;

⁹⁷ Buller District Council (S538.504)

⁹⁸ Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083

⁹⁹ Radio New Zealand (S476.040)

¹⁰⁰ Buller District Council (S538.508), Grey District Council (S608.111)

- ii. 7am to 12pm¹⁰¹ midnight Friday and Saturdays

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-143 Community Facilities and Educational Facilities in the Community Living Precinct

Activity Status Permitted

Where:

1. These facilities are located in accordance with the Concept Plan in Appendix Eight.

Activity status where compliance not achieved: Controlled

Controlled Activities

GRUZ-R154 Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**,¹⁰²
- c. Methods of wastewater and stormwater treatment and disposal;
- d. Methods of ensuring safe drinking water supply;
- e. Any requirement for financial contributions; and
- f. Parking and access.

Activity status where compliance not achieved: N/A

GRUZ-R165 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 GRUZ – R1 are complied with.

Matters of control are:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.¹⁰³

¹⁰¹ Buller District Council (S538.508, Chris & Jan Coll (S558.525), Geoff Volckman (S563.126), Catherine Smart Simpson (S564.135), Chris J Coll Surveying Ltd (S566.525), William Mc Laughlin (S567.568), Laura Coll McLaughlin (S574.525), Koiterangi Lime Co Ltd (s577.102), Karamea Lime Company (S614.190), Peter Langford (S615.190

¹⁰² Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁰³ Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity status where compliance not achieved: Discretionary

~~GRUZ R17 Relocated Buildings not meeting Permitted Activity standards~~

~~Activity Status Controlled~~

~~Where:~~

~~All performance standards for Rule GRUZ – R1 are complied with.~~

~~Matters of control are:~~

- ~~a. Design and location of structures;~~
- ~~b. Methods of wastewater and stormwater treatment and disposal;~~
- ~~c. Methods of ensuring safe drinking water supply;~~
- ~~d. Any requirement for financial contributions;~~
- ~~e. Landscape measures; and~~
- ~~f. Appearance of buildings.~~

~~Activity status where compliance not achieved: Discretionary¹⁰⁴~~

GRUZ – R197 Intensive Indoor Primary Production in the Community Living Precinct

Activity Status Controlled

Where:

1. All performance standards for Rule GRUZ – R1 are complied with; and
2. This is located in accordance with the Concept Plan in Appendix Eight.

Matters of control are:

- a. Design and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Method of effluent management and disposal;
- e. Landscape measures **Measures to mitigate landscape effects;**¹⁰⁵
- f. Hours of operation;
- g. Any impacts on the production values of surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of wastewater and stormwater treatment and disposal.

¹⁰⁴ Buller District Council (S538.502), Chris & Jan Coll (S558.021, S558.514), Chris J Coll Surveying Limited (S566.021 S566.514), William McLaughlin (S567.011 S567.558), Laura Coll McLaughlin (S574.021 S574.514)

¹⁰⁵ Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity status where compliance not achieved: Restricted Discretionary

Restricted discretionary activities

GRUZ-~~20~~18 Intensive Indoor Primary Production

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Bulk and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Method of effluent management and disposal;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects**,¹⁰⁶
- f. Hours of operation;
- g. Any impacts on the production values of the surrounding land;
- h. Any requirement for financial contributions;
- i. Effects on visual amenity and rural character; and
- j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-~~21~~19 Rural Industry

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Bulk and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Hours of operation
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects**,¹⁰⁷
- f. Any requirement for financial contributions;
- g. Any impacts on the production values of the surrounding land;

¹⁰⁶ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁰⁷ Consequential Plan wide amendment to Manawa Energy Limited S438.100

- h. Effects on visual amenity and rural character; ~~and~~
- i. Methods of water supply; and
- j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R220 Visitor Accommodation ~~and~~ not meeting Permitted Activity Standards and Temporary Worker Accommodation¹⁰⁸

Activity Status Restricted Discretionary

Where:

- 1. This is ancillary to a farming, conservation or residential activity; and
- 2. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Number of visitors/workers staying on site;
- b. Number of days of use for the accommodation;
- c. Management of traffic and parking;
- d. ~~Landscape measures~~ Measures to mitigate landscape effects;¹⁰⁹
- e. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;
- f. Any impacts on the production values of the surrounding land;
- g. Any requirement for financial contributions;
- h. Effects on visual amenity and rural character; and
- i. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R231 Papakāinga Developments not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where

- 1. These are not established within any Rifle Range Protection Area.

Discretion is restricted to:

- a. Design and location of structures;
- b. Requirements for wastewater, water supply or stormwater servicing;

¹⁰⁸ Clause 16(2) of the RMA

¹⁰⁹ Consequential Plan wide amendment to Manawa Energy Limited S438.100

- c. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;
- d. Any requirement for financial contributions; and
- e. Landscape measures **Measures to mitigate landscape effects.**¹¹⁰
- f. **Management of access and parking;**¹¹¹ and
- g. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.**¹¹²

Activity status where compliance not achieved: Non-complying

GRUZ-R24 Non-rural activities

Activity Status Restricted Discretionary

Where:

1. The maximum floor and yard area for any non-rural activity shall be 250m²; and
2. All performance standards for Rule GRUZ-R1 are complied with.

Discretion is restricted to:

- a. Management of access, traffic and parking;
- b. Landscape measures;
- c. Hours of operation;
- d. Management of odour, noise, lighting and dust;
- e. Any impacts on the production values of the surrounding land;
- f. Any requirements for management of hazardous substances in accordance with the objectives and policies in the Hazardous Substances chapter;
- g. Any requirement for financial contributions;
- h. Effects on visual amenity and rural character; and
- i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary¹¹³

GRUZ - R252 Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards – Addressed in Mineral Extraction Recommendation

GRUZ-R263 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

¹¹⁰ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹¹¹ Grey District Council (S608.758)

¹¹² Radio New Zealand (S476.040)

¹¹³ TiGa Minerals and Metals Limited (S493.104), Westland Farm Services (S550.017), WMS Group (S599.120), Birchfield Coal Mines Ltd (S601.098), Birchfield Ross Mining Limited (S604.088), Phoenix Minerals Limited (S606.073), Whyte Gold Limited (S607.073), Federated Farmers of New Zealand (S524.121) and Horticulture New Zealand (S486.082, S486.083)

Discretion is restricted to:

- a. Management of access, parking and traffic generation;
- b. Hours of operation;
- c. Noise management and lighting;
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**¹¹⁴
- e. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.**¹¹⁵

Activity status where compliance not achieved: N/A

GRUZ – R24 Fences, Walls and Retaining Walls 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.**

Activity status where compliance not achieved: N/A¹¹⁶

GRUZ – R25 Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Bulk and location of buildings;**
- b. Effects on visual amenity and rural character;**
- c. Measures to mitigate landscape effects; and**
- d. Methods of stormwater treatment and disposal.**

Activity Status where Compliance Not Achieved: N/A¹¹⁷

Discretionary Activities

GRUZ-R276 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

¹¹⁴ Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹¹⁵ Radio New Zealand (S476.040)

¹¹⁶ Frank and Jo Dooley (S478.034, S478.040), and Frank O Toole (S595.028, S595.022)

¹¹⁷ HortNZ (S486.075)

GRUZ-R287 ~~Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings~~¹¹⁸ not meeting Permitted or Controlled Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R298 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

GRUZ-R3029 ~~Non-rural Industrial and Commercial activities not meeting Permitted or Restricted Discretionary Activity Standards~~ excluding Rural Industry¹¹⁹

Activity Status: Discretionary

Where:

1. The activity is not for large format retail **a Commercial activity**¹²⁰ with a floor and/or yard area of greater than 250m²; nor any
2. ~~Non-rural~~ **Industrial**¹²¹ activities located within 10km of any Industrial Zone site of sufficient size to accommodate the activity.

Activity status where compliance not achieved: Non-complying

GRUZ-R310 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

1. ~~The visitor and temporary worker accommodation is ancillary to a farming, conservation or residential activity.~~

Activity status where compliance not achieved: ~~Non-complying~~ **N/A**¹²²

GRUZ-R321 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting restricted discretionary activity standards – Addressed in the Mineral Extraction Recommendation

¹¹⁸ Frank and Jo Dooley (S478.034, S478.040), Frank O,Toole (S595.028, S595.022), Chris & Jan Coll (S558.043, S558.542), Chris J Coll Surveying Limited (S566.043), S566.542), William McLaughlin (S567.013, S567.583), Laura Coll McLaughlin (S574.043)

¹¹⁹ Buller District Council (S538.516), Chris & Jan Coll (S558.544), Geoff Volckman (S563.139), Catherine Smart Simpson (S564.148), Chris J Coll Surveying Limited (S566.544), William McLaughlin (S567.585), Laura Coll McLaughlin (S574.544), Koiterangi Lime Co Ltd (S577.115), Karamea Lime Company (S614.203) and Peter Langford (S615.203)

¹²⁰ Buller District Council (S538.516)

¹²¹ Buller District Council (S538.516)

¹²² Horticulture New Zealand (S486.084)

GRUZ-332 Residential Activities and Residential Units not meeting Permitted or Restricted Discretionary¹²³ Activity Standards

Activity Status Discretionary

Where:

1. This does not occur within any Rifle Range Protection Area.

Activity status where compliance not achieved: Non-complying

GRUZ-353 Any Activity not provided for by another Rule in the zone

Activity Status: ~~Non-complying~~ **Discretionary**¹²⁴

Activity status where compliance not achieved: N/A

Non-complying Activities

GRUZ-34 ~~Non-rural Activities, Visitor and Temporary Worker Accommodation~~ Residential Activities and Residential Units,¹²⁵ Commercial and Industrial activities¹²⁶ not meeting any other Rule in the zone

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

4.2. SUB-S1 in relation to the General Rural Zone

Submissions and Further Submissions

556. Thirty-three submission points and twenty-eight further submission points were received on the standard and are summarised in a table on pages 131-136 of the s42A report. Two submission points were received in support of the standard, one opposed the standard and sought that subdivision does not occur in rural zones, and the remaining 30 sought amendments.

557. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

s42A Report

558. Ms Easton acknowledged submissions in support of the chapter.

559. Ms Easton did not support submission point (S121.001) from Graeme Cavaney seeking that subdivisions do not occur in rural areas but acknowledged the submitter's concerns. She noted

¹²³ Horticulture New Zealand (S486.084)

¹²⁴ Chris & Jan Coll (S558.553), Chris J Coll Surveying Limited (S566.553), William McLaughlin (S567.593), Laura Coll McLaughlin (S574.553)

¹²⁵ Clause 16(2) of RMA

¹²⁶ Buller District Council (S538.526)

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that the TTPP provisions seek to address the matters raised, in response to the issues that have resulted from ad-hoc subdivision.

560. Ms Easton supported submission point (S403.001) from Charlie McBeath seeking that the 20ha minimum size be reduced, noting that there is no 20ha minimum size proposed. She noted that the draft plan had included a 20ha minimum lot size but that, based on feedback and further analysis, this was reduced to 4ha generally and 10ha within a Highly Productive Land precinct in Grey District and the Land Use Capability Class 3 land in Buller District.
561. Several submission points Sarah Bushby (S9.001), Garry Howard (S358.003), Julie Madigan (S363.002), Christopher and Donna Meates (S430.004, S430.003), Denis and Wendy Cadigan (S532.003), Lauren Nyhan Anthony Philips (S533.021), Russell and Joanne Smith (S477.021), Tim Macfarlane (S482.021), Michael Snowden (S492.010), Claire and John West (S506.021), Stewart & Catherine Nimmo (S559.021), BRM Developments Limited (S603.038), Birchfield Ross Mining Limited (S604.048), Phoenix Minerals Limited (S606.039), Whyte Gold Limited (S607.037), Chris J Coll Surveying Ltd (S566.260), William Mc Laughlin (S567.327), Laura Coll McLaughlin (S574.260), Steve Croasdale (S516.063), G E, and C J Coates (S415.010, S415.007), Glenn Elley (S249.001), John Brazil (S360.025), Lara Kelly (S421.014), Lynley Hargreaves (S481.019) and Chris & Jan Coll (S558.260) sought a reduction to either 1ha or 5000m². Ms Easton did not support these submissions. She noted that many submissions sought to keep the 'status quo,' and acknowledged that the TTPP changes the subdivision framework significantly in all three districts. One of the early and most significant issues identified when developing the rural zone framework was the adverse effects of ad-hoc subdivision on primary production, both mineral extraction and loss of productive land. She noted that although subdivision was a discretionary activity in both Buller and Westland Districts, in practice consents appear to have always been granted, with 5000m² lot sizes the norm. She noted that the TTPP takes a planned approach to subdivision, directing it to identified areas where there are services to support rural residential/lifestyle communities, or where there are less likely to be conflicts with primary production activities. This is achieved through providing three different types of zones, each with different lot sizes, having a larger lot size for the General Rural Zone subdivision, and a policy framework that supports this approach.
562. Ms Easton considers that submitters seeking changes to the proposed framework seek a return to an ad-hoc approach with the ability for widespread subdivision throughout the rural areas. She stated she does not support these submission points because the problems identified with this approach would be perpetuated. Ms Easton noted that in the Buller and Westland Districts, the introduction of a controlled activity standard for complying subdivision means that the provisions are less restrictive. However, she agreed with submitters that the precise minimum lot size of 4ha, and the accompanying policy framework, makes unrestrained lifestyle development less likely to occur under the TTPP.
563. In response to submission point (S524.085) from Federated Farmers seeking that SUB-S1 be amended to specify that the minimum lot size is 4000m² where it contains an area of significant indigenous biodiversity, Ms Easton did not support this submission. She noted that this matter would be considered in the Ecosystems and Biodiversity s.42a report, but that Rule SUB-R7 is not subject to SUB-S1. Therefore, the standard does not need to be amended.
564. Ms Easton did not support submission point (S617.006) from Scoped Planning seeking an amendment to allow productive rural landholdings to be subdivided from existing lawfully established dwellings. She considered that the TTPP rule framework seeks to prevent/reduce ongoing residential development in the General Rural zone and that this submission point seeks the opposite outcome.

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565. Ms Easton did not recommend any amendments to the Plan as a result of these submissions.

Hearing and Submitter Evidence

566. No submitter evidence was presented in support of the submissions.

Reporting Officer Right of Reply

567. The officer's right of reply does not address this matter further.

Hearing Panel's Evaluation

568. In relation to SUB-S1 in the General Rural Zone the Panel has carefully reviewed Ms Easton's evaluation of the submission points seeking amendment and agrees with her findings and recommendation that there be no change. We accept that the pTTPP takes a planned approach to subdivision, directing it to identified areas where there are services to support rural residential/lifestyle communities, or where there are less likely to be conflicts with primary production activities. This is achieved through providing three different types of zones, each with different lot sizes, having a larger lot size for the General Rural Zone subdivision, and a policy framework that supports this approach. This being the case, we agree with Ms Easton, and we recommend no change to the notified provisions

Hearing Panel's Recommendation

569. The Panel recommends that SUB-S1 be retained as notified aside from a name change referred to below regarding Highly Productive Land.

4.3. General Rural Zones Highly Productive Land Precinct 5

Submissions and Further Submissions

570. Twenty-eight submission points and twenty-two further submission points were received on the Highly Productive Land Precinct and are summarised in a table on pages 138-141 of the s42A report.

571. Seven general submission points on the precinct were received and are summarised in a table on pages 138-139 of the s42A report. One opposed the provisions, and the remainder requested amendments.

572. Ten submission points were received on policy GRUZ-PRC5-P5 and are summarised in a table on pages 139-140 of the s42A report. Five submission points supported the policy, three sought amendments, and two sought that it be deleted.

573. Eleven submission points were received on subdivision size in precinct/SUB-S1 in relation to the precinct. One submission point was in support of the standard, one sought amendment, and the remainder were in opposition and sought to delete the provisions.

574. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

s42A report

General submissions on the precinct

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575. WCRC (S488.036) sought that the Highly Productive Land Provisions be placed on hold and reviewed with further consultation with landowners. Ms Easton did not support these submissions. She acknowledged that WCRC is yet to provide an update to the WCRPS to implement the NPSHPL, creating a policy vacuum at the regional level, and that there are no indications of what future policy provisions may be. However, she considered that the TTPP must give effect to the NPS-HPL in its absence and manage the significant issues in the districts. She considered subdivision of rural land to be a significant issue, with tensions between landowner desires to profit from development and the impacts of subdivision on neighbouring primary production. She noted that this was a significant topic of consultation through the development of TTPP, with the proposed minimum lot sizes determined following feedback from the community and stakeholder organisations. Ms Easton considered the proposed approach to be consistent with the policy direction in the NPS-HPL, which states:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is zoned general rural or rural production; (b) and LUC 1, 2, or 3 land; but is not

i) identified for future urban development; or

ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

576. Ms Easton considered that the TTPP provisions appropriately give effect to the NPSHPL, which is focused on ensuring highly productive land is prioritised for land-based primary production activities and not rezoned for urban lifestyle or urban development uses.

577. Ms Easton supported the submission (S608.484) from GDC seeking that the Highly Productive Land Precinct be renamed the Rural Production Precinct and that a definition be included, noting that she had previously supported this approach in the Introduction and General Provisions report. She considered that the proposed name is confusing, as it creates the impression that the precinct is solely linked to the NPS-HPL. She noted that the recommended definition of rural production links to the purpose of the precinct and considered that the National Planning Standards provide a useful definition for the similarly named zone that could be used, as follows:

Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production

Submissions on GRUZ-P5 Highly Productive Land Precinct and Associated Policy

578. Ms Easton acknowledged the submissions received in support of the policy.

579. Hort NZ (S486.007) and Federated Farmers (S524.027) sought a new definition for highly productive land. Ms Easton did not support these submissions on the basis that the proposed definition is less than what the NPSHPL specifies. She considered that no definition is required with the change to the name of the precinct, noting that the WCRPS would, in time, provide a definition at the regional scale.

580. Several submissions Nick and Sandy Jeffries (S546.006), Peter Jeffries (S544.004) and Martin and Lisa Kennedy (S545.004) sought that the policy be deleted as part of deleting the overall

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provisions, in part because the precinct is not based on Land Use Capability (LUC) assessments. Ms Easton noted that the precinct intends to be more than protecting highly productive land as identified in the NPS. In the absence of the WCRC identifying highly productive land, she noted all general rural zoned land on the West Coast meets the NPS definition. Ms Easton clarified that in the Buller District, only LUC class 3 land is included in the precinct, and there is no highly productive land precinct in the Westland District. The Grey Valley and surrounding farms are primarily identified as a Highly Productive Land Precinct based on the land uses in these areas. Ms Easton acknowledged that there are a range of lifestyle developments that had already occurred in these areas and that there may be a question of whether these individual properties should be included but did not support the wholesale deletion of the precinct or policy.

Subdivision Size in the Precinct/ Residential Density in the Precinct

581. Ms Easton acknowledged the submission received in support of the precinct.
582. Several submissions, Glenn Elley (S249.002), Martin and Lisa Kennedy (S545.005), Peter Jeffries (S544.005) and Nick and Sandy Jeffries (S546.003) sought to have the subdivision and residential density provisions deleted. Ms Easton did not support these submissions for the reasons outlined above.

Hearing and Submitter Evidence

583. Martin Kennedy submitted on behalf of several submitters, Peter Jeffries (S544.006) Nick and Sandy Jeffries (S546.002) and Martin and Lisa Kennedy (S545.002) and sought that the HPL matters be reconsidered. He considered that the process did a disservice to Grey District landowners impacted by the HPL precinct and that there had been a lack of consultation and no transparent process for identifying the land to be included. He noted that the process appeared to have been based on general and broad statements. He considered the maps to be inaccurate and not reflective of historic subdivision patterns, with no commentary available on the misidentification of his land. Mr Kennedy was concerned about the potential implications and impacts on land values by removing the ability to subdivide.

Reporting officers' right of reply

584. In response to a Panel query, Ms Easton confirmed there are areas of LUC Class 3 land that are not included in the HPL land precinct and provided maps showing a comparison of Class 3 land compared to the extent of the proposed HPL precinct. Ms Easton advised that WCRC are not currently progressing work on the HPL as the government had indicated some changes to the NPS, and they are awaiting final changes before progressing that work, as they have heard LUC3 land may be removed.
585. Ms Easton confirmed that the submissions provide some scope for a change of approach for the HPL precinct to relate only to LUC3 land, including submissions from HortNZ and Federated Farmers, as follows:

Hort NZ (S486)– this submission states:

We seek provisions that recognise highly productive land in line with the National Policy Statement for Highly Productive Land

Include a new definition for highly productive land: Until the regional policy statement contains maps identifying highly productive land in the West Coast, highly productive land is: LUC 1, 2, or 3 land which is zoned general rural or rural production and is not identified

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for future urban development. Amend all uses of 'versatile soil' to 'highly productive land. We seek policies to manage ad-hoc urban and lifestyle development to maintain highly productive land resource for future generations and enable horticultural production in the future.

A new objective should be included [in the Rural Zones Chapter] to give effect to the NPSHPL. RURZ-P5 provides for highly productive land which is supported. The policy should give effect to the NPS-HPL and amendments are sought for this.

There should be provisions in the subdivision chapter that give effect to the NPSHPL to ensure that subdivision of highly productive land is avoided except as provided for in the NPSHPL.

[Re SUB – O3] Highly productive land should be added to the list of matters that are protected.

[Re SUB – P6] The policy lists areas where subdivision is to be avoided. This should be amended to give effect to the NPSHPL by avoiding subdivision as set out in the NPSHPL.

Federated Farmers (S524)– this submission states:

Include a new definition for highly productive land: Until the regional policy statement contains maps identifying highly productive land in the West Coast, highly productive land is:

LUC 1, 2, or 3 land which is zoned general rural or rural production and is not identified for future urban development. Amend all uses of 'versatile soil' to 'highly productive land. [Re SUB – P1] Whilst subdivision should be consistent with the qualities listed, it should also provide for the same. For example, with regard to highly productive land. Changes are sought to address these matter

586. Ms Easton considered that any spatial mapping that affects landowners should be shown on the planning maps if possible, so that people do not need to go to another location to find this information. She noted that LUC3 land would be easy to show in the planning maps as the GIS shape files are freely available from Landcare Research.

Hearing Panel's Evaluation

587. In relation to the General Rural Zones, Highly Productive Land Precinct, and GRUZ-P5 Highly Productive Land Precinct and Associated Policy, the Panel agrees with Ms Easton that the TTPP must give effect to the NPS-HPL in the absence of the WCRC updating its Regional Plan to give effect to the NPS-HPL. As well, the pTTPP must, in this interim period, manage the significant issues in the districts. She considered subdivision of rural land to be a significant issue, with tensions between a landowner's desire to profit from development and the impacts of subdivision on neighbouring primary production. She noted that this was a significant topic of consultation through the development of TTPP, with the proposed minimum lot sizes determined following feedback from the community and stakeholder organisations. Ms Easton considered the proposed approach to be consistent with the policy direction in the NPS-HPL.
588. Doing nothing to address this significant issue, particularly given the opportunity the pTTPP provides, would not, in the Panel's view, be giving effect to the RMA, in particular the obligation under the RMA to give effect to higher order documents in the course of plan making.

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589. In our view the pTTPP provisions appropriately give effect to the NPS-HPL, which is focused on ensuring highly productive land is prioritised for land-based primary production activities and not rezoned for urban lifestyle or urban development uses.
590. The Panel does not agree with Ms Easton view that that the Highly Productive Land Precinct be renamed the Rural Production Precinct and that a definition be included, noting that she had previously supported this approach in the Introduction and General Provisions report. We consider it is appropriate that the NPS-HPL is given effect to and in our view the precinct should reflect the requirements of the NPS-HPL. In that regard we consider the Precinct should follow the direction of the NPS-HPL (Clause 3.5 (7) (a) ii) and use the NZLRI Land Use Capability (2021) classification LUC 1-3 to identify and map the area of the Precinct in the Plan and remove those areas which are not within that classification.
591. We agree with Ms Easton that a new definition of highly productive land requested by HortNZ (\$486.007) and Federated Farmers (\$524.027) is not needed.
592. The Panel considers that GRUZ-PREC1-P5 should be retained as notified based on our decision later in the recommendation to retain the Highly Productive Land Precinct but to confine it the Land Use Capability 1-3 land.

Hearing Panel's Recommendation

593. 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 be accepted or accepted in part and recommends that the following amendments be made to the **Highly Productive Land Precinct** the following:

GRUZ-PREC5-P5
Subdivision and development of residential units within the GRUZ - PREC5 - Highly Productive Land Precinct should ensure that economic farming units are retained and that the fragmentation of land for other uses is avoided.
SUB-S1
Each allotment, including the balance allotment must meet the following minimum lot size: <ul style="list-style-type: none">a. General Residential Zone 350m²;b. Large Lot Residential Zone 1000m²;c. Medium Density Residential Zone 200m²; andd. Neighbourhood Centre Zone 350m²;e. Settlement Zone, Settlement Zone – Coastal Settlement Precinct and Settlement Zone – Settlement Centre Precinct 1000m² in unsewered areas and 500m² in sewerred areas;f. Settlement Zone – Rural Residential Precinct 4000m²;g. Rural Lifestyle Zone 1 hectare;h. General Rural Zone 4 hectares, except that it is 10 hectares in the Highly Productive Land; andi. Future Urban Zone 4 hectares

Mapping

Identify all LUC 1-3 on land the Planning Maps as the Highly Productive Land Precinct and delete land that is not LUC 1-3.¹²⁷

4.4. Rural Lifestyle Zone Chapter

Submissions and Further Submissions

594. Two hundred and fifty submission points and eighteen further submission points on the Rural Living Zone chapter were received and are summarised in a table on pages 144-165 of the s42A report.
595. Four submission points were received on the chapter as a whole or seeking new rules and are summarised in a table on pages 144-145 of the s.42a report. One was in support of the chapter, two sought amendments, and one was in opposition.
596. Twenty submission points were received on RLZ-R1 and are summarised in a table on pages 145-147 of the s.42a report. One was in support of the chapter, two sought amendments, and one was in opposition.
597. Seven submission points were received on RLZ-R2 and are summarised in a table on pages 147-148 of the s.42a report. Three were in support, and four sought amendments.
598. Twenty-three submission points were received on RLZ-R3 and are summarised in a table on pages 148-149 of the s42A report. One was in support, and twenty-two sought amendments.
599. Five submission points were received in support of RLZ-R4 and are summarised in a table on page 150 of the s42A report.
600. Ten submission points were received on RLZ-R5 and are summarised in a table on pages 150-151 of the s42A report. One was in support, and nine sought amendments.
601. Nine submission points were received in support of RLZ-R6 and are summarised in a table on page 151 of the s42a report.
602. Twelve submission points were received on RLZ-R7 and are summarised in a table on pages 151-153 of the s.42A report. Three were in support, four sought amendments, and five were in opposition and sought that the rule be deleted.
603. Eleven submission points were received on RLZ-R8 and are summarised in a table on pages 153-154 of the s42A report. Three were in support, and eight sought amendments.
604. Nineteen submission points were received on RLZ-R9 and are summarised in a table on pages 154-155 of the s42A report. Four were in support, and fifteen sought amendments.

¹²⁷ Horticulture New Zealand (S486.007), Federated Farmers (S524.027)

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605. Fourteen submission points were received on RLZ-R10 and are summarised in a table on pages 156-157 of the s42A report. Two were in support, and twelve sought amendments.
606. Eight submission points were received on RLZ-R12 and are summarised in a table on pages 157-158 of the s42A report. Two were in support, and six sought amendments.
607. Eight submission points were received on RLZ-R13 and are summarised in a table on page 158 of the s42A report. One was in support, two sought amendments, and five were in opposition and sought that the rule be deleted.
608. Nine submission points were received on RLZ-R14 and are summarised in a table on pages 158-159 of the s42A report. Three were in support, and six sought amendments.
609. Fourteen submission points were received on RLZ-R16 and are summarised in a table on pages 159-160 of the s42A report. Three were in support, and eleven sought amendments.
610. Twelve submission points were received on RLZ-R17 and are summarised in a table on pages 160-161 of the s42A report. One was in support, and eleven sought amendments.
611. Six submission points were received in support of RLZ-R18 and are summarised in a table on page 161 of the s42A report.
612. Ten submission points were received on RLZ-R19 and are summarised in a table on pages 161-162 of the s42A report. Four were in support, and six sought amendments.
613. Eight submission points were received in support of RLZ-R20 and are summarised in a table on page 162 of the s42A report.
614. Eight submission points were received in support of RLZ-R21 and are summarised in a table on pages 162-163 of the s42A report.
615. Nine submission points were received on RLZ-R22 and are summarised in a table on page 163 of the s42A report. Eight were in support, and one sought an amendment.
616. Eight submission points were received on RLZ-R23 and are summarised in a table on pages 163-164 of the s42A report. Two were in support, four sought amendments, and two were in opposition and sought that the rule be deleted.
617. Eight submission points were received on RLZ-R24 and are summarised in a table on page 164 of the s42A report. Two were in support, four sought amendments, and two were in opposition and sought that the rule be deleted.
618. Eight submission points were received on RLZ-R25 and are summarised in a table on pages 164-165 of the s42A report. Two were in support and six were in opposition, seeking to delete the rule.
619. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Submissions on RLZ Chapter as a whole or seeking new rules

620. Ms Easton acknowledged the submission in support of the overall approach to the zone.

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621. Ms Easton supported in part the submission point (S443.050) from Suzanne Hills seeking that commercial dog kennels be non-complying or prohibited or at least clarified that they are not permitted or controlled. She considered kennels to fall within the definition of commercial activity, which is a discretionary activity in the zone. She did not recommend any changes as a result of this submission point.
622. Ms Easton did not support submission point (S490.007) from the New Zealand Motor Caravan Association seeking that campgrounds be a permitted activity, noting that they would be either discretionary under RLZ-18 or subject to RLZ-17.
623. Ms Easton supported in part the submission point (S82.027) from Sophia Allen seeking more protection from communities, which Ms Easton understood to mean protection from mining activities. She noted that the Plan differentiates productive rural areas and rural lifestyle areas, but acknowledged that it is challenging to address reverse sensitivity issues that are already occurring because of past decisions to allow rural lifestyle development adjacent to primary production activities. She did not propose any changes as a result of this submission point.

RLZ-R1 Agricultural, Horticultural and Pastoral Activities and Buildings

624. Ms Easton acknowledged the submissions in support of the rule.
625. Ms Easton supported submission point (S304.001) from Gina Hogarth seeking a reduced internal boundary setback of 3m for lots adjoining another rural lifestyle zoned lot. She noted that a reduction to 5m had already been recommended in the General Rural Zone and considered a 3m setback appropriate for the Rural Lifestyle Zone.
626. Ms Easton did not support submission point (S443.048) from Suzanne Hills seeking that standard seven on beekeeping apply in all districts, noting that Westland District has the most evident issues relating to beekeeping effects, as Grey and Buller Districts have bylaws managing beekeeping that address these issues.
627. Ms Easton supported submission point (S450.277) from Waka Kotahi seeking the rule to require sites to meet vehicle crossing standards. She noted that while existing sites would have existing use rights, a large proportion of sites are accessed from state highways and expanding or new activities should be required to upgrade crossings to a safe standard.
628. Federated Farmers (S524.122) sought clarity as to why stock yards and farm quarries are excluded from the permitted activity standard and sought that these activities be permitted. Ms Easton did not support this submission, noting that the smaller site sizes in the Rural Living Zone mean activities that may have adverse effects on the amenity of adjoining properties are not provided for. She also noted the exclusion is for stock sale yards, which are not part of normal farming operations. She also noted that on rural lifestyle sites, the need for farm quarries for track maintenance is likely to be small.
629. BDC (S538.529) sought that standard 6 (poultry and pig keeping) be simplified and extended to cover all buildings used to house or feed livestock within a 30m setback. GDC seeks to increase the setback to 20m for poultry. Ms Easton supported a simplified approach but noted the BDC proposal relates only to buildings, whereas the standard refers to activities. She supported a reduction to a 30m setback, noting that the Timaru District Plan applies a 25m setback, and acknowledging the size and potential dimensions of lifestyle properties.
630. Ms Easton noted that other District Plans generally only specify setbacks for pigs and poultry. Therefore, she did not recommend widening the restriction to apply to buildings for housing

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or feeding livestock. She considered that where these are expected to have significant effects, they are likely to be caught by the definition of intensive indoor primary production.

631. Several submitters, Chris & Jan Coll (S558.556), Chris J Coll Surveying Ltd (S566.556), William McLaughlin (S567.596), and Laura Coll McLaughlin (S574.556), sought to amend the rule to provide for free-range poultry and egg farming. Ms Easton supported these submission points in part, in that she considered the amendment to standard six partly addresses this issue and makes it clear that the standard applies to shelters and buildings. She did not think it necessary to specifically state that poultry range activities are permitted, as these activities are not included in the definition of Intensive Indoor Primary Production.
632. Ms Easton supported in part submission (S573.054) from FENZ seeking several changes to the standards, including an increased maximum height limit and exemption from setbacks for emergency service and critical facilities, and a requirement for firefighting water supply. Ms Easton supported an increased maximum height limit for emergency service facilities, to 10m. She did not support critical facilities being included, as these activities are not provided for in the zone. She did not support an exemption from setback requirements, noting that the deemed permitted activities provisions in the RMA would be the best approach to reduce setbacks. Ms Easton considered the proposed amendment regarding water supply to be inappropriate as rural lifestyle zone properties are not connected to reticulated water supplies, and she considered water supply to be a subdivision and building act matter.
633. Ms Easton did not support submission points Chris J Coll Surveying Ltd (S566.557), Chris & Jan Coll (S558.557), William McLaughlin (S567.597) and Laura Coll McLaughlin (S574.557) seeking a Controlled activity status when compliance is not achieved. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.

RLZ-R2 Conservation Activities

634. Ms Easton acknowledged the submissions in support of the rule.
635. Ms Easton did not support several submission points, Chris & Jan Coll (S558.558), Chris J Coll Surveying Ltd (S566.558), William McLaughlin (S567.598), and Laura Coll McLaughlin (S574.558), seeking that the rule be amended so that existing non-compliance doesn't preclude application of the rule. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.

RLZ-R3 Residential Activities and Residential Units

636. Ms Easton acknowledged the submissions in support of the rule.
637. Ms Easton supported in part the submission point (S82.028) from Sophia Allen seeking more protection for communities from heavy industry, noting that the zone rules are designed to protect landowners from the impacts of industrial activities, which are restricted. However, she noted that the Plan cannot address poor decision-making of the past around where residential and lifestyle development has occurred, or the conflict that has arisen between rural lifestyle landowners and primary production activities as a result.
638. Ms Easton supported submission point (S450.278) from Waka Kotahi seeking the rule be amended to require that vehicle crossing standards be met, noting the amendment to RLZ-R1 will achieve this outcome.

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639. Ms Easton did not support submission points (S478.023) from Frank and Jo Dooley and (S595.011) from Frank O'Toole seeking to reduce residential density to 1 unit per 4000m² on physically contiguous land, noting that the Settlement Zone – Rural Residential Precinct provides for this level of residential density. She noted that the TTPP provides a 3-tier framework for development density, with conscious decision-making around where each zone is located. The Settlement Zone – Rural Residential Precinct zone is located closer to existing settlement areas. This reflects a substantial move away from the previous ad-hoc approach to smaller lot development across the West Coast, which did not consider reverse sensitivity impacts or loss of primary production values.
640. Ms Easton did not support submission (S524.123) from Federated Farmers seeking that minor unit size be increased from 65m² to 80m², noting that this size is standard across the Plan and a common size nationally and at the large end of the spectrum. She noted the size is intended to effectively avoid two dwellings from being constructed, which would lead to subdivision.
641. Ms Easton did not support submission point (S571.002) from Greg Maitland, which sought to delete clause 3 and establish a minimum area for minor units of 90m² and no requirement to be close to the main dwelling. The size issue is addressed in the response to the Federated Farmers submission point above. Ms Easton noted the minimum distance requirement is designed to avoid minor units leading to an argument for future subdivision.
642. Ms Easton supported submissions (S538.031) BDC, (S567.601) William McLaughlin, (S566.562) Chris J Coll Surveying Ltd, (S558.562) Chris & Jan Coll, and (S574.562) Laura Coll McLaughlin seeking that Standard 2 be amended to state: Residential unit density is no more than one unit per 1ha net site area, by deleting the words on physically contiguous land except where the site is already in existence at the date of notification of the Plan. BDC argued that this clause, as notified, would allow a second residential unit and a minor dwelling to be constructed on existing lots. They considered this inappropriate on 1ha land parcels, given that the predominant rural character and open space are expected to be maintained. Ms Easton accepted the reasons in the Council submission and recommended that the standard be amended. She also noted that the words 'on physically contiguous land' were unnecessary and could be deleted.
643. Ms Easton did not support submission points Chris & Jan Coll (S558.561), Steve Croasdale (S516.136), John Brazil (S360.073), Chris J Coll Surveying Ltd (S566.561), William Mc Laughlin (S567.600), and Laura Coll McLaughlin (S574.561) seeking the rule be amended so that existing non-compliance doesn't preclude application of the rule. She noted that existing activities would have existing use rights but considered that new or expanding activities should comply with the standards to ensure effects are managed.
644. Ms Easton did not support submission points Chris & J Coll (S558.559), Laura Coll McLaughlin (S574.559), William McLaughlin (S567.599), and Chris J Coll Surveying Ltd (S566.559) seeking the noise advice note be deleted. She noted that noise would be considered in the Noise topic, and if the rule referenced is amended, the advice note would be updated as a consequential amendment.

RLZ – R4 Papakāinga Developments

645. Ms Easton acknowledged submissions received in support of the rule. As all submissions were in support, no amendments were recommended.

RLZ – R5 Minor Structures

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646. Ms Easton supported submission point (S538.532) from BDC seeking Standard 1 be amended so that only the setback rules for the zone apply, noting this is consistent with submissions they made on similar rules in other zones that she supported. She noted this amendment partially addresses the relief sought by David Moore, who sought to retain the height and site coverage standard but delete all other standards.
647. Ms Easton supported in part submission points Chris & Jan Coll (S558.563), Chris J Coll Surveying Ltd (S566.563), William Mc Laughlin (S567.602), John Brazil (S360.075), Steve Croasdale (S516.137), and Laura Coll McLaughlin (S574.563) seeking that the rule be amended so that existing non-compliance with RLZ-R1 does not preclude application of the rule, in that her recommendation to amend standard 1 removes the requirement to comply with RLZ-R1 and instead only refers to setbacks. However, as a principle, she did not support providing for existing non-compliance.

RLZ – R6 Fences, Walls, and Retaining Walls

648. Ms Easton acknowledged submissions received in support of the rule. As all submissions were in support, no amendments were recommended.

RLZ – R7 Relocated Buildings/ RLZ – R13 Relocated Buildings not meeting Permitted Activity Standards

649. Ms Easton supported submission points BDC (S538.534), Chris & Jan Coll (S558.142, S558565), Chris J Coll Surveying Ltd (S566.142, S566.565), William Mc Laughlin (S567.022, S567.604), Laura Coll McLaughlin (S574.142, S574.565) seeking that these rules be deleted, as she considered the amenity concerns that apply to relocated buildings are principally associated with urban locations and do not arise in the same way in rural areas or need to be managed through the zone rules.
650. Ms Easton did not support submission points seeking amendments to the rules as she recommended, they be deleted.

RLZ – R8 Home Business

651. Ms Easton acknowledged submissions received in support of the rule.
652. Ms Easton supported submission (S538.535) from BDC seeking that the rule be amended to include a standard specifying that the activity must be ancillary to a residential activity and that no more than one full-time person engaged in the activity may reside off-site. BDC considered that this provides a clear compliance method to ensure the scale of home business does not exceed that anticipated in the zone. They were concerned that the traffic generation standards would be difficult to monitor and enforce when combined uses (residential, rural and home business) are occurring in a single dwelling. Ms Easton noted that Buller and Westland District Plans also have this requirement in their home business rules.
653. Ms Easton supported in part submission (S450.280) from Waka Kotahi seeking the rule be amended to reduce the maximum permitted number of vehicle movements to 30 per day. Above this, the use of the vehicle crossing is considered a high trip-generating activity. The notified standard allowed no more than 10 heavy vehicle movements per day, and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week. Ms Easton acknowledged that the standard as drafted could allow 210 light vehicle movements in one day and none of the remainder of the week. She recommended the standard be amended to

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allow a maximum of 10 heavy vehicle movements per day and 210 light vehicle movements per week.

654. Several submission points Steve Croasdale (S516.140), Chris & Jan Coll (S558.566), Chris J Coll Surveying Ltd (S566.566), William McLaughlin (S567.605), and Laura Coll McLaughlin (S574.566) sought that non-compliance with RLZ-R1 does not preclude application of the rule. Ms Easton did not support accommodating existing non-compliance, as this could result in adverse effects on amenity and the environment. She noted that existing use rights would protect existing activities.

RLZ – R9 Residential Visitor Accommodation

655. Ms Easton acknowledged submissions received in support of the rule. She noted that BDC support the approach of only permitting homestay accommodation in the Buller District, noting that the conversion of long-term rental accommodation to short-term visitor accommodation was the community's second most identified concern after natural hazards.
656. Ms Easton supported submission point (S181.042) from the WDC seeking the same approach (permitting homestay only) to be provided in the Westland District. She noted this approach was strongly recommended by WDC staff when TTPP was being developed, but the TTPP committee did not accept this. After reviewing the analysis undertaken on environmental effects and issues in the Westland District, Ms Easton concluded that the district is experiencing similar effects to those in Buller. Therefore, the management approach should be the same. She considered that the impact of residential visitor accommodation is substantially less in the Grey District, as it is not a major tourist destination.
657. Ms Easton did not support submission point (S561.003) from Fiona McDonald seeking that the same approach that applies in the Grey District be taken in Buller, noting that the analysis undertaken to develop the Buller Provisions was sound and circumstances have not changed since then to justify a change in management approach.
658. Ms Easton did not support submission point (S561.004) from Fiona McDonald, seeking the rule be amended to increase the maximum number of guests permitted, or (S572.003) Jon Barltrop, seeking no restriction on guest numbers. She noted that several key factors had been considered when setting the cap, and that environmental effects increase significantly with the number of paying guests. She thought 6 paying guests to be reasonable, and generally consistent with limits imposed by other nearby Councils.
659. Ms Easton supported submission (S608.116) from GDC seeking that records of letting activity be provided annually rather than on request. The Council believed landowners should provide evidence of compliance as a requirement, rather than the Council having to identify where these activities are operating and approach them. Ms Easton considered this requirement to be reasonably necessary to ensure permitted activity standards are met and will assist the Council in discharging Building Act compliance duties.
660. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ-R10 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

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661. Ms Easton acknowledged submissions received in support of the rule.
662. Ms Easton did not support submission point (S456.050) from the Ministry of Education seeking a Restricted Discretionary activity status where permitted activity standards are not met. She noted that larger-scale activities are not anticipated in the Rural Lifestyle Zone and would be better located in a Settlement Zone – Settlement Centre Precinct.
663. Ms Easton supported submission point (S538.537) from BDC to fix a minor error where the rule refers to 12 pm (noon) instead of 12 am (midnight).
664. Ms Easton supported submission points (S608.117) from GDC and (S573.062) from FENZ, which argued that hours of operation do not apply to emergency service facilities, considering this to be a minor error.
665. Several submission points, Chris & Jan Coll (S558.569), Chris J Coll Surveying Ltd (S566.569), William McLaughlin (S567.608), and Laura Coll McLaughlin (S574.569), requested that the noise advice note be deleted. Ms Easton did not support these submissions, noting that this matter would be considered in the Noise topic and any changes to the rule would be reflected in consequential amendments to the advice note.
666. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R12 Minor structures not meeting Permitted Activity Standards

667. Ms Easton acknowledged submissions received in support of the rule.
668. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R14 Residential Visitor Accommodation not meeting Permitted Activity Standards

669. Ms Easton acknowledged submissions received in support of the rule.
670. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

RLZ – R16 Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standard

671. Ms Easton acknowledged submissions received in support of the rule.
672. Ms Easton did not support submission points John Brazil (S360.083), Steve Croasdale (S516.145), Chris & Jan Coll (S558.578), William McLaughlin (S567.616), Chris J Coll Surveying Ltd (S566.578), and Laura Coll McLaughlin (S574.578), seeking that standard one be deleted. She noted that no reason is given as to why the submitters consider the standard too

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restrictive, and the standard identifies activities considered inappropriate due to the size of Rural Lifestyle Zone sites.

673. Ms Easton did not support several submission points seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules as this could result in adverse effects.

RLZ – R17 Commercial Activities

674. Ms Easton acknowledged the submission received in support of the rule.
675. Ms Easton supported in part the submission points BDC (S538.544), Chris & Jan Coll (S558.580), Chris J Coll Surveying Ltd (S566.580), William McLaughlin (S567.618) and Laura Coll McLaughlin (S574.580) seeking either the performance standard for floor and yard area to be deleted, or that the rule be amended to be more enabling of development. She noted this standard differs from the General Rural Zone rule, which only refers to large-format retail, not other types of commercial activities. She noted that the standard is intended to avoid these specific activities from establishing in rural areas to the detriment of commercial areas in the main townships and recommended amending the standard to refer to large formal retail activities.

RLZ – R18 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules/ RLZ – R20 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules/ RLZ – R21 Home Business not meeting Permitted or Restricted Discretionary Activity Rules

676. Ms Easton acknowledged the submissions received in support of these rules.

RLZ – R19 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Rules

677. Ms Easton acknowledged the submissions received in support of the rule.
678. Ms Easton supported submission points Chris & Jan Coll (S558.584, S558.153), Chris J Coll Surveying Ltd (S566.584, S566.153), William Mc Laughlin (S567.621, S567.0230, and Laura Coll McLaughlin (S574.153, S574.584) seeking the references to relocated buildings be removed, as a consequential amendment to the deletion of the relocated buildings rules.
679. Ms Easton supported submission points (S478.035) from Frank and Jo Dooley and (S595.023) from Frank O'Toole seeking that Fences, Walls and Retaining walls be removed and placed in a separate restricted discretionary rule with matters of discretion relating to the effects of these structures, consistent with their submissions on other zones. She agreed a restricted discretionary activity status is appropriate to manage these structures when permitted activity standards are not met.

RLZ – R22 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules

680. Ms Easton acknowledged the submissions received in support of the rule.
681. Ms Easton did not support submission point (S620.047) from Ngāi Tahu seeking a restrictive discretionary activity status where permitted activity standards are not met. She noted that

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extensive provision had been made for papakāinga, but the same resource management issues (loss of productive land, reverse sensitivity) occur regardless of the type of residential development. She considered the notified discretionary activity status to be appropriate.

RLZ – R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules

682. Ms Easton acknowledged the submissions received in support of the rule.
683. Ms Easton did not support several submission points John Brazil (S360.089), Steve Croasdale (S516.152), Chris J Coll Surveying Ltd (S566.588), Chris & Jan Coll (S558.588), William Mc Laughlin (S567.625) and Laura Coll Mc Laughlin (S574.588) seeking the rule be deleted and these activities be Discretionary, for the same reasons outlined in relation to these submitters' points on RLZ-R16.

RLZ – R24 Industrial Activities including Rural Industry

684. Ms Easton acknowledged the submissions received in support of the rule.
685. Ms Easton did not support several submission points Chris & Jan Coll (S558.589), Chris J Coll Surveying Ltd (S566.589), William McLaughlin (S567.626), Laura Coll McLaughlin (S574.589), John Brazil (S360.090) and Steve Croasdale (S516.153) seeking the rule be deleted and these activities be a Discretionary activity. She considered industrial activities do not fit with the purpose of the zone, which is a combined living and rural environment, noting there have been some strong submissions from submitters about the concerns and amenity effects that rural lifestyle dwellers find from industrial-type activities. She considered these activities to be inappropriate in these areas.
686. Ms Easton noted that the International Panel and Lumber supported these submissions because it has a property and carpark on Osmond Road, Gladstone, that is zoned Rural Lifestyle Zone that would be affected by this rule. She noted she would support this site being rezoned as a General Industrial Zone to reflect the existing use but was unclear on whether there is scope to do this.

RLZ – R25 Any activity not provided for in another rule in the zone

687. Ms Easton acknowledged the submissions received in support of the rule.
688. Ms Easton did not support submission points John Brazil (S360.0910), Steve Croasdale (S516.154), Chris & Jan Coll (S558.590), Chris J Coll Surveying Ltd (S566.590), William Mc Laughlin (S567.627) and Laura Coll McLaughlin (S574.590) seeking the rule be deleted and that these activities be Discretionary, noting that no reasons are given for requesting this change. She noted this type of 'catch-all' rule is more commonly a discretionary activity in other plans. She invited the submitters to provide information at the hearing on whether they would support that alternative relief.

Hearing and Submitter Evidence

689. Frida Inta, on behalf of herself and BCG, queried how the site coverage rule would be applied and stated she considered 30% to be too large and more suitable for smaller urban properties. She requested that the minimum size for minor units be aligned with kitset building sizes. She considered the traffic movement standards for home businesses to be too high and noted that

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there is repetition in the rules between zones that she considered unnecessary. She also sought the rule to be amended to prevent the external generation of dust, odour, or smoke.

690. Jonathan Bhana-Thomson, on behalf of the Heavy Haulage Association, opposed the submissions seeking the deletion of relocated building rules. Mr Bhana-Thomson supported a permitted activity status for relocated buildings and the Council retaining a degree of control through performance standards, with a restricted discretionary activity standard for relocated buildings not meeting those standards. If the Commissioners did not support the standards sought, he confirmed he did not oppose a permitted activity status with no standards, so long as the activity is clearly identified as permitted.
691. Federated Farmers sought that if stock sale yards are to be excluded from RLZ-R1, it be made clear that this only refers to yards built specifically for agents selling stock on behalf of clients and does not include stock yards used as part of normal farming operations. They noted that stock yards will occasionally be used for sale processes, for example, so a potential buyer can view stock, without being a 'sale yard.'
692. Federated Farmers continued to seek that farm quarries are not excluded from RLZ-R1, as they considered there are potential needs for quarries on lifestyle blocks, but that they are subject to requirements and constraints set out elsewhere in the plan.
693. In a letter to the Panel tabled at the hearing, KiwiRail sought that the setback standard in RLZ-R1 be amended to apply to buildings and structures and to require a 5m setback from any rail designation boundary, noting that the designation is clearly identified on the planning maps.
694. In a letter, dated 19 July 2024, to the Panel tabled at the hearing, FENZ confirmed they would not pursue any amendments relating to critical facilities, acknowledging that these are not provided for in the zone. FENZ continued to seek a reduced road boundary setback, on the basis that buildings located 8-10m from the road boundary support their logistical and operational requirements, including the need for fire appliances to be strategically located adjacent to the transport corridor for prompt emergency responses. They also noted that greater setbacks increase civil costs, land parcel size, and can create fire separation issues at rear property boundaries.
695. FENZ continued to seek that RLZ-R1 be amended to require a firefighting water supply, requesting that the alternative wording provided for GRUZ-R1 be also included in this rule. They noted that water supply is not solely a subdivision matter, as new developments are subject to the need for new services, and that provision of firefighting water supply is not a matter covered in the Building Act. The amendments requested include a new standard and advice note as follows:

Where [...]

- 7 Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)*

Advice Notes: [...]

The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

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696. In a letter to the panel dated 1 August 2024, Martin Kennedy, on behalf of Westpower Limited, noted that the s42A report had misallocated Westpower's further submission, (FS222.065) as a submission in support of BDC's submission on RLZ-R14 (FS222.065) was made in support of a BDC submission on the noise chapter and should not have been included in the RLZ submission table.

Reporting officers' right of reply

697. In response to Mr Boyd's verbal submission, Ms Easton recommended the maximum permitted activity size for antenna dishes be increased from 1m to 1.5m, consistent with her recommendations on the GRUZ chapter.

698. In response to a question from the Panel on whether RLZ-R1 should refer to enclosures as well as shelters and buildings, and whether there is a need for setback for stock runs, Ms Easton considered 'shelter' to be an inclusive term that would include enclosures. She considered adverse effects on amenity to arise from the congregation of animals in a shelter, and that it is not necessary to regulate stock runs.

699. Ms Easton recommended that an advice note be added to confirm that on-farm sale of stock, raised on the farm, does not fall within the term 'stock saleyard' in terms of standard 1.iii.

700. In response to a question from the Panel querying the activity status for new dwellings constructed on existing under-sized lots in the Rural Lifestyle Zone, Ms Easton confirmed that RLZ-R3.2 'grandparents' the right to build a dwelling on an undersized lot existing at the date of notification. She advised that any new sites under 1ha that are subdivided but not built upon when the Plan becomes operative would require a Discretionary resource consent. Still, she considered this situation to be unlikely and that there would be few, if any, lots created where this situation would arise.

Hearing Panel's Evaluation

701. In respect of submissions on the RLZ as a whole and those that sought new rules, the Panel agrees with Ms Easton's analysis of those submissions and accepts her recommendation that no changes to the Plan provisions are required for the reasons she provides.

702. Notwithstanding the above, the Panel has made changes to the Rural Lifestyle Overview for reasons of consistency with the other overviews in the chapter and to update the Plan with the current national guidance wording.

703. In relation to RLZ-R1, the Panel agrees with Ms Easton's analysis of the FENZ submission (S573.054) and agrees with her recommendation to amend clause 3i. to permit emergency service facilities to a height of 10m, being the same height limit as for residential buildings. FENZ sought a range of additional amendments to this rule, but we agree with Ms Easton's reasons for recommending they mostly be rejected.

704. The Panel agrees that the notified 10m setback from all internal boundaries is not appropriate for the zone. Ms Easton supported a submission point (S304.001) from Gina Hogarth seeking a reduced internal boundary setback of 3m for lots adjoining another rural lifestyle zoned lot. She noted that a reduction to 5m had already been recommended in the General Rural Zone and considered a 3m setback appropriate for the Rural Lifestyle Zone. We agree with this reasoning and her recommendation to delete 10m and replace it with 3m in clause 4. of the rule. We also note that the reduce setback will go some way towards addressing the FENZ submission.

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705. The Panel agrees with Ms Easton's analysis of the BDC submission (S538.529) seeking to amend clause 6, which deals with performance standards for poultry and pig keeping. BDC sought that standard 6 (poultry and pig keeping) be simplified and extended to cover all buildings used to house or feed livestock within a 30m setback. GDC sought to increase the setback to 20m for poultry. Ms Easton supported a simplified approach but noted the BDC proposal relates only to buildings, whereas the notified standard refers to activities. Acknowledging this change, we consider that it is when the pigs or poultry are sheltered and housed that issues of concern would arise, as distinct from when the animals are ranging in the paddock. We note in her reply in response to our questions about regulating runs as well as shelters, Ms Easton considered that adverse effects on amenity would arise from the congregation of animals in a shelter, and that it is not necessary to regulate stock runs. We agree.
706. Ms Easton supported a reduction to a 30m setback, noting that the Timaru District Plan applies a 25m setback, and acknowledging the size and potential dimensions of lifestyle properties.
707. Ms Easton noted that other District Plans generally only specify setbacks for pigs and poultry. Therefore, she did not recommend widening the restriction to apply to buildings for housing or feeding livestock. She considered that where these are expected to have significant effects, they are likely to be caught by the definition of intensive indoor primary production.
708. The Panel agrees for the reasons advanced by Ms Easton to delete clause 6 as notified and replace it with her recommended wording.
709. The Panel agrees with Ms Easton's consideration of the Waka Kotahi submission (S450.277) seeking the rule to require sites to meet vehicle crossing standards. Ms Easton noted that while existing sites would have existing use rights, a large proportion of sites are accessed from state highways and expanding or new activities should require upgrading crossings to a safe standard. We agree with that reasoning and her recommendation to add a new clause 8, providing a new permitted activity Standard, namely that the vehicle crossing standards in Rule TRN-R1 are met.
710. As to the issue of Stock sale yards as it appears in notified clause 1. iii., the Panel agrees with Ms Easton's consideration of the Federated Farmers submission (S524.122) that sought clarity as to why stock yards and farm quarries are excluded from the permitted activity standard and sought that these activities be permitted. Ms Easton did not support this submission, noting that the smaller site sizes in the Rural Living Zone mean activities that may have adverse effects on the amenity of adjoining properties are not provided for. She also noted the exclusion is for stock sale yards, which are not part of normal farming operations. She also noted that on rural lifestyle sites, the need for farm quarries for track maintenance is likely to be small. We agree with her reasoning.
711. We note that Federated Farmers sought, through their evidence, that if stock sale yards are to be excluded from RLZ-R1, it should be made clear that this only refers to yards explicitly built for agents selling stock on behalf of clients and does not include stock yards used as part of normal farming operations. They noted that stock yards will occasionally be used for sale processes, for example, so a potential buyer can view stock, without being a 'sale yard.' Ms Easton responded to this issue within her reply, recommending the inclusion of an advice note, which made it clear that the sale of stock produced on a property is not to be considered a stock yard in terms of the rule. We agree with this response to the evidence and recommend including advice note 2.

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712. In relation to RLZ-R2, the Panel agrees with Ms Easton's analysis of submissions on this rule. We agree with her recommendation that this rule be retained as notified for the reasons she provides.
713. In relation to RLZ-R3, the Panel agreed with Ms Easton that Standard 2 be amended to state: Residential unit density is no more than one unit per 1ha net site area, by deleting the words on physically contiguous land except where the site is already in existence at the date of notification of the Plan. BDC argued that this clause, as notified, would allow a second residential unit and a minor dwelling to be constructed on existing lots. They considered this inappropriate on 1ha land parcels, given that the predominant rural character and open space are expected to be maintained. Ms Easton accepted the reasons in the Council submission and recommended that the standard be amended. She also noted that the words 'on physically contiguous land' were unnecessary and could be deleted. We agree with these reasons and agree with her recommendation to amend clause 2.
714. The Panel agrees with Ms Easton's consideration of all other submissions on this rule, apart from the FENZ submission, noting her recommendation not to make any further amendments to this rule as notified. For the reasons she provides, we agree with that recommendation.
715. As to the FENZ submission (S573.054) that sought to include in the rules a clause relating to the provision of sufficient water supply and access to it for firefighting, and a related advice note advising consultation with the Fire service as to design for firefighting water supply we agree with Ms Easton's reply recommendation to include both when the subject matter of the rule is residential activity including Papkainga developments. We agree with the recommendation to include a new permitted activity standard as new clause 4. of this rule and a new advice note 2. detailing what we have described above.
716. In relation to RLZ-R4, the Panel agrees with Ms Easton that, except for the FENZ submission, all submissions on this rule supported it as notified. So, the amendments she recommends for this rule are consequential to those for RLZ-R2 and include a new standard 4 and a new advice note 2, both of which replicate amendments to RLZ-R3.
717. In relation to RLZ-R5, the Panel agrees with Ms Easton's support of a submission point from BDC (S539.532) seeking that Clause 1 be amended so that only the setback rules for the zone apply. Ms Easton advised that her recommendation on this rule is consistent with her recommendations on other submissions that BDC made on similar rules in other zones that she also supported. We agree that utilising the zone setback rules is appropriate. She noted this amendment partially addresses the relief sought by David Moore, who sought to retain the height and site coverage standard but delete all other standards.
718. The Panel notes that in respect of Clause 3, in response to Mr Boyd's verbal submission that the smaller dishes do not work as well with the heavy rainfall they have in the Haast area, Ms Easton, in her reply, recommended the maximum permitted activity size for antenna dishes be increased from 1m to 1.5m, consistent with her recommendations on the GRUZ chapter. We agree.
719. In relation to RLZ-R6, the Panel agrees with Ms Easton's recommendation to retain this rule as notified with no amendments.
720. In relation to RLZ-R7, the Panel agrees with Ms Easton that this rule dealing with relocated buildings should be deleted, because the amenity concerns that apply to relocated buildings are principally associated with urban locations and do not arise in the same way in rural areas

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or need to be managed through the zone rules. A consequence of this recommendation is that RLZ-R13 will also be deleted.

721. In relation to RLZ-R8, the Panel agrees with Ms Easton that the rule should be amended to include a new Clause 3 that no more than one full-time person engaged in the activity may reside off-site. BDC considered that this provides a clear compliance method to ensure the scale of home business does not exceed that anticipated in the zone. They were concerned that the traffic generation standards would be difficult to monitor and enforce when combined uses (residential, rural and home business) are occurring in a single dwelling. Ms Easton noted that Buller and Westland District Plans also have this requirement in their home business rules. Ms Easton also noted that the rule should specify that the activity must be ancillary to a residential activity. While the rule does not explicitly detail that requirement, we consider Standard 2. li. b. achieves that result.
722. While the Panel notes Ms Easton's recommendation to amend Clause 4 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-time equivalent person should address the amenity issue associated with people and vehicle numbers.
723. In relation to RLZ-R9, the Panel agrees with Ms Easton's approach in supporting a submission from the WDC seeking the same approach (permitting homestay only) to be provided in the Westland District. She noted this approach was strongly recommended by WDC staff when TTPP was being developed, but the TTPP committee did not accept this. After reviewing the analysis undertaken on environmental effects and issues in the Westland District, Ms Easton concluded that the district is experiencing similar effects to those in Buller. Therefore, the management approach should be the same. She considered that the impact of residential visitor accommodation is substantially less in the Grey District as it is not a major tourist destination. We accept her evidence on this point and agree to the inclusion of the Westland District Council within clause 7 of the rule. We also agree with her analysis that the environmental effects of home stay activity in the Grey District do not support the inclusion of the Grey District in the rule.
724. The Panel has considered her assessment of the remaining submissions on this rule, both those seeking retention as notified and those seeking amendment, and we agree with her recommendation to retain the balance of the rule as notified, although we agree with GDC that records of letting activity should be provided annually rather than on request. We note Ms Easton supported this amendment, but it does not appear in Appendix 1 to the Right of Reply
725. In relation to RLZ-R10, the Panel agrees with Ms Easton's recommendations to make two amendments in response to submissions on this rule. Ms Easton supported a submission point (S538.537) from BDC to fix a minor error to Clause 3. where the rule refers to noon instead of 12 am (midnight) and also supported a submission point (S608.117) from GDC and (S573.062) FENZ, which argued that hours of operation do not apply to emergency service facilities, considering this to be a minor error to be resolved by including new clause 4. that recorded there are no hours of operation for emergency service facilities. We agree with both recommendations as they clarify the rule and its coverage.
726. In relation to RLZ-R12, the Panel agrees with Ms Easton that no amendments are required to this rule and it can be retained as notified. We agree with Ms Easton not supporting several

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submission points¹²⁸ seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.

727. In relation to RLZ-R14, the Panel agrees with Ms Easton's recommendation that this rule be retained as notified. We note and agree with Ms Easton's recommendation, where she did not support several submission points from, John Brazil (S360.082), Steve Croasdale (S516.144), Chris & Jan Coll (S558.576), Chris J Coll Surveying Ltd (S566.576), William Mc Laughlin (S567.614), and Laura Coll Mc Laughlin (S574.576) seeking that existing non-compliance with RLZ-R1 does not preclude application of the rule, noting that existing activities have existing use rights, but existing non-compliance should not be accommodated in the rules, as this could result in adverse effects.
728. In relation to RLZ-R16, the Panel agrees with Ms Easton's recommendation that this rule be retained as notified. We agree with her that submitters seeking to delete clause 1 did not provide reasons. As well, we agree with her that the standard identifies activities considered inappropriate due to the size of Rural Lifestyle Zone sites.
729. In relation to RLZ-R17, the Panel agrees with Ms Easton's recommendation to amend clause 1. We note Ms Easton supported in part the submission points (S538.544), Chris & Jan Coll (S558.580, S558.581), Chris J Coll Surveying Ltd (S566.580, S566.581), William Mc Laughlin (S567.618, S567.619), Laura Coll McLaughlin (S574.580, S574.581) John Brazil (S360.084) and Steve Croasdale (S516.147) seeking either the performance standard for floor and yard area to be deleted, or that the rule be amended to be more enabling of development. She noted this standard differs from the General Rural Zone rule, which only refers to large-format retail, not other types of commercial activities. She advised that the standard is intended to avoid these specific activities from establishing in rural areas to the detriment of commercial areas in the main townships and recommended amending the standard to refer to large formal retail activities. We agree with her reasoning and her recommendation to amend this rule to specifically refer to large format retail activities because we agree that the location of those activities outside of main centres can cause adverse effects on the economic health and vitality of main centres
730. In relation to RLZ-R18, the Panel notes all submissions were in support of retaining this rule, and we agree with Ms Easton's recommendation that the rule be retained as notified.
731. In relation to RLZ-R19, the Panel agrees with Ms Easton's recommendations that the references to relocated buildings be removed, as a consequential amendment to the deletion of the relocated buildings rules. As well we agree with her recommendation that Fences, Walls and Retaining walls be removed from the rule and placed in a separate restricted discretionary rule with matters of discretion relating to the effects of these structures, consistent with submissions on other zones seeking a similar outcome. She agreed that a restricted discretionary activity status is appropriate to manage these structures when permitted activity standards are not met. We note however that this restricted discretionary rule was not included in the s42A report or the Right of Reply in Appendix 1 and we have therefore included it.
732. In relation to RLZ-R20, the Panel agrees with Ms Easton's recommendation to retain this rule as notified for the reasons provided within her s42A report.

¹²⁸ Chris & Jan Coll, Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, John Brazil, Steve Croasdale

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733. In relation to RLZ-R21, the Panel agrees with Ms Easton’s recommendation to retain this rule as notified for the reasons provided within her s42A report.
734. In relation to RLZ-R22, the Panel agrees with Ms Easton’s recommendation to retain this rule as notified. The panel agrees with Ms Easton and does not support a submission point (S620.247) from Ngāi Tahu seeking a restricted discretionary activity status where permitted activity standards are not met. Ms Easton noted that extensive provision had been made for papakāinga, but the same resource management issues (loss of productive land, reverse sensitivity) occur regardless of the type of residential development. She considered the notified discretionary activity status to be appropriate. We agree.
735. In relation to RLZ-R23, the Panel agrees with Ms Easton’s recommendation to retain the rule as notified for the reasons she provides within her s42A. In particular, the Panel agrees with Ms Easton that several submission points seeking the rule to be deleted and that these activities to be discretionary should not be supported, for the same reasons outlined concerning these submitters' points on RLZ-R16.
736. In relation to RLZ-R24, the Panel agrees with Ms Easton’s recommendation that this rule be retained as notified for the reasons contained within the s42A report. The Panel notes that Ms Easton did not support several submission points from Chris & Jan Coll (S558.589), Chris J Coll Surveying Ltd (S566.589), William McLaughlin (S567.626), Laura Coll McLaughlin (S574.589), John Brazil (S360.090), and Steve Croasdale (S516.153), seeking the rule be deleted and these activities be a Discretionary activity. She considered that industrial activities do not fit with the purpose of the zone, which is a combined living and rural environment, noting there have been some strong submissions from submitters about the concerns and amenity effects that rural lifestyle dwellers find from industrial-type activities. She considered these activities to be inappropriate in these areas. We agree with that assessment and outcome.
737. Ms Easton noted that the International Panel and Lumber (FS98.005, FS98.006, FS98.007) supported these submissions because it has a property and carpark on Osmond Road, Gladstone, that is zoned Rural Lifestyle Zone that would be affected by this rule. She noted she would support this site being rezoned as a General Industrial Zone to reflect the existing use but was unclear on whether there is scope to do this.
738. In relation to RLZ-R25, while the Panel agrees that the rule should not be deleted, we consider, in line with other recommendations we have made, that it should become discretionary activity. We note that Ms Easton acknowledged that a Discretionary activity status is often applied to this type of ‘catchall’ rule. We recommend that approach is taken here.

Hearing Panel’s Recommendation

739. 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 recommends the following amendments are made to the following **Overview and Rural Lifestyle Zone Rules**:

Overview
...
Other relevant Te Tai o Poutini Plan provisions

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 GRUZ - General Rural Zone, including:

- ~~Overlay Chapters~~ the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Rural Lifestyle Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Rural Lifestyle Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Rural Lifestyle 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.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Rural Lifestyle Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**¹²⁹
- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** – The Subdivision chapter sets out the requirements for subdivision activities the RLZ - Rural Lifestyle Zone.
- **Financial Contributions** – The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RLRZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.¹³⁰

RLZ - R1 Agricultural, Horticultural and Pastoral Activities and Buildings

Activity Status Permitted

Where:

¹²⁹ Forest and Bird (S560.370, S560.0543)

¹³⁰ Clause 16(2) of the RMA

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1. The activity does not include:
 - i. Intensive indoor primary production;
 - ii. The storage and disposal of solid or liquid animal waste other than that generated on the site;
 - iii. Stock sale yards; or
 - iv. Farm quarries;
2. The maximum gross ground floor area of a single building is 350m²;
3. The maximum height above ground level is:
 - i. 10m for residential buildings **and emergency service facilities**¹³¹;
 - ii. 7m for non-residential buildings; except
 - iii. 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 set back a minimum of 10m from the road boundary, **5m from any rail designation boundary**,¹³² 20m from the State Highway Boundary and ~~10-3m~~¹³³ from all internal boundaries;
5. Site coverage is a maximum of 30%; ~~and~~
6. ~~Performance standards for poultry farming and pig keeping apply as follows:~~

~~Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary;~~
7. ~~For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;~~
8. ~~For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs;~~

Shelters and buildings used to house or feed poultry or pigs must be set back at least 30m from any boundary.¹³⁴
7. Performance standards for beekeeping in the Westland District apply as follows:
 - a. No bees may be kept on a property less than 600m² net site area; and
 - b. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; **and**
8. **Vehicle crossing standards in Rule TRN – R1 are met.**¹³⁵

Advice Notes:

- 1.** If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

¹³¹ Fire and Emergency NZ (S573.054)

¹³² KiwiRail (S442.093)

¹³³ Gina Hogarth (S304.001), FENZ (S573.054)

¹³⁴ Buller District Council (S538.529)

¹³⁵ Waka Kotahi (S450.277)

2. Sale of stock produced on the property is not considered a stock sale yard in terms of standard 1.iii¹³⁶

Activity status where compliance not achieved: Discretionary

RLZ - R2 Conservation Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

RLZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Residential unit density is no more than one unit per 1ha net site area ~~on physically contiguous land except where the site is already in existence at the date of notification of the Plan; and~~¹³⁷
3. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with the principal dwelling; **and**
4. **Provision shall be made for a sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).**¹³⁸

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.
 - vi. Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
- 2.** **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**¹³⁹

¹³⁶ Fed Farmers (S524.122)

¹³⁷ Buller District Council (S538.531)

¹³⁸ Fire and Emergency New Zealand (S573.040)

¹³⁹ Fire and Emergency New Zealand (S573.040)

Activity status where compliance not achieved: Discretionary

RLZ - R4 Papakāinga Developments

Activity Status Permitted

Where:

1. Performance standards 3-5 for Rule RLZ - R1 are complied with;
2. Residential building density is no more than one unit per 1000m² net site area, however units can be clustered; ~~and~~
3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; **and**
4. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**¹⁴⁰

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 Noise Insulation Requirements set out in Rule NOISE - R3 will apply.

2. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**¹⁴¹

Activity status where compliance not achieved: Discretionary

RLZ - R5 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule RLZ - R1 are complied with.~~ **Structures are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary and 3m from internal boundaries**¹⁴²
2. Masts, poles, aerals and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than **1.5m**¹⁴³ in diameter;

¹⁴⁰ Fire and Emergency New Zealand (S573.040)

¹⁴¹ Fire and Emergency New Zealand (S573.040)

¹⁴² Buller District Council (S539.532)

¹⁴³ Clause 16(2) of the RMA

4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

RLZ – R6 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

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

RLZ – R7 Relocated Buildings

Activity Status Permitted

Where:

- ~~1. All performance standards for Rule RLZ – R1 are complied with.~~
- ~~2. Any relocated building intended for use as a dwelling must have been designed and built to be 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: Controlled¹⁴⁴

RLZ – R8 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Hours of operation are limited to:
 - i. 7am-10pm weekdays; and

¹⁴⁴ Buller District Council (S538.534), Chris & Jan Coll (S558.142, S558.565), Chris J Coll Surveying Limited (S566.142, S566.565), William McLaughlin (S567.022, S567.604), Laura Coll McLaughlin (S574.142, S574.565)

- ii. 8am - 8pm weekends and public holidays; except where:
 - a. The entire activity is located within a building;
 - b. Each person engaged in the activity outside the above hours resides permanently on site; and
 - c. There are no visitors, customers or deliveries to the activity outside of the above hours; and

3. There is no more than one full-time equivalent person engaged in the home business that resides off-site.¹⁴⁵

~~4. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~¹⁴⁶

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

Activity status where compliance not achieved: Discretionary

RLZ – R98 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity;
2. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4, LIGHT - R1 and -R3 and SIGN -R15 are complied with;
3. There is a maximum of 6 paying ~~6~~ guests at any one time;¹⁴⁷
4. Written Notification to the District Council is required 10 working days prior to the activity commencing;
5. No heavy vehicle movements are generated; and
6. Records of letting activity must be kept and provided to the Council annually¹⁴⁸ ~~on request~~; and
7. In the Buller and Westland Districts¹⁴⁹ the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

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.

¹⁴⁵ Buller District Council (S538.504)

¹⁴⁶ Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083

¹⁴⁷ Clause 16(2) of the RMA

¹⁴⁸ Grey District Council (S608.116)

¹⁴⁹ Westland District Council (S181.042)

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

Activity status where compliance not achieved: Restricted Discretionary

RLZ – R109 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4 and LIGHT - R1 and -R3 are complied with;
2. Hours of operation are limited to:
 - i. 7am-10pm weekdays; and
 - ii. 8am - 8pm weekends and public holidays; except
 - iii. For community halls lawfully established at the time of notification of the Plan:
3. Hours of operation on Friday and Saturday are 7am - 12~~pm~~^{am} 150midnight; ~~and~~
4. No restriction on hours is in place for up to 12 days per calendar year; and
5. There are no hours of operation for emergency service facilities¹⁵¹

Advice Note:

Where a 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 Noise Insulation Requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

Controlled Activities

RLZ – R121 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 RLZ - R5 are met.

Matters of control are:

¹⁵⁰ Buller District Council (S538.537)

¹⁵¹ Grey District Council (S608.117), and FENZ (S573.062)

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects.**¹⁵²

Activity status where compliance not achieved: Discretionary

~~RLZ – R13 Relocated Buildings not meeting Permitted Activity Standards~~

~~Activity Status Controlled~~

~~Where:~~

- ~~1. All performance standards for Rule RLZ – R1 are complied with.~~

~~**Matters of control are:**~~

- ~~a. Design and location of structures;~~
- ~~b. Landscape measures; and~~
- ~~c. Appearance of buildings.~~

~~Activity status where compliance not achieved: Discretionary~~¹⁵³

Restricted Discretionary Activities

RLZ – R14~~2~~ Residential Visitor Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a farming, conservation or residential activity; and
2. All performance standards for Rule RLZ - R1 are complied with.

Discretion is restricted to:

- a. Number of visitors staying on site;
- b. Number of days of use for the visitor accommodation;
- c. Management of traffic and parking;
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects.**¹⁵⁴
- e. Any impacts on the production values of the surrounding land;
- f. Any requirement for financial contributions;
- g. Effects on visual amenity and rural character; and
- h. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

~~RLZ – R13 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards~~

~~Activity Status Restricted Discretionary~~

¹⁵² Consequential Plan wide amendment to Manawa Energy Limited S438.100

¹⁵³ Buller District Council (S538.534, S538.540), Chris & Jan Coll (S558.142, S558.565, S558.1640, Chris J Coll Surveying Limited (S566.142,S566.565, S566.164, S566.575), William McLaughlin (S567.022, S567.604, S567.024, S567.613) and Laura Coll McLaughlin (S574.142, S574.565, S574.164, S574.575)

¹⁵⁴ Consequential Plan wide amendment to Manawa Energy Limited S438.100

Discretion is restricted to:

- a. Design and location of structures;**
- b. Height of structures; and**
- c. Shading and dominance effects on adjoining sites.**

Activity status where compliance not achieved: N/A¹⁵⁵

Discretionary Activities

RLZ – R165 Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standards

Activity Status Discretionary

Where:

1. The activity does not include:
 - i. Intensive indoor primary production;
 - ii. The storage and disposal of solid or liquid animal waste other than that generated on the site; or
 - iii. Stock sale yards.

Activity status where compliance not achieved: Non-complying

RLZ – R176 Commercial Activities

Activity Status Discretionary

Where:

1. ~~The maximum combined floor and yard area for any Commercial activity shall be 100m²; and~~ **The activity is not for large format retail with a floor and/or yard area of greater than 250m²; and**¹⁵⁶
2. All performance standards for Rule RLZ - R1 are complied with.

Activity status where compliance not achieved: Non-complying

RLZ – R187 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

RLZ – R198 ~~Minor Structures Fences, Walls, Retaining Walls~~¹⁵⁷ and ~~Relocated Buildings~~¹⁵⁸ not meeting Permitted or Controlled Activity Rules

Activity Status Discretionary

¹⁵⁵ Frank and Jo Dooley (S478.034, S478.0400) and Frank O Toole (S595.028, S595.022)

¹⁵⁶ Buller District Council (S538.544), Chris & Jan Coll (S558.580), Chris J Coll Surveying Limited (S566.580), William Mc Laughlin (S567.618), Laura Coll McLaughlin (S574.580), John Brazil (S360.084), Steve Croasdale (S516.147)

¹⁵⁷ Frank and Jo Dooley (S478.035), and Frank O Toole (S595.023)

¹⁵⁸ Chris & Jan Coll (S558.584, S558.153), Chris J Coll Surveying Limited (S566.584, S566.153), William McLaughlin (S567.621, S567.023) and Laura Coll McLaughlin (S574.153, S574.584)

Activity status where compliance not achieved: N/A
RLZ – R2019 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Discretionary
Activity status where compliance not achieved: N/A
RLZ – R210 Home Business not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Discretionary
Activity status where compliance not achieved: N/A
RLZ – R221 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules
Activity Status Discretionary
Activity status where compliance not achieved: N/A
RLZ – R252 Any activity not provided for in another rule in the zone
Activity Status Non-complying Discretionary ¹⁵⁹
Activity status where compliance not achieved: N/A
RLZ- R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules
Activity Status Non-complying
Activity status where compliance not achieved: N/A
RLZ – R24 Industrial Activities including Rural Industry
Activity Status Non-complying
Activity status where compliance not achieved: N/A

4.5. Sub-S1 in relation to the Rural Lifestyle Zone

Submissions and Further Submissions

740. Six submission points and six further submission points were received on the minimum allotment size and are summarised in a table on pages 179-180 of the s42A report. No submission points were in support of the standard, and all sought amendments. All submissions sought to reduce the minimum allotment size to either 4000m² or 5000m².

Section 42A Report

741. Ms Easton did not support these submissions from, Frank O’Toole (S595.010), Frank and Jo Dooley (S478.022), Lara Kelly (S421.013), Chris J Coll Surveying Ltd (S566.260), William McLaughlin (S567.327) and Laura Coll McLaughlin (S574.260), noting that the zone is new to the West Coast and intended to be an intermediate zone in terms of site size and rural production

¹⁵⁹ Chris & Jan Coll (S558.590), Chris J Coll Surveying Limited (S566.590), William McLaughlin (S567.627), Laura Coll McLaughlin (S574.590) John Brazil (S360.090), Steve Croasdale (S516.154)

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potential, sitting between the General Rural Zone and the Settlement Zone – Rural Residential Precinct. She confirmed that the latter has a minimum allotment size of 4000m². Ms Easton considered that the submissions do not provide any compelling arguments as to why the zone should mirror the Rural Residential Precinct allotment sizes.

742. No amendments were recommended as a result of these submissions.

Hearing and Submitter Evidence

743. Frank O’Toole continued to seek a 4000m² lot size in the Rural Lifestyle Zone. As a group home builder, Mr O’Toole advised that he receives 1-2 enquiries per month for small lifestyle blocks on the edge of town but has observed that there are very few small lifestyle blocks available. He considered larger lifestyle blocks to be inherently more demanding and the cost of maintaining them to be beyond the finances of most West Coasters. As a result, he considered larger sites to be less desirable than a 4000m² site. He considered that 4000m² sites would allow developers to offer lifestyle sections at an affordable price point, and that the proposed 1ha site size would not meet demand.

744. Anna Bensemman presented evidence on behalf of Mr O’Toole. She noted that, given the history of ad-hoc development on the West Coast, and based on Mr O’Toole’s experience, it is apparent that there is demand for sections with a sense of rural space, that are of a manageable size, alongside the demands of full-time employment. Ms Bensemman provided a comparison of minimum allotment sizes in other zones. She considered that there is merit in providing greater flexibility in the allotment sizes in the Rural Lifestyle Zone. Ms Bensemman considered that Ms Easton’s description of the Rural Lifestyle Zone, as one intended to provide lot sizes where some primary production uses could occur, is inconsistent with the zone description in the Plan, which states the zone includes areas that have been farmed in the past but have moved out of economic primary production, although they may still have rural activities occurring. Ms Bensemman considered that, as there is a clear distinction between the intended purpose of the Rural Lifestyle Zone and the Settlement Zone, the Rural Lifestyle Zone could be reduced in area without compromising the Settlement Zone Rural Residential Precinct. She considered that allowing subdivision to 4000m² as requested by Mr O’Toole would allow for continued development to the sizes anticipated in the existing rural zones, but limited to specific areas, avoiding ad-hoc development but providing greater freedom of choice.

Reporting Officer Right of Reply

745. In response to a Panel query on how bonus lot provisions for protection of SNAs would work in the Rural Lifestyle Zone, Ms Easton confirmed they would apply, but that, depending on the size of the property, fewer bonus lots could be created. She noted that a 1ha Rural Lifestyle property could only accommodate one additional 4000m² bonus lot under Rule SUB-R9 (restricted discretionary activity), and further bonus allotments would be assessed as a discretionary activity under Rule SUB-R15.

Hearing Panel Evaluation

746. The Panel agrees with Ms Easton and does not support lowering the subdivision standard down to 4,000m² in the Rural Lifestyle Zone. We agree that this is an intermediate zone in terms of size, and rural production potential between the General Rural Zone, and the Settlement Zone – Rural Residential Precinct which has a minimum lot size of 4000m². In our view a zone at the 4000m² level already exists and we no reason for amending the RLZ down to this level.

Hearing Panel Recommendation

747. The Panel recommends no amendment to the Plan as a result of these submissions.

4.6. Rural Zones (Zoning and Rezoning)

Submissions and Further Submissions

748. Submissions points relating to the zoning of land in the Rural Zones are summarised in a table on pages 180-195 of the s42A report. Twenty-six submissions were received in support of the zoning. A large number of submissions were received seeking the rezoning of properties.

749. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions

Section 42A Report

Buller District

750. Ms Easton acknowledged submissions in support of the zoning of their properties within the Buller District.

751. Many submissions sought rezoning in the Cape Foulwind area, including sites associated with the former Holcim Cement site. Ms Easton sets out the background to the sites in paragraphs 414-416 of the s42A report, and the Panel adopts this description.

752. In response to the submission point made by Steve Croasdale (S516.109) seeking that Lot 1 DP 450105 and Lot 2 DP 450105 (115 Okari Road, Cape Foulwind) be rezoned Rural Lifestyle, Ms Easton did not support this submission (s42A para 417-418). She noted that this property is located within a wider area of the General Rural Zone and is not in an area where the BDC would support Rural Lifestyle Zoning.

753. Several submitters, Chris J Coll Surveying Ltd (S566.260), William Mc Laughlin (S567.327), Laura Coll McLaughlin (S574.260), Bradshaw Farms (S511.078), Avery Brothers (S609.070), Brett Avery (S513.078), Paul Avery (S512.078), Avery Bros (S510.078), Chris & Jan Coll (S558.499), Leonie Avery (S507.078), Jared Avery (S508.078), Kyle Avery (S509.078), and John Brazil (S360.047) sought that the land between Bulls Road and Bradshaw Road south of State Highway 67A be rezoned to Settlement Zone: Rural Residential precinct. Ms Easton did not support this submission, noting that the property is not connected to any other Rural Lifestyle Zoned land and is within a wider area of General Rural Zone. (s42A para 419-420).

754. In response to a submission from James Hamilton (S4.001) seeking that his property on Alma Road/Cape Foulwind Tce be rezoned to a Future Urban Zone or Settlement Zone, Ms Easton did not support the submission. She noted that the property is classed as Land Use Capability 3, so rezoning results in potential loss of productive values, and that the BDC considers Alma Tce has sufficient Residential and Settlement zoned land to meet future growth requirements. (s42A para 421).

755. In response to submissions from Bevan Te Tai (S75.001) and Cape Foulwind Staple 1 Ltd seeking to rezone Larson Street at Cape Foulwind to Residential and Lot 1 DP 574635 to settlement, Ms Easton did not support these submissions (s42A para 422-424). She noted that these properties are not serviced by water or wastewater infrastructure and that rezoning could create reverse sensitivity issues for the Light Industrial former Holcim Cement site which

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is across the road. While houses are already developed on Larsen Street, which have existing use rights, Ms Easton did not support zoning that provides for further residential dwellings and considered that General Rural zoning is a more appropriate zoning for the area.

756. In response to a submission from Mark Wiechern (S254.001), seeking to rezone his property Lot 5 DP 460905 Blk II Steeples SD to Settlement Zone: Rural Residential Precinct, Ms Easton did not support this submission (s42A para 425). She noted that the property is twice the size of the currently zoned Settlement Zone: Rural Residential Precinct area at Tauranga Bay, is bush-covered and has not had an ecological assessment. BDC has advised that past development has been subject to significant restrictions due to the ecological sensitivity of the area.
757. In response to a submission from Garry Howard (S358.004) seeking that the property at Cape Foulwind- Tauranga Bay is rezoned to Rural Lifestyle Zone, Ms Easton did not support the submission, noting that the property includes the former Holcim quarry with unconsolidated fill, stability issues and potential contamination, requiring significant remediation, which is not addressed in the submission. (s42A para 426)
758. Ms Easton did not support a submission from Cape Foulwind Staple 1 Ltd (S557.004) seeking that the Quarry Lake area in their development be rezoned to Rural Lifestyle Zone, noting that BDC advised the area was unsuitable for Rural Lifestyle development due to historic quarrying activities, unconsolidated fill and potential contamination (s42A para 427-428).
759. In response to a submission from Cape Foulwind Staple 1 Ltd (S557.003) seeking that the land known as Guardian Lakes Flats (adjacent to Tauranga Bay Road) be rezoned to Settlement Zone – Rural Residential Precinct, Ms Easton did not support this submission (s42A para 429). She noted this area includes former Holcim quarry workings, and there are concerns around unconsolidated fill and contamination. Ms Easton considered that there has been sufficient upzoning to Rural Residential Precinct in the area to meet the community’s needs.
760. Ms Easton supported a submission from Cape Foulwind Staple 1 Ltd (S557.005) and Cape Foulwind Staple 2 Ltd (S568.009), seeking that the strips of former road land along Cape Foulwind Road at Omau be zoned in accordance with the adjacent zoning for consistency (s42A para 430).
761. Ms Easton did not support a submission from CFS2 (S568.005) seeking that an area identified as Area 2 is rezoned to Settlement Zone- Coastal Settlement Precinct (s42A para 431-432). The area is currently zoned Rural Residential Precinct, and BDC consider this lower density precinct to be more appropriate. Ms Easton noted that no expansion of infrastructure services is planned, and there is significant concern that lower lot sizes would lead to expectations of such services being provided. Ms Easton noted that the BDC prefers smaller lot development to be limited to the Alma Road terrace, where funding for infrastructure is focused.
762. Ms Easton supported a submission from Cape Foulwind Staple 2 Ltd seeking that a small triangle of land identified as Area 3 be rezoned to Light Industrial, as a correction to the zoning area (s42A para 433).
763. Ms Easton did not support a submission from Cape Foulwind Staple 2 Ltd (S568.006) seeking to rezone an area identified as Area 5 to be rezoned Settlement Zone: Coastal Settlement Precinct (s42A para 434-436). The area is currently zoned Rural Residential Precinct, and BDC consider this lower density precinct to be more appropriate. Ms Easton noted that no expansion of infrastructure services is planned, and there is significant concern that lower lot

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sizes would lead to expectations of such services being provided. Ms Easton noted that the BDC prefer smaller lot development to be limited to the Alma Road terrace, where funding for infrastructure is focused.

764. Ms Easton did not support a submission from Tauranga Bay Holdings Ltd (S597.001) seeking to rezone 100ha of land at Lot 1 DP 19769, Section 2 SO 14304 and Section S014304 from General Rural Zone to Rural Lifestyle Zone and Rural Residential Precinct. Ms Easton considered the already substantial rezoning at the Cape Foulwind Area, including part of this site, to be sufficient to provide for the likely demand for rural lifestyle development in the area, and that further rezoning was not appropriate (s42A para 437-438).

Wider Westport Area

765. Ms Easton did not support a submission from John Brazil (S360.047) seeking rezoning of Lot 1 DP 336364 (261 Utopia Road, Westport), to Rural Lifestyle Zone, noting that the property is subject to the Coastal Hazard Alert and the updated coastal hazard mapping shows that the hazard is worse than shown in the proposed plan (s42A para 439).
766. Several submitters, Chris & Jan Coll (S558.554, S558493), Chris J Coll Surveying Ltd (S566.554, S566.493), Laura Coll Mc Laughlin (S574.554, S574.493), and William Mc Laughlin (S567.594), sought that 8677 State Highway 6 be rezoned for Rural Lifestyle Zone. Ms Easton did not support these submissions, noting that the property is within a wider area of General Rural Zone and not connected to any other Rural Lifestyle Zoned land (s42A para 440).
767. Ms Easton did not support a submission from Shannon Carlson (S19.001) seeking to rezone an area on the east side of Buller Road, from the Buller Bridge to the crossroads, as Settlement Zone. Ms Easton noted that while much of the land in this area was upzoned to Settlement Zone: Rural Residential Precinct, land was specifically excluded where there is flood risk and that denser development within SASM 17 is also not considered appropriate. Ms Easton noted that BDC are concerned that smaller lot sizes would come with expectations for servicing that are not proposed to be extended to this area (s42A para 441).
768. In response to a submission from Michael and Alyson Duff (S23.001) seeking that 28 Tuis Way be rezoned from General Rural to Settlement Zone Rural Residential Precinct, Ms Easton did not support this submission. She noted the site is subject to flood hazard overlays, and BDC are concerned there is insufficient information to confirm the land is suitable for this density of development (s42A para 442).
769. The s42A report states that Ms Easton did not support a submission from John A Menlove (S289.001) seeking to rezone his property at Sergeants Hill for residential sections, noting that the property is bush-covered and has not been assessed for ecological significance. The s42A report states that the property is in an area identified for rural lifestyle zoning but was excluded for this reason (s42A para 443-444). The Panel note that Ms Easton may have misinterpreted this submission, as the original submission from Mr Menlove does not request rezoning, and states that he wishes to put house sites/sections on his property and has constructed a road and cleared land in anticipation of this. The submission does not confirm how many house sites were planned.
770. Ms Easton did not support a submission from Frank and Jo Dooley and Frank O'Toole (S478.024) seeking that the portion of Nine Mile Road from Stafford Street to the Nine Mile, Victoria and Harneys Roads intersection, extending from the railway corridor to the banks of the Buller River, be rezoned from General Rural Zone to Rural Lifestyle Zone. Ms Easton noted

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that the site is within Land Use Capability 3 area, which supports the NPSHPL and is subject to the Westport hazard Overlay and is not in an area identified as appropriate for Rural Lifestyle development.

771. Ms Easton did not support a submission from Frank and Jo Dooley and Frank O'Toole (S478.0270) requesting that 211 Utopia Road be rezoned to the Rural Lifestyle zone, noting that a Coastal Alert Hazard Overlay almost entirely covers it.
772. Ms Easton did not support a submission from O'Connor Crossroads Limited (S496.002) seeking that Section 26 Blk VII Kawatiri Survey District, Section 30 Blk VII Kawatiri Survey District, and Pt Section 27 Blk VII Kawatiri Survey District be rezoned to Settlement Zone: Rural Residential Precinct, and that Sec 1 SO 9139 Secs 1-2 SO 14816 Secs 3-4 23 Pt Sec 25 Blk VII Kawatiri SD be rezoned to Future Urban Zone. The BDC considered that sufficient land has been zoned for residential lifestyle on the riverside of the State Highway, the submission area is adjacent to the rifle range, and the BDC are concerned about reverse sensitivity effects. BDC consider there is sufficient land rezoned for residential activities on the east side of the highway to meet future growth. The s42A notes that the Council's masterplan process for the wider Westport area provides further opportunity for the submitter to have input into future rezoning in the area (s.42A para 447-448).

Buller Bay Settlements

773. Ms Easton supported a submission from Kathleen Mansell (S39.001) seeking that 3 Bayfield Street, Seddon, be rezoned to General Rural Zone, noting that she considers the split zoning in the proposed plan to be an error (s42A para 449)
774. Ms Easton did not support a submission from Julie Palmer (S334.001) seeking that her property at New Castle Street Waimangaroa be rezoned to rural residential, as she was unable to confirm the location of the property. (s42A para 450).

Karamea

775. Ms Easton did not support a submission from Ruth and Richard Henschel (S150.002, S285.002) seeking that 4456 Karamea Highway be rezoned to Rural Lifestyle Zone because it is within Flood Susceptibility and High Coastal Natural Character overlays, and not in the vicinity of other Rural Lifestyle zones. (s42A para 451)
776. Ms Easton did not support a submission from Nikau Farms Limited (S499.001) seeking that 51 ha of land along the Karamea Highway at Little Wanganui Karamea (legally described as Lots 1-3 DP 409294 Lot 2 DP 407416 Lot 2 DP 547019 Sec 32 Pt Secs 7-8 Blk III Pt Secs 14-16 Blk II Kongahu Sd) be rezoned as Settlement Zone. Ms Easton noted there has been substantial zoning at Little Wanganui to allow for expansion of the settlement, with the Rural Residential area intended to provide a lower density transition between the settlement and wider rural area. Ms Easton considered that any future subdivision would be more appropriate at rural residential rather than higher densities. (s42A para 452)
777. Ms Easton supported a submission from BP and CA Jones (S526.001) seeking that the Highly Productive Land Precinct be removed from 4300 Karamea Highway because it is a wetland and subject to coastal inundation with limited production value (s42A para 453-454).
778. Ms Easton did not support a submission from Rosalie Sampson (S529.003) seeking that the Highly Productive Land Precinct be removed from land at Karamea, noting that this land is one

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of the few areas in the West Coast favourable for horticulture, and that studies of the soil types and land suitability informed the identification of the Precinct (s42A para 455-456).

779. Ms Easton did not support a submission from Rosalie Sampson (S529.002) seeking that the township of Karamea be rezoned to Settlement Zone, noting that downzoning of undeveloped land is due to the area being within the Flood Susceptibility Hazard Overlay, and the township itself is under the Coastal Alert Hazard Overlay. The West Coast Regional Council had advised that the flood scheme is not designed or constructed to a high level of service and cannot be relied upon to protect the town from flood hazards (s42A para 457).
780. Ms Easton did not support a submission from Jackie and Bart Mathers and Gillman (228.008) seeking that their and their northern neighbours' land at Granity is rezoned to Rural Lifestyle Zone. Ms Easton notes there is no Rural Lifestyle Zone at Granity due to the high erosion and coastal inundation risk and land instability concerns. The submitter's property is also within the High Natural Character Overlay (s42A para 458).
781. Ms Easton did not support a submission from Andrew Beaumont (S225.001) opposing Rural Residential zoning in the Fox River Punakaiki area, noting that no information was provided about the specific location of the zoning referred to or the reasons for opposing it (s42A para 459).

Grey District

782. The report acknowledges submissions from David Moore (S65.020) and T Croft (S460.002) in support of Rural Lifestyle Zoning on their properties.
783. Ms Easton did not support a submission from Ngāi Tahu (S620.017) seeking that the highly productive land precinct be removed from Lot 1 DP 464514 and Lot 1 DP 2850, on the basis that the purpose of the precinct did not align with the land use for production forestry. Ms Easton noted that the precinct restricts subdivision and residential development and is not inconsistent with the existing land use (s42A para 460-462).
784. Ms Easton did not support a submission from Riarnne Klempel (S67.009) seeking that Lot 8 DP 361177, 0 State Highway 6, Barrytown, be rezoned from Rural Lifestyle zone due to concerns about erosion and inundation hazards. Ms Easton discussed this with the GDC, who considered the natural hazard provisions sufficient to control the associated issues and noted that a significant part of the site is not subject to hazard overlays (s42A para 463-464).
785. Ms Easton did not support a submission from David Pugh (S40.001) seeking that the Highly Productive Land Precinct is removed from 1297 Haupiri Road, Haupiri 7872, (Lot 1 DP 377882), as the intention of the precinct is to retain farm size to support primary production (s42A para 465-466).
786. Ms Easton supported a submission from Barbara King (S71.001) seeking to rezone 42 Hatters Terrace, Nelson Creek, to a single zone, rather than the current split zoning, Settlement Zone and Rural Lifestyle Zone. Ms Easton recommended the whole site be rezoned to a Rural Lifestyle Zone (s42A para 467-468).
787. Ms Easton did not support a submission from Kirsty Dittmer (S148.001) seeking that 26 Pandora Avenue be included in the settlement zone, as the property is partly covered by High Natural Character and Coastal Hazard Alert overlays. Ms Easton acknowledged that part of the site may be appropriate for development but does not support split zoning as a general

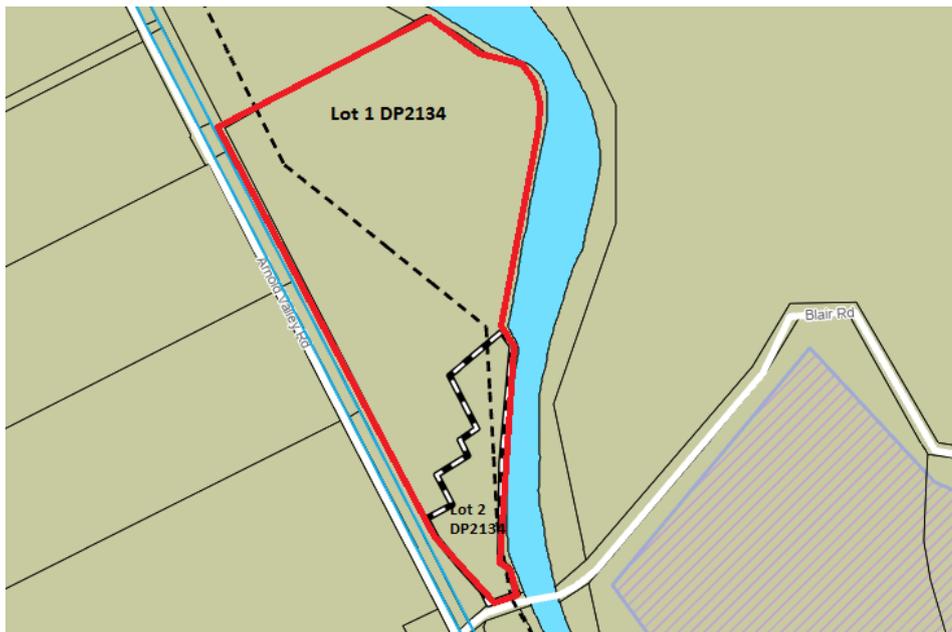
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- principle, so she considered General Rural to be the most appropriate zone for the site (s42A para 469-470).
788. Ms Easton did not support a submission from Graham Wood (160.001) opposing the rezoning of properties on Barrytown flats from rural Lifestyle Zone, noting that the submitter may not be aware that these properties have been upzoned as there was no RLZ in the operative Plan (s42A para 471).
789. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.020) seeking that 3316 Coast Road, Barrytown, and two adjacent properties be rezoned to Rural Lifestyle Zone, on the basis that it corrected a zoning error (s42A para 472-473).
790. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.022) seeking that two sites at Rutherglen be rezoned to Rural Lifestyle Zone, on the basis that it corrected a zoning error (s42A para 474-475).
791. Ms Easton supported a submission from Te Tai o Poutini Plan Committee (S171.023) seeking that three sites at Te Kinga be rezoned to Rural Lifestyle Zone, noting that these small sites are adjacent to an area of Rural Lifestyle Zone and the zone is appropriate for these properties (s42A para 474-475).
792. Several submitters, John Boyles (S175.001), David McInroe (S176.001), Benjamin and Shari Ferguson (S173.001), and Kaye Leighton (S174.001) sought that 31ha of land at Waipuna, Grey District, be rezoned from general Rural to Rural Lifestyle, and others (Ken and Robyn Ferguson) sought that the Highly Productive Land Precinct be removed. Ms Easton supported this submission as it was supported by GDC, who considered that the zoning would recognise the small settlement that has been established in this location (s42A para 478-479).
793. Ms Easton did not support a submission from Christina Bushby (S178.001) seeking that Zone DP2764 Lots 3 & 4 adjacent to 406 State Highway 7, Kaiata, is rezoned as General Rural Zone, noting that the rezoning creates no obligation on landowners to develop their land, but provides for growth at Kaiata (s42A para 480-481).
794. Ms Easton did not support a submission from Mitchells 2021 Ltd (S448.002) to rezone Lot 4 DP 440795 from General Rural to General Rural and Rural Lifestyle, noting that the land is bush and understood to be covenanted in favour of DOC as part of the Forests Accord. GDC have raised concerns about the capacity of road infrastructure (a gravel road on the edge of the lake) to accommodate further development (s42A para 482-483).
795. Ms Easton did not support a submission from Mitchells 2021 Ltd (S448.001) to rezone PT RS 2032 from Rural Lifestyle to Settlement Zone, noting that there has already been significant upzoning at Mitchells to provide for additional development and that the block is bush covered and partly within an Outstanding Natural Landscape (s42A para 484-485).
796. Ms Easton did not support a submission from Davis Ogilvie & Partners Ltd (S465.001) seeking that Lot1 DP2617, Lot1 DP2512, Lots 1 and 2 DP2489, Lot 1 DP2781, and Part RS2082 at Mitchells be rezoned as Rural Lifestyle Zone, noting that the site is bush-covered and partly within an outstanding Natural Landscape. Ms Easton noted that the site is not in an area identified for Rural Lifestyle development and that the character is best described as General Rural zone (s42A para 486-487).
797. Ms Easton supported a submission from Riarnne Klempel (S296.001) seeking land to be rezoned to expand the Barrytown township settlement area, noting that there has been

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- substantial upzoning in Barrytown to allow the township to expand and that further rezoning is unnecessary (s.42a para 488).
798. Ms Easton did not support a submission from Shirley Godfrey (S406.001) seeking that two parcels of land, described as 'PT RS 1999 BLK VII WAIMEA SD. Area 11.9559 ha, and Sec 11 SO557707. Area 1.2126 ha,' be rezoned to rural residential as she could not determine the location of the properties (s42A para 489).
799. Ms Easton supported a submission from Suzanne Hills (S433.047) seeking that 3345 Coast Road be rezoned to Rural Lifestyle, as the adjacent properties have been rezoned, and Ms Easton could not identify any reason why this property had been excluded (s42A para 490-491).
800. Ms Easton did not support a submission (S96.0250) from Craig Schwitzer and Riarne Klempel to rezone 64 Cargill Road from General Rural zone to Rural Residential Zone, noting there has been substantial upzoning in Barrytown to provide for expansion and allow for rural lifestyle development. Ms Easton considered that rezoning this large site would substantially expand rural residential use at the detriment of primary production values (s42A para 492-493).
801. Ms Easton did not support a submission from Te Kinga Estates (S517.003) to rezone Lot 2 DP 568525, Arnold Valley Road, Moana, from Rural Lifestyle Zone to Rural Residential Precinct Settlement Zone. Ms Easton noted that the zoning at Moana follows a concentric cascade around the core community, with areas of residential zone surrounded by Settlement Zone – Rural Residential Precinct. In the outer area, the Rural Lifestyle Zone, the property is in the outer area (s42A para 494-495).
802. Ms Easton did not support a submission from Peter Jeffries (S544.001) seeking that the Highly Productive Land Precinct be removed from 843 Atarau Road, noting the property is within a significant farming area and the precinct is appropriate (s42A para 496-497).
803. Ms Easton did not support a submission from Martin and Lisa Kennedy (S545.001) seeking to remove the Highly Productive Land Precinct from Lot 3 DP 2743) in the Grey Valley, at Atarau, noting that while she couldn't determine the exact location of the property, it is in a significant farming area (s42A para 498-499).
804. Ms Easton did not support a submission from Nick Pupich & Sandy Jefferies (S546.001) seeking to remove the Highly Productive Land Precinct from 729 Atarau Road, noting that it is in a significant farming area (s42A para 500-501).
805. Ms Easton supported a submission from CMP Kokiri (S611.001) seeking Lots 1 and 2 DP2134, (containing a meat processing plant), be rezoned to General Industrial or similar relief, noting that General Industrial would be an appropriate zoning. Ms Easton considered Light Industrial to be the most appropriate zoning. She said the plant is located at the southern end of the property, with other parts being bush and farmland, including a Significant Natural Area, but she does not support split zoning in general and considers the ecosystem and biodiversity provisions are intended to manage impacts on the SNA (s42A para 502-503).
806. The map identifying this area in the s42A report does not clearly show the boundaries of Lot 1. For clarity, the lots are identified in the map below, outlined in red.

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807. Ms Easton did not support a submission from Bede Udy (S154.001) seeking to rezone 2 Cashmere Bay Road, Moana, from Rural Lifestyle to Rural Residential, noting this would be out of character with the surrounding zoning and land uses (s42A para 504-505).
808. Ms Easton supported a submission (S620.116) from Ngai Tahu seeking that Section 2 SO12078 be rezoned to General Rural, noting that this was an error correction as the Plan maps incorrectly show it as a water body (s42AQ para 506).
809. Ms Easton did not support a submission from Murray Stewart (S217.002) seeking that the Highly Productive Land Precinct be removed from rocky and landslide areas of 746 Taramakau Settlement Road, noting that the focus of the precinct is retaining economic farming units and avoiding further fragmentation of rural land (s42A para 507-508).

Westland District

810. Several submitters, Denis and Wendy Cadigan (S532.001 S532.002), Birchfield Ross Mining Limited (S604.118), and Phoenix Minerals Limited (S606.096) sought to rezone 148 Kumara Junction Highway to Settlement Zone - Rural Residential Precinct. Ms Easton did not support these submissions due to concerns about reverse sensitivity on the SFF site, noting that SFF has concerns about residential uses on their southern boundary and rezoning on the northern boundary would magnify these issues (s42A para 509-510).
811. Ms Easton supported a submission from Westland Farm Services (S550.015) seeking that the General Rural part of Rural Section 1264 and Section 8-10 Survey Office Plan 12249 be rezoned to Settlement Rural Residential Precinct, as she considered this a zoning error (s42A para 511).
812. Ms Easton did not support a submission from Freehold Properties (Investments) LLP (FP) (S 73.001) seeking that 2902 Franz Josef Highway be rezoned as Settlement Zone, as there is no Settlement Zone on the west side of the State Highway and this site is in a wider rural area. Westland District Council confirmed this would not accord with the wider plan for the Franz Joseph area (s42A para 512)
813. Ms Easton supported a submission from Forest Habitats Ltd and Jacbrat Holdings Limited (S220.001) seeking that the zoning of 135 Ruatapu-Ross Road is changed from General Rural

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to Rural Lifestyle, as Westland District Council consider this would be an appropriate transition from the Settlement Zone and allow some expansion of the Ruatupu community (s42A para 513-514).

814. Ms Easton did not support a submission from Forest Habitats Limited (S186.001) seeking that 117 Arthurstown Road be rezoned to Settlement Zone - Rural Residential Precinct. Ms Easton noted that this property is within a wider area of the General Rural Zone; the rezoning would result in fragmentation of that zone and could create reverse sensitivity effects with primary production. In addition, the surrounding roads are subject to flood risk and the increased residential population in this area is considered undesirable (s42A para 515).
815. Ms Easton did not support a submission from Erin Stagg (S314.006) seeking a larger area of Settlement Zone around Haast township, noting that the pTTPP already provided substantial Settlement Zoning to allow for growth, and further rezoning would take residential development closer to the airport with associated reverse sensitivity risks. She also noted that updated coastal hazard mapping identifies a larger area that will be affected by inundation hazard than the Proposed Plan hazard mapping indicates, making the larger block inappropriate for upzoning (s42A para 516).
816. Ms Easton did not support a submission from Totally Tourism (S449.008) to rezone Lot 33 DP 409401, to Settlement zone - Settlement Centre Precinct, as there is no planned servicing infrastructure in this area, and the existing Franz Alpine Resort water supply is non-compliant with new residents required to provide on-site wastewater and water supply tanks. Ms Easton also notes that the Alpine Fault traverses this site (s42A para 517).
817. Ms Easton did not support a submission from Gavin Molloy (S485.001) seeking that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions are carried over into TTPP. Ms Easton noted that downzoning of this area has occurred in response to issues that have arisen over time, including concerning water infrastructure and the availability of better information about natural hazard risks (s42A para 519-520).
818. Ms Easton did not support a submission (from Hapuka Landing Ltd S514.001) seeking to rezone Lots 1-18 DP 498766, Lot 19 DP 498766 and Lot 100 DP 498766 from General Rural Zone to Settlement Zone Coastal Settlement Precinct or an alternative that recognises the existing environment. Ms Easton acknowledged that the area has been subdivided with one house developed on the site but did not support the rezoning as she was not clear on what the most appropriate zoning would be and had concerns about the development being within the Coastal Hazard Severe Overlay. Ms Easton noted that residential buildings are non-complying under this overlay, and this is why a General Rural zone was applied to the site, although permitted activity standards in this zone do not apply to these properties. She considered that a Settlement Zone – Coastal Settlement Precinct Zone would send a message that further development was appropriate (s42A para 521)
819. Ms Easton supported a submission from Hindman Smartsaw Ltd (S37.001) seeking to rezone Lot 1 and Lot 2 DP 462928 (a sawmill) for industrial use, noting this zoning would appropriately reflect the use of this site. (s42A para 522).
820. Ms Easton did not support a submission from Vance & Carol Boyd (S447.005) seeking a review of the Rural Lifestyle Zone because some sites within this zone are below the minimum permitted lot size. Ms Easton notes that the zone is new and has been applied across a range of property sizes based on what is considered an appropriate zone, with consideration given

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to whether further subdivision is appropriate. Ms Easton notes that the submitter's property is in Hannah's Clearing, where the main settlement has a Settlement zone, but the periphery is zoned Rural Lifestyle Zone, with these lots being larger than those in the main settlement and subject to the Coastal Hazard Severe Overlay (s42A 523-524)

General Mapping Issues

821. Ms Easton supported a submission from Westpower limited (S547.501) seeking that a hashed line shown in the planning maps on 10 West Drive be deleted, considering this a mapping error (s42A 525-526).
822. Ms Easton did not support a submission from Lynley Hargreaves (S481.024) seeking that there be no rezoning of areas where there has not been public consultation on the approach. Ms Easton noted that consultation had been carried out through the development of the pTTPP and that, as the operative Plans are very old, very substantial rezoning was necessary due to NPS requirements and the plan being a combined plan (s42A para 527).
823. Ms Easton supported in part a submission from Cape Foulwind Staple 2 Ltd (S568.002) seeking that all planning maps accurately reflect legal appellations at the time of printing, noting that the PTTPP maps were produced with the most up-to-date cadastral information available at the time. However, as updating of the pTTPP base maps is not automatic and will be undertaken periodically, at times, not all legal titles will show on the maps.
824. Ms Easton did not support a submission from Jackie and Bart Mathers and Gillman (S228.009) seeking the rail corridor to be rezoned from General Rural to Rural Lifestyle on the basis that it could provide for coastal retreat once no longer required for rail purposes. Ms Easton noted that this would require a split zoning as the corridor outside of the main towns is zoned General Rural, and that NZRC owns this land and is unlikely to be available for managed retreat.

S42A Addendum

825. The addendum report addressed an additional submission that was omitted from the s42A report.
826. Ms Easton supported a submission from Griffen and Smith (S353.004) seeking that an area of land in Greymouth zoned General Rural be rezoned to reflect the zoning of adjacent land (s42A addendum, para 6-8) including:
- That the railway line adjacent to the Commercial Zone is rezoned as Commercial Zone, not zoned General Rural Zone
 - The legal road between Mitre 10 and the Greymouth Hospital (which includes the hospital entrance) should be shown as a road, not zoned General Rural Zone
 - All the Council-owned land south of Raleigh Street that forms part of the Airport should be zoned Special Purpose (Airport Zone)
 - The flood wall and the triangular parcels of land around Waterwalk Road should be zoned Open Space Zone.

Hearing and Submitter Evidence

CMP Kokiri

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827. In legal submissions, Sarah Schulte considered meat processing activities to sit more comfortably within the General Industrial zone than the Light Industrial Zone recommended by Ms Easton. Ms Schulte confirmed that if the panel prefer a zoning approach, CMP's preferred relief is GIZ zoning, noting that this is consistent with the recommended rezoning of the Harihari sawmill.
828. Amy Callaghan presented planning evidence on behalf of CMP Kokiri (ANZCO Foods). Ms Callaghan raised concerns that the proposed rezoning of the ANZCO site to General Industrial Zone, sought in the original submission, would provide for a significant scale of development and could create significant adverse effects. She suggested an alternative approach of retaining the GRUZ and applying an activity-specific precinct would provide for ongoing operation of the meat processing plant and provide for limited expansion as a permitted activity while managing effects on the surrounding rural environment. Ms Callaghan considered that this approach would provide greater long-term protection of rural amenity. However, if the Panel were to disagree with the precinct approach, Ms Callaghan considered the GIZ to best align with the operation of the meat processing facility.
829. Katharine Jones presented traffic evidence and concluded that although minor safety improvements could be made, the ANZCO site is not contributing to safety issues on the existing road network. She noted that future development beyond permitted activity limits could trigger a need for assessment as a high-trip-generating activity through a resource consent process.
830. Following the hearing, a memorandum of Counsel, Sarah Eveleigh/Sarah Schulte dated 14 August 2024, was submitted in response to a request from the Panel that CMP identify the parts of the site that would need to be rezoned if only part of the site were rezoned to GIZ. CMP considered a split zoning unnecessary, noting that the site contains the plant, a wastewater treatment system, 7.1 ha of vacant land and a 5.3ha SNA. CMP considers the remaining vacant area to be a strategic asset with potential to be developed to support the plant (for example, if additional wastewater treatment were needed). While the SNA could be excluded from the rezoning, CMP agreed with Ms Easton's assessment that the Plan provisions for SNAs would appropriately manage this area. CMP continued to seek that the entire site be rezoned to GIZ or subject to a Rural Industry precinct.
831. An additional memorandum of Counsel, dated 12 December 2024, was submitted in response to the officer's right of reply, to clarify the officer's recommendation, being:

If the Panel favour a split zoning, the Significant Natural Area should be zoned General Rural Zone and the remainder of the CMP Site should be zoned LIZ. The Memorandum also confirms that the recommendation is for the LIZ to apply to both Lots.

Cape Foulwind Staple 1 and 2

832. Jane Bayley submitted planning evidence on behalf of Cape Foulwind Staple 1 Ltd and Cape Foulwind Staple 2 Ltd.¹⁶⁰
833. In relation to Pt Sec Blk 1 Steeples SD, also known as Guardian Lakes Flats, Ms Bayley considered the key difference in land use rules between the proposed Rural Lifestyle zoning and the Settlement Zone- Rural Residential Precinct 4 sought by Cape Foulwind Staple 1 Ltd relates to the density of residential units and site coverage. She noted that, while the change in zoning could result in up to 10 additional residential units, the site limitations, including

¹⁶⁰ Planning Evidence of Jane Bayley 22 March 2024

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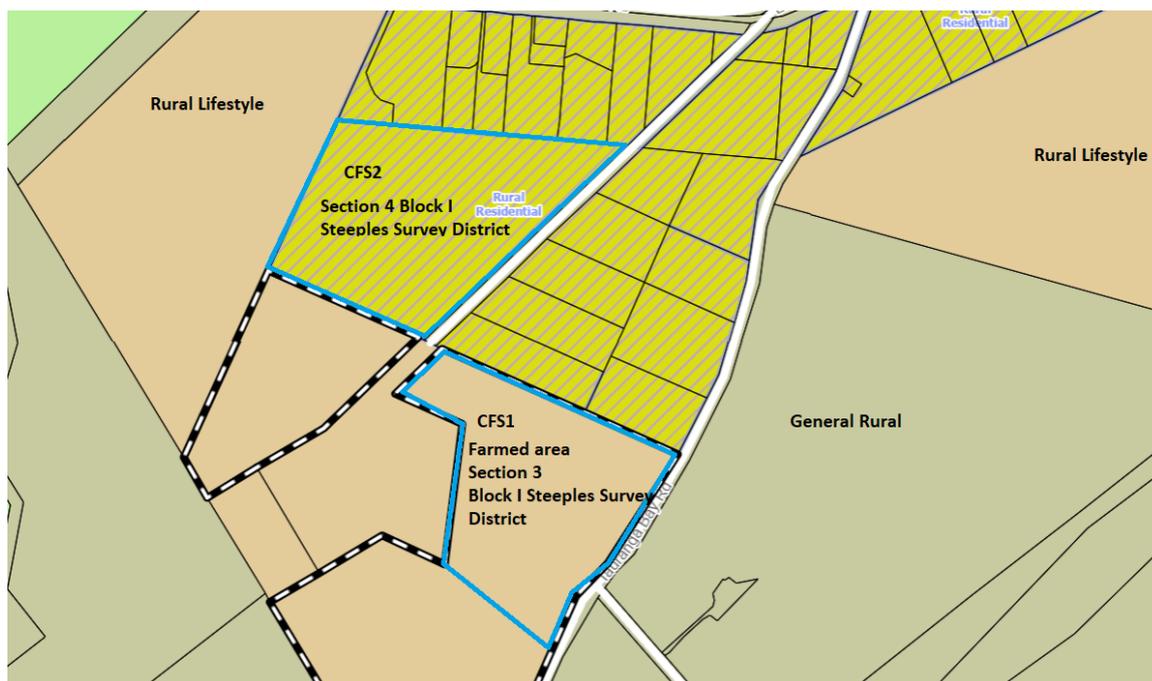
native vegetation to be retained or low-lying areas to be avoided, would reduce development potential, resulting in a similar density to that expected under the RLZ. A conceptual subdivision layout provided shows 18 smaller allotments and nine larger allotments. As a result, Ms Bayley considered any effects on density to be minor.

834. Concerning site coverage, Ms Bayley noted that the zone change could enable an increase of up to 1.98ha of coverage, but that, due to the site constraints stated above, coverage based on the conceptual layout would be 55,800 m², slightly less than that expected in the RLZ.
835. In response to BDC's objection in part against the zoning of Limestone Road, which noted there was insufficient information available about natural hazards, a geotechnical assessment from Terra Forma Geotechnical Ltd was attached as Appendix 1 to Ms Bayley's evidence. This report concluded that specific foundation designs would be required, but 'there are no geotechnical constraints within the regions designated as potential building areas that would prohibit rezoning for residential use...'. Ms Bayley considered that the reasons for BDC's opposition had been addressed in part and that the site is therefore suitable for rezoning.
836. Ms Bayley addressed BDC's objection in part to the Cape Foulwind Staple 1 Ltd submission requesting Quarry Lake Area be rezoned to Rural Lifestyle, based on insufficient information available about natural hazards. Ms Bayley noted that Cape Foulwind Staple 2 Ltd do not have development plans for the Quarry Area at present and has not sought a geotechnical assessment, but that any subdivision application will require assessment of natural hazards.
837. Ms Bayley also considered that the General Rural Zoning does not take account of the modified environment, including the removal of topsoil from the basin during limestone mining, which has reduced the productive potential of the area. She considered that the notified zoning would limit the development potential of this parcel. Ms Bayley noted that the 84ha Quarry Area includes a 20ha lake, which could be developed for commercial recreation. Ms Bayley and Cape Foulwind Staple 1 Ltd discussed this with BDC early in the pTTPP process, and Cape Foulwind Staple 2 Ltd sought to set this land aside for Future Urban Development, including commercial focus around the lake, residential within the basin and Rural Lifestyle-sized sections along the top flanks of the site; however, BDC indicated a preference for more certainty.
838. Ms Bayley considered that the amphitheatre nature of the Quarry Area means there are no viewshafts from public areas and therefore visual effects would be internal only. She noted that the site will naturally limit the extent of development and sought that allotment sizes be that of the Rural Lifestyle.
839. Ms Bayley sought that three strips of land (Secs 5 and 6 SO14770 and Lot 17 DP574635), owned by Cape Foulwind Staple 2 Ltd and adjacent to Cape Foulwind Road, be rezoned from General Rural to Light Industrial to match the zoning of the adjacent land.
840. With respect to Cape Foulwind Staple 2 Ltd zoned land adjacent to Larsen Street, Ms Bayley confirmed that this area had been subdivided into lots with areas between 1686m² and 4000m², with three adjacent sections also owned by Cape Foulwind Staple 2 Ltd being 4836m² and 7766m². She considered it was not appropriate to retain the notified General Rural Zone on these parcels as the lot areas are below the threshold of the rural zone. She also noted that adjoining land to the east is Settlement Zone-Rural Residential Precinct 4, and that the Light Industrial land to the south already has a boundary with a rural residential precinct.

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841. In relation to the Larsen Street land, Ms Bayley noted that the s.42A report incorrectly commented that the submission sought rezoning to residential, and that Ms Easton did not support a Rural Residential zone as she was concerned it would generate additional residential units. Ms Easton also had concerns about soil contamination and reverse sensitivity for the Light Industrial zone across Cape Foulwind Road. Ms Bayley noted that none of the lots in this area are large enough to permit a second unit under the Settlement Zone – Rural Residential Precinct provisions. She also noted that a PSI undertaken as part of the subdivision did not identify the area as being potentially contaminated, and that Light Industrial activities are described in the TTPP as unlikely to produce objectionable environmental effects, but there may still be some adverse effects, including those associated with odour, dust or noise. Ms Bayley also noted that the subdivision consent covenanted an area where vegetation will be retained as a buffer from the future Light Industrial Zone. She concluded that the Settlement Zone-Rural Residential Precinct is the most appropriate zoning for this area
842. Ms Bayley confirmed that two submissions from Cape Foulwind Staple 2 Ltd were withdrawn, being S568-005, which sought to rezone land on Inner Cape Foulwind Road, and S568-007, relating to land east of Limestone Road. Ms Bayley noted that Cape Foulwind Staple 2 Ltd supported the notified zoning of these blocks.
843. With respect to the Inner Cape Foulwind Road land, Ms Bayley noted that BDC had opposed in part the notified zoning because there was insufficient information available about natural hazards. She attached a Geotechnical Assessment from Davis Ogilvie that concluded ‘there are no geotechnical constraints ... that would prohibit rezoning to residential land use’. She considered that this report addresses BDC’s reasons for opposition in part and that the site is suitable for the notified zoning.
844. Ms Bayley also requested that a small sliver of land, Sec 1 SO 14304, be rezoned to Settlement Zone – Rural Residential Precinct 4 to match the notified zoning of Cape Foulwind Staple 2 Ltd adjoining (Area 2) land. She acknowledges that rezoning of this land is not included in the original submission and was incorrectly identified in Tauranga Bay’s submission as being under their ownership.
845. In an additional statement of evidence dated 2 July 2024, Ms Bayley confirmed that Cape Foulwind Staple 1 Ltd continued to seek rezoning of the Quarry Area.
846. In relation to the rezoning sought at Guardian Quarry, Ms Bayley proposed a zoning swap and requested that the Panel utilise the provision under Clause 16(2) Schedule 1 of the RMA for this zoning change. She proposed that a 9.2ha block of farmed land west of the access track within the Guardian Quarry site be rezoned from Rural Lifestyle to Settlement Zone-Rural Residential precinct. Ms Bayley also proposed that this rezoning be ‘offset’ by rezoning a 12ha block of land owned by Cape Foulwind Staple 2 Ltd to Rural Lifestyle, noting that adjoining land to the west and south of this block are also Rural Lifestyle zones. This 12ha block is located north of Limestone Road and is zoned Settlement Zone – Rural Residential Precinct in the notified TTPP. Ms Bayley states that this area has limited development potential and is not suitable for Rural Residential Precinct zoning as it contains three important ecological areas that are SNAs, identified in an Ecological report from Richard Nichol Ecology, which was provided to pTTPP planners in 2021.

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TPPP notified zoning map with the 12ha CFS2 owned site (section 4) and the 9.2ha farmed area within the CFS1 owned Section 3 outlined in blue.

847. Ms Bayley submitted a response to the WCRC Wastewater Discharge Report on 20 December 2024. This response confirmed that Cape Foulwind Staple 2 Ltd continued to seek that the 9.2ha area within Guardian Quarry be rezoned to Settlement zone, on the basis that drone mapping of the area confirmed that the whole of the area does not drain into the lake. She considered that restricting the density of development based on the potential for leaching into the lake is an overly cautious approach.

Tauranga Bay Holdings

848. Claire McKeever presented planning evidence on behalf of Tauranga Bay Holdings and confirmed that no changes were made to the rezoning sought in the original submission. Property Market evidence from Garry Howard, dated 2 September 2024, Geotechnical¹⁶¹ Evidence from Andrei Coteiga, dated 4 July 2024, Landscape evidence from Jade Isaiah McFarlane, 4 July 2024, and Engineering evidence from Philippe Dumont, dated 4 July 2024, were also presented in support of the proposal. The engineering evidence concluded that area-specific investigations would be required regarding soil contamination and suitability for the disposal of treated wastewater.
849. Following the hearing, Eliot Sinclair responded to the Panel's request that the submitter consider and propose an Outline Development Plan framework that would provide certainty that the landscape mitigation measures could be achieved. The response provides an outline development plan and an accompanying rule framework. The proposed rules include:

SETZ-R2

7. In The Cape Development Area :

¹⁶¹ Andrei Coteiga 4 July 2024

- a. *A minimum 7m wide buffer strip of indigenous vegetation is to be planted on all boundaries adjacent to Tauranga Bay Road and Wilsons Lead Road. Locally sourced native species will be selected and planted to ensure that, at maturity, buildings will be partially screened from the road, consisting of species that achieve a minimum mature width of 3.5m and height of 2.5m.*
- b. *Indigenous vegetation within the gully overlay identified on The Cape Development Outline Plan are to be retained; and*
- c. *Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;*

RLZ-R1

8. In The Cape Development Area:

- a. *Indigenous vegetation within the gully overlay identified on The Cape Development Outline Plan are to be retained; and*
- b. *Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan*

RLZ-R3

4. In the Cape Development Area:

- a. *Indigenous vegetation within the gully overlay identified on the Cape Development Outline Plan are to be retained; and*
- b. *Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;*

GRUZ-R1

7. In the Cape Development Area:

- a. *Indigenous vegetation within the gully overlay identified on the Cape Development Outline Plan are to be retained; and*
- b. *Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;*

GRUZ-R3

5. In The Cape Development Area:

- a. *Indigenous vegetation within the gully overlay identified on the East Tauranga Bay Road Development Outline Plan are to be retained; and*
- b. *Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;*

850. The Panel were also provided with a response to the WCRC Onsite Wastewater Disposal Report, prepared by Philippe Dumont of Eliot Sinclair and dated 21 November 2024. Mr Dumont notes that future parcels would require specific wastewater reports but concluded that the report confirms the submitters' proposed site rezoning 'continues to be appropriate'.

Other submitters

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851. Frank O’Toole continued to seek that his property on Nine Mile Road be rezoned to Rural Living Zone, noting that the area is close to Westport and serviced by reticulated water supply with power/phone utility available. He noted that floodwalls are currently under construction and will result in the flood hazard risk being extremely low.
852. Ms Bensemenn presented planning evidence in support of Mr O’Toole and notes that the s42A report describes the Settlement Zone as a buffer close to existing urban areas. She considered this to conflict with the zone descriptions in the Plan, which describe the Rural Living Zone as providing this function.
853. Ms Bensemenn acknowledged that although flood mitigation measures are proposed, there is a risk that funding may be lost, or the parameters of the scheme altered. However, she considered that the latest update (Resilient Westport: June 2024) on stop bank development and initial remediation work underway provided more certainty than had existed at the time that the pTTPP was drafted.
854. Ms Bensemenn identified that the area south of Westport is Land Use Class (LUC) 3 and subject to the NPS-HPL, although it is not identified in the pTTPP as being within the Highly Productive Land Precinct. She acknowledged that a Rural Lifestyle Zone for a portion of Nine Mile Road would reduce the overall area of this but considered that as the area adjoins Westport’s southern boundary, it would not fragment the HPL land. She noted that for many properties along Nine Mile Road, allotment sizes are already less than 4ha and utilised as residential lifestyle sections rather than production activities despite the rural zoning and high-quality soils. She considered that rezoning would contribute to the housing supply. She also considered that the zone standards would provide sufficient separation between Mr O’Toole’s land and the General Rural Zone, with the road network providing a legible delineation between the zones.
855. Mr O’Toole also continued to seek that his property at 211 Utopia Road be rezoned to Rural Living, noting that under Variation 2 the site area affected by the Coastal Severe Risk Overlay was reduced. He advised that previous erosion analysis undertaken in relation to a subdivision concluded that erosion is no longer a risk, and that vegetation established on a former sand dune provides further protection from erosion. He also noted in relation to coastal inundation, his property is higher than adjoining properties that have been rezoned to Rural Living.
856. In relation to Mr O’Toole’s Utopia Road land, Ms Bensemenn saw no reason why this site should not be rezoned, given that Variation 2 sought to move the coastal hazard overlay 75m northward. In her opinion, the Rural Living Zone boundary should better reflect the coastal hazard overlay as the intended limitation to land use, and partial zoning would allow more efficient use of the land resource.
857. Murray Stewart continued to oppose the Highly Productive Land classification due to the restrictions it places on farming and maintaining infrastructure. He also raised concerns about minimum lot sizes, noting that enabling a subdivision of 2-3000m² on a farm leaves the remaining farm in a more financially manageable state compared to minimum lot sizes of 4ha. This matter was not included in his original submission.
858. International Panel and Lumber sought to have their car park rezoned from the notified Rural Lifestyle Zone to an industrial zoning, on the basis that the car park is currently zoned for industrial usage and the rezoning appears to be an error. International Panel and Lumber did not make a submission requesting this rezoning and have lodged further submissions only concerning the RLZ rules.

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859. Frida Inta, on behalf of herself and the BCG, opposed zoning boundaries that cut through the middle of some properties, and having properties on one street subject to different zones. She also opposed residential zoning being applied to publicly owned land and requested that a section of Hope Street be rezoned from Settlement to 'Road.'
860. Steve Tuck presented planning evidence on behalf of SFF and continued to seek that the land adjacent to SFF Hokitika meat processing site is rezoned General Rural. He also provided his amendments to the rural zone provisions, which he recommended be added if the land is rezoned to Rural Lifestyle Zone (the proposed amendments to objectives and policies are included in those sections of this report). Mr Tuck supported Ms Easton's recommendation that submissions seeking to rezone land north of the Hokitika site to Rural Residential be declined.
861. Barry James MacDonell presented planning evidence and supporting documents on behalf of Forest Habitats Limited, responding to Ms Easton's reasons for not supporting the submission seeking that 117 Arthurstown Road be rezoned Rural Residential. Mr Macdonell noted that the land is not highly productive and there are no mining operations in the immediate vicinity. Mr Macdonell's evidence included engineering reports that concluded the land is suitable for development and considered that natural hazard risk can be mitigated through the consent process, including through raised floor heights.
862. Mr MacDonell submitted further evidence dated 1 October 2024 to the Panel following the hearing, noting that the s42A report for the Hazards Chapter recommended deleting the Flood Plain overlay due to mapping inaccuracy, consistent with WCRC's submission. Mr MacDonell emphasised that flood risk was the only issue raised by WCDC concerning the rezoning of this area, and that Ms Easton's recommendation to decline the submission appears to have been based on incomplete information. He disagreed that residential use is undesirable in this location, noting that the site adjoins a Settlement Zone. He noted that the land is currently held in 9 titles on which dwellings could be developed as a Controlled activity, and on this basis, considered that fragmentation already exists.
863. Mr Rob Kinney, a Director of Te Kinga Estates Limited presented a statement at the hearing. He said Te Kinga Estates Limited had submitted in support of the Rural Residential Precinct zoning of properties on the Arnold Valley Road and had sought for this zoning to be applied to the adjoining property being Lot 2 DP 568525, which currently had a Rural Lifestyle Zone. He said the site was located near the township of Moana and that Te Kinga Estates Limited anticipates further development of the site in the future. He noted that the property is generally flat with some areas which are slightly undulating and is naturally suited to development. He clarified that they sought Settlement Zone for the property (1000m² lots). Mr Kinney considered that, although the notified Settlement zone – Rural Residential Precinct appears extensive (approximately 50ha), the potential area for development is reduced due to the undulating and poorly drained nature of the area, likely natural hazards and remnants of mature native vegetation. The Moana transfer station is also located in the middle of the proposed settlement zone. He considered it to be at low risk from natural hazards. Mr Kinney requested the Panel consider rezoning this property to allow for potential future growth of the Moana township.
864. In response to Minute 52 Te Kinga Estates provided a letter to the Panel noting that BTW considered the cumulative effects associated with the proposed change of land use and primary treatment systems would be low. They advised that the report stated that where discharges are likely to occur, the effects would be within the bands for NPSFW guidelines. Te Kinga Estates Limited, therefore, supported the findings concerning Area E.

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865. Pauline Hadfield presented planning evidence on behalf of T Croft Ltd. She noted that the s42A report omits any comment on the submitter's request that 139 Arnold Valley Road (Lot 3 DP2261) be rezoned from General Rural zone to Light Industrial to be consistent with the surrounding land. Ms Hadfield notes that Appendix 2 to the s42A report, which lists the reporting officer's recommendations to accept/reject each submission, recommends that the submission be accepted. She noted that this site is 4000m² and contains a house that was originally approved as a manager's residence and currently occupied by Frank (director and shareholder of T Croft Ltd), and Clare Croft. Ms Hadfield requested the panel rezone 139 Arnold Road to Light Industrial, consistent with the reporting officer's recommendation in her Appendix 2.
866. Mark Wiechern presented a statement in support of his submission. He noted that the greater Tauranga Bay area is part of an active subdivision with himself and other landowners in the process of subdivision. He considered there was a disconnect between the pTTPP and real-world activities occurring in the area. He sought that Cape Foulwind through to Tauranga Bay be recognised as a precinct.
867. Mr Wiechern stated that he had discussed the Rural Residential Precinct area at Tauranga Bay with BDC, who advised that past development had been subject to significant restrictions through consent notices due to the area's ecological sensitivity. He confirmed he was in the process of making a subdivision application and would be lodging in September/October 2024, with a supporting ecological assessment and blocks designed to replicate the existing character in relation to lot size. He noted his block is not suitable for agriculture and is immediately connected to properties that are lifestyle or rural residential.
868. Tom McGaveston presented a statement in support of his further submission in support of rezoning 367 Utopia Road. He noted that the neighbouring properties are proposed to be rural lifestyle and suggested his property be included with Deadman Creek, providing a natural zone boundary. He considered the flooding risk to be low, noting a significant rock wall protects the northern and eastern property boundaries, and that the Orowaiti River mouth has moved east with a sand bank protecting the property. He advised that recent large sea surges and flood events had not affected the property.
869. Ms Shari Ferguson, representing several submitters at Waipuna (McInroe, Boyles, Leighton and Ferguson), was seeking rezoning from General Rural Zone to Rural Lifestyle Zone. She indicated that the HPL needed to be correct and substantiated, and at this stage, she did not know how that had been done or what process had been gone through. They had no objection to the categorisation if it was correct. She said they had obtained their independent advice from a farm consultant who had concluded that the land was not HPL. She was concerned about what might be incorporated into HPL rules later.
870. Andrew Beaumont opposed the rural residential zoning at Fox River on the grounds of density standards. He contended the location was unusual, being bounded on all sides by the National Park. As a result, he said there was a need for a smaller density standard based on the adequate provision of septic and grey water to enable the growth of the community. He noted there were already lots smaller than 2ha.
871. Christina Bushby continued to seek that her property be 'downzoned' to the General Rural Zone. She sought that lots 3 and 4 DP2764 at Kaiata to remain as a General Rural Zone
872. Ms Shirley Godfrey provided additional information on the location of her property at 233 Taramakau Highway, Kumara Junction, which she is seeking to be rezoned Settlement (it is

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proposed to be zoned General Rural in the PTTTP). The property is adjacent to the Kumara Junction Settlement Zone.

873. Mr John Menlove spoke at the hearing and sought to include his property at Caledonian Road in the Settlement. In his submission S289.001, he sought to rezone the site to develop it for residential sections. We visited the site at Sergeants Hill, we stopped at 71 Waterworks Road and viewed the site up on a hill.

Reporting Officer Reply Evidence

874. Rezoning was addressed in both the joint Rural Zones and Settlement Zones right of reply, and in a separate right of reply concerning rezoning at Moana, Grey District and Cape Foulwind, Buller. This was also informed by the technical report produced by BTW, addressing the cumulative effects of onsite wastewater disposal.
875. In response to the submission from Mr Wiechern, Ms Easton considered that the proposed subdivision layout presented is the type of proposal envisaged by the subdivision provisions relating to significant areas of indigenous biodiversity, being a bespoke design reflecting the values on the ground and providing for bonus lots where significant indigenous biodiversity is legally protected. Ms Easton considered that the Settlement Zone – Rural Residential Precinct was inappropriate for this site for the reasons outlined in the s42A report. She considered that General Rural Zone remained the most appropriate zone for this site.
876. In relation to CMP Kokiri, Ms Easton supported a split zoning of this site and considered that the most appropriate zone for the SNA area would be the General Rural Zone.
877. Ms Easton provided a map showing all areas sought to be rezoned within the Cape Foulwind and wider Westport area and provided the contaminated land report for the former Holcim site.
878. In relation to the Forest Habitats submission, requesting rezoning of land on Arthurstown Road, Ms Easton acknowledged that the s42A report map does not show the full extent of the land in question. Ms Easton considered this rezoning to be inappropriate due to the land being subject to a flood hazard and at significant risk of storm surge inundation in a large coastal hazard event. She noted that at the time of writing, a proposed subdivision consent hearing had not yet taken place, but the planner's s42A report recommended it be declined.
879. Ms Easton supported rezoning T Croft Limited caretaker's residence at 139 Arnold Valley Road, (Lot 2 DP2261) to Light Industrial.
880. Ms Easton did not support Shirley Godfreys request to rezone land at 233 Taramakau Highway, Kumara Junction, noting that rezoning at Kumara Junction was considered when TTPP was developed and that care was taken in identifying farm properties rather than bush lots for rezoning, because areas of significant indigenous biodiversity have not yet been assessed in the Westland District. Ms Easton noted that Ms Godfrey's land is not within the Kumara Junction Development outline plan area, where specific bush retention provisions apply, and no ecological assessment of the existing vegetation has been undertaken. On this basis, she did not support rezoning; however, she noted that the bonus lot provisions associated with indigenous biodiversity subdivision provisions are likely to be an appropriate pathway for future development of this site.

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881. Concerning the International Panel and Lumber car park zoning error, Ms Easton confirmed that she considered the Rural Lifestyle Zoning to be an error. She agreed that amending the zoning to General Industrial could be treated as a Clause 16 amendment.
882. Ms Easton provided a map showing all zoning requests at Moana (noting that several of these are addressed in the Settlement s42A report and decision).
883. Ms Easton provided her thoughts on the demand that 4000m² sites create for infrastructure, noting that while the Plan is clear that rural infrastructure will be provided in the Settlement Zone: Rural Residential precinct, new residents often have higher expectations. Ms Easton confirmed this with planners from the three Councils who advised that the most common requests are for footpaths, streetlights, cycle connections and stormwater upgrades.
884. Ms Easton noted she could not provide a view on the updated zoning proposal for the Cape Foulwind Staples Land until information sought by the Panel on wastewater in Minute 38 was provided. This was subsequently addressed in the rezoning right of reply discussed below.
885. Concerning the wastewater servicing options for the Te Kinga Estates rezoning proposal, Ms Easton noted that GDC had advised they were about to approve a subdivision consent for Cashmere Bay Dairy, which would take most of the available capacity in the existing Council system. Any rezoning of the Te Kinga site would therefore require additional wastewater capacity. Ms Easton concurred with GDC staff that on-site wastewater disposal was inappropriate in this location. She noted that all other small sites are connected to reticulation, either the Council system or a private system owned by David Ellerm. Ms Easton advised that the Council system is newer and treats wastewater to a higher standard and considered that an expansion of the Council system would be required to accommodate the Te Kinga proposal.
886. Ms Easton considered that there was scope in Te Kinga Estate's original submission for the requested rezoning to Settlement Zone – Rural Residential Precinct but did not support this proposal as outlined in the s42A report.
887. In response to the Panel's query as to whether the Waipuna rezoning meets the purpose of the zone, and what the implications are of the area being LUC 3, Ms Easton considered that the pTTPP does not provide for specific zone purposes but includes general statements to provide context for the zones and where they are located.
888. Ms Easton noted that Waipuna is not located near a main town or settlement but is the historic location of a settlement area. She considered that it meets some aspects of the Rural Lifestyle Zone as described in the Plan, in that it has gradually taken on a more residential character with a cluster of houses. She noted that it sits within a large area of the General Rural Zone, with the nearest settlements being Ikamatua and Totara Flat. She confirmed that while the wider Waipuna area includes LUC 3 soils, they are not present in the area where the properties in question are located.
889. Concerning the submission from Julie Ann Palmer, Ms Easton noted there is substantial rezoning of the Settlement Zone, but no Settlement Zone Rural Residential Precinct at Waimangaroa. She advised that the Council provides a range of infrastructure there and wanted to ensure that any new development connects to this to help support the costs of this significant community investment. Ms Easton did not support rezoning this large area of land on the edge of Waimangaroa, which could result in potentially 60 additional lots, unconnected to services.

Te Kinga Estates

890. In response to the Te Kinga Estates submission, Ms Easton noted that no additional evidence had been provided concerning servicing, infrastructure or adverse environmental or cultural effects at the hearing. The site contains areas of sphagnum moss, pakihi and manuka wetlands that would be subject to the NESF, but no landscape, ecological or cultural assessment was provided.
891. Ms Easton summarised the BTW Company (BTW) assessment, noting it identified that key environmental risks from on-site wastewater systems on this property relate to cumulative effects from E.Coli and nutrients in the small streams and wetlands within the site, as well as increased E.coli at Molloy Bay in Lake Brunner. BTW considered that the current approach to on-site wastewater at Moana is inadequate to manage these effects due to the high permeability of the soils, and that, at a minimum, secondary treatment should be required.
892. Ms Easton concluded that no information presented at the hearing or within the BTW report had caused her to change her recommendations, and recommended the property remain Rural Lifestyle Zone as per the notified Plan.

Cape Foulwind

893. In response to the submitters and the BTW technical report, Ms Easton considered the current approach to on-site wastewater at Cape Foulwind to be generally inappropriate when applied to densities of 4000m² or more, noting that the BTW report identified that poor drainage creates a moderate to high risk of nutrient contamination occurring in local streams and wetlands.
894. Concerning the land known as Area 4 Guardian Lake Flats, Ms Easton noted this land is within an area where BTW considered there was insufficient information to assess the actual or potential adverse effects but considered these could be significant. Ms Easton had recommended that this land remain a Rural Lifestyle Zone in the s42A report and concluded that the BTW and evidence presented at the hearing had not altered her view. She recommended that this land remain a Rural Lifestyle Zone.
895. In response to the submitter's request at the hearing to 'downzone' a 12ha Settlement Zone Rural Residential Precinct area of land to Rural Lifestyle Zone as a 'swap,' Ms Easton considered there was no scope in the original submission of Cape Foulwind Staple 1 Ltd for this request. However, she supported it on its planning merits. She did not recommend any changes to the Plan concerning this matter.

Tauranga Bay Holdings

896. Ms Easton acknowledged the range of technical evidence presented at the hearing. She noted that BTW considered it may be possible to service this area with on-site wastewater systems appropriately, provided these are at least secondary and potentially tertiary systems.
897. Ms Easton retained her view that the development proposed was not appropriate at this time, noting that Omau is a small township and substantial rezoning to Settlement zone – Rural Residential Precinct (90ha) and Rural Lifestyle Zone (100ha) has already been provided for in the notified plan. She considered that the development this rezoning allows for will put significant pressure on existing infrastructure. She acknowledged that roading upgrades at the worst intersection at Limestone Road were about to proceed but was not aware of the capacity the upgrades would provide for development not included in the notified TTPP, noting that

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the submitter had provided no evidence on infrastructure impacts. She also raised concerns about the proposed approach to stormwater management and the lack of evidence addressing the potential impacts on Gibsons Creek.

898. Ms Easton noted that the Westport masterplan had been released since the hearing, which confirms that the intention for long term development is for development onto the Alma Road terrace and the land area behind it. The masterplan anticipates that the current Omau population of 150 people might double within the life of the plan and within the existing infrastructure capacity. Ms Easton considered this to be consistent with the rezoning provided for in the notified plan.
899. Ms Easton considered that BDC has limited resources and does not have capacity to undertake infrastructure upgrades across several growing areas, noting that the Limestone Road/Cape Foulwind Road upgrade has been more than a decade in the planning. She considered that the absence of infrastructure planning and existing rezoning creates a risk that the Omau community will face significant increases in infrastructure need and improvement, and that the cumulative effects of development need to be specifically planned for ahead of any further rezoning.
900. Ms Easton concluded that, while the rezoning proposal may be appropriate in a future Plan change, it is not appropriate at this time. She recommended that the rezoning proposal be rejected.
901. Ms Easton did not recommend any amendments to the plan in this right of reply to the rezoning.

Silver Fern Farms, Joint right of reply

902. A joint right of reply was prepared to address the zoning submission points from SFF, prepared by Ms Easton, Briar Belgrave as reporting officer for the industrial and commercial zones topic, and Ruth Evans as reporting officer for the noise topic.
903. The planners were of the view that the direction on reverse sensitivity in the WCRPS principally relates to Regionally Significant Infrastructure and that this is the priority for reverse sensitivity management. They considered that the direction is to avoid, remedy or mitigate reverse sensitivity on other industrial uses.
904. The planners noted that all but one of the properties in question contain dwellings and all are currently being used for rural lifestyle purposes. They considered that landowners would be no more likely to complain about SFF activities, whether the properties were zoned General Rural or Rural Lifestyle.
905. Ms Easton considered the zoning of adjacent properties and considered the notified Rural lifestyle Zone to be appropriate.

Hearing Panel's Evaluation

Buller District

Broader Cape Foulwind Area

906. In relation to the submission by Steve Croasdale seeking that Lot 1 DP 450105 and Lot 2 DP 450105 (115 Okari Road, Cape Foulwind) be rezoned Rural Lifestyle, the Panel agrees with Ms

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Easton's recommendation not to rezone this site and retain the site's zoning as notified for the reasons she provides within her s42A. We agree that this is an isolated site divorced from any other Rural Lifestyle Zone

907. In relation to the submission points made by Several submitters¹⁶² sought that the land between Bulls Road and Bradshaw Road south of State Highway 67A be rezoned to Settlement Zone: Rural Residential precinct. The Panel agrees with Ms Easton's recommendation not to rezone this land and to retain its zoning as notified for the reasons she provides within her s42A.
908. In relation to the submission from James Hamilton seeking that his property on Alma Road/Cape Foulwind Tce be rezoned to a Future Urban Zone or Settlement Zone, the Panel agrees with Ms Easton's recommendation not to rezone this land and to retain its zoning as notified for the reasons she provides within her s42A.
909. In relation to the submission from Mark Wiechern, seeking to rezone his property Lot 5 DP 460905 Blk II Steeples SD to Settlement Zone: Rural Residential Precinct, the Panel agrees with Ms Easton's recommendation not to rezone this property for the reasons she provides within her s42A. Ms Easton noted that the property is twice the size of the currently zoned Settlement Zone: Rural Residential Precinct area at Tauranga Bay, so we have concerns as to the size and scale of this rezoning and the impacts of the same on Tauranga Bay. We agree with Ms Easton when she noted that the proposed subdivision layout presented is the type of proposal envisaged by the subdivision provisions relating to significant areas of indigenous biodiversity, being a bespoke design reflecting the values on the ground and providing for bonus lots where significant indigenous biodiversity is legally protected. The Panel agree after considering Mr Wichern's evidence, that the Settlement Zone – Rural Residential Precinct is inappropriate for this site. We considered that the General Rural Zone remains the most appropriate zone for this site. We acknowledge however that there may be an alternative pathway via the bonus lot provisions relating to indigenous biodiversity for Mr Wiechern to achieve a similar outcome to that he sought via submission.

Cape Foulwind/Omau Area

910. The Panel have considered the Cape Foulwind/Omau Area together as the issues arising from the rezoning requests are generally similar in their substance.
911. The issue before the Panel is that there are a number of individual submissions seeking rezonings of various scale. Some are relatively minor and are more akin to corrections, while others are of some scale and would enable a significant increase in housing development potential in this location. We accept that one of the key matters associated with this level of development is servicing and the potential pressure on BDC that could evolve to provide for or undertake infrastructure upgrades and provision of other services. This might include expectations for street lighting, footpaths, recycling and waste removal and quality of water.
912. As part of this process, a report from BTW (previously referred to) was commissioned to assess the impacts of wastewater associated with development. The Panel acknowledges that issues associated with wastewater could be addressed with onsite disposal. Whether this is the most

¹⁶² Chris J Coll Surveying Limited, William McLaughlin, Laura Coll McLaughlin, Bradshaw Farms, Avery Brothers, Brett Avery, Paul Avery, Avery Bros, Chris & Jan Coll, Leonie Avery, Jared Avery and Kyle Avery in relation to Section 1 SO 14694, Part Section 2 Blk II Steeples SD, Section 3 Blk II Steeples SD, Section 4 Blk II Steeples SD, Section 5 Blk II Steeples SD, 197 Te Tai o Poutini Plan – Section 42A Report Rural Zones Section 42 Blk II Steeples SD and Section 71 Blk II Steeples SD

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appropriate solution for the level of development proposed across the whole area remained unclear.

913. Another key factor is land use, and, in this context, we accept that much of the land concerned is of limited value in terms of farming or other agricultural uses. There may also be other yet to be identified constraints, such as geotechnical, associated with the land which may limit housing development as well.
914. In addition to the above is the recent release of a masterplan for the Westport - "Cutting our Own Track". This promotes the long-term intention for Westport to gradually move development up onto the Alma Road terrace and the land area behind it. As it was not addressed in evidence it was unclear to the Panel whether a significant increase in development in the Cape Foulwind/Omau area might impact upon the masterplan aspirations. What was clear however was that the focus of both the Council and Central Government investment in infrastructure for the foreseeable future will be on enabling the development of the wider Alma Road area.
915. Ms Easton noted that Omau has a current population of 150 people and that within the life of the TTPP, that might increase to around twice that size within the existing infrastructure capacity. This she said was consistent with the amount of rezoning that has already been provided for within the notified Plan.
916. Given the above, the Panel considers further rezoning to the densities sought in the Cape Foulwind/Omau Area is premature. Individual rezonings of the level proposed will not, in our view, lead to coordinated development or deployment of infrastructure enabling sites to leverage off infrastructure and share costs. Further, we accept that BDC has very limited resources and cannot undertake infrastructure upgrades across several areas, which poses a risk to any development.
917. Notwithstanding the above, we do consider rezoning in the Cape Foulwind/Omau Area could well be appropriate, however it needs to be undertaken in a coordinated and planned, rather than piecemeal manner, which addresses all environmental, infrastructure and servicing issues (and costs) in conjunction with necessary Council input.
918. For the reasons set out above as well as those provided by Ms Easton the Panel recommends the rezoning requests from the following submitters be rejected:
- Cape Foulwind Staple 1 Ltd (S557.003), (S557.004)
 - Cape Foulwind Staple 2 Ltd (S568.003), (S568.005), (S568.007)
 - Garry Howard (S358.004)
 - Tauranga Bay Holdings (S597)
 - Bevan Te Tai (S75.001)
919. The Panel agrees that the minor rezonings sought by Cape Foulwind Staple 1 Ltd (S557.005) and Cape Foulwind Staple 2 Ltd (S568.009) (S568.006) are appropriate and recommends these be included.

Wider Westport Area

920. In relation to John Brazil (S360.047) seeking rezoning of Lot 1 DP 336364 (261 Utopia Road, Westport), to Rural Lifestyle Zone, the Panel agrees with Ms Easton's recommendation to

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retain the zoning as notified because the property is subject to the Coastal Hazard Alert and the updated coastal hazard mapping shows that the hazard is more severe than shown in the proposed plan.

921. Several submitters, Chris & Jan Coll (S558.554, S558.493), Chris J Coll Surveying Ltd (S566.554, S566.493), Laura Coll McLaughlin (S574.554, S574.493), and William McLaughlin (S567.594) sought that 8677 State Highway 6 be rezoned for Rural Lifestyle Zone. Ms Easton did not support these submissions, noting that the property is within a wider area of General Rural Zone and not connected to any other Rural Lifestyle Zoned land. The Panel agrees with her recommendation to retain the notified zoning of this property for the reasons she provides.
922. In relation to a submission from Shannon Carlson (S19.001) seeking to rezone an area on the east side of Buller Road, from the Buller Bridge to the crossroads, as Settlement Zone. The Panel agrees with Ms Easton's recommendation to retain the notified zoning for this site for the reasons she provides within her s42A.
923. In relation to a submission from Michael and Alyson Duff (S23.001) seeking that 28 Tuis Way be rezoned from General Rural to Settlement Zone Rural Residential Precinct, the Panel agrees with Ms Easton to retain the notified zoning for this site for the reasons she provides within her s42A report.
924. In relation to a submission from John A Menlove (S289.001) seeking to rezone his property at Sergeants Hill for residential sections, the Panel agrees with Ms Easton's recommendation that the notified zoning for the site be retained for the reasons she provides within her s42A report.
925. In relation to a submission from Frank and Jo Dooley (S478.0240) and Frank O'Toole seeking that the portion of Nine Mile Road from Stafford Street to the Nine Mile, Victoria and Harneys Roads intersection, extending from the railway corridor to the banks of the Buller River, be rezoned from General Rural Zone to Rural Lifestyle Zone the Panel after carefully considering the evidence of Ms Bensemman supporting the rezoning the Panel agrees with Ms Easton's recommendation to retain the notified zoning for this site. In our view, the evidence of Ms Bensemman did not fully resolve for us the issues that Ms Easton had identified with the rezoning. It seems to us that she had not considered the various clauses under the NPS-HPL (a higher order document) noting that clause 3.7 states: *Territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10.* We were not provided with any evidence as to exceptions under clause 3.10 for this land.
926. In relation to a submission from Frank and Jo Dooley (S478.027) and Frank O'Toole (S595.015) requesting that 211 Utopia Road be rezoned to Rural Lifestyle zone, the Panel acknowledges the evidence of Mr O'Toole that under Variation 2 the site area affected by the Coastal Severe Hazard Overlay was reduced. He advised that previous erosion analysis undertaken concerning a subdivision concluded that erosion is no longer a risk, and that vegetation established on a former sand dune provides further protection from erosion. In terms of coastal inundation, he said his property is higher than adjoining properties that have been rezoned to Rural Living. Ms Bensemman said she saw no reason why this site should not be rezoned, given that variation 2 sought to move the coastal hazard overlay 75m northward. In her opinion, the Rural Living Zone boundary should better reflect the coastal hazard overlay as the intended limitation to land use, and a partial zoning would allow more efficient use of the land resource.
927. Notwithstanding the above, the Panel note that currently, a Coastal Alert Hazard Overlay almost entirely covers 211 Utopia Road. While there may be speculation as to future Plan provisions emerging from Variation 2 and while there have been landform changes overtime

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in the vicinity of this site the Panel agrees with Ms Easton's assessment this site is not suitable for rezoning due to natural hazard risks. We agree with her recommendation that this site retain its notified zoning for these reasons as well as those provided by Ms Easton within her s42A report.

928. In relation to a submission from O'Connor Crossroads Limited (S496.001) seeking that Section 26 Blk VII Kawatiri Survey District, Section 30 Blk VII Kawatiri Survey District, and Pt Section 27 Blk VII Kawatiri Survey District be rezoned to Settlement Zone: Rural Residential Precinct, and that Sec 1 SO 9139 Secs 1-2 SO 14816 Secs 3-4 23 Pt Sec 25 Blk VII Kawatiri SD be rezoned to Future Urban Zone the Panel agrees with Ms Easton's analysis of this submission and that of BDC in opposition. We agree with Ms Easton for the reasons she provides within her s42A report that these sites retain the zoning as notified.

Buller Bay Settlements

929. In relation to a submission from Kathleen Mansell (S39.001) seeking that 3 Bayfield Street, Seddon, be rezoned to General Rural Zone, the Panel accepts the split zoning is an error and recommends it be rezoned.
930. In relation to a submission from Julie Palmer (S334.001) seeking that her property at New Castle Street, Waimangaroa, be rezoned to rural residential, initially Ms Easton recommended the submission be rejected as she was unable to confirm the location of the property. However, in her reply, she assessed the submission, noting that there is substantial rezoning of the Settlement Zone, but no Settlement Zone Rural Residential Precinct at Waimangaroa. Ms Easton advised that the BDC provides a range of infrastructure and wanted to ensure that any new development connects to this to help support the costs of this significant community investment. The Panel agree that rezoning this large area of land on the edge of Waimangaroa, which could result in upwards of 60 lots unconnected to services. In this situation we agree that the recommendation should be to retain the zoning as notified.

Karamea

931. In relation to a submission from Ruth and Richard Henschel (S150.002, S285.002) seeking that 4456 Karamea Highway be rezoned to Rural Lifestyle Zone, Ms Easton recommended the submission be rejected because it is within Flood Susceptibility and High Coastal Natural Character overlays, and not in the vicinity of other Rural Lifestyle zones. The Panel agrees with that recommendation for the reasons provided by Ms Easton.
932. In relation to a submission from Nikau Farms Limited (S499.001) seeking that 51ha of land along the Karamea Highway at Little Wanganui Karamea (legally described as Lots 1-3 DP 409294, Lot 2 DP 407416, Lot 2 DP 547019, Sec 32 Pt Secs 7-8 Blk III and Pt Secs 14-16 Blk II Kongahu Sd) be rezoned as Settlement Zone Ms Easton recommended this submission be rejected. She noted there has been substantial zoning at Little Wanganui to allow for expansion of the settlement, with the Rural Residential area intended to provide a lower density transition between the settlement and wider rural area. Ms Easton considered that any future subdivision would be more appropriate at rural residential rather than higher densities. The Panel agrees with Ms Easton's recommendation for the reasons she provides.
933. In relation to a submission from BP and CA Jones (S526.001) seeking that the Highly Productive Land Precinct be removed from 4300 Karamea Highway because it is a wetland and subject to coastal inundation with limited production value, Ms Easton recommended this submission be accepted. The Panel notes that a large proportion of this land is classified LUC3, therefore we

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partially agree with removal following the mapping exercise if land is confirmed not to be LUC 1-3.

934. In relation to a submission from Rosalie Sampson (S539.001) seeking that the Highly Productive Land Precinct be removed from land at Karamea, Ms Easton recommended rejecting this submission noting that this land is one of the few areas in the West Coast favourable for horticulture, and that studies of the soil types and land suitability informed the identification of the Precinct. The Panel agrees with the recommendation and notes that Karamea has large areas of LUC 3 class land however whether this identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
935. In relation to submission from Rosalie Sampson (S539.002) seeking that the township of Karamea be rezoned to Settlement Zone, Ms Easton recommended this submission be rejected, noting that downzoning of undeveloped land is due to the area being within the Flood Susceptibility Hazard Overlay, and the township itself is under the Coastal Alert Hazard Overlay. Further, Ms Easton noted that the West Coast Regional Council had advised that the flood scheme is not designed or constructed to a high level of service and cannot be relied upon to protect the town from flood hazards. The Panel agrees with the recommendation that the notified zoning of this site be retained.

Granity

936. In relation to a submission from Jackie and Bart Mathers and Gillman (S228.008) seeking that their and their northern neighbours' land at Granity is rezoned to Rural Lifestyle Zone, Ms Easton recommended rejection of the submission. She noted that there is no Rural Lifestyle Zone at Granity due to the high erosion and coastal inundation risk and land instability concerns. The submitter's property is also within the High Natural Character Overlay. The Panel agrees with Ms Easton's recommendation that the submission be rejected, and the notified zoning be retained.

Fox River

937. In relation to a submission from Andrew Beaumont (S225.001) opposing Rural Residential zoning in the Fox River Punakaiki area, Ms Easton recommended rejecting this submission, noting that no information was provided about the specific location of the zoning referred to or the reasons for opposing it. The Panel agrees that the submission should be rejected for the reasons Ms Easton provides.

Grey District

938. In relation to a submission from Ngāi Tahu (S620.017) seeking that the highly productive land precinct be removed from Lot 1 DP 464514 and Lot 1 DP 2850, Ms Easton recommended this submission be rejected on the basis that the purpose of the precinct did not align with the land use for production forestry. Ms Easton noted that the precinct restricts subdivision and residential development and is not inconsistent with the existing land use. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
939. In relation to a submission from Riarnne Klempel (S67.009) seeking that Lot 8 DP 361177, on State Highway 6, Barrytown, be rezoned from Rural Lifestyle zone to General Rural, Ms Easton recommended this submission be rejected. She had discussed this issue with the GDC, who considered the natural hazard provisions sufficient to control the associated issues and noted

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that a significant part of the site is not subject to hazard overlays. The Panel agrees with the recommendation to reject the submission for the reasons provided and to retain the notified zoning.

940. In relation to a submission from David Pugh (S40.001) seeking that the Highly Productive Land Precinct is removed from 1297 Haupiri Road, Haupiri 7872, (Lot 1 DP 377882), Ms Easton recommended the submission be rejected as the intention of the precinct is to retain farm size to support primary production. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
941. In relation to a submission from Barbara King (S71.001) seeking to rezone 42 Hatters Terrace, Nelson Creek, to a single zone, rather than the current split zoning, Settlement Zone and Rural Lifestyle Zone, Ms Easton recommended that the submission be accepted and the whole site be rezoned as a Rural Lifestyle Zone. The Panel accepts the zoning should be amended and recommends the site re fully zoned Rural Lifestyle Zone.
942. In relation to a submission from Kirsty Dittmer (S148.001) seeking that 26 Pandora Avenue be included in the settlement zone, Ms Easton recommended the submission be rejected as the property is partly covered by High Natural Character and Coastal Hazard Alert overlays. She acknowledged that part of the site may be appropriate for development, but she did not support split zoning as a general principle, so she considered General Rural to be the most appropriate zone for the site. The accepts Ms Easton's reasoning and recommends the submission be rejected.
943. In relation to a submission from Graham Wood (S160.001) opposing the rezoning of properties on Barrytown flats from rural Lifestyle Zone, Ms Easton recommended rejecting this submission, noting that the submitter may not be aware that these properties have been upzoned as there was no RLZ in the operative Plan. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides
944. In relation to a submission from Te Tai o Poutini Plan Committee (S171.020) seeking that 3316 Coast Road, Barrytown, and two adjacent properties be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported on the basis that it corrected a zoning error. The Panel agrees with Ms Easton's recommendation to rezoned these properties Rural Lifestyle.
945. In relation to a submission from Te Tai o Poutini Plan Committee (S171.022) seeking that two sites at Rutherglen be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported on the basis that it corrected a zoning error. The Panel agrees with Ms Easton's recommendation that the properties be rezoned to Rural Lifestyle.
946. In relation to a submission from Te Tai o Poutini Plan Committee (S171.023) seeking that three sites at Te Kinga be rezoned to Rural Lifestyle Zone, Ms Easton recommended this submission be supported noting that these small sites are adjacent to an area of Rural Lifestyle Zone and the zone is appropriate for these properties. The Panel agrees with Ms Easton's recommendation that the properties be rezoned to Rural Lifestyle.
947. In relation to submission from John Boyles (S175.001), David McInroe (S176.001), Benjamin and Shari Ferguson (S173.001), and Kaye Leighton (S174.001) who sought that 13ha of land at Waipuna, be rezoned from General Rural to Rural Lifestyle, and Ken and Robyn Ferguson seeking that the Highly Productive Land Precinct be removed, Ms Easton supported this

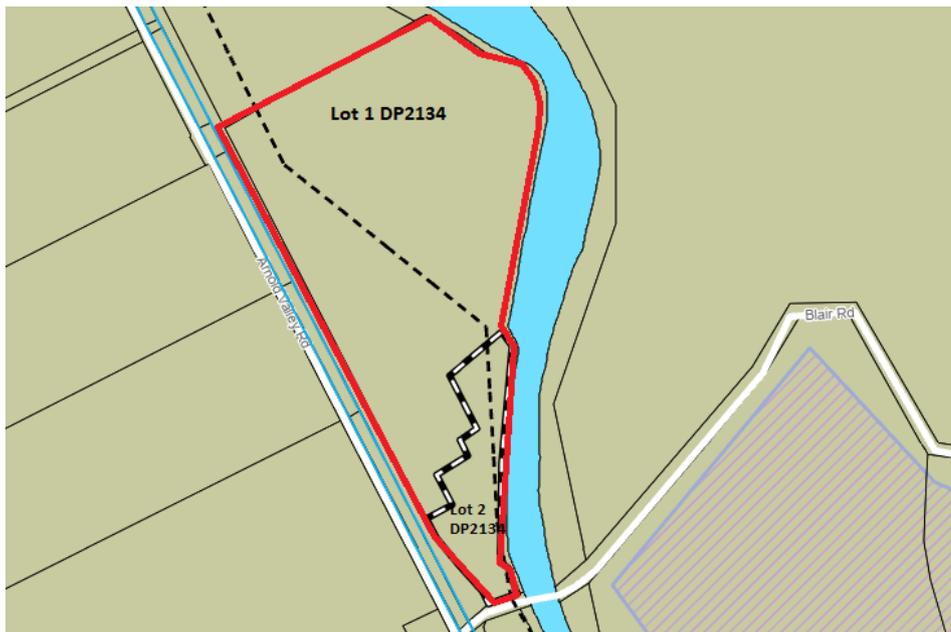
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- submission. She noted this submission was supported by GDC, which considered that the zoning would recognise the small settlement that has been established in this location. The Panel agrees with Ms Easton's recommendation that the properties concerned be rezoned to Rural Lifestyle and that the properties be removed from the Highly Productive Land Precinct.
948. In relation to a submission from Christina Bushby (\$178.001) seeking that Zone DP2764 Lots 3 & 4 adjacent to 406 State Highway 7, Kaiata, is rezoned as General Rural Zone, Ms Easton did not support this submission, noting that the rezoning creates no obligation on landowners to develop their land, but provides for growth at Kaiata. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
949. In relation to a submission from Mitchells 2021 Ltd (\$448.002) to rezone Lot 4 DP 440795 from General Rural to General Rural and Rural Lifestyle, Ms Easton did not support this submission, noting that the land is bush and understood to be covenanted in favour of DOC as part of the Forests Accord. She noted that GDC have raised concerns about the capacity of road infrastructure (a gravel road on the edge of the lake) to accommodate further development. The Panel has considered the submissions and agrees with Ms Easton's conclusions. We recommend rejecting the submission for the reasons outlined and retain the notified zoning.
950. In relation to a submission from Mitchells 2021 Ltd (\$448.001) to rezone PT RS 2032 from Rural Lifestyle to Settlement Zone, Ms Easton did not support this submission, noting that there has already been significant upzoning at Mitchells to provide for additional development and that the block concerned is bush-covered and partly within an Outstanding Natural Landscape. The Panel agrees that rezoning in this area would be inappropriate and recommends rejecting the submission and retaining the notified zoning.
951. In relation to a submission from Davis Ogilvie & Partners Ltd (\$465.001) seeking that Lot 1 DP2617, Lot 1 DP2512, Lots 1 and 2 DP2489, Lot 1 DP2781, and Part RS2082 at Mitchells be rezoned as Rural Lifestyle Zone, Ms Easton did not support this submission, noting that the site is bush covered and partly within an Outstanding Natural Landscape. Ms Easton noted that the site is not in an area identified for Rural Lifestyle development and that the character is best described as General Rural Zone. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
952. In relation to a submission from Riarnne Klempel (\$296.001) seeking land to be rezoned to expand the Barrytown township settlement area, Ms Easton did not support this submission, noting that there has been substantial upzoning in Barrytown to allow the township to expand and that further rezoning is unnecessary. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
953. In relation to a submission from Shirley Godfrey (\$406.001) seeking that two parcels of land, described as PT RS 1999 BLK VII WAIMEA SD. Area 11.9559ha and Sec 11 SO557707. Area 1.2126ha, be rezoned to rural residential, Ms Easton did not support this submission as she could not determine the location of the properties. The Panel agrees with Ms Easton's recommendation to reject the submission and to retain the notified zoning.
954. In relation to a submission from Suzanne Hills (\$443.047) seeking that 3345 Coast Road be rezoned to Rural Lifestyle, as the adjacent properties have been rezoned, Ms Easton supported this submission as she could not identify any reason why this property had been excluded. The Panel agrees with Ms Easton's recommendation to accept the submission and to rezone the property to Rural Lifestyle.

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955. In relation to a submission from Craig Schwitzer (S96.025) and Riarnne Klempel (S67.0060) to rezone 64 Cargill Road from General Rural zone to Rural Residential Zone, Ms Easton did not support this submission, noting there has been substantial upzoning in Barrytown to provide for expansion and allow for rural lifestyle development. Ms Easton considered that rezoning this large site would substantially expand rural residential use at the detriment of primary production values. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
956. The Panel accepts Ms Easton's recommendation to reject the submission from Te Kinga Estates Limited to rezone Lot 2 568525 to Rural Residential. While we acknowledge Mr Kinney's statement, he did not provide us with additional evidence regarding servicing or infrastructure needs, environmental or cultural effects, or the need for further Rural Residential zoning in the Moana area. We note that the BTW report scenarios examined the implications of developing the property with 4000m² sites and on-site servicing. It notes that the property drains to three sub-catchments, which drain, respectively, to Lake Brunner, the Arnold River, and Molloy Creek. Given that the site in question is 134 hectares and would substantially increase the housing potential, we consider resolution of these factors to be necessary.
957. For the above reasons, the Panel recommends that the proposal to rezone Lot 2 568525 to Rural Residential by Te Kinga Estates Limited be rejected
958. In relation to a submission from Peter Jefferies (S546.001) seeking that the Highly Productive Land Precinct be removed from 843 Atarau Road, Ms Easton did not support this submission, noting the property is within a significant farming area and the precinct is appropriate. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
959. In relation to a submission from Martin and Lisa Kennedy (S545.001) seeking to remove the Highly Productive Land Precinct from Lot 3 DP 2743) in the Grey Valley, at Atarau, Ms Easton did not support this submission noting that while she could not determine the exact location of the property, it is in a significant farming area. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
960. In relation to a submission from Nick Pupich & Sandy Jefferies (S546.001) seeking to remove the Highly Productive Land Precinct from 729 Atarau Road, Ms Easton did not support this submission noting that it is in a significant farming area. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
961. Ms Easton supported a submission from CMP Kokiri (S611.001) seeking Lots 1 and 2 DP2134, (containing a meat processing plant), be rezoned to General Industrial or similar relief, noting that General Industrial would be an appropriate zoning. Ms Easton considered Light Industrial to be the most appropriate zoning. She said the plant is located at the southern end of the property, with other parts being bush and farmland, including a Significant Natural Area. Initially she did not support split zoning because she considered the ecosystem and biodiversity provisions are intended to manage impacts on the SNA. (s42A para 502-503).
962. The map identifying this area in the s42A report doesn't clearly show the boundaries of Lot 1. For clarity, the lots are identified in the map below, outlined in red.

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963. Ultimately, Ms Easton's recommendation, as detailed in her reply, supported LIZ for both lots 1 and 2, but for the SNA to be the General Rural zone.
964. The Panel has given consideration to the various options before it. We are not persuaded that Ms Callaghan's bespoke option is appropriate, when existing zones are available. We consider this would simply add unnecessary complexity to the Plan and we were unclear just how this option would be more efficient and effective compared to either a General Industrial or Light Industrial zoning. In the end we agree with Ms Easton that a Light Industrial Zoning is the most appropriate option, but we do not consider it is necessary to carve out and rezone the SNA General Rural. In our view it sufficient to rely on the SNA provisions in the Plan to provide protection. We also note this avoids the creation of a complex zoning outcome for the site. The Panel therefore recommends that Lots 1 and 2 DP2134 be rezoned LIZ.
965. In relation to a submission from Bede Udy (S154.001) seeking to rezone 2 Cashmere Bay Road, Moana, from Rural Lifestyle to Rural Residential, Ms Easton did not support this submission, noting this would be out of character with the surrounding zoning and land uses. The Panel agrees with Ms Easton's recommendation to reject the submission and to retain the notified zoning.
966. In relation to a submission from Ngai Tahu (S620.016) seeking that Section 2 SO 12078 be rezoned to General Rural, Ms Easton supported this submission noting that this was an error as the Plan maps incorrectly show it as a water body. The Panel agrees with Ms Easton's recommendation to accept the submission and to rezone the site General Rural.
967. In relation to a submission from Murray Stewart (S217.002) seeking that the Highly Productive Land Precinct be removed from rocky and landslide areas of 746 Taramakau Settlement Road, Ms Easton did not support this submission, noting that the focus of the precinct is retaining economic farming units and avoiding further fragmentation of rural land. The Panel disagrees with the recommendation and notes that whether this is identified as Highly Productive Land Precinct will be confirmed through the mapping exercise.
968. In relation to a submission by T Croft Ltd (S460.003) the Panel notes from Ms Hadfield's evidence that the s42A report omits any comment on the submitter's request that 139 Arnold Valley Road (Lot 2 DP2261) be rezoned from General Rural Zone to Light Industrial Zone to be

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consistent with the surrounding land. Ms Hadfield notes that Appendix 2 to the s42A report, which lists the reporting officer's recommendations to accept/reject each submission, recommends that the submission be accepted. She noted that this site is 4000m² and contains a house that was originally approved under a resource consent as a manager's residence and currently occupied by Frank (director and shareholder of T Croft Ltd), and Clare Croft. Ms Hadfield requested the Panel rezone 139 Arnold Road to Light Industrial, consistent with the reporting officer's recommendation in her Appendix 2.

969. The Panel visited the site and we agree with Ms Hadfield that given the use of the neighbouring site being industrial, and the usage of the residence being directly connected with that usage, Lot 2 DP 2261 should be rezoned to Light Industrial, being consistent with Ms Easton's recommendation. The Panel notes that Ms Easton, within her reply, supported rezoning 139 Arnold Valley Road, the manager's residence, to light industrial. The Panel recommends Lot 2 DP2261 be rezoned LIZ.
970. In relation to the International Panel and Lumber (IPL) (FS98.005) car park zoning error, the Panel accepts Ms Hadfield's evidence that IPL contacted Davis Ogilvie in May 2023 to lodge a further submission after they noticed that the zoning of part of their land at Gladstone, containing the staff car park for the IPL factory, had been proposed for re-zoning under the notified TTPP. The car park site (Part Lot 2 DP 1460) is held in the same title as the main factory site (Lot 1 DP 1460). A copy of Record of Title WS1A/184 was attached as Appendix 1, to Ms Hadfield's evidence. Under the operative Grey District Plan, the IPL factory site, including the car park, was included in the Industrial Zone. Under the TTPP, the car park has been re-zoned as Rural Lifestyle.
971. Ms Easton's advice to the Panel was that the Rural Lifestyle Zoning of the car park located on Osmond Road, Gladstone, adjacent to the factory building, is an error and that amending the zoning to General Industrial could be treated as a Clause 16 amendment. The Panel notes that Clause 16 has arisen for consideration because the scope available under the further submission to support rezoning is questionable. We note Ms Hadfield's evidence confirms the carpark has been utilised as a carpark for as long as the factory has been operational, and a common zone over the factory and carpark would be anticipated by both neighbours and plan users alike. The Panel, based on this advice and evidence, recommends utilising clause 16 that the International Panel and Lumber Carpark, being Part Lot 2 DP 1460, be rezoned General Industrial, as is the status quo under the operative Plan.
972. In relation to the Griffen & Smith Ltd (S353.004) submission, which identified an anomaly in the Zone maps in that there are areas around the Mitre 10 Site and Blaketown lagoon zoned General Rural Zone. This includes the flood wall, the road reserve, the railway line, and some areas of Council-owned land adjacent to the airport. This submitter sought that they be rezoned to reflect the zoning of the adjacent land as follows:
- That the of the railway line adjacent to the Commercial Zone is rezoned as Commercial Zone, not zoned General Rural Zone
 - The legal road between Mitre 10 and the Greymouth Hospital (which includes the hospital entrance) should be shown as road, not zoned General Rural Zone
 - All the Council owned land south of Raleigh Street that forms part of the Airport should be zoned Special Purpose (Airport Zone)
 - The flood wall and the triangular parcels of land around Waterwalk Road should be zoned Open Space Zone. 7. These amendments are shown in the map below:

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973. Ms Hadfield provided additional planning evidence to support the proposed rezoning. Ms Easton, in her s42A addendum report, agreed that the General Rural Zone identification of these lands is an error, and supports the approach proposed by the submitter as outlined in that planning evidence. The Panel accepts the evidence of Ms Hadfield and agrees with Ms Easton's recommendation to rezone the land as detailed on the map in Appendix 3.

Westland District

974. In relation to the Several submitters¹⁶³ that sought to rezone 148 Kumara Junction Highway to Settlement Zone - Rural Residential Precinct, Ms Easton did not support these submissions due to concerns about reverse sensitivity on the SFF site, noting that SFF has concerns about residential uses on their southern boundary, and rezoning on the northern boundary would magnify these issues. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

975. In relation to a submission from Westland Farm Services (S550.015) seeking that the General Rural part of Rural Section 1264 and Section 8-10 Survey Office Plan 12249 be rezoned to Settlement Rural Residential Precinct, Ms Easton supported this submission as she considered this a zoning error. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides, and the site be rezoned to Settlement Rural Residential Precinct.

976. In relation to a submission from Freehold Properties (Investments) LLP (FP) seeking that 2902 Franz Josef Highway be rezoned as Settlement Zone, Ms Easton did not support this submission as there is no Settlement Zone on the west side of the State Highway and this site is in a wider rural area. Westland District Council confirmed this would not accord with the wider plan for the Franz Joseph area. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

977. In relation to a submission from Forest Habitats Ltd and Jacbrat Holdings Limited (S138.001, S220.001) seeking that the zoning of 135 Ruatapu-Ross Road is changed from General Rural to Rural Lifestyle, Ms Easton supported this submission as Westland District Council consider this would be an appropriate transition from the Settlement Zone and allow some expansion of the Ruatapu community. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides, and the site be rezoned to Rural Lifestyle.

Forest Habitats Limited

978. In relation to a submission from Forest Habitats Limited seeking that 117 Arthurstown Road be rezoned to Settlement Zone - Rural Residential Precinct, Ms Easton did not support this submission. Ms Easton's reasons noted that this property is within a wider area of the General Rural Zone; the rezoning would result in fragmentation of that zone and could create reverse sensitivity effects with primary production. In addition, the surrounding roads are subject to flood risk, and the increased residential population in this area is considered undesirable.

979. Ms Easton noted in her s42A report that Forest Habitats had a resource consent in process for part (27.3834ha) of the submission site. The submission site is some 98ha as shown on Appendix 1 of the evidence of Mr MacDonell dated 25 June 2024.

980. Since our hearing a Commissioner has released a decision, dated 14 March 2025, approving an application to subdivide land into 17 allotments (including amalgamation) and land use

¹⁶³ Denis and Wendy Cadigan, Birchfield Ross Mining Limited, and Phoenix Minerals Limited

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consent to erect a total of 12 dwellings, including no more than one dwelling per allotment on Lots 1 to 12, and to form an unformed legal road for residential access, resulting from the three-stage subdivision of land at 117 Arthurstown Road, Hokitika.

981. The consented site is located on the Hokitika River side of Arthurstown Road, with the balance of the submission site being situated to the south of Arthurstown Road. Ms Easton has confirmed in response to a post-hearing question from the Panel that no appeals have been lodged against the resource consent decision, with the appeal period having lapsed.
982. Ms Easton's reply noted that the proposed rezoning is much more extensive than the commentary or map in the s42A report implied. As presented to the hearing by Forest Habitats Limited, a large area, some 98 ha. in the Arthurstown locality is sought to be rezoned from General Rural, as notified, to Rural Residential Precinct. Ms Easton considered this rezoning to be inappropriate, and she did not support it. Principally, she was concerned about the flood hazard in the area, which has been identified based on a LIDAR-informed hydrodynamic model, under a 1:100-year flood, generally regarded as the "gold standard" for flood modelling.
983. Ms Easton advised that the Arthurstown area is a well-known flooding area, and part of the property proposed includes an area of Flood Hazard Severe, as well as most of the Title 2 and 3 properties, as shown on the Plan titled "Plan of Existing 9 Titles with Possible House", dated 4 April 2024 attached as Appendix 3 to Mr MacDonell's evidence being covered by the Flood Hazard Alert overlay.
984. Ms Easton advised that while the TTPP Flood Hazard Overlays do not include an allowance for climate change, this information is available and was included in part of the evidence presented. This shows that the submission site would be under 0.5 – 1m of water in a 1:100-year flood. Localised changes to the Hokitika River, as outlined in the submitter's evidence, have occurred because of the normal dynamic process of braided rivers in "normal" years and do not reflect how the river might respond in a significant flood event. Ms Easton noted that a substantial part of the submission site is also covered by the Coastal Hazard Alert Overlay, as identified in Variation 2, indicating that, as well as flood risk, there is significant risk from storm surge inundation in a large coastal hazard event.
985. Now that post hearing a resource consent has been granted for part of the site, the Panel need to decide whether we can consider that consent, and if so, what is the outcome, in this process, for the entire submission site. We note that we were certainly aware, based on the evidence from both Forest Habitat and Ms Easton, that a resource consent was in process. It seems to the Panel that it is artificial to ignore the fact that a consent for part of the site has been granted subject to conditions.
986. Notwithstanding the above, applicable considerations for a resource consent and recommendations on a proposed plan are different. Resource consent considerations are focused on the subject site, its surrounds, the application, its effects and the provisions of relevant plans. Our recommendation process has a district-wide focus, considering from an efficiency and effectiveness point of view which Plan provisions, that is, the notified or those promoted by submitters, best meet the purposes of the RMA.
987. So, in this case, the question is whether the notified plan provisions and zoning of General Rural or those supported by Forest Habitat, which are the Rural Residential Precinct provisions and zoning, are better in achieving the purpose of the RMA. We note that other Chapters, such as the Hazards Chapter of the Plan, will have Plan provisions that also apply to this site.

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988. The consent includes a number of conditions. Those resource consent conditions have a focus on hazards, primarily flooding, which provides for conditions requiring that the minimum finished floor levels of any dwelling, including a buffer, shall be designed, constructed, and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites are required to be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m do not apply to that building site. In the instance that they are applicable, the finished floor level of any dwelling shall be designed, constructed and thereafter maintained to be 500mm above that higher flood level. Climate change and storm surge are to be assessed and provided for. Certification from the engineer that the floor height of the proposed dwelling meets conditions is to be supplied to Westland District Council with the building consent application.
989. The Commissioner, in granting consent, was satisfied that conditions, including those detailed above, would protect buildings from hazards. As well, reliance was placed on warnings to occupants to vacate in the event of a threat of hazards.
990. The Panel note, based on the submitter's evidence of flood modelling from Hutchinson, Consulting Engineers, the flood modelling for titles 5, 6, and 7 located south of Authurstown Road provides similar depths and flood velocities to those on the northern side of the road. So similar conditions as to dwelling floor levels would be required.
991. Title 5 is 42.27 ha; Title 6 is 14.4ha, and Title 7 is 13.7ha. So, assuming rezoning to Settlement Zone - Rural Residential Precinct, the minimum lot size for subdivision is 4000m²; for less than this, it is a Discretionary Activity.
992. Any subdivision would, however, be a Restricted Discretionary Activity under SUB-R13 because it would be to create allotments in the Flood Susceptibility Overlay. Matters of discretion in SUB-R13 include *c. the location and design of proposed buildings, vehicle access and infrastructure concerning natural hazard risk*. Natural Hazards Overlays apply to titles 5-7. Flood Hazard Susceptibility entirely covers Title 7, Title 5 is about 95% covered by Flood Hazard Susceptibility, and Title 6 is about 85% covered by Flood Hazard Susceptibility. New buildings for sensitive activities (which include residential) must have a finished floor level of 500mm above the 1% AEP event (Rule NH-R10 - Permitted Activity). So, the subdivision rule could restrict the locations of buildings, and the natural hazard rule would set the freeboard requirement.
993. The Panel acknowledge that this exercise on the application of TTPP provisions shows that the Plan can control both the placement and conditions under which dwellings could be constructed on the southern side of the submission site. However, when considering the submitters' flood modelling evidence provided by Hutchinson Consulting Engineers, we are unclear as to how many new dwellings could be constructed as, perhaps understandably, possible building platforms were not identified for the southern portion of the submission site to the same degree of detail as for the now consented portion. So, we are unclear how many dwellings could be involved and how many more people may be in any development.
994. As to fragmentation, Mr MacDonell pointed out that as of right, some of the sites within the submission site could be built on, so if fragmentation is an issue, fragmentation has already occurred, and more development will not have a significant impact. As well, he noted that the land is not highly productive, with limited production potential. Grazing at low densities appeared to be the current primary rural activity. Mr MacDonell considered that reverse sensitivity effects with rural-based activities would not arise. He did not consider that the presence of mining to the south of the subject site would cause reverse sensitivity issues for

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the mine. He considered that a sufficient buffer distance was in place to address any reverse sensitivity effects on that mining activity. Mr MacDonell did not comment on the suitability or functionality of the immediate roading network in the event of a hazard.

995. Assuming rezoning, we accept that the plan provisions could, based on modelling of hazards, limit the number and location of new dwellings, and control dwelling floor heights. However, we are unclear on the number of dwellings that could be established on the balance of the submission site, assuming rezoning. We assume that, given the size of the balance area, there could be a large number of dwellings. Given what we know of flood risk, notwithstanding that a resource consent has been granted for a small portion of the submission site, we consider that increasing the number of people who could be exposed to flood risks beyond that allowed by the consented site would be inappropriate. While flood modelling can be conservative, it is only modelling. There is no guarantee that future flooding will follow the modelled predictions. Floods will place occupants and those called on to assist in rescue or recovery at risk. Existing roading may be capable of remaining available in times of flood, or not. As well, property, including assets such as waste infrastructure, could be damaged beyond repair during a flood. We did not receive evidence that there were no other available options for housing development in the locality. For all these reasons, plus those advanced by Ms Easton, we do not consider rezoning the submission site, including that part now consented, to be appropriate. Hence, we recommended the submission be rejected and the notified zoning for the submission site be retained.

Other Submissions

996. In relation to a submission from Erin Stagg seeking a larger area of Settlement Zone around Haast township, Ms Easton did not support this submission, noting that the pTTPP already provided substantial Settlement Zoning to allow for growth, and further rezoning would take residential development closer to the airport with associated reverse sensitivity risks. She also noted that updated coastal hazard mapping identifies a larger area that will be affected by inundation hazard than the Proposed Plan hazard mapping indicates, making the larger block inappropriate for upzoning. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
997. In relation to a submission from Totally Tourism to rezone Lot 33 Deposited Plan 409401, to Settlement zone - Settlement Centre Precinct, Ms Easton did not support this submission, as there is no planned servicing infrastructure in this area. The existing Franz Alpine Resort water supply is non-compliant with new residents required to provide on-site wastewater and water supply tanks. Ms Easton also notes that the Alpine Fault traverses this site. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
998. In relation to a submission from Gavin Molloy seeking that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions are carried over into TTPP, Ms Easton did not support this submission. Ms Easton noted that downzoning of this area has occurred in response to issues that have arisen over time, including concerns about water infrastructure and the availability of better information about natural hazard risks. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.
999. In relation to a submission from Hapuka Landing Ltd seeking to rezone Lots 1-18 DP 498766, Lot 19 DP 498766 and Lot 100 DP 498766 from General Rural Zone to Settlement Zone Coastal Settlement Precinct or an alternative that recognises the existing environment, Ms Easton did

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not support this submission. Ms Easton acknowledged that the area has been subdivided with one house developed on the site but did not support the rezoning as she was not clear on what the most appropriate zoning would be and had concerns about the development being within the Coastal Hazard Severe Overlay. Ms Easton noted that residential buildings are non-complying under this overlay, and this is why a General Rural zone was applied to the site. However, permitted activity standards in this zone do not apply to these properties. She considered that a Settlement Zone – Coastal Settlement Precinct Zone would send a message that further development was appropriate. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

1000. In relation to a submission from Hindman Smartsaw Ltd (S37.001) seeking to rezone Lot 1 and Lot 2 DP 462928 (a sawmill) for industrial use, Ms Easton supported this submission noting this zoning would appropriately reflect the use of this site. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides and to rezone the site for industrial use.
1001. In relation to a submission from Vance & Carol Boyd (S447.005) seeking a review of the Rural Lifestyle Zone because some sites within this zone are below the minimum permitted lot size, Ms Easton did not support this submission. Ms Easton notes that the zone is new and has been applied across a range of property sizes based on what is considered an appropriate zone, with consideration given to whether further subdivision is appropriate. Ms Easton notes that the submitter's property is in Hannah's Clearing, where the main settlement has a Settlement zone, but the periphery is zoned Rural Lifestyle Zone, with these lots being larger than those in the main settlement and subject to the Coastal Hazard Severe Overlay. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides and to retain the notified zoning.

General Mapping Issues

1002. In relation to a submission from Westpower Limited (S547.501) seeking that a hashed line shown in the planning maps on 10 West Drive be deleted, Ms Easton supported this submission, considering this a mapping error. The Panel agrees with Ms Easton's recommendation to accept the submission for the reasons she provides and to delete the hashed line as shown in the planning maps on 10 West Drive.
1003. In relation to a submission from Lynley Hargreaves (S481.024) seeking that there be no rezoning of areas where there has not been public consultation on the approach, Ms Easton did not support this submission. Ms Easton noted that consultation had been carried out through the development of the pTTPP and that, as the operative Plans are very old, very substantial rezoning was necessary due to NPS requirements and the plan being a combined plan. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides.
1004. In relation to a submission from Cape Foulwind Staple 2 Ltd (S568.002) seeking that all planning maps accurately reflect legal appellations at the time of printing, Ms Easton supported this submission in part noting that the PTTTP maps were produced with the most up-to-date cadastral information available at the time. However, as updating of the pTTPP base maps is not automatic and will be undertaken periodically, at times, not all legal titles will show on the maps. The Panel agrees with Ms Easton's recommendation to accept this submission in part for the reasons she provides.

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1005. In relation to a submission from Jackie and Bart Mathers and Gillman (S228.009) seeking the rail corridor to be rezoned from General Rural to Rural Lifestyle on the basis that it could provide for coastal retreat once no longer required for rail purposes, Ms Easton did not support this submission. Ms Easton noted that this would require a split zoning as the corridor outside of the main towns is zoned General Rural, and that NZRC owns this land and is unlikely to be available. The Panel agrees with Ms Easton's recommendation to reject the submission for the reasons she provides.

Hearing Panel's Recommendation

1006. 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 recommends that the following amendments be made to the **Planning Maps and as shown in Appendix 1:**

Zoning		
Precincts		
Settlement Zone – Rural Residential Precinct 4		Strips of land adjacent to the road from the former cement works site to the end of lighthouse road between Cape Foulwind Road and the adjoining SETZ-PREC4 land at Omau. General Rural Zoned part of Part RS 1264 and Section 8-10 Survey Office Plan 12249
General Zone	Rural	3 Bayfield Street, Seddon Section 2 SO 12078 SNA area on the CMP Kokiri site
Rural Zone	Lifestyle	42 Hatters Terrace, Nelson Creek, 3316 Coast Road, Barrytown (Lot 2 DP 3403), and two lots in front of 3320 Coast Road (RES 1021 and PT RS 4809 BLK I WAIWHERO SD) Two sites adjacent to 267 Rutherglen Road (Lot 2 Deposited Plan 485621 and Lot 1 Deposited Plan 485621). 388A and 388B Lake Brunner Road 3342 Coast Road, Barrytown
Waipuna Lifestyle	Rural	13ha of land at 540 – 578 Waipuna Road, Waipuna
Ross Road Lifestyle Zone	Rural	135 Ruatapu – Ross Road, Ruatapu

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Light Industrial	Strips of land between Cape Foulwind Road and the adjoining LIZ land at Omau fronting the former cement works.
	Part Section 8 Block I Steeples Survey District (CFS2 'Area 3' triangle)
	CMP Kokiri site at 7 Blair Road, Arnold Valley
	T Croft Limited dwelling at 139 Arnold Valley Road
General Industrial	Hindeman Smartsaw Ltd site Lot 1 and Lot 2 DP462928, Harihari
	International Panel and Lumber Carpark Part Lot 2 DP 1460
Delete dashed lines	10 West Drive, Hokitika

Dean Chrystal
Hearings Panel Chair

Paul Rogers
Hearings Panel Member

Maria Bartlett
Hearings Panel Member

Anton Becker
Hearings Panel Member

Date: 10 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

Term	Definition
<u>Agricultural aviation activities</u>	<u>means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for rural production activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).</u>
Agricultural, Pastoral and Horticultural Activities	<p>means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:</p> <ul style="list-style-type: none"> a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production; b. beekeeping; c. sphagnum moss collection; d. storage of products and initial processing of horticultural and agricultural products produced on that site; e. the storage, treatment and disposal of solid and liquid animal waste; f. wood lots; g. stock sale yards; h. rural research; i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale); j. farm quarries; k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for rural production purposes <u>agricultural aviation activities</u>; and l. <u>greenhouses</u> m. <u>artificial crop protection structures</u>; and n. ancillary structures/accessory buildings.
<u>Commercial Forestry</u>	<u>means exotic continuous-cover forestry or plantation forestry.</u>
<u>Exotic continuous-cover forestry</u>	<u>means</u> <u>(a) a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</u>

	<p><u>(i) will not be harvested or replanted; or</u></p> <p><u>(ii) is intended to be used for low-intensity harvesting or replanted; and</u></p> <p><u>(b) includes all associated forestry infrastructure; but</u></p> <p><u>(c) does not include—</u></p> <p><u>(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or</u></p> <p><u>(ii) forest species in urban areas; or</u></p> <p><u>(iii) nurseries and seed orchards; or</u></p> <p><u>(iv) trees grown for fruit or nuts; or</u></p> <p><u>(v) long-term ecological restoration planting of indigenous forest species; or</u></p> <p><u>(vi) willows and poplars space planted for soil conservation purposes.</u></p>
Farm quarry	means an open pit or excavation from which quantities of soil, stone, gravel or mineral is <u>are</u> extracted for farming activities on the same site <u>farm property</u> .
Intensive Indoor Primary Production	Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. <u>Advice Note: For the avoidance of doubt intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment.</u>
<u>Primary Production</u>	<u>Means:</u> <u>a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and</u> <u>b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);</u> <u>c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but</u> <u>d. excludes further processing of those commodities into a different product.</u>
<u>Land Based Primary Production</u>	<u>means production from agricultural, pastoral, horticultural, or forestry activities that is reliant on the soil resource of the land.</u>
<u>Plantation Forestry</u>	<u>means a forest deliberately established for commercial purposes, being—</u> <u>a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</u>

	<p>b. includes all associated forestry infrastructure; but</p> <p>c. <u>does not include—</u></p> <p>(i) <u>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or</u></p> <p>(ii) <u>forest species in urban areas; or</u></p> <p>(iii) <u>nurseries and seed orchards; or</u></p> <p>(iv) <u>trees grown for fruit or nuts; or</u></p> <p>(v) <u>long-term ecological restoration planting of forest species; or</u></p> <p>(vi) <u>willows and poplars space planted for soil conservation purposes.</u></p>
<p>Specified Māori land</p>	<p>means:</p> <p>(a) <u>Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</u></p> <p>(b) <u>land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</u></p> <p>(c) <u>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:</u></p> <p>(d) <u>land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:</u></p> <p><u>and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:</u></p> <p>(e) <u>Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</u></p> <p>(i) <u>as part of redress for the settlement of Treaty of Waitangi claims; or</u></p> <p>(ii) <u>by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</u></p>
<p>Woodlot</p>	<p><u>means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted and is not regulated by the NES – CF due to its size or non-commercial nature. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long term ecological restoration</u></p>

	<u>planting of forest species or willows and poplars space planted for soil conservation purposes.</u>
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Rural Zones – Objectives and Policies

Overview

Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, wetlands, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours.

The rural area is characterised by its open vistas and natural features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.

Small settlements and townships are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities or their proximity to the main centres meaning they are becoming more like commuter areas.

Settlements have a range of characteristics – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the West Coast/Te Tai o Poutini, in addition to the RURZ - Rural Zones Objectives and Policies the Strategic Objectives also provide particularly relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for AG – Agriculture **is** to maintain productive values and maintain agricultural viability **including through enabling support industries and services.**
- **Regionally significant infrastructure, and renewable electricity generation activities are provided for in the strategic directions around climate change and resilience, and are necessary activities within Rural zones.**
- The importance of identifying and protecting unique and important NENV - Natural Environments as well as areas where subdivision use and development can occur;
- Supporting POU - Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of Pounamu and Aotea stone resources;
- The role that the rural areas play in terms of supporting TRM – Tourism as a major economic activity on the West Coast/Te Tai o Poutini.

There are three RURZ - Rural Zones on the West Coast/Te Tai o Poutini - the GRUZ - General Rural Zone, the RLZ - Rural Lifestyle Zone and the SETZ - Settlement Zone.

- The GRUZ - General Rural Zone covers much of the land on the West Coast/Te Tai o Poutini where primary production uses are the major activities. There are two Precincts within the Zone - GRUZ - PREC1 - Community Living Precinct and GRUZ - PREC5 - Highly Productive Land Precinct.

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- The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Because of the range of conditions within the Settlement Zone there are three Precincts within the Zone - SETZ - PREC2 -Settlement Centre Precinct, SETZ - PREC3 Coastal Settlement Precinct, and SETZ - PREC4 - Rural Residential Precinct.
- The RLZ - Rural Lifestyle Zone is located around the edges of towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually moved out of economic primary production, although they still may have rural activities occurring.

Alongside the RURZ - Rural Zone Policies there is a specific policy for each Precinct.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Rural Zones Objectives

RURZ-01	To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while protecting retaining highly productive and rural activities land for land based primary production , and supporting a productive rural working environment and rural activities .
RURZ-02	To The Rural Lifestyle Zone provides for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.
RURZ-03	To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while: <ul style="list-style-type: none"> c. Allowing settlements to grow and adapt as economic activity changes; d. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.
RURZ-04	To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.
RURZ-05	To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
RURZ-06	To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.
RURZ-07	The General Rural Zone is managed to ensure its primary production purpose is not compromised by reverse sensitivity effects.

Rural Zones Policies

Rural Amenity and Character	
<u>RURZ-P1</u>	<u>Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production.</u>
<u>RURZ-P12</u>	<p>Enable a variety of activities to occur within RURZ – Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:</p> <p><u>Rural character and amenity within the GRUZ - General Rural Zone and RLZ - Rural Lifestyle Zone is maintained by:</u></p> <ol style="list-style-type: none"> For buildings and structures having <u>ing</u> a bulk and location that is characteristic of rural environments <u>and primary production activities;</u> Maintaining <u>ing</u> privacy and rural outlook for residential buildings; <u>Ensuring activities are</u> Be compatible with existing development and the surrounding area <u>while recognising that primary production activities can generate noise, odour and dust;</u> Having <u>ing</u> appropriate setbacks from the road <u>and adjacent primary production activities</u> significant natural and cultural features; and <u>Locating activities sensitively in the environment to minimise adverse visual and cultural effects including restricting activities on ridge lines or ancestral mountains.</u> Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains
<u>RURZ-P23</u>	<p>Provide for growth and change to settlements <u>within the SETZ – Settlement Zone</u> that:</p> <ol style="list-style-type: none"> Improves the long-term viability of the settlements and their communities; Fits with the historic, cultural and environmental character of the existing settlement; Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards; Integrates with the existing residential settlement and maintains a consolidated settlement form; Supports rural community needs by providing for community facilities and educational facilities; and Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.

RURZ-P34	Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural primary production values.
RURZ-P45	<p>Provide for rural lifestyle development within the RLZ – Rural Lifestyle Zone¹⁶⁴ on the outskirts of towns and settlements where this will not conflict with rural production values primary production activities, and recognising that these have the following characteristics:</p> <ul style="list-style-type: none"> f. Large lots with onsite infrastructure servicing; g. A mix of activities; h. Low traffic and moderate noise levels; i. Dominance of open space and plantings over buildings; and j. Setbacks from property boundaries.
Production Values	
RURZ-P56	<p>Recognise that there are only Protect the remaining small areas of highly productive land for land based primary and soils for agricultural production on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations including by:</p> <ul style="list-style-type: none"> a. avoiding subdivision, unless: <ul style="list-style-type: none"> iv. <u>the proposed lots will maintain the overall productive capacity of the land over the long-term;</u> v. <u>on specified Māori land; or</u> vi. <u>for regionally significant infrastructure;</u> b. <u>avoiding inappropriate use or development that is not land based primary production; and</u> c. <u>any subdivision, use or development:</u> <ul style="list-style-type: none"> iii. <u>minimises or mitigates loss of the availability or capacity of high productive land; and</u> iv. <u>avoids or otherwise mitigates any reserve sensitivity effects on land based primary production.</u> <p><u>Advice Note: For the purposes of determining what is inappropriate use or development for the purposes of clause b. reference is to be made to the NPS-HPL.</u></p>
Non-rural activities	
RURZ-P67	<p>Recognise that the rural areas may be the most appropriate location for some utilities, regionally significant infrastructure, educational facilities, industrial or commercial uses to establish, where these have a functional relationship with rural areas, or where regionally significant infrastructure has a functional need or operational need to locate in that area provided</p>

¹⁶⁴ Cashmere Bay Dairy Ltd (S461.012)

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	the character and amenity of the rural areas is maintained and adverse effects are managed.
RURZ-P78	Recognise that where non-rural activities are located in rural areas, this should not be to the detriment of the effective functioning of towns and settlements, <u>nor</u> to avoid the costs of connection to community funded infrastructure.
RURZ-P89	Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.
Visitor Economy	
RURZ-P910	Recognise that the rural areas form an important part of the visitor economy of the West Coast/Te Tai o Poutini, particularly as a location where tourism and visitor attractions are established.
RURZ-P1011	Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located. <u>and which do not adversely affect primary production activities</u>
Infrastructure in Rural Areas	
RURZ-P1112	Subdivision and development in GRUZ – General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 – Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone – Rural Residential Precinct should recognise the character and form of rural infrastructure including: <ul style="list-style-type: none"> d. Roads with roadside ditches rather than kerb and channel; e. An absence of street lights and urban style footpaths; and f. On-site provision of water supply <u>with sufficient capacity for firefighting purposes</u> and on-site land treatment and disposal of stormwater and wastewater.
RURZ-P1213	Within the SETZ – Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ-PREC4 – Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.
RURZ-P1314	Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.
RURZ-P1415	Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.
RURZ – P16	<u>Ensure that buildings of 18m or more in height within the Westport Radio Mast EM Overlay are designed and constructed to prevent significant safety risks from electromagnetic radiation.</u> <u>Advice note: The primary electromagnetic risk in the Westport Radio Mast EM Overlay arises from the potential for tall structures to absorb radio-wave energy from Radio New Zealand’s AM transmission station at Cape Foulwind. Radio New Zealand can provide technical advice on the risk to</u>

<u>specific proposed structures as well as advice on steps to minimise and reduce risks</u>	
Reverse sensitivity	
RURZ-P157	New development should be designed and located with sufficient buffers so that existing rural uses and consented lawfully established activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.
RURZ-P168	There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, renewable electricity generation activities, electricity transmission and other regionally significant infrastructure and telecommunication and radiocommunications infrastructure , and water supply catchments to avoid reverse sensitivity effects on the infrastructure to ensure that infrastructure is not compromised by reverse sensitivity effects.
Papakainga Housing	
RURZ-P179	Enable the housing needs of Poutini Ngāi Tahu whānui to be met in rural areas and locations safe from significant natural hazards.
Mineral Extraction	
RURZ-P1820	Addressed in the Mineral Extraction Recommendation
RURZ-P1921	Addressed in the Mineral Extraction Recommendation
RURZ-P2022	Addressed in the Mineral Extraction Recommendation
Airfields and helipads	
RURZ-P268	Provide for development and use of ancillary infrastructure such as rural airstrips and helipads helicopter landing areas which support rural land uses such as farming including rural production, conservation and recreation.
RURZ-P279	Manage the location and operation of rural airstrips airfield and helicopter landing areas within the rural area for activities other than primary production, and conservation to provide for the amenity values of the surrounding rural and settlement areas.
RURZ-P2830	Enable aircraft and helicopter movements within the rural area for purposes agricultural aviation activities ancillary to rural production on a seasonal and short-term basis.
GRUZ-PREC1 - Community Living Precinct	
GRUZ-PREC1-P1	Subdivision, use and development within the GRUZ - PREC1 - Community Living Precinct should: <ol style="list-style-type: none"> 1. Provide for grouped housing, community infrastructure and other activities with appropriate buffers to avoid impacts on the amenity of surrounding properties and the environment; 2. Minimise any impacts on natural environment values and appropriately locate wastewater treatment infrastructure to avoid adverse effects on water quality;

3. Provide for appropriate expansion and redevelopment of the buildings and activities within the Precinct, allowing for change and growth of the communities within it; and
4. Be undertaken in a planned manner, in accordance with a concept plan agreed with the Grey District Council.

General Rural Zone

Overview

The GRUZ – General Rural Zone is the largest zone that affects private land on the West Coast/Te Tai o Poutini. Rural land is an important resource as it underpins the social and economic well-being of the West Coast/Te Tai o Poutini. The rural area is a dynamic environment, influenced by changing farming practice and by a wide range of productive activities. The RURZ – Rural Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development within this zone.

The GRUZ - General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining, **regionally significant infrastructure**, and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and machinery, odour from dairy-sheds and associated effluent treatment and discharge systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the GRUZ – General Rural Zone is a production-oriented working environment that is characterised by these activities.

The GRUZ - General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry. **A number of renewable electricity generation activities are located within this zone and these activities provide a crucial role in ensuring provision of electricity supply to the West Coast and are recognised as regionally significant assets.** Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain this rural character.

Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character.

A range of structures associated with regionally significant infrastructure are also a feature of the rural areas.

Urban activities such as commercial and retail, or industrial activities not associated with primary production, are restricted within the zone. Rural lifestyle subdivision is also limited due to the potential for reverse sensitivity effects impacting on primary production activities and the potential for fragmentation of productive land.

The RURZ – Rural Zones Objectives and Policies and GRUZ – General Rural Zone Rules provide the framework for managing the effects of development in the GRUZ – General Rural Zone. However, there are additional specific policies and different rules for the two precincts – the GRUZ – PREC1 – Community Living Precinct and the GRUZ – PREC5 – Highly Productive Land

Precinct. Where there is a conflict between a GRUZ – General Rural Zone provision and the GRUZ – PREC1 – Community Living Precinct or GRUZ – PREC5 – Highly Productive Land provision, within each Precinct, the relevant Precinct provision applies.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~**commercial** forestry within the RURZ – Rural Zone Chapters. This is because ~~plantation~~**commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Other relevant Te Tai o Poutini Plan provisions

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 GRUZ – General Rural Zone, including:

~~• Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~

- **The ENG Energy chapter contains rules applying to energy activities and renewable electricity generation activities throughout the district, and accordingly the rules in this chapter do not apply to these activities. Similarly, the INF Infrastructure chapter contains rules applying to specified infrastructure such as telecommunications, wastewater, stormwater and water supply installations, pipelines and meteorological facilities and accordingly the rules in this chapter do not apply to those activities.**

The TRN Transport chapter contains the rules around the development of the transport network and the performance standards that apply for construction of these facilities and accordingly the rules in this chapter do not apply to those activities.¹⁶⁵

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Residential Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Residential Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -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.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply.**¹⁶⁶

¹⁶⁵ Consequential stemming from Manawa S438.127 and Transpower S299.028,

¹⁶⁶ Forest and Bird (S560.034)

- **General District Wide Matters** - provisions in relation to Earthworks in particular may be relevant to many activities.
- **Subdivision** - The Subdivision Chapter sets out the requirements for subdivision activities in the GRUZ - General Rural Zone.
- **Financial Contributions** – The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

GRUZ – R1 Agricultural, Pastoral or Horticultural Activities and Buildings and structures

Activity Status Permitted

Where:

1. Maximum building **or structure** height above ground level is:
 - i. 10m; except that
 - ii. 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;
2. Buildings **and structures** are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, **5m from the rail designation, 10m from any settlement zone boundary** and ~~10~~5m from internal boundaries;
3. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m;
4. Woodlots are not established within:
 - i. 10m of the boundary of an adjoining property unless that property is within plantation forest; and
 - ii. 40m of a dwelling.
 1. Within the Rifle Range Protection Areas only buildings that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities are established; ~~and~~
 2. Performance standards for beekeeping in the Westland District apply as follows:
 - iii. No bees may be kept on a property less than 600m² net site area; and
 - iv. Beehives must be placed with an obstruction in front of them or be elevated to enable bees to be 2.5m above ground level prior to crossing the site boundary;:
 1. **The maximum ground floor area of any single building is 1000m² or 500m² for any residential building;**
 2. **Vehicle crossing standards in Rule TRN – R1 are met; and**

3. **No building housing sensitive activities shall be located within 150m of a Designated community wastewater treatment facility site boundary.**

Advice Note:

1. If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.
2. Quarrying activity within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.

Activity status where compliance not achieved: Restricted Discretionary for Agricultural, Pastoral or Horticultural buildings not meeting standard 7, Otherwise Discretionary

GRUZ – R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.
2. Within the Rifle Range Protection Areas, Recreation Activities are restricted to Recreational Firearms ~~Target~~ **Shooting**.

Activity status where compliance not achieved: Discretionary where 1 is not complied with Non-complying where 2 is not complied with.

GRUZ-R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No residential activities or residential units occur within the Rifle Range Protection Area;
3. Residential unit density is no more than one unit per 10ha net site area in the Highly Productive Land Overlay and one unit per 4ha net site area in the rest of the General Rural Zone except
 - i. Where:
 - a. The site is already in existence and complied with the previous relevant Grey, Buller or Westland District Plan density provisions; or
 - b. The site is subject to an approved subdivision consent at the operative date of the plan;
 - c. Then the residential unit density is no more than one unit per site;
 - ii. Where this is within the Community Living Precinct and in accordance with the Concept Plan contained in Appendix Eight; ~~and~~
4. There is no more than 3 minor residential units per 10ha net site area that:
 - i. Are located within 20 metres of and share the driveway with either the principal dwelling; or
 - ii. Are worker accommodation associated with primary production buildings; **and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).**

Activity status where compliance not achieved:

Restricted Discretionary where this is Temporary Worker Accommodation subject to Rule GRUZ – R22, Otherwise Discretionary

Advice Notes:

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 are set out in Rule NOISE – R3 will apply.

2. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**

GRUZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with;
2. No papakāinga development occurs within any Rifle Range Protection Area;
3. Residential building density is no more than one unit per hectare net site area, however units are able to be clustered; ~~and~~
4. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; **and**
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

Advice Notes:

1. Where a 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. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**

GRUZ – R5 Minor structures

Activity Status Permitted

Where:

1. These are not structures associated with Agricultural, Pastoral and Horticultural Activities Permitted under Rule GRUZ – R1;
2. All performance standards for Rule GRUZ – R1 are complied with; **Structures are set back a minimum of 10m from the road boundary, 20m from the State Highway boundary and 5m from internal boundaries**
3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than **1.5m** in diameter;
5. Any other structure must not exceed 10m² and 2m in height; and
6. Within the Rifle Range Protection Area only minor structures that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

Activity status where compliance not achieved: Controlled

GRUZ-R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level;
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall; and
3. Within the Rifle Range Protection Area only fences walls and retaining walls that are reasonably necessary for the operation of the Rifle Range or to carry out Agricultural, Pastoral or Horticultural Activities undertaken within the area are established.

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

~~GRUZ R7 Relocated Buildings~~

~~Activity Status Permitted~~

~~Where:-~~

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

GRUZ -R87 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or rural activity or is located within the GRUZ – PREC1 – Community Living Precinct;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. 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~~ **annually**;
6. No heavy vehicle movements are generated; and
7. In the Buller District, the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

Where a 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: Restricted Discretionary

GRUZ-R98 Home Business

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRUZ – R1, NOISE – R1, -R2 and -R5, LIGHT – R1 and -R3 and SIGN – R15 are complied with;
3. **There are no more than two full-time equivalent persons engaged in the home business that reside off site**
- ~~4. A maximum of 10 heavy vehicle movements occurs per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~
4. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R109 Emergency Service Activity

Activity Status Permitted

Where:

1. All performance standards for Rule GRUZ – R1 are complied with except that:
 - a. Hose drying towers are exempt from the height standard; and
 - b. A setback of 5m from the road or State Highway Boundary is required.
2. **Where the facility will located within the Westport Radio Mast EM Overlay, any hose drying or siren tower of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated.**

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R132 Community Halls

Activity Status Permitted

Where:

1. No restriction on hours is in place for up to 12 days per calendar year;
2. No restriction on hours is in place where the hall is in use for Civil Defence Emergency Management purposes;
3. For circumstances other than outlined in **1 and 2** and ~~3~~ above, hours of operation are limited to:
 - i. 7am to 10pm Sunday – Thursday;
 - ii. 7am to 12pm ~~am~~ midnight Friday and Saturdays

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-143 Community Facilities and Educational Facilities in the Community Living Precinct

Activity Status Permitted

Where:

1. These facilities are located in accordance with the Concept Plan in Appendix Eight.

Activity status where compliance not achieved: Controlled

Controlled Activities

GRUZ-R154 Community Facilities and Educational Facilities in the Community Living Precinct not meeting Permitted Activity Standards

Activity Status Controlled

Matters of control are:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- c. Methods of wastewater and stormwater treatment and disposal;
- d. Methods of ensuring safe drinking water supply;
- e. Any requirement for financial contributions; and

- f. Parking and access.

Activity status where compliance not achieved: N/A

GRUZ-R165 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 GRUZ – R1 are complied with.

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

~~**GRUZ R17 Relocated Buildings not meeting Permitted Activity standards**~~

~~Activity Status Controlled~~

~~Where:~~

~~All performance standards for Rule GRUZ – R1 are complied with.~~

~~Matters of control are:~~

- ~~a. Design and location of structures;~~
- ~~b. Methods of wastewater and stormwater treatment and disposal;~~
- ~~c. Methods of ensuring safe drinking water supply;~~
- ~~d. Any requirement for financial contributions;~~
- ~~e. Landscape measures; and~~
- ~~f. Appearance of buildings.~~

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

GRUZ – R197 Intensive Indoor Primary Production in the Community Living Precinct

Activity Status Controlled

Where:

1. All performance standards for Rule GRUZ – R1 are complied with; and
2. This is located in accordance with the Concept Plan in Appendix Eight.

Matters of control are:

- a. Design and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Method of effluent management and disposal;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Hours of operation;

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- g. Any impacts on the production values of surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Restricted Discretionary

Restricted discretionary activities

GRUZ-R2018 Intensive Indoor Primary Production

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Bulk and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Method of effluent management and disposal;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Hours of operation;
- g. Any impacts on the production values of the surrounding land;
- h. Any requirement for financial contributions;
- i. Effects on visual amenity and rural character; and
- j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-2119 Rural Industry

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Bulk and location of buildings;
- b. Management of access, traffic and parking;
- c. Management of odour, noise, lighting and dust;
- d. Hours of operation
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Any requirement for financial contributions;
- g. Any impacts on the production values of the surrounding land;
- h. Effects on visual amenity and rural character; ~~and~~
- i. Methods of water supply; **and**

- j. Methods of wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R220 Visitor Accommodation ~~and~~ not meeting Permitted Activity Standards and Temporary Worker Accommodation

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a farming, conservation or residential activity; and
2. All performance standards for Rule GRUZ – R1 are complied with.

Discretion is restricted to:

- a. Number of visitors/workers staying on site;
- b. Number of days of use for the accommodation;
- c. Management of traffic and parking;
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- e. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;
- f. Any impacts on the production values of the surrounding land;
- g. Any requirement for financial contributions;
- h. Effects on visual amenity and rural character; and
- i. Methods of wastewater treatment and disposal.

Activity status where compliance not achieved: Discretionary

GRUZ-R231 Papakāinga Developments not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where

1. These are not established within any Rifle Range Protection Area.

Discretion is restricted to:

- a. Design and location of structures;
- b. Requirements for wastewater, water supply or stormwater servicing;
- c. Any requirement for noise insulation where these are located by a State Highway or within an Airport Noise Overlay;
- d. Any requirement for financial contributions; ~~and~~
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects.**
- f. **Management of access and parking and**
- g. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.**

Activity status where compliance not achieved: Non-complying

~~GRUZ-R24 Non-rural activities~~

~~Activity Status Restricted Discretionary~~

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Where:

1. ~~The maximum floor and yard area for any non-rural activity shall be 250m²; and~~
2. ~~All performance standards for Rule GRUZ—R1 are complied with.~~

~~Discretion is restricted to:~~

- ~~a. Management of access, traffic and parking;~~
- ~~b. Landscape measures;~~
- ~~c. Hours of operation;~~
- ~~d. Management of odour, noise, lighting and dust;~~
- ~~e. Any impacts on the production values of the surrounding land;~~
- ~~f. Any requirements for management of hazardous substances in accordance with the objectives and policies in the Hazardous Substances chapter;~~
- ~~g. Any requirement for financial contributions;~~
- ~~h. Effects on visual amenity and rural character; and~~
- ~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

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

GRUZ-R263 Community Facilities, Educational Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Management of access, parking and traffic generation;
- b. Hours of operation;
- c. Noise management and lighting;
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**
- e. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase.**

Activity status where compliance not achieved: N/A

GRUZ – R24 Fences, Walls and Retaining Walls 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.**

Activity status where compliance not achieved: N/A

GRUZ – R25 Agricultural, Pastoral and Horticultural Activities where the Maximum Ground Floor Area of any Building does not Meet Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

<p><u>a. Bulk and location of buildings;</u></p> <p><u>b. Effects on visual amenity and rural character;</u></p> <p><u>c. Measures to mitigate landscape effects; and</u></p> <p><u>d. Methods of stormwater treatment and disposal.</u></p> <p><u>Activity Status where Compliance Not Achieved: N/A</u></p>
<p>Discretionary Activities</p>
<p>GRUZ-R276 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Standards</p> <p>Activity Status: Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>GRUZ-R287 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Standards</p> <p>Activity Status: Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>GRUZ-R298 Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Standards</p> <p>Activity Status: Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>GRUZ-R3029 Non-rural Industrial and Commercial activities not meeting Permitted or Restricted Discretionary Activity Standards <u>Excluding Rural Industry</u></p> <p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is not for large-format retail <u>a Commercial activity</u> with a floor and/or yard area of greater than 250m²; nor any 2. Non-rural <u>Industrial</u> activities located within 10km of any Industrial Zone site of sufficient size to accommodate the activity. <p>Activity status where compliance not achieved: Non-complying</p>
<p>GRUZ-R310 Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Standards</p> <p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The visitor and temporary worker accommodation is ancillary to a farming, conservation or residential activity. <p>Activity status where compliance not achieved: Non-complying <u>N/A</u></p>
<p>GRUZ-332 Residential Activities and Residential Units not meeting Permitted or Restricted Discretionary Activity Standards</p> <p>Activity Status Discretionary</p> <p>Where:</p>

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1. This does not occur within any Rifle Range Protection Area. Activity status where compliance not achieved: Non-complying
GRUZ-353 Any Activity not provided for by another Rule in the zone
Activity Status: Non-complying Discretionary Activity status where compliance not achieved: N/A
Non-complying Activities
GRUZ-34 Non-rural Activities, Visitor and Temporary Worker Accommodation Residential Activities and Residential Units, Commercial and Industrial activities not meeting any other Rule in the zone
Activity Status: Non-complying Activity status where compliance not achieved: N/A

Rural Lifestyle Zone

Overview
...
<p>Other relevant Te Tai o Poutini Plan provisions</p> <p>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 GRUZ - General Rural Zone, including:</p> <ul style="list-style-type: none"> • Overlay Chapters – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply. • <u>Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Residential Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.</u> • <u>Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Residential Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.</u> • <u>Natural Character and Margins of Waterbodies -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.</u> • <u>Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply.</u> • General District Wide Matters - provisions in relation to Earthworks in particular may be relevant to many activities. • Subdivision – The Subdivision chapter sets out the requirements for subdivision activities the RLZ - Rural Lifestyle Zone.

- **Financial Contributions** – The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ commercial forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ commercial forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ Commercial Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

RLZ - R1 Agricultural, Horticultural and Pastoral Activities and Buildings

Activity Status Permitted

Where:

1. The activity does not include:
 - i. Intensive indoor primary production;
 - ii. The storage and disposal of solid or liquid animal waste other than that generated on the site;
 - iii. Stock sale yards; or
 - iv. Farm quarries;
2. The maximum gross ground floor area of a single building is 350m²;
3. The maximum height above ground level is:
 - i. 10m for residential buildings **and emergency service facilities**;
 - ii. 7m for non-residential buildings; except
 - iii. 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 set back a minimum of 10m from the road boundary, **5m from any rail designation boundary**, 20m from the State Highway Boundary and ~~10~~**3m** from all internal boundaries;
5. Site coverage is a maximum of 30%; ~~and~~
6. ~~Performance standards for poultry farming and pig keeping apply as follows:~~

~~Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary;~~
7. ~~For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;~~
8. ~~For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs;~~

Shelters and buildings used to house or feed poultry or pigs must be set back at least 30m from any boundary.

9. Performance standards for beekeeping in the Westland District apply as follows:
- a. No bees may be kept on a property less than 600m² net site area; and
 - b. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; **and**

10. Vehicle crossing standards in Rule TRN – R1 are met.

Advice Notes:

- 1.** If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.
- 2. Sale of stock produced on the property is not considered a stock sale yard in terms of standard 1.iii**

Activity status where compliance not achieved: Discretionary

RLZ - R2 Conservation Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

RLZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
- ~~2. Residential unit density is no more than one unit per 1ha net site area on physically contiguous land except where the site is already in existence at the date of notification of the Plan; and~~
3. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with the principal dwelling; **and**
- 4. Provision shall be made for a sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).**

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

Activity status where compliance not achieved: Discretionary

RLZ - R4 Papakāinga Developments

Activity Status Permitted

Where:

1. Performance standards 3-5 for Rule RLZ - R1 are complied with;
2. Residential building density is no more than one unit per 1000m² net site area, however units can be clustered; ~~and~~
3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; **and**
4. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

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 Noise Insulation Requirements set out in Rule NOISE - R3 will apply.

- 2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**

Activity status where compliance not achieved: Discretionary

RLZ - R5 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule RLZ - R1 are complied with.~~ **Structures are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary and 3m from internal boundaries**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;

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3. Any antenna dish must be less than 1.5m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

RLZ – R6 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

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

RLZ – R7 Relocated Buildings

Activity Status Permitted

Where:

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

RLZ – R8 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1 are complied with.
2. Hours of operation are limited to:
 - i. 7am-10pm weekdays; and
 - ii. 8am - 8pm weekends and public holidays; except where:
 - a. The entire activity is located within a building;
 - b. Each person engaged in the activity outside the above hours resides permanently on site; and

- c. There are no visitors, customers or deliveries to the activity outside of the above hours; and

3. There is no more than one full-time equivalent person engaged in the home business that resides off-site.

~~4. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and~~

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

Activity status where compliance not achieved: Discretionary

RLZ – R98 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity;
2. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4, LIGHT - R1 and -R3 and SIGN -R15 are complied with;
3. There is a maximum of 6 paying ~~6~~ guests at any one time;
4. Written Notification to the District Council is required 10 working days prior to the activity commencing;
5. No heavy vehicle movements are generated; and
6. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; and
7. In the Buller **and Westland** Districts the accommodation is homestay accommodation with a permanent resident living on site.

Advice Note:

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: Restricted Discretionary

RLZ – R109 Community Facilities, Educational Facilities, Emergency Service Facilities and Recreational Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule RLZ - R1, NOISE - R1, -R2, and -R4 and LIGHT - R1 and -R3 are complied with;
2. Hours of operation are limited to:

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- i. 7am-10pm weekdays; and
 - ii. 8am - 8pm weekends and public holidays; except
 - iii. For community halls lawfully established at the time of notification of the Plan:
3. Hours of operation on Friday and Saturday are 7am - 12pm ~~am~~ midnight; ~~and~~
 4. No restriction on hours is in place for up to 12 days per calendar year; and
 5. **There are no hours of operation for emergency service facilities**

Advice Note:

Where a 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 Noise Insulation Requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

Controlled Activities

RLZ – R12~~1~~ 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 RLZ - R5 are met.

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

RLZ – R13 ~~Relocated Buildings not meeting Permitted Activity Standards~~

Activity Status Controlled

Where:

- ~~1. All performance standards for Rule RLZ – R1 are complied with.~~

Matters of control are:

- ~~a. Design and location of structures;~~
- ~~b. Landscape measures; and~~
- ~~c. Appearance of buildings.~~

Activity status where compliance not achieved: Discretionary
Restricted Discretionary Activities
RLZ – R142 Residential Visitor Accommodation not meeting Permitted Activity Standards
Activity Status Restricted Discretionary
Where: <ol style="list-style-type: none"> 1. This is ancillary to a farming, conservation or residential activity; and 2. All performance standards for Rule RLZ - R1 are complied with. Discretion is restricted to: <ol style="list-style-type: none"> a. Number of visitors staying on site; b. Number of days of use for the visitor accommodation; c. Management of traffic and parking; d. Landscape measures Measures to mitigate landscape effects; e. Any impacts on the production values of the surrounding land; f. Any requirement for financial contributions; g. Effects on visual amenity and rural character; and h. Methods of wastewater treatment and disposal. Activity status where compliance not achieved: Discretionary
RLZ – R13 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards
Activity Status Restricted Discretionary
Discretion is restricted to: <ol style="list-style-type: none"> <u>a. Design and location of structures</u> <u>b. Height of structures</u> <u>c. Shading and dominance effects on adjoining sites.</u> Activity status where compliance not achieved: N/A
Discretionary Activities
RLZ – R165 Agricultural, Horticultural and Pastoral Activities and Buildings not meeting Permitted Activity Standards
Activity Status Discretionary
Where: <ol style="list-style-type: none"> 1. The activity does not include: <ol style="list-style-type: none"> i. Intensive indoor primary production; ii. The storage and disposal of solid or liquid animal waste other than that generated on the site; or iii. Stock sale yards. Activity status where compliance not achieved: Non-complying
RLZ – R176 Commercial Activities

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<p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum combined floor and yard area for any Commercial activity shall be 100m²; and The activity is not for large format retail with a floor and/or yard area of greater than 250m²; and 2. All performance standards for Rule RLZ - R1 are complied with. <p>Activity status where compliance not achieved: Non-complying</p>
<p>RLZ – R187 Conservation Activities, Recreation Activities, Emergency Service Facilities, Educational Facilities and Community Facilities not meeting Permitted Activity Rules</p>
<p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R198 Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Rules</p>
<p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R2019 Residential Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules</p>
<p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R240 Home Business not meeting Permitted or Restricted Discretionary Activity Rules</p>
<p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R221 Residential Activities, Residential Units and Papakāinga Developments not meeting Permitted Activity Rules</p>
<p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R252 Any activity not provided for in another rule in the zone</p>
<p>Activity Status Non-complying Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ- R23 Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules</p>
<p>Activity Status Non-complying</p> <p>Activity status where compliance not achieved: N/A</p>
<p>RLZ – R24 Industrial Activities including Rural Industry</p>
<p>Activity Status Non-complying</p> <p>Activity status where compliance not achieved: N/A</p>

Mapping

Identify all LUC 1-3 on land the Planning Maps as the Highly Productive Land Precinct and delete land that is not LUC 1-3.

Zoning

Precincts

Settlement Zone –
 Rural Residential
 Precinct 4

Strips of land adjacent to the road from the former cement works site to the end of lighthouse road between Cape Foulwind Road and the adjoining SETZ-PREC4 land at Omau.



General Rural Zoned part of Part RS 1264 and Section 8-10 Survey Office Plan 12249



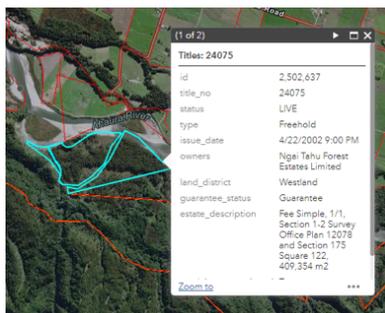
General
 Zone

Rural

3 Bayfield Street, Seddon



Section 2 SO 12078



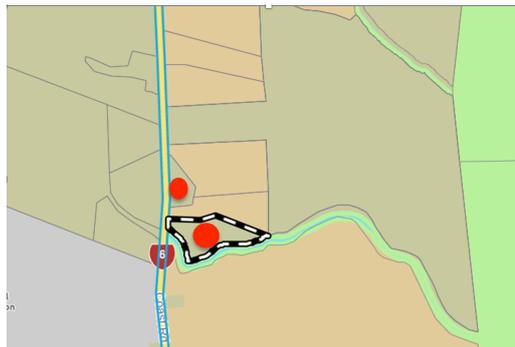
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Rural Lifestyle 42 Hatters Terrace, Nelson Creek,

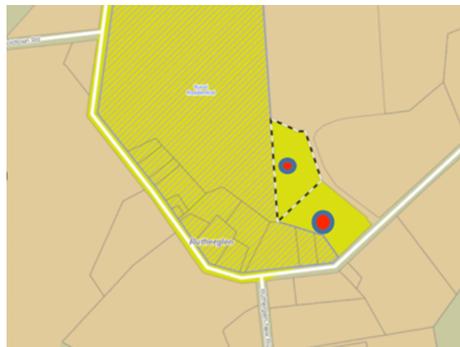
Zone



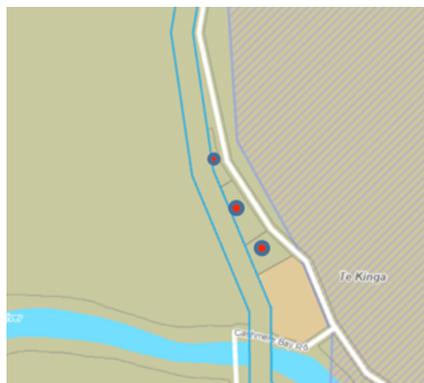
3316 Coast Road, Barrytown (Lot 2 DP 3403), and two lots in front of 3320 Coast Road (RES 1021 and PT RS 4809 BLK I WAIWHEREO SD)



Two sites adjacent to 267 Rutherglen Road (Lot 2 Deposited Plan 485621 and Lot 1 Deposited Plan 485621).

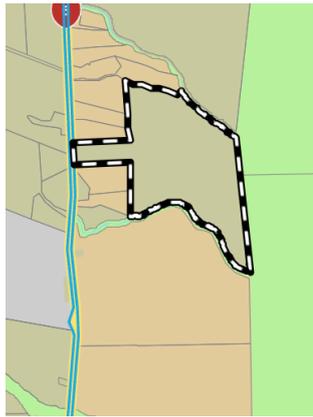


388A and 388B Lake Brunner Road



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3342 Coast Road, Barrytown



Waipuna Lifestyle

Rural

13ha of land at 540 – 578 Waipuna Road,



Ross Road Rural Lifestyle Zone

135 Ruatapu – Ross Road, Ruatapu



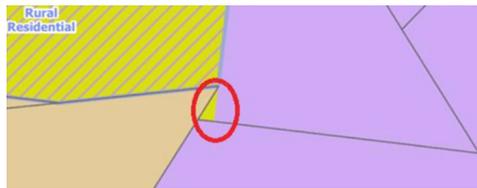
Light Industrial

Strips of land between Cape Foulwind Road and the adjoining LIZ land at Omau



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Rural Zones - Ngā Takiwa Tuawhenua and Settlement Zone -Te Takiwā Nōhanga Pōnaho**

Part Section 8 Block I Steeples Survey District (CFS2 'Area 3' triangle)



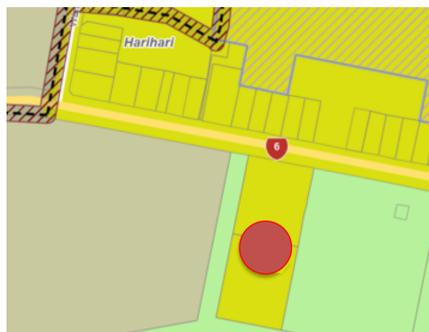
CMP Kokiri site at 7 Blair Road, Arnold Valley with the exception of the area within the Significant Natural Area



T Croft Limited dwelling at 139 Arnold Valley Road



Hindeman Smartsaw site Lot 1 and Lot 2 DP462928



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International Panel and Lumber Carpark Part Lot 2 DP 1460



General Industrial

10 West Drive, Hokitika

Delete
lines



APPENDIX 2 - PANEL MINORITY POSITION

Minority View of Commissioner Bartlett – Gloriavale Community Living Precinct

1. Overview

1. Commissioner Bartlett considers that addition of GRUZ-PERC1 – Community Living Precinct in the General Rural Zone is not required and does not meet the purpose and principles of the Act; therefore, the following should be deleted from the Plan:

- Reference to GRUZ-PREC1 Community Living Precinct in the RURZ Overview
- Reference to GRUZ-PREC1 Community Living Precinct in the GRUZ Overview
- GRUZ-PREC-P1
- Reference to Community Living Precinct in GRUZ-R3
- Reference to GRUZ-PREC1 in GRUZ-R8
- GRUZ-R14
- GRUZ-R15
- GRUZ-R19
- Appendix Eight
- Reference to GRUZ-PREC1 in SUB-R18
- INF-R21

2. Submissions

2. With regard to the **RURZ Overview**, Misato Nomura (S151.008) requested that some precincts be combined because there were too many precinct layers that made the plan hard to read, and it was not clear to the submitter that they all warranted separation.
3. With regard to the **GRUZ Overview**, there were no submissions that referenced precincts in the General Rural Zone, or the Community Living Precinct specifically.
4. With regard to **GRUZ-PREC1-P1**, there was a submission in support from Poutini Ngāi Tahu (S620.243) which emphasised that wastewater needs to be appropriately treated so that it does not result in adverse effects on water quality. Buller Conservation Group (S552.177) and Frida Inta (S553.177) requested an amendment from reference to “Grey District Council” to the “relevant district council”. Other submitters supported the policy without providing a reason (e.g. Chris & Jan Coll (S558.488)).
5. With regard to **GRUZ-R3**, there were no submissions that specifically referenced the Community Living Precinct.
6. Te Mana Ora (S190.970) supported clauses (3) and (4) of the rule on the basis that the lot sizes should be adequate to support on site wastewater systems, supporting good public health outcomes. Grey District Council did not submit on the rule. Buller District Council (S538.499) made a number of recommendations on amendment to clause (3) of the rule, but did not request amendment to clause (3)(ii). Greg Maitland (S571.011) sought deletion of clause (3) because he considered the rule onerous and not reflective of topographical diversity. Submitters sought a variety of potential densities in relation to clause (3) of the rule (e.g.

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Graeme Cavaney (S121.002), Elly Group Limited (S164.001) and Christopher and Donna Meates (S430.002)), that focussed on allowing use while maintaining rural character. A number of submitters sought for existing non-compliance to be recognised (e.g. Peter Langford (S615.179)).

7. With regard to **GRUZ-R8**, there were no submissions that specifically referenced the Community Living Precinct.
8. Te Mana Ora (S190.975) supported the rule on the basis that it provides for appropriate standards to support good public health outcomes. Grey District Council (S608.109) submitted on the rule only as it related to provision of letting records to the council. Westland District Council (S181.040) submitted on the rule, focussed on the requirement to have a permanent resident on site. Buller District Council (S538.503) supported the rule as a whole because it provides for residential visitor accommodation. Charles Elley (S251.001) sought deletion of the rule because he considered it should be a matter for landowners to determine use. A number of submitters sought for existing non-compliance to be recognised (e.g. William McLaughlin (S567.559)).
9. With regard to **GRUZ-R14**, Te Mana Ora (S190.981) supported the rule but did not provide a reason. Ministry of Education (S456.049) supported the rule because it manages the operation of educational facilities in the General Rural Zone. A number of submitters supported the rule amongst a suite of provisions (e.g. William McLaughlin (S567.569)) without providing a reason.
10. With regard to **GRUZ-R15**, Te Mana Ora supported the rule but did not provide a reason. A number of submitters supported the rule amongst a suite of rules (e.g. William McLaughlin (S567.570)) without providing a reason. Grey District Council (S608.751) supported the matters of control in the rule in relation to stormwater, wastewater, drinking water, parking and access.
11. With regard to **GRUZ-R19**, Te Mana Ora (S190.982) supported the rule but requested protection of water supply within a Drinking Water Protection Zone. Grey District Council (S608.754) supported the matters of control in the rule in relation to access, traffic, parking, effluent disposal, wastewater and stormwater treatment. A number of submitters supported the rule amongst a suite of rules (e.g. William McLaughlin (S567.574)) without providing a reason.
12. With regard to **Appendix Eight**, there were no submissions referencing this appendix, which did not contain a concept plan at the time of notification.
13. With regard to **SUB-R18**, there were no submissions that specifically referenced the Community Living Precinct.
14. Submitters either supported (e.g. Neil Mouat (S535.028)), sought amendment to clause (2) (e.g. Chris & Jan Coll (S558.247)), or sought to correct an error in the rule (e.g. Westpower (S547.387)).

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15. With regard to **INF-R21**, Te Mana Ora (\$190.982) supported the rule but did not provide a reason. Grey District Council (\$608.521) supported the rule, while also requesting an amendment to the definition of wastewater. Toka Tū Ake EQC (\$612.015) supported the rule on the basis that it supports consideration of natural hazards. Poutini Ngāi Tahu (\$620.095) supported the rule on the basis that it supports land based effluent disposal. Forest & Bird (\$560.162) sought a new matter of discretion for consideration of natural values.

3. Evidence

3.1 Section 32 Report

16. The Section 32 Report for the Rural Zones contained analysis of the Community Living Precinct. In particular, a memorandum from principal planner Lois Easton to the TTPP Committee dated October 2021 provided an analysis of the draft policies and rules for the Community Living Precinct within the Grey District. The precinct is described as intending to cover areas currently used by Gloriavale, and proposed for future use, as living and community space, including provision for on-site wastewater, water supply, energy generation, schooling and rural industries. The precinct is noted as providing for a light level of regulation, linked to the development of a concept plan for two Gloriavale sites, one existing site and one site yet to be developed. The memorandum identifies limited impact on neighbours because of the distance from the sites to neighbouring properties.
17. Ms Easton identified in the memorandum that the Gloriavale community: has been established by resource consent under the Grey District Plan; is home to more than 600 residents; has on-site servicing, schooling and two large farms; and is considering expansion to other locations. She assessed that the Planning Standards threshold for a special purpose zone could not be met, and that the nature of the activities at the community did not readily fit within the Settlement Zone, so a bespoke precinct was proposed. The precinct is identified as being limited to the main Gloriavale complex and associated land, as well as developable land at Lake Brunner. The precinct is described as designed to be *“more like the approach of a special purpose zone”* (paragraph 6), incorporating the range of existing activities on site; and that it provides a mechanism to *“give some certainty on environmental effects, while recognising that the development should be allowed to proceed without unnecessary consenting requirements”* (paragraph 8).
18. Ms Easton identifies that within the precinct land there are significant natural environment values and the Alpine Fault runs through the properties.
19. The October 2021 memorandum does not contain an analysis of higher order instruments.
20. The October 2021 memorandum is the sole basis provided for introduction of the Community Living Precinct.

3.2 Reporting Officer Evidence

21. The s42A Report for the Rural Zones did not provide further analysis of the basis for the Community Living Precinct. Ms Easton’s advice responded to relevant submissions on specific provisions in the General Rural Zone.

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22. With regard to **GRUZ-PREC1-P1**, the s42A Report made no amendment to the policy, based on Grey District Council being the only relevant council, and support from submitters.
23. With regard to **GRUZ-R3**, the s42A Report did not explore relevance to the Community Living Precinct when responding to submission points.
24. With regard to **GRUZ-R8**, the s42A Report did not explore relevance to the Community Living Precinct when responding to submission points.
25. With regard to **GRUZ-R14**, the s42A Report made no amendment to the rule, based on support from submitters.
26. With regard to **GRUZ-R15**, the s42A Report made no amendment to the rule, based on support from submitters.
27. With regard to **GRUZ-R19**, the s42A Report rejected the submission from Te Mana Ora on the basis that there were no identified Drinking Water Protection Zones and it was a matter for regional council. Submissions seeking accommodation of non-compliance were also rejected, based on existing use rights for lawfully established activities and reliance on a resource consent process to address any non-compliance.
28. With regard to **Appendix Eight**, the s42A Report did not discuss the appendix, or the implications of the lack of a concept plan at the time of notification of the Plan.
29. Ms Easton responded at the Rural hearing to questions asked about the relationship of notified Plan provisions with the findings of the Royal Commission of Inquiry into Abuse in Care. She advised that the scope of submissions did not provide for a response to the findings of the Inquiry. She explained that the concept plan, once developed and included in Appendix Eight, was envisaged as the means of ensuring oversight of facilities and services at the community, particularly wastewater. Her right of reply did not provide any additional comment.
30. With regard to **SUB-R18**, the s42A Report recommended deletion of this rule and replacing it with two non-complying activity rules, with proposed SUB-R27C applying to the Community Living Precinct when minimum lot sizes for the General Rural Zone are not met.
31. With regard to **INF-R21**, the s42A Report recommended retaining the rule as notified, on the basis of support from submitters.

3.3 Submitter Evidence

32. No evidence on the Community Living Precinct was provided at the hearing from Grey District Council or representatives of Gloriavale.
33. With regard to **GRUZ-PREC1-P1**, Frida Inta, in response to questions at the hearing, indicated that she had not been sure that the policy only applied to Gloriavale at the time of her submission.

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34. With regard to **SUB-R18**, Martin Kennedy on behalf of Westpower recorded acceptance of the s42A Report position.
35. With regard to **INF-R21**, Rachel Pull on behalf of Poutini Ngāi Tahu advised support for the matter of discretion relating to effects on Poutini Ngāi Tahu values, and acceptance of the s42A Report position.

4. Analysis

4.1 Lack of evidence in support of precinct and provisions

36. The Grey District Plan did not specifically provide for community living at Gloriavale, therefore the notified TPPP introduces bespoke zoning for Gloriavale for the first time since the community established within the district, and specifically provides for its expansion.
37. No analysis has been provided to the Panel explaining the need for zoning of new land for an expanded community, or how this meets the purpose and principles of the Act. Neither has any evidence been provided to the Panel to advise why the community cannot simply rely on its existing consents for the current community footprint. If existing facilities and on-site services are sub-standard or require upgrading, this would ordinarily be a matter for compliance or consenting.
38. Analysis by Ms Easton identified that conditions for a special purpose zone could not be met, presumably because existing zoning could manage the activities at Gloriavale.
39. Overall, there was a low level of engagement with the Community Living Precinct amongst submitters, and a paucity of supporting evidence from any party.
40. Poutini Ngāi Tahu, in relation to GRUZ-PREC1-P1 and INF-R21, emphasised wastewater and discharge to land. Te Mana Ora, generally in relation to GRUZ-R3, also emphasised the importance of sufficient land for on-site wastewater systems. The General Rural Zone rule framework already requires on-site provision of services where there is no reticulated system available, as does the Settlement Zone. Issues with on-site wastewater systems, if currently occurring, do not provide a compelling argument for establishing a bespoke precinct and bespoke provisions.
41. Ministry of Education support for GRUZ-R14 is not convincing in the absence of a concept plan, because without it there is no “management of educational facilities within the General Rural Zone”. Unlike Kaiata Park, for instance, where the Panel received detailed plans for the development and was able to consider a range of matters, no such evidence was provided in relation to Gloriavale, either in terms of the existing settlement or the planned development at the new site. There are no other conditions governing community facilities or educational facilities, or the development of a concept plan, under GRUZ-R14 or Appendix Eight. The Panel has no basis on which to conclude that either the existing community facilities and educational facilities, or those proposed at the new development, will meet standards expected of other community facilities or educational facilities in the district or region.
42. Grey District Council supported the matters of control in GRUZ-R15. The Panel received no evidence to support controlled activity status, as opposed to restricted discretionary for

example. The Panel do not know why the council and TTPP Committee decided that community facilities and educational facilities at Gloriavale, whether at the existing site or the new site proposed for development, should always be granted; nor why they should be subject to different standards than community facilities or educational facilities elsewhere in the district.

43. Similarly, Grey District Council supported the matters of control in GRUZ-R19. The Panel have no evidence to explain why the council and TTPP Committee decided that intensive indoor primary production at Gloriavale, whether at the existing site or the new site proposed for development, should always be granted; nor why they should be subject to different standards than intensive indoor primary production elsewhere in the district.

4.2 Inquiry findings and Part 2 of the RMA

44. There is scope in submissions to delete the precinct (e.g. Misato Nomura (S151.008)). The Plan would be simplified, as the submitter sought, and the sites would revert to existing rural zoning options. This would seem particularly appropriate in relation to GRUZ-R19.

45. In light of the Royal Commission of Inquiry – Abuse in Care (the Inquiry) findings and recommendations, deletion of the precinct and associated provisions is warranted, and would be consistent with upholding the purpose and principles of the RMA. The Inquiry findings and recommendations were not available at the time of notification of the TTPP, but were available at the time of the Rural Zones hearing.

46. Key findings of the Inquiry, informed by 41 Glorivale abuse survivors, included that:

- in relation to the nature and extent of abuse in care, abuse and neglect were particularly prevalent in faith settings (particularly Catholic, Anglican and Gloriavale)¹⁶⁷;
- in relation to the findings of fault of abuse in care, relevant Ministers, Secretaries and Chief Executives of Education were at fault for (amongst other failings): having less oversight of private schools compared to State or State-integrated schools, potentially increasing opportunities for abuse and neglect; and failing to keep children safe during the school day; and
- in relation to the findings of fault of abuse in care, from the time of inception of the Gloriavale community in 1969, senior leadership were at fault for: allowing physical and sexual abuse to happen in the community; perpetuating cycles of harm; failing to recognise harm, or the scale and extent of abuse; failing to protect survivors of abuse; requiring forgiveness from the victim; allowing perpetrators to continue in the community and to continue abusing; failing to engage with NZ Police or other official organisations; and creating a culture that allowed abuse to occur.¹⁶⁸

47. Recommendations of the Inquiry included that:

¹⁶⁷ Whanaketia – Through pain and trauma, from darkness to light (June 2024), Preliminaries, p51

¹⁶⁸ *Ibid.*, p71 and 79

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- the government should prioritise and accelerate current work to close care and protection residences, which perpetuate the institutional environments and practices that led to historic abuse and neglect in care (Recommendation 70);
- all State and faith-based entities providing direct or indirect care to children, young people and adults should review physical building and design features to identify and address elements that may place children, young people and adults in care at risk of abuse and neglect, including:
 - a. consideration of how best to use technology such as CCTV cameras and body cameras without unduly infringing personal privacy, including taking into account any applicable guidance documents and the legal requirements for the collection of personal information under the Privacy Act 2020;
 - b. reviewing any policies or processes that place children, young people, or adults in care with others who may put them at risk (for example, children and young people in care and protection being placed together with children, young people, or adults in the justice system);
 - c. if care settings include physically isolated spaces, for example private offices or a confessional box, ensuring there are tailored measures in place to address the risks arising, including the risk of undetected abuse and neglect; and
 - d. if care is to be delivered in a geographically isolated or remote area, ensuring there are tailored measures in place to address the risks arising from the geographical setting, including the risk of undetected abuse and neglect (Recommendation 75); and
- the government should take all practicable steps to ensure the ongoing safety of children, young people, and adults in care at Gloriavale (Recommendation 88)¹⁶⁹

48. Findings specific to Glorivale included:

- widespread use of solitary confinement;
- practices ruled as forced labour by the Employment Court;
- recognition by the community of intergenerational sexual abuse and physical abuse of children;
- abuse experienced was strongly shaped by the community's social and physical environments, their interpretation of religious teachings, authoritarian control and separation from the rest of the world;
- survivors saw separation from mainstream society as a form of abuse, a contributing factor to further abuse and something that triggered abusive actions by leadership;
- the exclusive nature of Gloriavale led to economic abuse, medical neglect and educational neglect;
- women received less education than men;
- Māori community members experienced discrimination;
- having a disability led to physical and psychological abuse and educational neglect;
- sexual and physical abuse was normalised in teaching¹⁷⁰; and
- the community had no redress process or relevant policies in place in June 2024¹⁷¹.

¹⁶⁹ *Ibid.*, p137, 138 and 146

¹⁷⁰ Whanaketia – Part 4 - Nature and Extent - Māngai nuitia te kupu pono (June 2024), p81, p84, p86, p167, p203-209

¹⁷¹ Whanaketia – Part 8 – Puretumu Torowhānui, Holistic Redress - Tiritiri ki toi whenua (June 2024), p65

49. Inquiry recommendations for the future of Gloriavale included that it be a “regulated population” within a new national care safety regulatory system, under a “Care Safety Act”¹⁷². Survivor Rosanna Overcomer called for lasting change to provide a safe environment for community members:

“We can hope and heal and work for a better life. But we want lasting change for our families still inside. We want a safe place for our nieces and nephews to grow up in. We want them to have the same liberties, opportunities, education and care any New Zealander deserves. We need to know there will be significant changes to the systems and leadership that brought us here today.”¹⁷³

50. The Inquiry findings as a whole indicate the need for greater regulation of the community, rather than light-handed regulation, as outlined in the Section 32. Particularly relevant to the TPP are the findings that geographical isolation and separation from mainstream society are conditions that increase risk of abuse. Zoning the isolated community, and its expansion to another isolated location, deliberately separate from other settlements and communities within the Grey District and the wider region, exacerbates this identified risk to the health and safety and well-being of community members, including children born and raised in the community who have no access to the outside world. Submissions from Te Mana Ora supporting the precinct and provisions on the basis of good public health outcomes do not stand up to scrutiny in light of these Inquiry findings. Providing for education facilities as a permitted activity with no guidance as to how they should be designed to protect the safety of children fails to heed Recommendation 75 of the Inquiry and its warning regarding the tailored measures required for schools in geographically isolated settings. The Inquiry found Māori members of the community to have diminished standing, contrary to the principles of Te Tiriti o Waitangi and Section 8 of the RMA. Submission from the Ministry of Education does not stand up to scrutiny in light of these Inquiry findings. Neither do the submissions of Grey District Council in support of the precinct and provisions, and the position of the TPP Committee supporting expansion of the community under a controlled activity status, with no ability to decline applications and no publicly available concept plan to interrogate.
51. No evidence has been presented to the Panel that zoning of the Community Living Precinct, including its expansion, will provide for the health and safety, and social, cultural and economic well-being of Gloriavale community members, the Grey District or the West Coast region. The Inquiry findings provide evidence that there are risks to the health and safety, social, cultural and economic well-being of Gloriavale community members, including children and vulnerable community members, from geographical isolation and conditions at the school within that isolated setting.
52. The RPS does not mention Gloriavale or specifically provide for commune style living in the region. Chapter 5, Objective 1 recognises the role of resource use and development and its contribution to enabling people and communities to provide for their social, cultural and economic well-being, which associated Policy 1 then enables.

¹⁷² Whanaketia – Part 9 – The Future – Hei ara mōu kei taku pōkai kotuku, p146-147

¹⁷³ Ibid., p244

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53. The TTPP must be prepared in accordance with the provisions of Part 2, and must have particular regard to an evaluation report prepared in accordance with section 32, under s73 of the RMA. The Section 32 report was deficient with regard to assessment under Part 2 of the Act. Deletion of the Community Living Precinct would better give effect to Part 2 of the Act, whilst still providing for consenting of a variety of Gloriavale activities in accordance with relevant provisions of the rural zones and districtwide subdivision and infrastructure provisions. The benefit of this approach will be: reduced plan complexity and improved plan effectiveness; potential for improved and consistent outcomes for Gloriavale community members, the Grey District and the region through increased scrutiny and transparency of activities (at the existing site and any additional site); and greater ability to incorporate response to the findings of the Inquiry into implementation of plan provisions. Increased consenting costs will likely be incurred by the Gloriavale community, but are expected to be outweighed by the benefits to that community, and the wider community.