

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Settlement Zones

Ngā Takiwa Tuawhenua

Settlement Zone

Te Takiwā Nōhanga Pōnaho

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

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

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Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Settlement Zone - Ngā Takiwa Nōhanga Pōnaho of the pTTPP. It contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Settlement Zone provisions and planning maps.
3. The Section 32 Report¹ provided an evaluation of the Settlement Zone and how it was 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.
4. The Section 42A Officer’s Report² (‘s42A Report’) for the Settlement Zones was authored by Ms Lois Easton, a planner with Kererū Consultants as the Reporting Officer, and was circulated before the hearing. The Reports provided an analysis of submissions and further submissions received and made recommendations on changes to the notified plan provisions.
5. Ms Easton subsequently provided an Addendum s42A Report³ covering the rural and settlement zone topics, 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.
6. The Settlement Zone (SETZ) s42A Report assessed a total of 378 submission points and 29 further submission points on the SETZ 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.
7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the key issues. The Panel notes that this format was slightly different from other s42A reports as it deals with Rules as a Whole prior to the Precinct Policies, as follows:
 - Overview and Rules as a whole;
 - Precinct Policies;
 - Rules SETZ-R1 and SETZ-R2;
 - Coastal Settlement Precinct rules – SETZ-R3, SETZ-R16 and SETZ-R20;
 - Rules SETZ-R4 – SETZ-R14;
 - Rules SETZ-R17 – SETZ-R28;

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

² Te Tai o Poutini Plan Section 42A Officer’s Report Settlement Zone— Ngā Takiwa Nōhanga Pōnaho

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

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- Subdivision Standard SUB1 in relation to the Settlement Zone; and
 - Planning Maps and rezonings
8. In this recommendation report the Panel have moved the Rules as a Whole section to follow the Precinct Policies section.
9. An s32AA Evaluation for the changes was provided at the end of the s42A Report.

1.2. 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. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision, recording all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and Appendix 1, the tracked change version of the Plan provisions that form part of the Panel recommendations in this Recommendations Report must prevail.
12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
- (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or
 - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
 - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
14. Where there is a recommended change to a notified provision of the TTPP, it is because:
- (a) The Panel has recommended 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 to that recommended in the Reporting Officer's reply evidence; or

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- (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
15. 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.
16. 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 clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
17. If any changes are recommended to the provisions (since the Section 32A Report was completed), a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
18. 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.

1.3. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
Director General	Director General of Conservation
BDC	Buller District Council
BCG	Buller Conservation Group
Councils	Buller District Council, Grey District Council, and Westland District Council
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

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HortNZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
MOE	Ministry of Education
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
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
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

1.4. Hearing Arrangements

20. 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 by internet connection.
21. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.5. Appearances

22. The following submitters appeared at the hearing:

Mr Vance Boyd for himself

Hadleigh Pedler, Steve White and Mark Bucham for Radio New Zealand

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

Ms Marie Elder for herself

Ms Pauline Hadfield for Te Kinga Investments Ltd and Davis Oglivie Ltd

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

Karl Luxon for Scenic Hotel Group

Rob Kinney for Te Kinga Estate Ltd

1.6. Overview of submitter evidence received

23. Legal submissions were received from Ms Kelsey Barry for Russell Robinson and Brunner Builders Limited, and Hadleigh Pedler for RNZ.
24. For those appearing at the hearing, the following evidence and/or statements were received:
 - (a) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc. (dated 14 June 2024);
 - (b) Mr Martin Kennedy, planner for Westpower Limited (dated 1 July 2024);
 - (c) Anna Jane Bensemman, planner for Frank O'Toole (dated 1 July 2024)
 - (d) Craig Barr, Helen Kellett, Louise Bailey, Richard Nichol, Russell Robinson, Sophie South, Tony Penny for Russell Robinson and Brunner Builders Limited, (dated 18 March 2024)
 - (e) Steve White, Transmission Engineer Specialist for RNZ (dated 2 July 2024).
25. 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 settlement zone.
 - (c) A memorandum of Counsel was submitted on behalf of Foodstuffs (South Island) Properties Ltd. The letter confirms support for the officer's recommendation to accept Foodstuff's submission point on SETZ-PREC2 and confirms that Foodstuffs maintains its

⁴ Letter from Alec Duncan dated 19 July 2024

⁵ Letter from Michelle Grinlinton-Hancock dated 1 July 2024

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position on other submission points. The letter also provides additional comments on supermarkets in the Settlement Zone, in response to the s42A report.

- (d) A statement of rebuttal evidence of Craig Barr, planner for Russel Robinson and Brunner Builders Ltd, addresses matters raised in the s42A report relating to residential density and location of the rezoning, and lack of detail in the Development Area Plan.

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

- (a) Closing legal submissions and statement of planning evidence were submitted on behalf of Russell Robinson and Brunner Builders Ltd (dated 9 September 2024)
- (b) Further legal submissions were submitted on behalf of RNZ, providing legal advice on the scope of RNZ's submission and confirmed support for the draft provisions prepared by the s42A Officer (dated 25 September 2024).
- (c) Scenic Hotels Ltd provided a letter and memo⁶ responding to the Panel's request for proposed text amendments to the Proposed Plan.

1.7. Right of Reply

27. Ms Easton provided a written right of reply (dated 30 September 2024) that addressed the Panel's questions on various matters and proposed amendments to several provisions, including both track changes and a clean copy of the amended provisions.
28. Ms Easton provided a written right of reply (dated 12 February 2024, although the date should have been 12 February 2025) addressing the matters raised by the Panel in relation to rezoning at Moana and Cape Foulwind.

1.8. Procedural Steps and Issues

29. The Panel notes that Commissioner Chrystal took no part in recommendations relating to Scenic Hotel Group. No other procedural issues arose from this hearing.
30. The Panel notes that the provisions concerning Mineral Prospecting and Mineral Extraction (SETZ-R15 and SETZ-R23) within the Settlement Zone are not included within this report and are assessed in the Mining and Minerals s42A Report.

1.9. Site Visits

31. As part of this hearing, we undertook site visits as follows:

- Te Kinga
- Moana – Russel Robinson Builder's Block
- 11 Lake Brunner Road -Klempel Block
- Punakaiki Township
- Pekenga Drive Fox Glacier
- Cron, Cowan, and Condon Streets in Franz Josef Glacier

⁶ Letter from Karl Luxon dated 22 August 2024 and attached memo from Planz Consultants dated 23 August 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. The Settlement Zone - Te Takiwā Nōhanga Pōnaho is in Part 3 – Area-specific Matters – Te Wāhanga 3 – Ngā Take a la Rohe. The zone forms part of the Rural Zones section of the Plan, which also includes the General Rural and Rural Lifestyle zones. The section comprises one objective and policy chapter (with specific provisions) that applies across all three zones, as well as three rule chapters, each with rules specific to its respective zone. Submissions on the Rural Zones policies, the General Rural Zone and Rural Lifestyle Zone provisions are addressed in a separate s42A report.
33. The creation of the Settlement Zones provisions required the amalgamation of the three different approaches and zones used across the Operative Plans, as well as aligning the zones to the National Planning Standards requirements. That has resulted in four Precincts to reflect the range of types of Settlements found across the West Coast. Additionally, a further Settlement Centre Precinct was developed and applied to commercial areas in certain settlements.
34. The rules for the Settlement Zone and its precincts generally:
- Provide for a wide range of expected activities that would occur in the zone, which are compatible with the settlement/precinct type.
 - Provide for some other activities that may be appropriate to locate in the Settlement Zone areas through resource consent requirements.
 - Recognise that the Settlement Zone – Rural Residential Precinct is an important new precinct to provide for what has become a very popular type of rural living development.
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 Reports highlighted the relevant sections of the RMA, and higher-order statutory documents and relevant documents. The Panel notes in particular the following:
- New Zealand Coastal Policy Statement 2010 (**NZCPS**);
 - National Policy Statement for Freshwater Management 2020 (**NPSFM**);
 - National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
 - National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
 - Iwi Management Plans, Mana Whakahono a Rohe; and
 - West Coast Regional Policy Statement 2020 (**RPS**).
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. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

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39. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the Settlement Zone:

Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.

40. The Panel are satisfied that the Settlement Zone is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SETTLEMENT ZONE

2.1. Overview and rules as a whole

Submissions and Further Submissions

41. Four submission points and one further submission point were received on the overview and are summarised in a table on page 10 of the s.42A report. One submission was in support, and three sought amendments.
42. Three submission points and one further submission point were received on SETZ-PREC2 - Settlement Centre Precinct Overview and are summarised in a table on pages 10-11 of the s.42A report. One submission was in support, and two sought amendments.
43. Eleven submission points and one further submission point were received on the rules as a whole and are summarised in tables on pages 11-12 of the s.42A report and pages 5-6 of the addendum report. Two submissions were in support, one was neutral, and the remainder sought amendments.
44. Seven submission points were received on SETZ-PREC3 - Coastal Settlement Precinct and are summarised in tables on pages 12-13 of the s.42A report. All submissions sought amendments.
45. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

46. Ms Easton acknowledged submissions received in support of the overview and rules as notified.
47. Ms Easton did not support submission points from Marie Elder (S352.003) and Teresa Wyndham-Smith (S312.003) seeking that the overview refers to '*limited commercial activities*,' because some settlements have a reasonable extent of commercial activity, recognised by a Settlement Centre Precinct.
48. Ms Easton did not support a submission point from Marie Elder (S352.003) seeking the overview refer to settlements also in Buller and Westland Districts, noting that the overview mentions settlements across the three Districts.
49. Ms Easton did not support a submission point from Te Mana Ora (S190.1029) seeking the overview to provide more accurate information about wastewater services, as she considered it to be a general introduction to the zone. She noted that the individual councils would need to be consulted for specific information on water and wastewater reticulation. She also noted that, as Moana is predominantly zoned general Residential, it should not be referenced in the Settlement Zone overview.
50. Ms Easton did not support a submission point from Te Mana Ora (S190.1030) seeking that Waimangaroa, Ikamatua, Ahaura, Barrytown, Otira and Whataroa have areas identified as Settlement Centre Precinct. She acknowledged that these small centres have commercial activities but considered that this is largely limited to 1-2 premises that have not developed

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into centres over time. She advised that Settlement Centre Precincts were carefully identified and applied only where there was a clear expectation or experience of growth and expansion of commercial activity, with multiple commercial premises.

51. Ms Easton did not support a submission point from Te Mana Ora (190.1031) seeking that Hector, Ngakawau, Granity and Mokihinui/Seddonville be included as Coastal Settlement Precinct, as this precinct was developed to replace the existing Westland Coastal Settlement and Buller Scenically Sensitive Residential Zones. She acknowledged these settlements are charming, but considered that, as they were not in one of those zones in the operative plans, these settlements do not meet the criteria for inclusion in the coastal precinct. She advised that this precinct has more restrictive rules focused on ensuring that development is compatible with scenic coastal values.
52. Ms Easton did not support a submission from Frida Inta (S553.185) requesting that intensive rural production be limited, noting that the rules already restrict these activities in the zone.
53. Ms Easton did not support a submission from the New Zealand Motor Caravan Association (S490.016) seeking that camping and camping grounds be a permitted activity, noting that settlement zones are residential areas and camping grounds should be appropriately assessed through a resource consent process.
54. Ms Easton did not support several submission points⁷ seeking an advice note stating that existing non-compliance with the standards does not mean the rule does not apply. 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.
55. Ms Easton did not support submissions from Jane Whyte and Jeff Page (S467.040) seeking a new rule to make it clear that the rights provided for in NH-R1 and NH-R39, as modified by the submission, are enabled within the Settlement Zone. She noted that the natural hazard rules sit across all the rule chapters, and duplication of rules is not efficient.
56. Ms Easton did not support a submission point from Jane Whyte and Jeff Page (S467.003) seeking that tourism activities be enabled in Punakaiki Village. She noted that Punakaiki has a Scenic Visitor Zone for commercial activity, and residents have expressed strong concerns about the loss of amenity in residential areas due to the expansion of commercial activity. She considered the rules recognise this concern and reflect the operative Plan approach for retaining the residential area primarily for residential use.
57. Ms Easton did not support submission points from Jane Whyte and Jeff Page (S467.015) seeking that Punakaiki Village be removed from the chapter, or that the rules be amended to reflect the character and type of development appropriate for the village as a significant tourism destination. She noted there is a specific zone in Punakaiki Village for commercial activities and considered this to be the appropriate location. She noted that the natural hazards, high natural values, and limited private land available constrain the level of development possible in the area and considered that the Plan strikes an appropriate balance in managing this.
58. Ms Easton did not support a submission from Foodstuffs (S464.004) seeking specific provisions to be developed for supermarkets in the zone. She considered that the

⁷ Chris J Coll Surveying Limited S566.625, Chris & Jan Coll S558.625, William McLaughlin S567.659, Laura Coll McLaughlin S574.625

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settlements subject to these provisions are very small and are unlikely locations for supermarket development, as the communities would not provide sufficient catchment area. She noted that SETZ-R13 provides for retail activities and considered that a Four Square or similar small convenience store could be established as a permitted activity under this rule. She noted that a larger supermarket would be a Discretionary activity. She considered that it provides an appropriate level of assessment and management for what would be a significant development for this type of settlement.

59. Ms Easton did not support several submission points from Marie Elder (S352.005, S352.006, S352.008, S352.014) concerning clearing for access and building in the Ross Subdivision (Punakaiki), vegetation clearance for commercial car parking in the Coastal Settlement Precinct, development of tourism infrastructure and road widening, as well as prevention of overdevelopment and continued expansion of existing tourism businesses. She considered these reflected specific circumstances and compliance issues that have arisen under the operative Buller District Plan. She considered that the pTTPP provisions address these matters appropriately.
60. Ms Easton did not support a submission from WMS Group (S599.160) seeking that a new rule allow for port activities in Jackson Bay, as SETZ-R16 specifically provides for port activities, including expansion. She noted that the rule is drafted to reflect high natural values in the area and the limited accessibility of the location.
61. Ms Easton did not recommend any amendments as a result of these submissions; however, she recommended that the overview section be standardised as sought by the Forest and Bird submission (S560.034). She discussed in the Rural Zones s42A report (para 65), that all relevant chapters be included under the heading '*Other relevant Te Tai o Poutini Plan provisions*'.

S.42A Addendum

62. Ms Easton noted that she supported a setback from water supply catchments in principle, where these are designated and identified on the planning maps, but was not clear on where these activities are located, as they do not appear to be designated or mapped, or what the appropriate setback distance would be. She considered that these activities should be mapped and identified so that landowners are aware of the rules that apply to them.
63. Ms Easton did not support a submission from Frank and Jo Dooley (S478.003) seeking provisions addressing the management of sites to be rezoned, and that they only be triggered when a full infrastructure plan is in place. She noted that the Settlement Zone, Rural Lifestyle and general Rural zones are anticipated to be serviced through on-site methods rather than via public infrastructure. She considered that roading infrastructure could be accommodated through the development phase, with the financial contributions chapter addressing funding. She noted that provisions allowing for higher density development in Settlement zones with 3 waters servicing are principally designed to provide for existing serviced areas in some of the small towns. Ms Easton clarified that new Settlement Zone development will not be serviced as there is no capacity in the Council's infrastructure planning for significant expansion of 3 waters infrastructure.
64. Ms Easton did not support Scenic Hotel Group's submission point in support of treating Airbnb as a commercial land use (S483.006). She considered that the submitter had misinterpreted how these activities are managed through the Plan, as they are addressed in

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the residential visitor accommodation provisions and required to be ancillary to residential activities.

Hearing and Submitter Evidence

65. Marie Elder continued to seek further restrictions on vegetation clearance, intrusive tourist infrastructure and road widening to accommodate tourist traffic in the Ross Subdivision (Punakaiki).
66. A memorandum of Counsel submitted on behalf of Foodstuffs⁸ confirmed that they continued to seek the relief sought in their original submission, including specific provisions for supermarkets. The memorandum confirmed that there are two existing supermarkets in the Settlement zones, namely Karamea and Franz Josef Four Squares, and that these stores meet the Plan definition of 'supermarket'. Foodstuffs disagreed with the Reporting Officers' statement that the settlements are unlikely locations for supermarket development, considering the evidential basis from an economic perspective to be unclear. They also disagreed that a supermarket could 'easily establish' as of right, as 250m² is not a viable floorspace for a supermarket activity.
67. Scenic Hotel Group sought the Settlement Zone overview be amended to include visitor and worker accommodation activities, and for an addition to the description of the Coastal Settlement Precinct, acknowledging the high proportion of visitor and worker accommodation in Punakaiki.

Reporting Officer Reply Evidence

68. Based on the Foodstuffs evidence presented, Ms Easton agreed that Four Square is a supermarket. She confirmed that the Karamea Four Square is the only supermarket in the Settlement Zone, as the Franz Josef Four Square is within a Scenic Visitor Zone. She accepted that 250m² is too small for a supermarket and considered that a resource consent process would appropriately consider how to manage the effects of a larger building. She noted that the maximum permitted building size within a Settlement Centre Precinct would be 350m² under SETZ-R2 (Standard 3).
69. Ms Easton considered the Scenic Hotel Group's requested changes to the Settlement Zone overview to be out of the scope of their original submission. However, she noted that these changes could be made as Section 16 amendments, as they have no statutory weight.
70. No amendments to the overview or zone provisions were recommended.

Hearing Panel's Evaluation

71. The Panel has considered the evidence provided by the Reporting Officer and agrees with the conclusions reached that amendment to the Overview in response to Forest & Bird submission is necessary to ensure consistency with other chapters of the Plan. Otherwise, the Panel retain the notified wording. The Panel notes that we have supported Ms Easton's recommendation relating to deleting reference to the Overlay Chapters and including the more detailed wording arising from the Rural Zones recommendation, and those changes are shown below.

⁸ Sarah Schulte/Alex Booker

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72. The Panel acknowledge the statement from Foodstuffs, and we agree that 250m² is too small for a supermarket. We have considered the issue further and we do not see the necessity for Clause 4 under SETZ-R13. The rule itself is problematic as it does not define '*combined floor area*' and 350m² is already permitted in SETZ-R2. The Panel considered it would be more appropriate and clearer to simply rely on SETZ-R2 for the scale of retail activities (acknowledging the gross floor area is defined) and delete Clause 4 under SETZ-R13. We consider the Foodstuffs submission provides scope for this to occur, and we recommend this amendment.
73. The Panel note that we have taken the opportunity via Clause 16(2) of the First Schedule of the RMA to update '*plantation forestry*' to '*commercial forestry*' as per the National Environmental Standards for Commercial Forestry
74. In relation to the remainder of the submissions on the Overview and Rules as a Whole, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

75. 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 in part and recommends the following amendments are made to the **SETZ Overview**:

Overview

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. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.

The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m² are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

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 SETZ - Settlement Zone, including:

~~Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; 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 Settlement 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 Settlement 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 Settlement 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 Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**⁹

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement 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.

Note with Regard to ~~Plantation~~ Commercial Forestry¹⁰

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 Standards 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.¹¹

2.2. Precinct Policies

Submissions and Further Submissions

76. Five submission points were received in support of SETZ-PREC-P2 and are summarised in a table on page 15 of the s.42A report.
77. Nine submission points relating to SETZ-PREC-P3 were received and are summarised in a table on pages 15-16 of the s42A report. Seven submission points supported the policy; two submission points opposed the policy and sought amendments.
78. Eight submission points relating to SETZ-PREC-P4 were received and are summarised in a table on pages 16-17 of the s.42A report. Seven submissions supported the policy, and one was in opposition, seeking amendments.

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⁹ Forest and Bird (S560.370, S560.0543)

¹⁰ Schedule 1 Clause 16(2) RMA

¹¹ Schedule 1 Clause 16(2) RMA

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79. Ms Easton acknowledged the submissions received in support of the policies.
80. Ms Easton supported a submission from Paparoa Track Services (S605.028) seeking that clause (d) of SETZ-PREC3-P3 be amended to state:
- Be located to avoid **or designed to mitigate** the significant risks of natural hazards.*
81. She agreed that there may be a range of mitigations to address natural hazards and considered this to be appropriately referenced in the policy.
82. Ms Easton supported in part a submission point from the Director General (S602.232) seeking several amendments to SETZ-PREC-P3. She supported a request to delete the reference to the coastal development guidelines, considering this to be an error, as these are not included in the Plan. She considered that some of the matters raised by the Director General were s6 RMA matters addressed in the Coastal Environment overlay, but agreed it was appropriate to strengthen the policy wording relating to managing scenic and visual effects. She considered the amendment made in response to the Paparoa Track Services submission addressed natural hazards matters raised by the Director General and did not think it was appropriate to add a clause seeking to avoid hard protection structures, as this matter would predominantly sit in the Coastal Environment chapter.
83. Ms Easton supported a submission from RNZ seeking an additional clause in SETZ-PREC4-P4 *‘to avoid reverse sensitivity effects on rural activities and established infrastructure’*, considering that this precinct is where a conflict between rural activities and established infrastructure is most likely to occur, although she recommended an amended wording. She noted that this amendment is consistent with the Plan’s wider approach to reverse sensitivity.
84. Ms Easton supported a submission from Westland Farm Services (S550.014) seeking an amendment to SETZ-PREC-P4 Clause 1 to include reference to *‘industrial or commercial activities which have a functional relationship with rural areas’* as she considered the precinct to be a likely location for such activities, and they are provided for in the rules.

Hearing and Submitter Evidence

85. At the hearing, Scenic Hotel Group sought an additional clause to be added to SETZ-PREC3-P3 *‘Support and enable the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.’*

Reporting Officer Reply Evidence

86. Ms Easton considered that SETZ-PREC3-P3 should refer to the titles on which the Port Activity can be undertaken for Jackson Bay, as this would better integrate the policy with the rule provisions in SETZ-R16.
87. Ms Easton considered the requested amendment above to SETZ-PREC-P3 by Scenic Hotel Group to be one of the few submission points to be within the scope of their original submission.

Hearing Panel’s Evaluation

88. The Panel agrees with Ms Easton the need for a new clause in SETZ-PREC-P3 to indicate the reference to the titles on which Port Activity can be undertaken at Jackson Bay, based

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partially on the submission from WMS Group. We consider such a clause will provide greater clarity for any assessment associated with SETZ-R16. However, we consider the wording of the clause needs to be revised because the default position of not complying with SETZ-R16 is fully discretionary. In that context in our view the development of port activities beyond the referenced titles should be discouraged at a policy level and we have revised the clause accordingly.

89. The Panel agrees with Ms Easton's recommendation to amend clause (e) of SETZ-PREC-P3 to refer to *designed to mitigate*, as sought by submitters. We acknowledge that there are a range of mitigation measures that can be used to address natural hazards. Having considered the submission of the Director General in this context and we are of a view that the clause needs to be amended further to recognise '*increasing the significant risk of natural hazards*'. We recommend the clause (d) be reworded as follows:

*Be located **and designed to mitigate or avoid increasing** the significant risks of natural hazards.*

90. The Panel agree with Ms Easton's recommendation that Policy SETZ - PREC-P3 (a) be amended to "*Recognise and provide for*" coastal natural character, rather than "*Take into account*" and the policy states that the scenic landscape values of the area are protected. We consider this wording to provide greater clarity and direction, thereby strengthening the policy. We also agree with the deletion of the reference to the Coastal Development Guidelines from SETZ-PREC-P3 (b) sought by the Director General. We accept this is an error and should not be included in the Plan.
91. Subject to minor rewording, the Panel accepts the proposed wording of Scenic Hotels Group for SETZ-PREC-P3 and recommends it be included. We consider Punakaiki to be a unique settlement, based mainly on tourism and constrained in terms of development opportunities. We consider that the additional wording in the policy will support that tourism focus.
92. The Panel accept Westland Farm Services' submission seeking the inclusion of a further clause in SETZ-PREC-P4 regarding acknowledging that industrial or commercial activities which have a functional relationship with rural areas. We agree that the precinct is likely to be a location for such activities and that they are provided for in the rules.
93. The Panel agree with Ms Easton's recommendation to add an additional clause to SETZ-PREC-P4 - *Presence of rural activities and established infrastructure, which should be protected from reverse sensitivity effects*. We acknowledge that this stems from a submission from RNZ, and we recognise that this is a precinct where reverse sensitivity could occur, given the established infrastructure and rural activities.
94. In relation to the remainder of the submissions on SETZ-PREC-P2 and SETZ-PREC-P3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

95. 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 accept or accepted in part and recommends the following amendments be made to the **SETZ Policies**:

SETZ-PREC-P2 Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should:

- a. Maintain or enhance the character and built form of the settlement;
- b. Adaptively reuse existing heritage and character buildings where practicable; and
- c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors

SETZ-PREC3 P3 Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should:

- a. ~~Take into account~~ **Recognise and provide for** the coastal natural character and **protect the** scenic landscape values of the area;¹²
- 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;~~¹³
- c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~
- d. **Development of the port area at Jackson Bay is:**
 - i. **discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and**
 - ii. **of a scale and extent appropriate to the location**¹⁴
- e. Be located **and designed to mitigate or avoid increasing** the significant risks of natural hazards.¹⁵
- f. **Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.**¹⁶

SETZ-PREC-P4 Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include:

- a. Low-density residential living and small-scale rural activities;
- b. Open space and privacy around buildings; ~~and~~
- c. On-site servicing and a general absence of urban infrastructure;
- d. **Industrial or commercial activities which have a functional relationship with rural areas;**¹⁷ **and**
- e. **Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.**¹⁸

¹² Department of Conservation (S602.232)

¹³ Director General (S602.232)

¹⁴ WMS Group (S599.107)

¹⁵ Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay and Punakaiki Beach Camp (S605.028)

¹⁶ Scenic Hotel Group (S483.003)

¹⁷ Westland Farm Services (S550.014)

¹⁸ Radio New Zealand (S476.039)

2.3. Rules SETZ-R1 and SETZ-R2

Submissions and Further Submissions

96. Fifty submissions points and sixteen further submission points relating to the SETZ-R1 and R2 were received and are summarised in a Table on pages 19-29 of the s42A Report.
97. Twenty-eight submission points related to **SETZ-R1**, of which seven were in support, and twenty-one sought amendments.
98. Twenty-two submission points related to **SETZ-R2**, of which four were in support, and eighteen sought amendments.

Section 42A Report

SETZ-R1

99. Ms Easton acknowledged the submissions in support of the rules.
100. Ms Easton supported submissions from Marie Elder, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy seeking that the rule be amended to allow dwellings to be built on existing undersized lots. She noted that the existing grandfather clause only applies to reticulated areas and considered that it should be extended to include unreticulated sites as well.
101. Ms Easton did not support submissions from Stephen Page and Greenstone Retreat seeking that the rule allow on-site servicing, noting that community infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.
102. Ms Easton supported a submission from Waka Kotahi seeking that the rule requires vehicle crossings to meet minimum permitted standards, considering that new or expanded activities should be required to have vehicle crossings constructed to safe standards. She recommended an amendment to Rule 2, as Rule 1 deals with density matters.
103. Ms Easton did not support a submission from Davis Ogilvie & Partners Ltd. seeking to amend the density standard to be consistent with the subdivision standard approach, which applies the minimum area to both sewered and unsewered sites. She acknowledged an inconsistency between the zone and subdivision chapters, but considered the subdivision chapter should be amended, although she noted there may not be scope to do so.
104. BDC sought to have the grandfather clauses removed, considering that existing use rights are sufficient. Ms Easton did not support this submission point, noting that there are a large number of existing sites that were lawfully developed with lesser lot sizes, and the grandfather clause allows these to be built upon without resource consent.
105. Ms Easton supported submissions from BDC and several other submitters¹⁹ seeking that a mandatory connection to services requires a qualification that the scheme must have the capacity.
106. Ms Easton did not support submissions from Frida Inta and BCG seeking that servicing by composting toilets and rainwater for drinking water be provided. She noted that community

¹⁹ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

107. Ms Easton did not support submissions²⁰ seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.
108. Ms Easton did not support a submission point from FENZ seeking minimum requirements for firefighting water support, as she considered that connection to a reticulated system should provide adequately for firefighting. She considered this to be a subdivision matter covered by SUB-S3. She acknowledged that there can be issues with firefighting water supply in rural areas and invited the submitter to provide more information about the needs they see in unreticulated areas.
109. Ms Easton did not support a submission from David Ellerm seeking an additional standard for on-site wastewater treatment, collection and disposal, noting this is managed through the building code and the Regional Council's land and water plan.

SETZ-R2

110. Ms Easton acknowledged the submissions received in support of the rule.
111. Ms Easton did not support a submission from Marie Elder seeking that clause 5a apply to the Ross subdivision at Punakaiki, as this is a rollover of the Westland District Plan requirements for the Kumara Junction subdivision. Ms Easton considered that these distances from boundaries are unlikely to be achieved within the smaller site sizes at Punakaiki.
112. Ms Easton supported in part a submission point from RNZ seeking the addition of an advice note concerning tall structures within 1000m of their Cape Foulwind facility. She considered that, as the permitted height limit is 10m, there is no need to amend the standard. She considered an amendment to SETZ-R12 more relevant as emergency service activities are more likely to include structures of 15m or more in height.
113. Ms Easton did not support a submission point from Foodstuffs seeking an exemption for existing supermarkets. As above, she was not aware of any supermarkets in the Settlement Zone and noted that the Karamea Four Square would be subject to the 12m height limit in that precinct.
114. Ms Easton supported submissions from BDC seeking changes to the reference to the deemed permitted boundary infringements and the introduction of a minimum setback from designated wastewater treatment facilities. She also recommended an amendment to rule SETZ-R2 to include a 150m setback from designated wastewater treatment sites, sought by BDC. She recommended that the rule be amended also to apply this setback to designated landfill sites. She did not support reduced height limits for Settlement Centre Precincts, noting that this standard applies across all three Districts. She acknowledged that a lower height limit could be appropriate in the Buller District Settlement Centre Precincts, reflecting the lower density character in these settlements.
115. Ms Easton did not support submissions from Frida Inta and BCG seeking to change the standard 5b relating to indigenous vegetation clearance to Discretionary or to reword it to

²⁰ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

specify 2000m² or 10% of the site area, whichever is lesser. She noted that this standard is a roll-over of the Westland District Plan provisions and is in addition to the Ecosystems and Biodiversity Chapter rules.

116. Ms Easton did not support submission points²¹ seeking to delete the noise advice note. She noted that noise matters would be considered as part of the Noise topic, and any changes to the rule would be reflected through consequential amendments to the advice note.
117. Ms Easton did not support several submission points²² seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.
118. Ms Easton did not support a submission from David Ellerm seeking a reduction in the height limit to 8m for residential and emergency service buildings, and 5m for accessory buildings, as well as a decrease in site coverage to 35%. She noted that no reasons are given for requesting these changes and that these would be significant reductions from the operative plans.
119. Ms Easton did not support a submission point from Paparoa Track Services seeking to increase the gross ground floor area from 200m² to 250m², noting that the requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. She considered a 50m² increase to be a significant potential increase in the dominance of the built environment, as existing sites in these areas are often small, and that this change would be inappropriate and would not align with the precinct's intent.
120. GDC sought to amend the rule to clarify whether the term '*non-residential buildings*' referred to in Standard 4. ii meant commercial/industrial buildings, or accessory buildings. Ms Easton recommended that the rule be amended to refer to non-residential and accessory buildings.

Hearing and Submitter Evidence

121. In a letter dated 1 July 2024, KiwiRail sought that SETZ-R2 be amended to include a minimum 5m setback from the rail designation boundary, and that the rule refer to *buildings and structures*. They also sought additional matters of discretion relating to impacts on the safe and efficient operation of the rail network when there is non-compliance with the setback.
122. FENZ continued to seek requirements for firefighting water supply to be included, and provided a suggested amended approach for consideration, being an addition to R2 as follows:

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 Note:

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

²¹ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

²² Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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123. Foodstuffs maintained its position, including amendments to R2 to allow a 12m height limit for existing supermarkets and to exempt existing supermarkets from conditions 2, 3, and 4.
124. Marie Elder continued to seek that Rule 5a, relating to the Kumara Junction Developments Area, also be applied to the subdivision at Hartmount Place and Ross Place.
125. Scenic Hotel Group sought several amendments to SETZ-R2, including:
 - A 10m height limit to visitor and worker accommodation, as well as residential units,
 - A 10m height limit in the Punakaiki Coastal Settlement Precinct
 - A maximum of 50% site coverage in the Punakaiki Coastal Settlement Precinct,
 - Exempt Punakaiki from the 200m² ground floor area limit,
 - Include an exemption from recession planes for boundaries adjoining Open Space zones,
 - Adding an advice note stating that within areas subject to a flood or coastal hazard overlay, recession planes and height limits should be measured from the level specified on a minimum floor level certificate.

Reporting Officer Reply Evidence

126. Ms Easton noted that FENZ had provided further evidence on the policy gap that existed around firefighting water supply and the limitations of the building code. She revised her view in relation to this issue, recommending that a performance standard and advice note be added to SETZ-R2, consistent with the wording used across the rural zones.
127. Ms Easton provided a comparison between the proposed rules applicable to the Ross subdivision and those of the operative Buller District Plan.
128. Ms Easton considered the Scenic Hotel Group's submission points, requesting amendments to the recession plane provisions under SETZ-R2, to be within the scope of their original submission. She considered other changes requested to SETZ-R2 to be outside of scope, noting the following:
 - Amendments to Rule SETZ – R2 seeking that provisions that apply to residential buildings also apply to worker and visitor accommodation. This would be a substantial difference from the operative plan rules.
 - Increase in maximum site coverage to 50% in Punakaiki – this differs from the operative Buller District Plan provisions
 - Change to Rule SETZ – R2 to increase the maximum total gross ground floor area of buildings at Punakaiki – the TTPP rule is less restrictive than the operative Buller District Plan (which has a 150m² maximum).
129. In a joint right of reply addressing KiwiRail's submission, prepared by Ms Easton and Ms Briar Belgrave, (reporting planner for the Commercial and Industrial zones), the planners considered a 5m setback from the Settlement zone to be excessive given that many existing sites in this zone are a similar size to those in the General Residential zone. They considered that a 5m setback would considerably constrain use on a 500m² site. In addition, they considered that KiwiRail had not provided clear and detailed evidence to support a 5m

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setback as being either appropriate or necessary. They considered a 1.5m setback to be a balanced and appropriate setback requirement in the Settlement zone, ensuring new buildings are not located on the boundary and that maintenance can occur.

Hearing Panel's Evaluation

SETZ-R1

130. The Panel agree with the extension of the grandfather clause recommended by Ms Easton to apply to unreticulated sites where they have been lawfully established. In this context, we also note Ms Easton's comments regarding BDC's submission that there are a large number of existing sites that were lawfully developed with smaller lot sizes, and the grandfather clause allows these to be built upon without requiring resource consent. We agree with this conclusion.
131. The Panel agrees with Ms Easton's addition to clause 2, clarifying that mandatory connection to services is subject to a qualification: the scheme must have sufficient capacity.
132. The Panel also agrees with Ms Easton's recommended amendment, supporting a submission from Waka Kotahi, which seeks to require vehicle crossings to meet minimum permitted standards. We agree that this amendment should be included in SETZ-R2.
133. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R2 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.
134. In relation to the remainder of the submissions on SETZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

SETZ-R2

135. The Panel agrees with Ms Easton that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended by Ms Easton, more appropriate and would still address the safety concerns around building maintenance. We also consider the rule should refer to the setback being from the '*rail designation*' rather than the '*rail corridor*' so as to provide a definitive point of measurement.
136. The Panel accepts Ms Easton's recommendation to reject the submission from Paparoa Track Services to increase the gross ground floor area in the Coastal Settlement Precinct to 250m² from 200m². We agree that this requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. We note that the scale has already increased by 100 m² in the pTTPP compared to the operative Buller District Plan.
137. The Panel agrees with Ms Easton regarding that part of the Foodstuffs submission seeking an exemption for existing supermarkets from Standards 2, 3, and 4. As we understand it, Karamea Four Square is the only existing supermarket in the settlement zone. We note that the three standards concerned allow for 60% site coverage, a 350m² gross ground floor area (we note we have recommended the deletion of scale on the retail activity clause in SETZ-R13), and a 1m boundary setback within the Settlement Centre Precinct. We do not consider these to be unreasonable and note there is a consenting pathway if they are exceeded.

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138. The Panel accepts the recommendation of Ms Easton to add an advice note concerning tall structures within 1000m of their Cape Foulwind facility in response to RNZ's submission. We agree that, as the permitted height limit is 10m, there is no need to amend SETZ-R2, and that an amendment to SETZ-R12 to address emergency service activities, which are more likely to include structures of 15m or more in height, was appropriate.
139. The Panel also agrees with the BDC submission to change the reference to the deemed permitted boundary infringements and introduce a minimum setback from designated wastewater treatment facilities. We also note that Ms Easton, in addition to accepting this, accepted in part a submission from Cashmere Bay Dairy seeking setbacks from infrastructure, including wastewater treatment plants, land disposal areas, transmission infrastructure, and water supply catchments. She recommended that, in addition to amending rule SETZ-R2 to include a 150m setback from designated wastewater treatment facility site, the rule be further amended to apply the setback to designated landfill sites. We agree with adding the designated landfill setback.
140. We agree with Ms Easton that a differentiation can be applied to the Buller District in terms of height in the Settlement Centre Precincts, due to its being less developed and having a lower density character compared to other settlements.
141. The Panel have further considered the submission of Marie Elder regarding matters associated with the Hartmount Place and Ross Place subdivision in Buller District. While some of the matters Ms Elder sought to be addressed are beyond the scope of what a District Plan can put in place and may well relate to enforcement issues, we have noted that this subdivision did have some carve-out provisions in the operative Buller District Plan due to its uniqueness in terms of scenic values and indigenous vegetation. We consider the pTTPP addresses most of these provisions, albeit sometimes in a different way, in the Coastal Settlement Zone including Residential Visitor Accommodation (SETZ-R10). We also note that as the subdivision falls within a High Coastal Natural Character Overlay the permitted level of development for any new building is no more than 100m² ground floor area (CE-R5) rather than the recommended 150m² ground floor area that would be permitted generically within Coastal Settlement Precinct.
142. The remaining issue referred to by Ms Elder was indigenous vegetation clearance. Again, this is already addressed in an overlay (Coastal Environment) where the extent of indigenous vegetation disturbed and/or cleared per site is limited to 500m² in area per site in any three year period (ECO-R2). In this case the Panel considers Ms Elder has a point as we consider the ability to clear 500m² per site of indigenous vegetation over a 3-year period is, given the small-scale nature of the sites within the subdivision (most are only around 800m²), could result in all indigenous vegetation being removed over a 4 year period. In our view, given the Hartmount Place and Ross Place subdivision is rather unique, we consider indigenous vegetation removal should be limited to 500m² per site with no permitted status beyond that (i.e. no 3 year period). We consider this will enable a building platform to be formed and is in line with the 40% site coverage which is permitted per site. The rule would continue to sit within the Ecosystems and Biodiversity Chapter in ECO-R1 as follows:
- except in the Hartmount Place and Ross Place subdivision in Buller District where the extent of indigenous vegetation disturbed and/or cleared is restricted to a one-off 500m² per site;*
143. The Panel agrees with Ms Easton's recommended clarification of Standard 4 (ii) to refer to accessory buildings. We consider that this partially addresses the submission of GDC and provides greater clarity.

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144. The Panel acknowledges the KiwiRail submission point to include the word 'structures' in the heading of SETZ-R2 but considers that structures such as telecommunications and electricity poles and antennas, are covered in the Energy and Infrastructure Chapters. We also note that such a change would necessitate a significant amendment to the rules that follow the heading. We have therefore rejected this submission.
145. In relation to the remainder of the submissions on SETZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

146. 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 rules **SETZ-R1 and SETZ-R2**

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
 - i. **1 unit per site where these were lawfully established under the previous District Plans; otherwise**²³
 - ii. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~except that:~~
 - a. ~~where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or~~²⁴
 - iii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
 - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area;
2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater, **and provided there is capacity**,²⁵ all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
3. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

²³ Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)

²⁴ Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)

²⁵ Buller District Council (S538.553), Chris and Jan Coll (S558592), Chris J Coll Surveying Limited (S566.592), Laura Coll McLaughlin (S574.592) and William McLaughlin (S567.629)

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
 - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
 - 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;
 - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
 - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **in the Grey, and Westland Districts and 10m in the Buller District;**²⁶
2. The maximum site coverage is:
 - i. 40%; except
 - ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct
3. The maximum gross ground floor area of any one building
 - i. Is 350m²; except
 - ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² total for all buildings on the site.
4. Buildings are setback from boundaries as follows:
 - i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation,**²⁷ and 1m from internal boundaries; except
 - ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings**²⁸ are setback 5m from internal boundaries;
 - iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
 - iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary²⁹ or a designated landfill site boundary.**³⁰
5. In the Kumara Junction Developments area:
 - a. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;

²⁶ Buller District Council (S538.554)

²⁷ KiwiRail (S442.093)

²⁸ Grey District Council (S608.119)

²⁹ Buller District Council (S538.554)

³⁰ Casmere Bay dairy Ltd (S461.021)

- b. A maximum of 2000m² indigenous vegetation in total is allowed to be cleared from each site; and
 - c. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~³¹ This standard does not apply to:
- i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
 - v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;
7. **Vehicle crossing standards in Rule TRN – R1 are met; and**³²
8. **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)**³³

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. 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.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**³⁴

³¹ Buller District Council (S 538.554)

³² Waka Kotahi (S450.403)

³³ Fire and Emergency New Zealand (S573.049)

³⁴ Buller District Council (S538.554)

4. **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.**³⁵

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with. Restricted Discretionary where standards 5-6~~8~~ are not complied with.

2.4. Specific Coastal Settlement Precinct Rules SETZ-R3, SETZ-R16 and SETZ-R20

Submissions and Further Submissions

147. Twenty-four submission points relating to rules R3, R16 and R20 were received and are summarised in a table on pages 35-37 of the s42A Report.
148. Fifteen submission points were received on SETZ-R3 and are summarised in a Table on pages 35-36 of the s42A Report, of which five were in support and one was in opposition, seeking that the rule be deleted. The remaining nine sought amendments.
149. Two submission points were received on SETZ-R16 and are summarised in a table on page 36 of the s42a report, one in support and one seeking amendments.
150. Seven submission points were received on SETZ-R20 and are summarised in a Table on pages 36-37 of the s42A Report. Two were in support, and the remaining five sought amendments.

Section 42A Report

151. Ms Easton acknowledged submission points in support of the rules.

SETZ-R3

152. Ms Easton did not support a submission point from Paparoa Track Services seeking to delete the standard restricting building size. She noted that this standard intends to ensure the balance between the natural and built environment retains an emphasis on the natural. She noted that, as existing sites in this precinct are often small, there is a risk that buildings will dominate the environment.
153. Ms Easton supported a submission point from BDC seeking an increase in the minimum permitted ground floor area to 150m², and several others³⁶ seeking an unspecified increase. She noted that 150m² is consistent with the operative Buller District Plan standards for the Paparoa Character Area. BDC considered that this has achieved appropriate outcomes in this sensitive environment and suggests the same be applied.
154. Ms Easton did not support submission points³⁷ seeking the rule be amended so that existing non-compliance with performance standards for Rule SETZ-R2 (3) does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

SETZ-R16

³⁵ Fire and Emergency New Zealand (S573.049)

³⁶ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

³⁷ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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155. Ms Easton did not support a submission point from WMS Group, seeking that the reference to ‘the lots fronting the esplanade’ be removed, the maximum building size be increased to 500m² and the height increased to 10m. She noted that Jackson Bay Port is currently a small collection of sheds, and a car park located in a very small coastal settlement within a wider area of outstanding natural landscape and coastal natural character. She considered the current rule allows for modest expansion as a permitted activity, and that expansion beyond this should be assessed through a resource consent process.

SETZ-R20

156. Ms Easton supported a submission point from BDC seeking 3 additional matters of discretion, noting that these are appropriate and reflect the potential environmental effects of the activity.
157. Ms Easton did not support submission points³⁸ seeking the rule be amended so that existing non-compliance with performance standards Rule SETZ-R1 and R2 does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

158. Scenic Hotels Group sought that the SETZ-R3 rule name be amended to state ‘*except Punakaiki.*’

Reporting Officer Reply Evidence

159. In response to the Scenic Hotels Group's request for an amendment to Rule R3, Ms Easton noted that this rule is the same as the operative Buller District Plan rule and considered the requested change out of scope of the original submission.

Hearing Panel's Evaluation

160. The Panel agrees with the amendment sought by the BDC and other submitters to increase the permitted ground floor area in SETZ-R3 to 150m², which is consistent with the operative Buller District Plan.
161. The Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion proposed to SETZ-R20, relating to shading and loss of sunlight, loss of privacy, character, and amenity, is appropriate. We acknowledge that these are factors to consider when assessing and managing the impacts of these activities. We agree that these reflect the potential effects of the activity. (We note that similar changes have been proposed to other rules below).
162. In relation to the remainder of the submissions on SETZ-R3, SETZ-R16 and SETZ-R20, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

163. 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

³⁸ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

accepted and recommends that the following amendments be made to rules **SETZ-R3** and **SETZ-R20**.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

- (f) All standards for Rule SETZ - R1 and R2 are complied with;
- (g) New buildings are no more than 1050m²³⁹ in ground floor area and additions to existing buildings add up to no more than 50m² ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
 - i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
 - ii. On the following lots:
 - i. Sections 208 and 209 TN OF Arawata; and
 - ii. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
 - i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
 - ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
 - iii. Port administration.
 - iv. Facilities for recreational boating.
 - v. Activities associated with maritime navigation; and
 - vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m²;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:

³⁹ Buller District Council (S538.555) Chris and Jan Coll (S558.598) Chris J Coll Surveying Limited (S566.598) William McLaughlin (S567.634) and Laura Coll McLaughlin (S574.598)

- i. Road boundaries;
- ii. Buildings on adjoining sites that have a common wall along the boundary;
- iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
- iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;
- v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
- vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

- a. Design, size, height and location of buildings;
- b. Design, size and location of parking and access;
- c. Any requirement for financial contributions;
- d. Retention of existing vegetation;
- e. Volume and location of earthworks; and
- f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**⁴⁰
- g. **Shading and loss of sunlight to adjoining sites;**
- h. **Loss of privacy to adjoining sites; and**
- i. **Character and amenity of the surrounding area.**⁴¹

Activity status where compliance not achieved: Discretionary

2.5. Other permitted activity rules

Submissions and Further Submissions

164. Six submission points and two further submission points were received on rule SETZ-R4 and are summarised in a table on pages 39-40 of the s.42A report. Three submissions were in

⁴⁰ Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁴¹ Buller District Council (S538.568)

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support and three requested amendments and two further submission points supported the amendments sought.

165. Seven submission points were received on rule SETZ-R5 and are summarised in a table on page 41 of the s42A report. Two submissions were in support, and five requested amendments.
166. Eight submission points were received on rule SETZ-R6 and are summarised in a table on pages 41-42 of the s42A report. Two submissions were in support, and six requested amendments.
167. Seven submission points were received in support of rule SETZ-R7 and are summarised in a table on page 42 of the s42A report.
168. Eleven submission points and one further submission point were received on rule SETZ-R8 and are summarised in a table on pages 42-44 of the s42A report. Two submission points were in support, and the remainder requested amendments. The further submission point supported the amendment sought.
169. Ten submission points and one further submission point were received on rule SETZ-R9 and are summarised in a table on pages 44-45 of the s42A report. Two submissions were in support, and the remainder requested amendments.
170. Thirteen submission points were received on rule SETZ-R10 and are summarised in a table on pages 45-46 of the s42A report. Three were in support, and the remainder requested amendments.
171. Thirteen submission points were received on rule SETZ-R11 and are summarised in a table on pages 46-47 of the s42A report. Four were in support, and the remainder requested amendments.
172. Twelve submission points were received on rule SETZ-R12 and are summarised in a table on page 47 of the s42A report. Three were in support, and the remainder requested amendments.
173. Thirteen submission points were received on rule SETZ-R13 and are summarised in a table on pages 47-48 of the s42A report. Five were in support, and the remainder requested amendments.
174. Fourteen submission points were received on rule SETZ-R14 and are summarised in a table on pages 48-49 of the s42A report. Five were in support, and the remainder requested amendments.
175. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

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176. Ms Easton acknowledged submissions in support of each rule.

SETZ-R4

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177. Ms Easton supported a submission point from Ngai Tahu seeking to amend the standard providing for clustered units, so it applies in reticulated areas, noting that she considered this a drafting error of omission.
178. Ms Easton did not support a submission from FENZ seeking an additional standard for firefighting water supply, considering this a building consent matter. She acknowledged concerns around the sufficient provision of firefighting water to rural properties and invited FENZ to provide more specific information at the hearing on this matter.
179. Ms Easton supported a submission from Ngai Tahu seeking an amendment to allow the same residential densities as for SETZ-R2, considering the omission of a residential density in reticulated areas to be an error.

SETZ-R5

180. Ms Easton supported a submission from BDC seeking an amendment to limit agricultural activities to grazing where shelters and buildings for housing or feeding livestock are at least 30m from any boundary. Ms Easton noted that a similar submission was made on the Rural Lifestyle Zone, and she recommended the following change be made for consistency:

Performance standards for poultry farming and pig keeping apply as follows:

- ~~For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;~~
- ~~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 setback at least 30m from any boundary.

181. Ms Easton did not support submission points⁴² seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

SETZ-R6

182. Ms Easton supported in part a submission point from BDC seeking that the performance standard requiring compliance with the standards in SETZ-R2 be deleted. She considered that minor structures should still be required to comply with setbacks in SETZ-R2, as BDC sought in other zones.
183. Ms Easton did not support submission points⁴³ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

⁴² Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁴³ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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184. Ms Easton did not support submission points seeking to increase the height in Standard 2 to 8m. She considered the notified height of 7m aligns with the maximum permitted heights in the Coastal Settlement Precinct and accessory buildings.

SETZ-R7

185. All submissions supported this rule, and no changes were requested or recommended.

SETZ-R8

186. Ms Easton did not support several submission points seeking that this rule be deleted, as she considered the rules are needed to protect amenity, noting that issues have arisen with the relocation of old dwellings on the West Coast.
187. Ms Easton did not support submission points from Greg Maitland seeking to increase the timeframe for compliance to 24 months, as she considered 12 months to be sufficient. She also did not support a submission point from David Ellerm seeking that a bond be required, as she did not think this was appropriate for a permitted activity.
188. Ms Easton supported the submission of the NZ Heavy Haulage Association Inc. in part, concerning the amendment to require buildings used for dwellings to have originally been dwellings. She considered that the other amendments requested did not make the rule clearer or easier to enforce.

SETZ-R9

189. Ms Easton did not support a submission from Marie Elder seeking an amendment to restrict all visitors and guests to a home business (including visitor accommodation) from socialising outdoors between 10 pm and 8 am. She noted that the District Plan cannot regulate the behaviour of visitors and that adverse effects are managed by limiting visitor numbers.
190. Ms Easton supported a submission from Waka Kotahi, seeking to limit the permitted level of vehicle movements to 30 equivalent car movements per day, noting that exceeding this number would consider the use of the vehicle crossing a high trip-generating activity. She noted that the current rule wording could allow 210 vehicle movements on one day and none of the rest of the week. She recommended the standard read: "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.
191. Ms Easton did not support a submission point from Jane Whyte and Jeff Page seeking to delete the word '*permanently*' from condition 3(ii)(b). She considered that this would result in people coming to the business out of hours and create a greater risk of disturbance. She considered that the effects of people working outside of normal work hours would be appropriately assessed through the resource consent process.
192. Ms Easton supported a submission point from BDC seeking an additional performance standard outside the SETZ-PREC2 Settlement Centre Precinct, allowing a maximum of one full-time equivalent employee who resides off-site. She noted that the Council are concerned that the traffic generation standards would be difficult to monitor and enforce when there are combined business and residential activities in one dwelling.

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193. Ms Easton did not support submission points⁴⁴ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ – R10 Residential Visitor Accommodation

194. Paparoa Track Services sought to delete Standard 7 and considered that whole-house visitor accommodation should be permitted. Ms Easton did not support this submission point, noting that the loss of residential housing to visitor accommodation was the single biggest issue raised in the Settlements zone across the West Coast, and that this has had a significant impact on local communities. She noted that the impacts include a lack of housing for residents, difficulties for businesses in finding staff, the performance capabilities of volunteer fire brigades, overall community cohesion, and environmental effects. She noted that this matter was carefully examined during the development of TTPP and was the subject of specific consultation before this approach was included in the Plan.

195. WDC sought that Standard 7 be amended so the same rules apply in Westland as in the Buller District, rather than the Grey approach being applied to Westland. Ms Easton supported this submission, noting that Westland faces similar problems to Buller in relation to high tourist numbers. She said that the staff recommendation was to manage Westland and Buller visitor accommodation in the same way, but the TTPP Committee overruled this.

196. Ms Easton did not support a submission from Marie Elder seeking specific restrictions for Hartmount Place and Ross Place. She noted that these matters relate to a particular activity established under resource consent, and where there are compliance issues, that is not a matter for rules in a District Plan. The Panel notes this matter has been addressed above.

197. Ms Easton did not support a submission from Jane Whyte & Jeff Page seeking to delete standards 1, 3 and 7. She noted that these standards ensure that commercial activities are not established without appropriate oversight and limit the number of paying guests to manage the scale of adverse effects to what is reasonable in a residential area. Clause 7 pertains to the differences between the rules in Buller and those in other districts.

198. Ms Easton supported a submission point from GDC seeking that Clause 5 be amended to require records to be provided annually rather than on request.

199. Ms Easton did not support submission points⁴⁵ seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these clauses in order to ensure amenity and effects are adequately managed.

SETZ-R11

⁴⁴ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁴⁵ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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200. Ms Easton did not support submission points⁴⁶ seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.
201. Ms Easton did not support submission points⁴⁷ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R12

202. Ms Easton did not support submission points⁴⁸ seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.
203. Ms Easton did not support submission points⁴⁹ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R13

204. Ms Easton supported a submission point from Westland Farm Services, seeking to delete Standard 9, as air discharge is a regional matter, and agreed that the standard is unnecessary for retail activities. She noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.
205. Ms Easton did not support a submission point from David Ellerm seeking that Standard 3 be amended to 5km rather than 10km. She noted that the implications of the distance had been considered and 10km was chosen to ensure the expected environmental outcomes of focusing retail businesses within areas specifically set aside for that activity.
206. Ms Easton did not support a submission from Foodstuffs seeking a restricted discretionary activity status, noting that the zone is largely residential in character and that a discretionary activity status provides for careful consideration of activities that could have significant adverse effects on the residential character.
207. Ms Easton did not support a submission from BDC seeking that rules 13 and 14 be combined to reduce confusion, noting that rule 14 explicitly states it does not apply to retail, home businesses, or visitor accommodations.
208. Ms Easton did not support submission points⁵⁰ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that

⁴⁶ BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁴⁷ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁴⁸ BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁴⁹ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁵⁰ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

SETZ – R14

209. Ms Easton supported a submission point from Westland Farm Services seeking that the rule apply in the SETZ-PREC4 Rural Residential Precinct and that Standard 6 be deleted. She considered control of dust, odour, or smoke discharge to be unnecessary for commercial activities, but noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.
210. Ms Easton did not support submission points⁵¹ seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.
211. Ms Easton did not support submission points⁵² seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

212. Frida Inta noted that, in relation to rule 10, up to 6 paying guests would generate heavy vehicle movements and considered the restriction on heavy vehicle movements to be illogical. She considered that retirement homes and educational activities should not be permitted activities, as these activities need public scrutiny. She also considered that Standards 13 and 14 should not include a permitted activity status.
213. Jonathan Bhana-Thomson, in evidence presented on behalf of the NZ Heavy Haulage Association, supported Ms Easton's recommendation to retain the relocated building rule, but continued to seek the other amendments requested in the submission on the basis that they would clarify the rule and make it easier to enforce.
214. Scenic Hotel Group sought further amendments to SETZ-R11 to provide for worker accommodation in the Settlement Zone in Barrytown and the Settlement Coastal Precinct in Punakaiki, and to delete the advice note stating that visitor accommodation is permitted in SETZ-PREC2.
215. In a written response to the Panel relating to their submission point on SETZ-R4, FENZ agreed with Ms Easton that papakainga development are likely to connect to reticulated water supplies, where they are available. They proposed an alternative amendment to the rule to require firefighting water supply, as follows:

⁵¹ BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁵² Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

3.iii 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.

216. Foodstuffs continued to seek that SETZ-R13 have a restricted discretionary activity status for activities that do not comply, as sought in their original submission point.
217. Marie Elder acknowledged Ms Easton's comments on SETZ-R10. She continued to seek the changes requested in her original submission, noting that she considered them reasonable requests given the road safety issues and her neighbourhood experience. She considered that the Buller District Plan provides precedent for rules controlling parking for commercial premises.

Reporting Officer Reply Evidence

218. In response to a question from the Panel about whether there is scope to consider non-notification clauses at Punakaiki, Ms Easton noted that the original submissions on the settlement zone provisions did not provide any specific scope for this. For completeness, she also reviewed submissions on the Scenic Visitor Zone and confirmed these also did not provide specific scope for non-notification clauses.
219. Ms Easton noted that the Scenic Hotel Group submission opposed all proposed rules and zone changes affecting their properties, and that the Panel could consider a non-notification clause as providing partial relief to this submission for some rules. However, she pointed out that there are no non-notification clauses in the Westland or Buller Operative District Plans, so she considered the link between the submission and introduction of a non-notification clause to be tenuous.
220. In relation to the Scenic Hotels requested changes to SETZ-R11, Ms Easton noted the original submission did not reference worker accommodation or Barrytown.
221. Ms Easton acknowledged the additional information provided by FENZ and recommended an amendment to SETZ-R4 to include an additional performance standard and advice note 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.

222. In relation to SETZ-R5, Ms Easton did not consider additional road boundary setbacks to be necessary for chicken and pig keeping. She noted that many other Councils have bylaws for pig and chicken keeping and that it is common for keeping of up to 10 chickens or 4 pigs to be excluded from more significant regulation. She recommended a similar approach be taken

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to allow a domestic level of production where nuisance matters are less likely. She recommended the following amendment to Standard 3:

Shelters and buildings used to house or feed more than 10 poultry or 4 pigs must be setback at least 30m from any internal boundary

223. No further comment was given in the ROR in relation to Foodstuffs request for Restricted Discretionary Status for SETZ-R13.

Hearing Panel's Evaluation

224. The Panel generally agrees with Ms Easton's analysis of submissions and recommended changes to the Rules.

SETZ-R4

225. The Panel accepts Ms Easton's recommendation and reasoning to amend the SETZ-R4 to provide for clustering of units in relation to Papakainga Developments, where this is serviced, as she acknowledges these amendments address an omission error in the notified Plan, which only applied in areas not serviced by reticulation. We agree that this should also include providing for the same residential densities as in SETZ-R2.
226. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R4 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.

SETZ-R5

227. The Panel agrees with Ms Easton's recommendation to amend the setback distance from residential properties for the keeping of pigs and poultry farming as partially sought by BDC. We do not agree with the wording proposed by BDC that the rule should be extended to all agricultural activities as this would have perverse outcomes.
228. We accept the setback distances should relate to shelters and buildings and that they be from any internal boundary rather than a residential building as the latter could result in shelters and buildings being built up to the boundary. We also agree that the allowable number of pigs should be restricted but we consider the wording should be clarified to refer to "*more than 3 pigs*". This reflects the notified plan limit.
229. In terms of poultry, we have found it difficult to justify scope for a limit of 10 as proposed by Ms Easton as BDC did not propose a limit in their submission. We have therefore not placed a limit on poultry.

SETZ-R6

230. The Panel agrees with Ms Easton's recommendation to amend the Rule as sought by BDC, as we consider this provides greater clarity to plan users without the need to refer to SETZ-R2. We note that the amendment necessitates the replication of all subclauses from Standard 2 of SETZ-R2 for consistency.
231. In relation to the remainder of the submissions on SETZ-R6 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R7

232. In relation to SETZ-R7, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

SETZ-R8

233. The Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.
234. The Panel has also consolidated rule 8 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to be completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.
235. In relation to other submissions on SETZ-R8 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R9

236. The Panel agrees that further regulation of home businesses through the provision of an additional standard, requiring that no more than one full-time equivalent person engaged in the home business can reside off-site, as sought by BDC, is warranted. We note that, at present, there is no limit in the Plan; therefore, there is a potential for adverse effects on amenity to occur due to the scale of the business. While we note that the definition of Home Business provides some level of control, there needs to be further control in our view to address the scale of activity of a Home Business. We also note that without controlling scale, there are also potential impacts on the use of existing commercial centres.
237. While the Panel notes Ms Easton's recommendation to amend Standard 6 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.
238. In relation to the remainder of the submissions on SETZ-R9 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R10

239. The Panel agrees with Ms Easton's amendment to Standard 7 to include '*and Westland*' as requested by the WDC. We acknowledge that Westland faces similar challenges to Buller in terms of high tourist numbers and a shortage of housing accommodation.

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240. The Panel agree with GDC that providing records of letting activity annually, rather than on request, will enable better monitoring of potential effects and ensure compliance with regulatory controls.
241. In relation to the remainder of the submissions on SETZ-R10 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R11

242. In relation to SETZ-R11, the Panel accepts Ms Easton's recommendation to retain the rule as notified and reject the submissions based on the conclusions reached by Ms Easton.

SETZ-R12

243. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Homes Businesses where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes (where they are not exempted) we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.
244. In terms of the remainder of the rule the Panel accepts the recommendations to retain the rule as notified (aside from the inclusion of a Standard relation to the risk of Electromagnetic coupling) and rejects the submissions on the basis of the conclusions reached by Ms Easton.

SETZ-R13 and SETZ-R14

245. The Panel has considered the submissions from Westland Farm Services on SETZ-R13 and R14. The submission appears to seek the deletion of SETZ-R13 or that Standards 9 and 6, of the two rules respectively, relating to the generation of dust, odour, or smoke, be deleted. Firstly, we agree with Ms Easton that responsibility for air discharges sits with the West Coast Regional Council (WCRC) through the Regional Air Plan. We acknowledge, however, that the effects of air discharges can extend into District Council territory, where there may be potential impacts on amenity. However, this is usually addressed through other rules, such as setbacks, or considered during the consenting process. In this situation, we agree that the standards should be deleted as a non-compliance with these standards could only appropriately be addressed via a consent from the WCRC.
246. Secondly, while the Panel do not agree that SETZ-R13 should be delete, we do accept that the rule as currently drafted is problematic. In particular clause 2 effectively means that all activity subject to the rule has to be within the PREC2 - Settlement Centre Precinct. This means that clauses 3, 6 and 7 are redundant because they relate to activity outside PREC2 - Settlement Centre Precinct. We consider the inclusion of clause 2 is an error and recommend it be deleted.
247. The Panel note that as a consequence of its earlier recommendation stemming from the Foodstuffs submission it has deleted clause 4.

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248. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 5 and 4 respectively, relating to traffic movement, have been amended to ensure compliance with Rule TRN – R6 is also achieved. While we acknowledge that this has not been the situation for Home Businesses where the rule has been deleted in favour of TRN – R6, in the case of Retail Activities and Commercial Activities other than Retail, Home Business or Visitor Accommodation we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.
249. In relation to the remainder of the submissions on SETZ-R13 and SETZ-R14, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel’s Recommendation

250. 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 rules **SETZ-R4** to **SETZ-R14**:

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered**,⁵³
3. In areas not serviced by reticulated wastewater, stormwater and water supply:
 - i. The average residential building density is no more than one unit per 1000m² net site area, ~~although units can be clustered~~; and
 - ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.
4. **In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m² net site area; and**⁵⁴
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)**⁵⁵

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

⁵³ Ngai Tahu (S620.403)

⁵⁴ Ngai Tahu (S620.248)

⁵⁵ Fire and Emergency New Zealand (S573.049)

- 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.⁵⁶

Activity status where compliance not achieved: Discretionary

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
 - i. Intensive indoor primary production;
 - ii. The storage and disposal of solid or liquid animal waste not generated on the site;
 - iii. Woodlots;
 - iv. Stock sale yards; or
 - v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
 - i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary;~~
 - ii. ~~For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~⁵⁷
4. 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;
 - ii. 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
 - iii. A water source for bees must be provided and maintained on the property.

Advice Note:

⁵⁶ Fire and Emergency New Zealand (S573.049)

⁵⁷ Buller District Council (S538.556)

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 that apply.

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. All standards for Rule SETZ – R2 are complied with; **Structures are set back:**
 - i. **5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except**
 - ii. **In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;**
 - iii. **In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 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

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;

2. Any relocated building intended for use as a dwelling must have been designed, and built to be ~~to be~~ **and**⁵⁸ used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven**⁵⁹ shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-months **of the building being delivered to the site** period; **and**⁶⁰
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.~~⁶¹

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
 - i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
 - ii. 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.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;**⁶²
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity.; ~~and~~

⁵⁸ New Zealand Heavy Haulage Inc (S616.009)

⁵⁹ New Zealand Heavy Haulage Inc (S616.009)

⁶⁰ Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)

⁶¹ Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)

⁶² Buller District Council (538.559)

- ~~7. 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.⁶³~~

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**; ⁶⁴
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland**⁶⁵ Districts the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

- a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
- b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller, **Grey or Westland** District Plan provisions, then existing use rights **may** apply.⁶⁶
- c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:

⁶³ Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083

⁶⁴ Grey District Council (S608.120)

⁶⁵ Westland District Council (S181.045)

⁶⁶ Consequential amendment stemming from amendments to the Residential Chapter

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- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**,⁶⁷ except:

No vehicle movement limit applies to:

- a. Emergency Service Facilities;
 - b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or
 - c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**
 4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**⁶⁸

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.

⁶⁷ Consequential amendment associated with amendments to the Transport Chapter, Buller District Council (S538.083)

⁶⁸ Radio New Zealand (S476.042)

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;
- ~~2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;⁶⁹~~
2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;
- ~~4. The maximum combined floor and yard area for any retail activity is 250m²;⁷⁰ and~~
3. The activity does not include:
 - i. Service stations;
 - ii. Car sales;
 - iii. Yard-based retail; and
 - iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are 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 generated by the activity **and compliance is achieved with TRN – R6;**⁷¹
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**
- ~~9. No external generation of dust, odour or smoke occurs as part of the activity; and⁷²~~
7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;

⁶⁹ Westland Farm Services (S550.018)

⁷⁰ Foodstuffs (S464.004)

⁷¹ Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083

⁷² Westland Farm Services (S550.018)

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3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
4. Outside of the SETZ - PREC2 Settlement Centre Precinct, 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 compliance is achieved with TRN – R6**;⁷³
5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**
- ~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~⁷⁴
6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

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

Activity status where compliance not achieved: Restricted Discretionary

2.6. Rules SETZ-R17-R28 where resource consent is required

Submissions and Further Submissions

251. Seventy-nine submission points and one further submission point were received on rules SETZ-17-28 and are summarised in a table on pages 57-62 of the s42A report.
252. Ten submission points were received on rule SETZ-R17 and are summarised in a table on page 57 of the s42A report. Two were in support of the rule, four requested amendments, and four opposed the standard and sought its deletion.
253. Seven submission points and one further submission point were received for SETZ-R18. One submission point supported the rule, while five sought to delete the rule in its entirety. One further submission point sought to disallow an amendment.
254. Seven submission points were received on rule SETZ-R19 and are summarised in a table on pages 58-59 of the s42A report. Two were in support of the rule, and five requested amendments.

⁷³ Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083

⁷⁴ Westland Farm Services (S550.018).

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255. Eleven submission points were received on the two rules numbered SETZ-21 and are summarised in a table on page 59 of the s42A report. Seven were in support of the rules, and four requested amendments.
256. Seven submission points were received on rules SETZ-22 and are summarised in a table on page 59- 60 of the s42A report. Two were in support, and five sought amendments.
257. Seven submission points were received on rules SETZ-24 and are summarised in a table on page 60 of the s42A report. Two were in support, and five sought amendments.
258. Fourteen submission points were received on rule SETZ-25 and are summarised in a table on pages 60-61 of the s42A report. Two were in support, and twelve sought amendments.
259. Seven submission points were received on rule SETZ-26 and are summarised in a table on pages 61-62 of the s42A report. Six were in support, and one sought an amendment.
260. Ten submission points were received on rule SETZ-27 and are summarised in a table on page 62 of the s42A report. Two were in support, four sought amendments, and four opposed the rule, seeking to delete it.
261. Six submission points were received on rule SETZ-28 and are summarised in a table on pages 62-63 of the s42A report. Two were in support, and four opposed the rule, seeking its deletion.
262. 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

263. Ms Easton acknowledged submissions in support of the rules.

SETZ-R17

264. Ms Easton did not support submission points⁷⁵ seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.
265. Ms Easton did not support several submission points⁷⁶ seeking that Standard 1 be deleted. She noted that the submitters provided no reasons for why this rule should apply in the Coastal Settlement Precinct, where the rules are carefully tailored to reflect the high natural values, and balance the natural over the built environment in those areas.

SETZ-R18

266. Ms Easton did not support several submission points⁷⁷ seeking that the rule be deleted, for the reasons she outlined concerning SETZ-R8.

⁷⁵ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁷⁶ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁷⁷ BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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267. Ms Easton did not support a submission from David Ellerm seeking a new matter of control, stating that compliance with any Character Area standards for the locality was not required, as she noted that there are no character area standards.

SETZ-R19

268. Ms Easton supported a submission from BDC seeking three additional matters of discretion to be added, being (f) Shading and loss of sunlight to adjoining sites, (g) Loss of privacy to adjoining sites, and h) Character and amenity of the surrounding area. She considered these to be appropriate matters to consider when assessing and managing the effects of these activities.
269. Ms Easton did not support several submission points⁷⁸ seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and effects are adequately managed.

SETZ-R21

270. Ms Easton noted that a numbering error had resulted in two SETZ-R21 rules in the notified plan and supported submissions seeking that this error be corrected.
271. Ms Easton supported submission points from BDC seeking reference to acoustic requirements in the visitor accommodation rule be deleted, that an additional matter of discretion around loss of privacy to adjoining sites be added, and that matter of discretion (g) be expanded to include all amenity and character effects.

SECOND SETZ-R21

272. Ms Easton supported a submission from BDC seeking that two additional matters of discretion be included in the community facilities rule, being: (j) Loss of privacy to adjoining sites; and (k) Character and amenity of the surrounding area.
273. Ms Easton did not support a submission from FENZ seeking a new activity status and permitted activity rule for Emergency Service Activities. She noted that existing activities would have existing use rights. She considered that new activities in largely residential locations should be subject to a resource consent process and management of adverse effects.

SETZ-R22

274. Ms Easton supported a submission from GDC seeking the rule numbering be fixed as referred to above.
275. Ms Easton did not support several submissions seeking to delete all of the performance standards. She considered that rural industry activities are likely to be inappropriate in some settlement zone areas, which are predominantly residential environments, particularly where there are high character and amenity values. She noted that the performance

⁷⁸ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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standards aim to focus the development of any rural industry on appropriate locations where its adverse effects on amenity and character can be remedied or mitigated.

NEW RULE

276. Ms Easton supported submission points from Frank and Jo Dooley and Frank O’Toole seeking a separate restricted discretionary activity rule for fences, walls and retaining walls, noting that she had supported these submitters’ similar submissions on other zones.

SETZ-R24

277. Ms Easton did not support several submission points⁷⁹ seeking that the rule be deleted, for the reasons she outlined in relation to SETZ-R8.
278. Ms Easton did not support a submission from Ngai Tahu seeking the rule be redrafted and merged with SETZ-R25, as she considered the rules were drafted to focus on like-grouped activities. She did not consider it necessary or appropriate to group these rules.

SETZ-R25

279. Ms Easton supported submissions seeking to remove fences, walls and retaining structures as a consequence of the new rule. She noted that the submitters had made similar submissions in other zones, and, as elsewhere, she supported these submissions and the proposed change.
280. Ms Easton did not support several submission points seeking that this rule also applies to industrial activities and that such activities are not non-complying. She noted that no reasons were given, except that the rule was deemed ‘too stringent.’

SETZ-R26

281. Ms Easton did not support a submission point from Foodstuffs seeking a restricted discretionary activity status. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these needs, namely establishing a supermarket, needed to be carefully managed and located in these areas.

SETZ-R27

282. Ms Easton did not support several submission points⁸⁰ seeking that this rule apply in the Coastal Settlement Precinct and not escalate to a non-complying activity status. She considered that industrial activities do not align with the zone’s purpose and are inappropriate in coastal settlements. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these industrial activities need to be carefully managed and located in these areas.

SETZ-R28

⁷⁹ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

⁸⁰ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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283. Ms Easton did not support several submission points⁸¹ seeking that this rule be deleted, noting that no reasons were given. She acknowledged that this type of 'catch-all' rule often has a Discretionary activity status in other Plans and invited the submitters to present more information at the hearing about whether they would support that as an alternative relief.

Hearing and Submitter Evidence

284. A letter to the Panel from KiwiRail requested an amendment to SETZ-R22 to include two additional matters of discretion relating to effects on the rail corridor.

Reporting Officer Right of Reply

285. Ms Easton's right of reply did not address these rules further.

Hearing Panel's Evaluation

SETZ-R17

286. The Panel agrees that SETZ-R17 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale. We also agree that Standard 1 should remain and acknowledge Ms Easton's comment that the rules have been carefully tailored to reflect the high natural values of the SETZ-PREC 3 Coastal Settlement Precinct and reflect the balance of natural over built environment in those areas.

SETZ-R18

287. The Panel agrees with Ms Easton that the rule should be retained, and we note she covered this matter under SETZ-R8. We also accept that there is no necessity for a new matter of control, stating Compliance with any Character Area standards for the locality, as there are no Character Area standards.

SETZ-R19

288. As noted, and reasoned above, the Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion relating to shading and loss of sunlight, loss of privacy, character and amenity is appropriate.
289. The Panel agrees that SETZ-R19 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale.

SETZ-R21

290. The Panel agrees with the submitters that a correction to the numbering sequence is necessary to eliminate having two SETZ-R21s, and this has been undertaken within the recommendations below.

⁸¹ Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

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291. The Panel agrees with BDC and Ms Easton to include an additional matter of discretion regarding loss of privacy, as this is an appropriate consideration in assessing and managing the effects of visitor accommodation.
292. The Panel notes that Ms Easton has included in her Appendix 1, supporting the BDC submission, a request to delete references to *'visual'* and *'rural'* in subclause (g); however, we note that there is no analysis of this. We have considered this proposed amendment, and we agree that the matter of discretion should refer solely to *'amenity'* and *'character'* to address relevant matters associated with visitor accommodation, such as noise and scale of activity. We consider visual amenity is unlikely to be a major issue and that rural character within a Settlement zone is of limited relevance. While we accept this broadens the scope of the discretion we consider this is appropriate and more relevant to the activity concerned.

SECOND SETZ-R21

293. The Panel notes that BDC has sought an amendment to remove acoustic requirements from matter of discretion (i) in the second SETZ-R21 as a consequence of their broader submissions to remove reference to acoustic insulation in SETZ-R11 and SETZ-R12, which relate to transport effects. It seems to us that Ms Easton has mistakenly considered this submission under the first SETZ-R21, and therefore, there is no analysis. We note that the acoustic insulation requirements in these two rules have been addressed in the Noise Chapter recommendation. In terms of matters of discretion (i), we do not consider this to be directly related to the acoustic issue in SETZ-R11 and SETZ-R12. Turning to the matter of discretion itself, we are unclear as to what leaving the wording as *'noise management'* would mean in terms of exercising discretion. In our view, this matter of discretion is seeking to address situations where noise is emanating from the activities listed under the rules heading. We therefore consider the wording as notified to be appropriate and recommend that this submission be rejected.
294. The Panel agrees that an additional matter of discretion regarding loss of privacy, character, and amenity is appropriate, as we have previously discussed above.
295. The Panel notes that, as a consequential amendment resulting from SETZ-R12 in relation to the RNZ submission, a further matter of discretion has been added to this rule to address situations where a breach in the height limits near the RNZ facility at Cape Foulwind occurs.
296. The Panel agrees with Ms Easton's reasoning regarding the exclusion of Emergency Service Activities as a permitted activity, as sought by FENZ.

SETZ-R22

297. The Panel agree with Ms Easton regarding the retention of the performance standards to be deleted. We acknowledge that rural industry activities may be inappropriate in some settlement zones, which are predominantly residential environments, particularly where there are high character and amenity values.

NEW RULE

298. The Panel agrees with Ms Easton that a separate restricted discretionary activity rule for fences, walls and retaining walls is appropriate. We consider that having the default position for fences, walls and retaining walls as a discretionary activity is too restrictive in the context of the activity. We note that as a consequential amendment, as sought by the submitters, fences, walls and retaining walls would need to be removed from SETZ-R24 and SETZ-R25.

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We also note Ms Easton has supported similar submissions from these submitters in other zones.

SETZ-R24

299. The Panel agrees with Ms Easton that SETZ-R24 should be retained. We note that submissions on this stem from those on SETZ-R8 and that we have agreed with Ms Easton's reasoning outlined in relation to SETZ-R8.

300. The Panel acknowledge Ms Easton did not support a submission from Ngai Tahu seeking that the rule be redrafted and merged with SETZ-R25. We agree these rules were drafted to focus on like-grouped activities and do not consider it necessary to merge them.

SETZ-R25

301. The Panel notes Ms Easton did not support several submission points seeking that SETZ-R25 also applies to industrial activities and that such activities do not become non-compliant. We have considered these submissions and agree with Ms Easton that the rule should be retained as notified.

SETZ -R26

302. In relation to the Foodstuffs submission seeking a restricted discretionary activity status, the Panel agrees with Ms Easton that the Settlement zone is primarily a residential environment with compatible other uses. Further, we note that there is only one supermarket within the Settlement zone.

SETZ-R27

303. The Panel accept Ms Easton's recommendation that SETZ-R27 should continue to exclude the Coastal Settlement Precinct. We agree that industrial activities do not fit within the purpose of the zone and are inappropriate in the coastal settlements, and therefore, their status as a non-complying activity is appropriate. We also agree that the Settlement zone is primarily a residential environment with compatible other uses, and these need to be carefully managed.

SETZ-R28

304. The Panel notes that Ms Easton did not support submissions seeking the deletion of SETZ-R28, and no reasons were given. We agree with Ms Easton that this type of 'catch-all' rule often has a Discretionary activity status in other Plans, and we noted that we have recommended such a status in other chapters, such as Energy. The Panel considers, for reasons of consistency, that the activity status of SETZ-R28 should be revised to Discretionary.

Hearing Panel's Recommendation

305. 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 Rules **SETZ -R17 – SETZ 28** and that these be accordingly renumbered.

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

- a. Design and location of structures; and
- b. Landscape measures Measures to mitigate landscape effects.⁸²

Activity status where compliance not achieved: Discretionary

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

- a. Design and location of structures;
- b. Any requirement for financial contributions;
- c. ~~Landscape measures~~ Measures to mitigate landscape effects; and⁸³
- d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

⁸² Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁸³ Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity Status Restricted Discretionary

Where:

- i. ~~1.~~ The building projects into the 45 degree recession plane; or
- ii. ~~2.~~ The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and
2. ~~3.~~ All other performance standards for Rule SETZ - R2 are complied with.⁸⁴

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Any requirement for financial contributions;
- d. Design and location of parking and access; ~~and~~
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**⁸⁵
- f. **Shading and loss of sunlight to adjoining sites;**
- g. **Loss of privacy to adjoining sites; and**
- h. **Character and amenity of the surrounding area**⁸⁶

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 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;**⁸⁷
- 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~~⁸⁸
- h. Methods of wastewater treatment and disposal; **and**
- i. **Loss of privacy to adjoining sites.**⁸⁹

Activity status where compliance not achieved: Discretionary

⁸⁴ Schedule 1 Clause 16(2) RMA

⁸⁵ Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁸⁶ Buller District Council (S538.568)

⁸⁷ Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁸⁸ Buller District Council (S538.570)

⁸⁹ Buller District Council (S538.570)

SETZ - R212 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards⁹⁰

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Vehicle movements and access;
- d. Design and location of parking and access;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**⁹¹
- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Hours of operation; ~~and~~
- i. Acoustic and noise management requirements;
- j. **Loss of privacy to adjoining sites;**
- k. **Character and amenity of the surrounding area; and**⁹²
- l. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase**⁹³

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R223 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and
3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**⁹⁴

⁹⁰ Grey District Council (S608.774) Buller District Council (S538.571)

⁹¹ Consequential Plan wide amendment to Manawa Energy Limited S438.100

⁹² Buller District Council (S538.571)

⁹³ Consequential amendment resulting from Radio New Zealand (S476.042)

⁹⁴ Consequential Plan wide amendment to Manawa Energy Limited S438.100

- d. Hours of operation;
- e. Vehicle movements;
- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Management of odour, noise, light and dust; and
- i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 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/A⁹⁵

SETZ – R246 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~,⁹⁶ Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R257 All Activities and Buildings, Papakāinga, Minor Structures, ~~Fences, Walls and Retaining Walls~~⁹⁷ and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R278.⁹⁸

Activity status where compliance not achieved: Non-complying

SETZ – R268 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

⁹⁵ Frank and Jo Dooley (S478.042) and Frank O'Toole (S595.024)

⁹⁶ Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)

⁹⁷ Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)

⁹⁸ Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R279 Industrial Activities not meeting Rule SETZ - R223⁹⁹

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ **Discretionary¹⁰⁰**

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: **N/A¹⁰¹**

2.7. Subdivision standards SUB-S1 in relation to the settlement zone

Submissions and Further Submissions

306. Three submission points and one further submission point were received on the minimum lot size standard and are summarised in a table on page 67 of the s42a report.
307. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A report

308. Ms Easton acknowledged submissions in support of the rule.
309. In relation to Davis Ogilvie’s support of minimum lot sizes in sewerred and unsewerred areas, Ms Easton noted that the reference to sewerred areas is an error and different to the approach taken in the residential density rule.
310. Ms Easton did not support a submission from David Ellerm seeking an increase in minimum lot sizes and noted that no reason was given for requesting this change. She noted that the

⁹⁹ Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)

¹⁰⁰ Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)

¹⁰¹ Consequential amendment stemming from Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)

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settlement zone replaces several different zones across the three plans, and the proposed lot sizes represent a 'harmonisation' approach to density.

311. Ms Easton did not recommend any amendments to the rule.

Hearing and Submitter Evidence

312. No hearing or submitter evidence was presented in relation to this matter.

Reporting officers right of reply

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

Hearing Panel's Evaluation

314. The Panel notes Ms Easton, in response to a submission in support from Davis Ogilvie, referred to an error in SUB-S1(e) related to sewerage areas, and she said this was a different approach than that taken in the residential density rule. We take from Ms Easton's response that the error concerned goes beyond a minor Schedule 1 Clause 16(2) RMA matter and therefore would require a specific amendment to the Plan.

315. The Panel agree with Ms Easton that there is no reason to increase the minimum lot sizes in the Settlement zone and no amendments to the subdivision standards are recommended.

Hearing Panel's Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no amendments are made to the Subdivision **Standards-SUB-S1** in relation to Settlement Zone.

2.8. Planning maps and rezoning requests

Submissions and Further Submissions

317. Thirty-two submission points and four further submission points on the planning maps and zoning requests were received and are summarised in a table on pages 68-70 of the s42A report. Twenty submissions were in support, and twelve requested amendments.

318. 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

319. Ms Easton acknowledged the submissions received in support of the existing zoning.

Buller District

320. Ms Easton did not support a submission from Terra Firma Mining seeking that the Settlement Zone around the General Industrial zone, as proposed by Reefon Engineering, be reviewed. She noted that the new area of the Settlement Zone-Rural Residential Precinct, along Andersons Road, is separated from the General Industrial Zone and Reefon Engineering by the State Highway, which she considered a logical zone boundary.

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321. Ms Easton noted that BDC carefully considered reverse sensitivity when considering where to provide further residential development at Reefton, where existing residential development adjoins the industrial zone at Elizabeth Road. Some of this land was downzoned to General Rural. Reefton is constrained by flood hazards and the land down Andersons Road represented the best available option for further low-density residential development as it is not subject to flooding and is contiguous with the remaining undeveloped General Residential zone.
322. Ms Easton did not support a submission from Scenic Hotel Group opposing the proposed zoning of several of their sites and seeking compensation for any restrictions. She noted that the operative Scenically Sensitive Residential Zone in the Buller District Plan was a very restrictive zone for development, and the provisions of this zone have been rolled over into the pTTPP. She considered existing businesses would have existing use rights, and the restrictions of the zone would only apply if further development were proposed. Ms Easton noted that the submission does not identify what alternative zoning would be preferred, and that s85 of the RMA prohibits compensation for restrictions arising from zoning.
323. Ms Easton did not support the submission from Frida Inta seeking additional residential properties to be included in the Settlement Zone. She considered that there is sufficient land available within the zone for further development to meet demand for many years.

Grey District

324. Ms Easton did not support a submission from David Ellerm seeking that Lot 1 DP 3316 be zoned as a Settlement Zone, noting that no reasons were given for requesting rezoning, and she was unable to confirm the property's location.
325. Ms Easton did not support a submission from Kevin Klempel seeking to rezone 11 Lake Brunner Road to a Settlement Zone, as it would not create the same infrastructure requirements as the proposed General Residential Zone. Ms Easton noted that this site was identified as being appropriate for residential zoning when the Grey District Plan was developed in the 1990s. She noted that there is no requirement for the landowner to undertake development, and the zoning has not been utilised over the past 20 years. Ms Easton did not support rezoning the site to get around infrastructure requirements.
326. Ms Easton did not support a submission point from Cynthia Robins seeking that commercial land in small towns such as Blackball be given commercial status. She noted that the Settlement Zone – Settlement Centre Precinct is the equivalent of a commercial zone in the rural settlement context and aims to support commercial activities in these locations. She noted that there is a Settlement Centre Precinct in Blackball.
327. Ms Easton did not support a submission from Russel Robinson seeking to rezone Lot 1 DP2820 (14.0027ha) and Pt RS 3806 (12.7168ha) at Moana from Settlement Zone with a Rural Residential Precinct to a mix of residential and commercial development, because at the time of writing the s42A report she had not received feedback from GDC on the supporting technical information.
328. Ms Easton did not support a submission from Te Kinga Estates seeking that Lot 2 568525 on Arnold Valley Road be rezoned from General Industrial Zone to Settlement Zone- Rural Residential Precinct. She was unable to confirm which land the request related to.

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329. Ms Easton did not support a submission from Greg Maitland seeking that the Settlement Zone – Rural Residential Zoning at Kumara be removed, and that land around Greenstone be zoned for this purpose instead. She noted that the Rural Residential Precinct is intended to be a lower-density ‘halo’ around the main settlements, allowing for alternative residential lifestyles on larger lots adjacent to the services provided in the settlement. She noted that the intent is not to create new settlements separate from existing communities, but to reinforce and support the existence and expansion of the current West Coast communities.
330. Te Kinga Investments Ltd sought to rezone 28ha of land at Lot 2, DP 547998, from the Settlement Zone - Rural Residential Precinct to the Settlement Zone (no precinct) to allow sites of up to 1000m² to be developed. Ms Easton noted that GDC supported the rezoning for locations identified in green in the image below.
331. She noted that this would result in a split zoning of the property, with a new road established to service the Settlement Zone properties, and the remainder of the site remaining in the Settlement Zone – Rural Residential Precinct. She recommended that the land be rezoned in line with the Council’s advice.



Westland District

332. Ms Easton did not support a submission from Scenic Hotel Group opposing the zoning of the following properties and seeking compensation for any restrictions from the zoning:
- 31 Pekanga Drive, Fox Glacier
 - 35 Pekanga Drive, Fox Glacier

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- 24 Cowan Street, Franz Josef Glacier
- 26 Cron Street, Franz Josef Glacier
- 2 Condon Street, Franz Josef Glacier

333. Ms Easton made the following comments:

- The Fox Glacier property is understood to be staff accommodation on a residential street, and Settlement Zoning is appropriate as it is the same zone as the surrounding residential properties.
- All three Franz Josef properties are within a Settlement Zoned area.
- Significant planning work has been carried out by the Westland District Council and the Franz Josef community because of the multi-hazard situation. This has resulted in an overall approach to Franz Josef zoning which envisages the centre moving northwards – away from the Waiho River and the Alpine Fault. In particular, the focus is on ensuring that further sensitive activities are not developed on the Alpine Fault – which runs directly through 24 Cowan Street.

334. Ms Easton did not support a submission from David Ellerm seeking a new spatial layer to manage character area settlements, specifically for the Te Kinga Bay – Cashmere Road Character Area. She noted that no such framework has been developed that can be incorporated into the Plan. She agreed that the communities around Lake Brunner would benefit from development of a proactive planning framework or structure planning, but considered this to be a role of the Grey District Council and outside of TTPP to develop.

S.42a Addendum report

335. Ms Easton's addendum report, addressed the Russel Robinson submission further, noting that she had received technical feedback from GDC as follows:

- The Council confirmed there is capacity at the Moana wastewater treatment plant. There is currently no sewer pipe connection along Arnold Valley Road to the site, but the Council was satisfied that a solution could be put in place. Specific detailed investigation and design would be required at the time of the subdivision consent, which will include some pipework upgrades through the existing wastewater network.
- Moana currently has no water supply network, and the proposed large-scale development would require a reticulated network to be developed, including a firefighting water supply. The Council has funding in the 2024/25 year to commence investigations into a reticulated solution. The developer would need to fund the development; however, the Council would need to consider and consult with the existing community on the proposal, available options, and funding mechanisms. Specific detailed investigation and design for the development would be required at the time of the subdivision consent.
- The Council were satisfied that the proposed stormwater solution was technically feasible and noted that specific detailed investigation and design would be required at the time of the subdivision consent.

336. Based on the Council's comments, Ms Easton did not oppose the proposed rezoning but did not support providing for densities down to 300m², as she was concerned that the submitter was seeking urban densities without the degree of infrastructure and amenity typically associated with these densities (e.g., footpaths, streetlights, and parks). She noted that 300

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m² is smaller than the permitted area for the General Residential zone. The TTPP is clear that the Settlement zone is a rural zone with rural infrastructure expectations, and densities of 500m² are only allowed where 3 waters reticulation is provided. She considered the lack of water supply at Moana to be problematic. She noted that the General Residential zone also requires 3 waters reticulation and connection to a community system, and that financial contribution requirements are included, recognising this.

337. Ms Easton was also concerned about the connection and cohesion of the development to the wider Moana Settlement and whether the proposal fits the policy framework, particularly RURZ-P2 and RURZ-P12. She noted that the site is located away from the Moana Valley township up Arnold Valley Road, and that the Plan recognised this by providing for Rural Residential Precinct zoning, with Rural Lifestyle Zone to the north. The current community is based around the school, community facilities, park and small commercial area alongside the lakefront area, which provides substantial amenities. The Plan anticipated that the residential area would continue along the area behind the lakefront, with a gradation of lower-density properties up Arnold Valley Road. She noted that the proposed 200 dwellings would nearly double the size of Moana, which currently has around 300 dwellings, and that the development plan contains no details on facilities such as footpaths, parks, or on-street car parking. She acknowledged there was some provision for a retail area but considered the detail about what was proposed to be low.
338. Ms Easton concluded that she supported the submission in part, in that she supported a rezoning to Settlement Zone, with provision for a Settlement Centre Precinct within the site, but not bespoke provisions for the site that would allow a higher level of residential density than provided for in the Settlement Zone.
339. Ms Easton recommended rezoning the site to Settlement Zone.

Submitter and hearing evidence

Te Kinga Investments

340. Pauline Hadfield presented planning evidence on behalf of Te Kinga Investments (TKI). She noted that TKI supported Ms Easton's recommendations and requested that the Panel accept the reporting officer's recommendation. Ms Hadfield also identified two apparent errors in the s.42A report. These included a plan caption that incorrectly identifies the recommended zoning, and an error in the accept/reject table.

Russel Robinson and Brunner Builders

341. Russel Robinson presented a statement in support of his submission. He considered that Moana had grown significantly and now faced a shortage of rental accommodation and land available for building. He noted that there is current demand for housing in the area and he expected this to increase in future.
342. Mr Robinson noted that the notified commercial zone within Moana included the existing school and hotel and considered that there was little land available in the township for commercial activity. He advised that GDC had suggested including a village centre within his development, intended to provide for activities suitable in a residential area, with a notified commercial area across the road accommodating larger activities.
343. Craig Barr presented planning evidence in support of the proposed rezoning. Mr Barr noted that the notified SETZ Precinct 4 zoning allows for 4,000m² lots and has the potential to

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- create 45-50 lots across the site. He considered that the site could absorb greater levels of residential development and supported a zoning framework providing for up to 200 residential units with allotment sizes of 300m² or more, provided that an average lot size of 1000m² is achieved across the site. Mr Barr considered that the ODP would ensure the appropriate management of roading, pedestrian connections, indigenous biodiversity, and the provision of local retail and services.
344. Mr Barr acknowledged that the site contains two regional council consents associated with the former landfill and considered that the proposed rezoning and subsequent development would still ensure that the conditions of these consents are fulfilled.
345. Helen Kellett provided further technical evidence to support the rezoning on contaminated land, Louise Bailey on landscape, Richard Nichol on ecology and Tony Penney on transport.
346. In further rebuttal evidence, Mr Barr responded to Ms Easton's concerns about the residential density and lack of detail in the development plan area. Mr Barr considered that the proposed lot sizes would provide for flexibility and variation in housing options, and considered the proposed rule limiting vegetation clearance in the Forest Residential Overlay area would limit the ability to develop 300m² lots to the eastern part of the site around the proposed SETZ PREC 2 local retail overlay. Mr Barr advised that, if the hearings panel had similar concerns about a proliferation of small lots, he would support limiting the number of lots under 500m² to a maximum of 20 and provided text amendments to illustrate how this could be achieved in SUB-S1.
347. Mr Barr considered that the ODP and location-specific rules proposed would ensure the pattern of development would become less intensive as the distance from Moana increased, and did not consider it would adversely impact the cohesion of Moana or wider landscape values. He also noted the presence of a relatively large undeveloped SETZ zoned site to the east, and including a commercial zone would provide for additional development, which he considered would double Moana's size and provide for further expansion of commercial activity. Mr Barr noted that with the lake to the south, the river and DOC land to the west and northwest, the only practicable opportunity for development is to the north and east of Moana. In this regard, he considered the site to be important from a spatial zoning perspective.
348. Following the hearing, further supplementary evidence was provided. In this, Mr Barr responded to questions from the Panel and provided an updated set of proposed provisions. Mr Barr proposed an amendment to the matter of discretion relating to no-build areas, to remove unnecessary wording regarding the avoidance of development in these areas.
349. The Panel queried the appropriateness of the Policy DA-P1(b) wording, which requires development to be in general accordance with the proposed ODP, in relation to protection of natural inland wetlands. Having further considered the ecological evidence of Mr Nichol, Mr Barr considered that the roading alignment affecting wetland 6 should be moved northward to avoid appearing to predetermine any resource consent process for works within the wetland setback. He considered there was a consent pathway available for the Regional Council to assess any proposed modification of the wetlands, under the NES-F and the policy framework of the National Policy Statement Freshwater, Regional Policy Statement and the West Coast Land and Water Plan. He did not consider a stronger policy direction appropriate, noting that the subdivision and development should be able to undertake appropriate wetland modification based on the wetland values and stormwater management for the site.

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350. Mr Nichol provided supplementary evidence addressing wetland identification, significance and protection. He did not consider it necessary to identify the 3 natural inland wetlands on the DAP and did not oppose the modification of wetlands 1 and 2. He supported the retention of Wetland 6, which is a significant natural inland wetland.
351. In relation to a Panel query about the appropriateness of development being required to be in general accordance with the DAP, and whether stronger language was required, Mr Barr considered that sufficient flexibility should be accounted for as part of the detailed subdivision design. He considered the location-specific provisions to be sufficient guidance and direction on what constitutes general accordance and what the critical elements are.
352. Mr Barr did not consider amendments requiring building platforms to be necessary, as this is already required by SUB-S2(2) for lots less than 4ha. He noted that wider areas of vegetation clearance could be identified, with other areas required to have indigenous vegetation protected by a consent notice.
353. Mr Barr clarified that a reference in the Moana DAP to a 5m landscaping strip is an error and should show a 10m width.
354. Mr Barr considered that the proposed retail precinct would not undermine the existing commercial centre at Moana, noting that the built form would be limited by the zone rules and taking into account the land area required for roads and infrastructure.
355. Mr Barr considered the Settlement Zone to be more appropriate than the General Residential Zone. He noted that the proposed average density would result in development outcomes being significantly less than that anticipated by the GRZ. He also considered the Settlement zone retail framework better suited to Moana North than the neighbourhood retail zone accompanying the GRZ. He noted that the RMA Section 6 matters requiring intervention and management are not typically addressed through GRZ zoning. He considered that the proposed zoning provides a graduated pattern of density, and the SETZ framework, which is part of the rural area framework, is more appropriate to manage landscape and biodiversity values than the GRZ framework.

Reporting Officers Right of Reply

356. In relation to the Russel Robinson/Brunner Builders submission, Ms Easton did not support the amended zoning proposals presented at the hearing. She considered the proposed density approach, using a minimum and minimum average lot size, was not consistent with the Plan, would be complex to administer, and that there were no compelling reasons for this approach to be taken. She was concerned that the averaging approach could result in a very small number of very large sites and many sites smaller than 1000m² being developed.
357. Ms Easton did not support 300m² lots around the Settlement Centre Precinct. She considered lots of this size likely to result in large areas of impervious surfacing, leading to cumulative effects on stormwater generation. She reiterated that 300 m² is smaller than the minimum permitted lot size in the General Residential zone and out of kilter with anticipated densities in the Settlement zone.
358. Ms Easton considered that if the Panel deemed small lots appropriate, they should be specifically located and zoned as General Residential, with the normal minimum lot size of 350m², to provide for appropriate infrastructure and management. She also considered the

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former landfill should be specifically identified as a no-build area, and supported the proposal for the Settlement Centre Precinct, noting that the location appeared appropriate.

359. With respect to the proposed objectives and policies, Ms Easton considered the wording to be vague and not clearly linked to the requirements in the proposed rules. She considered that stronger language and more specific requirements flowing through to the rules would be necessary if the submitter's proposal were to proceed.
360. Ms Easton raised further concerns about the ability to service the site. She noted that the wastewater treatment plant's resource consent would expire within five years, and there is a reasonable expectation that the plant would need to transition to a land-based disposal approach, which could incur significant unbudgeted costs for the Council. She advised that the stormwater system upgrade was not included in the Council's long-term plan or infrastructure strategy and remained concerned about the potential cumulative effects of stormwater discharge.
361. Ms Easton also highlighted the comments in a cultural impact assessment prepared in response to a lodged plan change application for the site, which is currently on hold. She noted that the rezoning proposal does not appear to address the matters raised in the cultural assessment, and she understood no further consultation had been undertaken with Ngati Waiwai.
362. Ms Easton concluded that she did not oppose rezoning the site to a Settlement Zone, allowing for 500m² sites where reticulation is provided. She also supported the provision of a Settlement Centre Precinct as proposed by the submitter. Her recommendation was not altered by the further evidence presented.

Hearing Panel's Evaluation

Buller District

363. The Panel agrees with Ms Easton's recommendation to decline the submission from Terra Firma Mining seeking a review of the Settlement zone along Andersons Road in Reefton. While we acknowledge the potential reverse sensitivity concerns, the proposed zoning is clearly separated from the Industrial zone by the State Highway, and we consider this provides a logical separation boundary. We also note that, at its closest point, the Industrial zone is part of railway land designated by KiwiRail, and that distances to Industrial zoned land where industrial activity is occurring, or might be anticipated to occur, exceed 70m at their closest point. We therefore recommend that the Settlement zoning on Andersons Road be retained, acknowledging that this area is considered the best option for further expansion in Reefton.
364. The Panel agrees with Ms Easton's recommendation not to accept the submission from Scenic Hotel Group opposing the proposed zoning of sites at Punakaiki. We note that the submitter provided no alternative zoning options, and we agree that no compensation is available to the submitters who may be affected by the proposed zoning.
365. The Panel agrees with Ms Easton's recommendation to reject the submission for more residential sections to be included in the Settlement Zone in Seddonville sought by Ms Inta. Having reviewed the location, we consider that adequate provision for development has already been provided in the Settlement zone as notified.

Grey District

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366. The Panel agrees with Ms Easton's recommendation and reasoning to reject the request for rezoning sought by David Ellerm to rezone Lot 1 DP 3316 to Settlement Zone.
367. The Panel agrees with Ms Easton's recommendation not to provide for further residential development around the Barrytown Village in the form of an expanded Settlement zone, as sought by Riarnne Klempel. We accept that, with no evidence to the contrary, there is sufficient zoned land available in Barrytown to meet the community's needs.
368. The Panel agrees with Ms Easton's recommendation to reject Cynthia Robbins' submission to provide commercial land in small towns, such as Blackball, with commercial status. We note that, where appropriate within the Settlement Zone areas, a Settlement Centre Precinct has been applied, including in Blackball, which is referenced by Ms Robins. We agree that the Settlement Centre Precinct is equivalent to a commercial zone within the rural settlement context and supports the development of a level of commercial activities in these locations.
369. The Panel agrees with Ms Easton's recommendation and reasoning not to support the submission from Greg Maitland seeking to remove the Settlement Zone-Rural Residential Zoning at Kumara and rezone land around the Greenstone area for this purpose.

Moana

370. Following the hearing process the Panel sought further information in relation the potential for significant adverse effects to occur on a broader basis because of proposed rezonings at Moana and Cape Foulwind in terms of on-site wastewater disposal. West Coast Regional Council commissioned BTW Company Limited (BTW) to provide an assessment to investigate the cumulative effects of onsite wastewater disposal for rural properties in Moana and Cape Foulwind.
371. For Moana the findings concluded that:
- *The current method of primary septic treatment and disposal via soak pits at Moana is recommended to cease at for the level of development proposed. This is due to the very high permeability of the soils present, which could transmit perched groundwater to surface water receptors within days to weeks. Secondary treatment as a minimum is recommended, and disposal to land via other methods such as sub-surface irrigation (where possible) or beds/mounds. Where soak pits are deemed the only viable option, and/or minimum setback distances cannot be maintained for any installation, advanced secondary or tertiary treatment for nutrients and bacteria is highly recommended.*
 - *Potential adverse effects to the environment are expected for any land use change scenario. The key effects at Moana likely being to the smaller tributaries to Molloy Bay of Lake Brunner from the development of Areas B and C. This assessment is currently unable to quantify the degree of adverse effects to these tributaries from the current undeveloped scenario. However, the effects between scenarios A and B are expected to be marginal. If the Hearing Panel remain uncertain about the proposed rezonings, stream flow measurements of the tributaries would be required to more accurately determine the actual or potential localised effects.*
372. The Panel have taken into account the findings of the BTW report in our considerations below.

11 Lake Brunner Road

373. The Panel agrees with Ms Easton's recommendation that the General Residential zone at 11 Lake Brunner Road should be retained rather than being rezoned to Settlement Zone as requested by Kevin Klempel. We note that this site has been identified for future residential activity in the operative Grey District Plan, and the Panel considers, given its location, this is appropriate to help meet future needs for Moana.
374. While the Panel acknowledge the submitter's concerns with servicing, we are also conscious of the findings of the BTW report above in terms of any future development of this site. We also note that there is no requirement for the landowner to undertake this development or to develop to the densities provided for by the General Residential zone.

Russel Robinson - Proposed Rezoning at Moana

375. The Panel has considered the zoning request from Russel Robinson at Moana. We accept that sufficient detailed evidence has been provided to enable the consideration of a higher density of development than the Rural Residential provided for in the notified Plan. We have also taken into consideration that GDC have confirmed that there is available capacity for connection to existing wastewater infrastructure and that a drinking water supply for Moana is needed. The difficulty we have encountered is reconciling the proposed method, which is a bespoke Settlement zone, with the intent and purpose of the Settlement zone framework.

Is a bespoke zone appropriate

376. The Panel has gone back to the relevant objectives and policies, as well as the Settlement Zone Overview, in our considerations. The relevant objectives and policies for a Settlement zone stem from the Rural zone provisions. They therefore include:

RURZ - O2 To provide 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 – P2 Provide for growth and change to settlements that:

- a. Improves the long-term viability of the settlements and their communities;*
- b. Fits with the historic, cultural and environmental character of the existing settlement;*
- c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;*
- d. Integrates with the existing residential settlement and maintains a consolidated settlement form;*
- e. Supports rural community needs by providing for community facilities and educational facilities; and*
- f. 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.*

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RURZ - P3 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 production values.

RURZ - P11 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:

- 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 and on-site land treatment and disposal of stormwater and wastewater.*

RURZ - P12 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.

377. While we acknowledge that the proposal aligns with some of the above provisions, we do not consider it particularly well-suited to the primary objective of providing for a low-density rural lifestyle on the outskirts of settlements.

378. We also note the following from the Overview:

- Settlements differ from the main towns because of their small scale and low intensity of development.*
- The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.*
- The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies.*
- The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.*

379. Again, we do not consider the proposal to be in keeping with the Settlement zone Overview. In our view, it is clear from the above that the zone's purpose is connected to small-scale development, and because it has been placed in the Rural section of the Plan, it has a more rural focus rather than an urban one. We note that the Settlement Zone description in the National Planning Standards is:

Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments. [emphasis added]

380. While the Panel acknowledges the ingenuity shown by Mr Barr in terms of the bespoke provisions, in the end, we consider that what is being proposed effectively attempts to shoehorn, for the most part, an urban-style zoning into a Settlement zone framework. In our

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view, what is being proposed does not fit with what is anticipated in the Settlement zone and, as such, does not pass the s32 test in terms of being the most appropriate to achieve the objectives. In this context, we consider that there are other reasonably practicable options for achieving the objectives, such as a General Residential Zone (GRZ), and that the proposal is not efficient or effective in achieving these objectives. We are also concerned that such zoning may impact the wider integrity of the Settlement zone moving forward, particularly with the proposed densities. We therefore disagree with Mr Barr that the SETZ framework is the most appropriate.

Alternative zoning

381. As mentioned above, the Panel generally accepts the proposition that the site in question is capable of being rezoned for residential purposes. We also agree that the provided details are sufficient for us to consider such a rezoning. This includes the provision of reticulated services, including wastewater, which would address the issues raised in the BTW report.
382. The Panel notes that Moana is the only location outside of the four main centres that has a GRZ, and that in Moana, the GRZ is located adjacent to the proposal site. While we acknowledge Mr Barr's comment that the Moana GRZ is not referenced in the Overview, the reality is it exists.
383. The Panel considers there is sufficient scope within the Russel Robinson submission to consider a General Residential (and a Neighbourhood Centre zone) zoning over at least part of the site, with low-density Settlement zoning (SETZ - PREC 4 - Rural Residential Precinct) with bespoke provisions similar to Kumara Junction Developments on the remainder, while still addressing the various environmental issues associated with the site. We consider this would better meet the s32 tests of appropriately achieving the objectives.
384. The Panel acknowledge that the level of density proposed in the submission is in places higher than that of the GRZ. Nevertheless, there remains a pathway to consent higher levels of density provided adverse effects are able to be addressed. In this regard, we note Ms Easton remained concerned about issues such as stormwater disposal, which she felt were not adequately addressed. We have also considered the commercial component of the proposal and consider that a Neighbourhood Centre zone can be included, which would still enable residential development should this not be pursued.
385. In terms of environmental issues (landfill, wetlands, and ecology), the Panel considers that these can be appropriately managed through an Outline Development Plan along the lines proposed by Mr Barr. This would include restricting development in these sensitive areas.
386. The Panel has undertaken an evaluation in accordance with s32AA of the RMA of recommended rezoning given this is a change from what was sought by the submitter and what was in the notified plan.
387. The Panel considers the amendment to a General Residential zone will create consistency and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than that sought by the submitter and is a more appropriate means of achieving the objectives of the pTTPP. We acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.

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388. The Panel considers there is a risk of not acting in that there would be an inconsistency in the use of the Settlement Zone. We have not identified any risks from acting.
389. Overall, the Panel considers that a level of rezoning of the Russell Robinson site is appropriate; however, we consider that the initially chosen method was not appropriate, and we have therefore recommended an alternative approach as detailed in Appendix 1 below.

Te Kinga Investments

390. The Panel has considered and agrees with Ms Easton's recommendation to support the rezoning of 28ha at Te Kinga from Settlement Zone-Rural Residential precinct to Settlement Zone (no precinct). We acknowledge this was supported by the GDC, who had advised that they were satisfied with the level of technical information provided to support this request. We note that the rezoning would result in a split zoning for the property, with a new road established to service the Settlement Zone part of the property. The remainder of the property would be classified as Settlement Zone-Rural Residential Precinct.

Westland District.

391. The Panel agrees with Ms Easton's recommendation to reject the submission from Scenic Hotel Group opposing the Settlement Zoning of sites in Fox Glacier and Franz Josef. We consider the sites to be appropriately zoned as Settlement Zone.

Hearing Panel's Recommendation

392. 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 to zoning are made.

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as detailed in Appendix 1. ¹⁰²
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as detailed in Appendix 1. ¹⁰³

Dean Chrystal
Hearings Panel Chair

Maria Bartlett
Hearings Panel Member

¹⁰² Russell Robinson (S515.001)

¹⁰³ Te Kinga Investments Ltd (S598.001)

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**Paul Rogers
Hearings Panel Member**



**Anton Becker
Hearing Panel Member**

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Plan Text Amendments

Recommended amendments to the provisions in response to submissions are shown in ~~strike through~~ and **bold** and underline.

Overview

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. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.

The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m² are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding

reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

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 SETZ - Settlement Zone, including:

~~Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; 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 Settlement 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 Settlement 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 Settlement 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 Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement 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.

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 Standards 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.

Settlement Zone Policies

<u>SETZ-PREC-P2</u>	<p>Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should:</p> <ul style="list-style-type: none"> a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
<u>SETZ- PREC3 P3</u>	<p>Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should:</p> <ul style="list-style-type: none"> a. Take into account Recognise and provide for the coastal natural character and protect the 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. <u>Development of the port area at Jackson Bay is:</u> <ul style="list-style-type: none"> i. <u>discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and</u> ii. <u>of a scale and extent appropriate to the location</u> e. Be located <u>and designed to mitigate or</u> avoid <u>increasing</u> the significant risks of natural hazards. f. <u>Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.</u>
<u>SETZ-PREC-P4</u>	<p>Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include:</p> <ul style="list-style-type: none"> a. Low-density residential living and small-scale rural activities; b. Open space and privacy around buildings; and c. On-site servicing and a general absence of urban infrastructure; d. <u>Industrial or commercial activities which have a functional relationship with rural areas; and</u> e. <u>Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.</u>

Settlement Zone Rules

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
 - i. **1 unit per site where these were lawfully established under the previous District Plans; otherwise**
 - ii. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~except that:~~
 - b. ~~where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or~~
 - iii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
 - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area;
4. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater, **and provided there is capacity**, all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
5. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
 - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
 - 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;
 - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
 - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **in the Grey, and Westland Districts and 10m in the Buller District;**
2. The maximum site coverage is:
 - i. 40%; except
 - ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct
3. The maximum gross ground floor area of any one building
 - i. Is 350m²; except

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- ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² total for all buildings on the site.
4. Buildings are setback from boundaries as follows:
 - i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation**, and 1m from internal boundaries; except
 - ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings** are setback 5m from internal boundaries;
 - iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
 - iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary or a designated landfill site boundary.**
5. In the Kumara Junction Developments area **and Moana North Development area:**
 - i. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;
 - ii. A maximum of 2000m² indigenous vegetation in total is allowed to be cleared from each site; and
 - iii. Development will be in accordance with the Outline Plans set out in the Development Areas section of the Plan;
 - iv. **In the Moana North Development area:**
 - a. **Where indigenous tree species with a diameter of greater than 20cm at breast height are removed, these are replaced in accordance with a Landscape Plan to be developed for the area;**
 - b. **No residential or ancillary buildings are to occur within the “No-Build” areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan.**
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
 - v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;
7. **Vehicle crossing standards in Rule TRN – R1 are met; and**

8. 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. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. 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.

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**
4. **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 where standards 1-4 are not complied with. Restricted Discretionary where standards 5-6~~8~~ are not complied with.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

- (a) All standards for Rule SETZ - R1 and R2 are complied with;
- (b) New buildings are no more than 1050m² in ground floor area and additions to existing buildings add up to no more than 50m² ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered;**
3. In areas not serviced by reticulated wastewater, stormwater and water supply:

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- i. The average residential building density is no more than one unit per 1000m² net site area, ~~although units can be clustered~~; and
- ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.
- iii. **In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m² net site area; and**
- iv. **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 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

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
 - i. Intensive indoor primary production;
 - ii. The storage and disposal of solid or liquid animal waste not generated on the site;
 - iii. Woodlots;
 - iv. Stock sale yards; or
 - v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
 - i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** For poultry setbacks of 10m from any residential building and 2m from the site boundary;

- ii. ~~For pig-keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~
4. 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;
 - ii. 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
 - iii. A water source for bees must be provided and maintained on the property.

Advice Note:

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 that apply.

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ – R2 are complied with;~~ **Structures are set back:**
 - i. **5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except**
 - ii. **In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;**
 - iii. **In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 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

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built to be~~ **and** used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior reinstatement works including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within ~~a~~ **12-months of the building being delivered to the site period; and**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; ~~and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
 - i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
 - ii. 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.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;**
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity; ~~and~~
7. ~~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.~~

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**;
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland** Districts the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

- a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
- b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller, **Grey or Westland** District Plan provisions, then existing use rights **may** apply.
- c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:
 - i. 80m of a State Highway with a speed limit of 70kph or greater; or
 - ii. 40m of a State Highway with a speed limit of less than 70kph; or
 - iii. 40m of a Railway Line; or
 - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
 - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**; except:

No vehicle movement limit applies to:

- a. Emergency Service Facilities;
 - b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or
 - c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**
 4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**

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

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;
- ~~2. The activity is located within a SETZ – PREC2 – Settlement Centre Precinct;~~
2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;

- ~~4. The maximum combined floor and yard area for any retail activity is 250m²; and~~
3. The activity does not include:
 - i. Service stations;
 - ii. Car sales;
 - iii. Yard-based retail; and
 - iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are 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 generated by the activity **and compliance is achieved with TRN – R6;**
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**
- ~~9. No external generation of dust, odour or smoke occurs as part of the activity; and~~
7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
4. Outside of the SETZ - PREC2 Settlement Centre Precinct, 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 compliance is achieved with TRN – R6;**
5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**
- ~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~
6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
 - i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
 - ii. On the following lots:
 - a. Sections 208 and 209 TN OF Arawata; and
 - b. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
 - i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
 - ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
 - iii. Port administration.
 - iv. Facilities for recreational boating.
 - v. Activities associated with maritime navigation; and
 - vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m²;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;

- v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
- vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 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

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

- a. Design and location of structures;
- b. Any requirement for financial contributions;
- c. ~~Landscape measures~~ Measures to mitigate landscape effects; and
- d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

Activity Status Restricted Discretionary

Where:

- i. 1. The building projects into the 45 degree recession plane; or
- ii. 2. The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and
- iii. 3. All other performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Any requirement for financial contributions;
- d. Design and location of parking and access; and
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. **Shading and loss of sunlight to adjoining sites;**
- g. **Loss of privacy to adjoining sites; and**
- h. **Character and amenity of the surrounding area.**

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

- a. Design, size, height and location of buildings;
- b. Design, size and location of parking and access;
- c. Any requirement for financial contributions;
- d. Retention of existing vegetation;
- e. Volume and location of earthworks; and
- f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- g. **Shading and loss of sunlight to adjoining sites;**
- h. **Loss of privacy to adjoining sites; and**
- i. **Character and amenity of the surrounding area.**

Activity status where compliance not achieved: Discretionary

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 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;**
- 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; **and**
- i. **Loss of privacy to adjoining sites.**

Activity status where compliance not achieved: Discretionary

SETZ - R212 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Vehicle movements and access;
- d. Design and location of parking and access;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Hours of operation; ~~and~~
- i. Acoustic and noise management requirements;
- j. **Loss of privacy to adjoining sites;**
- k. **Character and amenity of the surrounding area; and**
- l. **Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase**

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R223 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and

3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- d. Hours of operation;
- e. Vehicle movements;
- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Management of odour, noise, light and dust; and
- i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 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/A

SETZ – R246 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~, Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R257 All Activities and Buildings, Papakāinga, Minor Structures, ~~Fences, Walls and Retaining Walls~~ and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

- 1. This is not Industrial Activity subject to Rule SETZ - R278.

Activity status where compliance not achieved: Non-complying

SETZ – R268 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R279 Industrial Activities not meeting Rule SETZ - R223

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ Discretionary

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

Change to General Residential Zone Rule GRZ – R1

GRZ – R1 Residential Activities and Residential Units a

Activity Status Permitted

Where:

...

11. In the Moana North Development area:

- a. Development (including vehicle access) will be in accordance with the Outline Plan set out in the Development Plans section of the Plan;
- b. No residential or ancillary buildings are to occur within the “No – Build” areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan; and
- c. Landscaping comprising indigenous vegetation is provided within the 10m landscape treatment buffer along the Arnold Road boundary (except for vehicle accesses onto Arnold Valley Road).

...

Activity status where compliance not achieved:

Discretionary where standards 1 to 8 **and 11** are not complied with.

Restricted Discretionary where standards 9 and 10 are not complied with.

Changes to Subdivision Chapter Rules SUB – R5 and SUB – R6

SUB – R5 Subdivision to create allotments in all RESZ – Residential Zones, CMUZ – Commercial and Mixed Use Zones, INZ – Industrial Zones, SVZ – Scenic Visitor Zone or PORTZ – Port Zones

Activity Status Controlled

Where:

...

8. the subdivision is in general accordance with any development plan in place for the site **and in the case of the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.**

...

Matters of Control are:

g. Within the Moana North Development Area:

- a. **Future ownership and management of the former landfill;**
- b. **Management of adverse effects on the significant values of natural wetlands.**

...

Activity status where compliance not achieved: Discretionary where 2, 6, 7 or 8 is not complied with.

SUB – R6 Subdivision to create allotment(s) in any RURZ – Rural Zone or MPZ – Māori Purpose Zone

Activity Status Controlled

Where:

...

7. Any subdivision in the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.

...

Matters of Control are:

...

n. Within the Moana North Development Area:

- i. **Future ownership and management of “no build areas” adjacent to Moana Scenic Reserve; and**
- ii. **Development and implementation of an ecological management plan.**

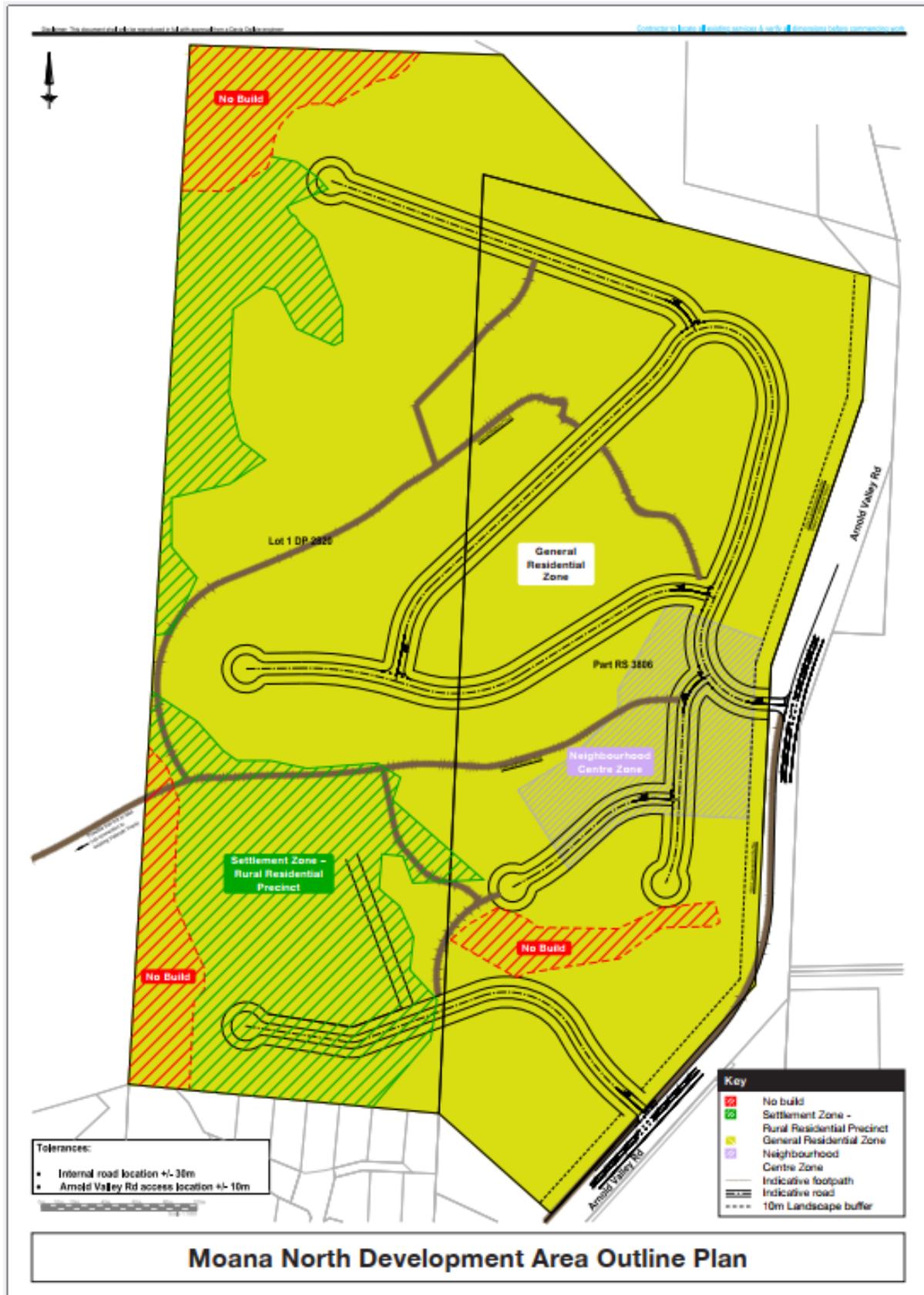
...

Activity status where compliance not achieved: Discretionary where 2, or 5-7 is not complied with.

Changes to the Development Areas Section of the Plan

Moana North Development Area Outline Plan.

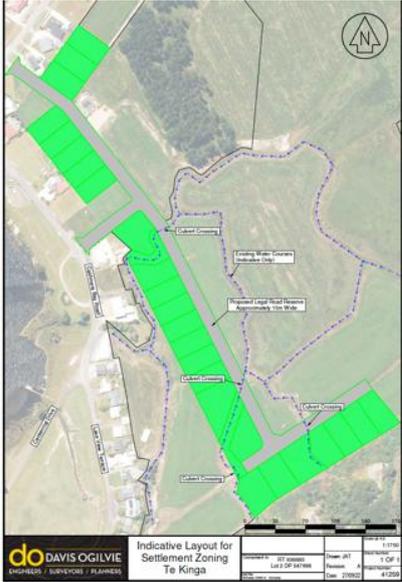
Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 Rural Zones - Ngā Takiwa Tuawhenua and Settlement Zone -Te Takiwā Nōhanga Pōnahō



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

Changes to the Zoning Maps

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as shown below.
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as shown below. Green Area to be rezoned to SETZ



Indicative Layout for Settlement Zoning Te Kinga

do DAVIS OGILVIE
ARCHITECTS / ENGINEERS / PLANNERS

Project No: 00-000000
Lot 1 DP 2820
Scale: 1:1000
Date: 2010/02
Sheet No: 1 OF 1
Drawing No: 41254

