BEFORE THE KAPITI COAST PROPOSED DISTRICT PLAN HEARING PANEL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Kapiti Coast District Plan

RESPONSE BY REPORTING OFFICER (Janeen Kydd-Smith, Consultant Planner)
TO MATTERS RAISED DURING HEARING ON CHAPTER 7: RURAL ENVIRONMENT
13-15 & 16 JUNE 2016

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1. Introduction

1.1 The Chapter 7: Rural Environment hearing took place on 13th - 15th and 17th June 2016. In order of appearance, submitters or their representatives who attended the hearing were:

- Allan Smith (#443);
- Quicksilver Enterprises Limited (ex NZ Anglican Church Pension Board #212);
- New Zealand Fire Service Commission (#404);
- Egon Guttke (#100 and FS9);
- Lyndon Enterprises Ltd (#271);
- Gerald Rhys (#85);
- Poultry Industry Association of NZ & Egg Producers Federation of NZ (#277);
- Tina Pope (#547);
- Federated Farmers of New Zealand (#250);
- Joanna Richmond (#426);
- NZ Farm Forestry Association Wellington Branch (#188);
- Waa Rata Estate (#327, FS113));
- Land Matters Ltd and others (#319, #320, #372, #380, #408, #411, #425, #487, #492, #495);
- Maypole Environmental Ltd (#263);
- G & V Simpson Family Trust / Ngarara Road Residents (#168 / #348);
- Mark Blood and Dorothy Muller (#179);
- Kapiti-Mana Forest & Bird (#477);
- Richard Swan (#231);
- Greater Wellington Regional Council (#441);
- Ian Hayes (#466);
- Russell Spratt (#162);
- Ian Jensen (#275, FS41);
- Kiwi Rail Holdings Ltd (#447);
- Kapiti Island Watching Interest Inc. (#175);
- Geoffrey Thompson (#448); and
- I Gabites & Others (FS190).

1.2 I presented an opening statement at the commencement of the hearing that summarised issues in contention and matters resolved by way of agreements with submitters under section 8AA of the RMA. I also responded to matters raised in the written evidence that was lodged by the following submitters before the hearing:

- Rob Crozier and Joan Allin (#451);
- NZ Transport Agency (#457);
- KiwiRail Holdings Limited (#447);
- Greater Wellington Regional Council (#441);
- New Zealand Fire Service Commission (#404); and
- Maypole Environmental Ltd (#263).

1.3 My written reply responds to questions asked by the Commissioners and the matters raised by submitters at the hearing, especially where this has caused me to reconsider my views expressed in the section 42A report or my opening statement.

Evidence of Allan Smith (#443)

1.4 I note that Allan Smith (#443) referred to Objectives 2.3, 2.6, 2.11 and 2.16 in his evidence on Chapter 7 and requested a number of amendments to those objectives. Evidence relating to submissions on objectives in Chapter 2 of the PDP has already been heard by the Panel and the reporting officer for Chapter 2 has provided the Panel with a reply in response to that evidence. I therefore consider that it would be inappropriate for me to consider evidence on those matters.

1.5 Allan Smith also included in his evidence on Chapter 7 reference to Chapter 3 Natural Environment rules. I consider that it is not appropriate for me to consider those matters here. A response to that evidence will be provided in the Reporting Officers' Reply for Chapter 3.

Evidence of Quentin Smith (Quicksilver Enterprises Limited #212)

1.6 Quentin Smith provided evidence in relation to Objective 2.9 Landscapes and the review of the Outstanding Natural Landscape areas by Isthmus Group Ltd. These matters relate to other chapters of the PDP (i.e. Chapter 2 Objectives and Chapter 3 Natural Environment). Therefore, it is not appropriate for me to address those matters as part of my reply for Chapter 7.

Matters in Evidence outside Scope of Submissions / Further Submissions

1.7 Submission 85.11 Gerald Rhys requests that all policies should aim to limit the fractionation of elite soils and productive land and limit urban sprawl. No specific amendments are requested by the Submitter. This is the only submission point from Submission 85 that relates to Chapter 7. The Submitter's evidence presented at the hearing related to a number of definitions in Chapter 1 of the PDP, the introductory section of Chapter 7, and rules. The Submitter also referred to a number of policies. Of the policies referred to, I consider that only the following are within the scope of the original submission:

- Policy 7.2 – Versatile and specialised soils; and
- Policy 7.3 – Subdivision and development on highly versatile and specialised soils

1.8 I consider that the evidence presented by Lyndon Enterprises Ltd (#271 & FS93) is outside the scope of their submission/further submission with respect to the following matters:

- Section 7 Rural Environment;
- Policy 7.11 – Adding value to primary production: Ancillary buildings and activities;
- Definition – 'Development';
- Rule 7A.3.2.4(b); and
- Extractive Industries – rules and definition.

1.9 There are other provisions that Lyndon Enterprises Ltd refers to in their evidence, but I have not identified them here as the submitter supports my recommendations in relation to them.

1.10 The evidence submitted by Land Matters Ltd in support of their submission and others (i.e. #411, #319, #320, #372, #380, #408, #411, #425, #487, #492, #495) includes a discussion on Policy 7.12 – Household units and buildings. Land Matters and the associated submitters did not submit on that policy and therefore the evidence is out of

scope in relation to that matter. I also consider that the evidence is out of scope in relation to its discussion on the description of the Rural Hills Zone (page 13 of the primary evidence) and the Rural Environment (page 14).

1.11 I consider that the evidence from Waa Rata Estate on Policy 7.12 – Household units and buildings, which defers to the evidence of Land Matters Limited on the policy, is not within the scope of their submission.

1.12 Kapiti-Mana Forest & Bird (Submission #477 & FS197) submitted evidence on Chapter 7. In my opinion, all of the evidence is outside the scope of their submission and further submission which did not make any reference to the provisions in Chapter 7.

1.13 Evidence was presented at the hearing by Russell Spratt (Submission #162). The original submission was concerned about the impact on landowners to provide for the reasonable use of land where it is covered fully or almost 100% by Significant Natural Feature overlays, such as ecological sites and outstanding natural landscape. The submission noted that the Natural Environment Chapter (i.e. Chapter 3) must be read together with Chapter 7, and so the submitter wished to speak to Chapter 7 also. There is, however, no reference to any of the provisions within Chapter 7 in the submission, and there is no mention of whether the submitter supports or opposes the provisions in Chapter 7 or seeks any amendments to the provisions. In his evidence, Mr Spratt requested amendments to Policy 7.23 – Kapiti and outer islands, Rules 7A.1.4, 7A.1.7, 7A.1.9, 7A.1.11 and 7A.5. He also requested that dominant ridgelines be deleted from Map20D and that a new policy for eco-tourism be inserted either into Chapter 7 or Chapter 3 of the PDP. In my opinion, all of the matters referred by Mr Spratt in his evidence are outside the scope of his submission.

1.14 I consider that the evidence presented by Ian Jensen (Submission #275 & FS41) on Rule 7A.3.2.1 (in relation to notional building area) is outside the scope of his submission and further submission.

1.15 The evidence presented by Geoffrey Thompson (Submission #448) referred to Rule 7A.1.2, including the requirement for plantation forestry to be set back from waterbodies and boundaries, and Rule 7A.1.5 in relation to farm tracks. While the submitter's evidence was helpful, I consider that reference to these rules goes beyond the scope of the submission, which only referred to Policies 7.5 and 7.6 of the PDP.

2. Issues Relating to Specific Provisions

2.1 This section addresses specific issues raised by submitters. I have grouped the issues raised by theme where possible.

Introductory Section of Chapter 7 - Zone Descriptions

Rural Environment

2.2 Waa Rata Estate (#327) requests that the description of the Rural Environment (page 7-1) be amended. As the original submission did not refer to this part of Chapter 7, I consider that the request is out of scope.

2.3 Lyndon Enterprises Ltd (#271) requests that the description of the Rural Environment be amended to refer to forestry in the foothills of the Tararua Ranges and to foresters. While I acknowledge that the description does lack any reference to forestry, I consider that the amendment requested by the submitter is outside the scope of their submission.

Rural Hills Zone

2.4 Allan Smith (#443) and Waa Rata Estate (#327) both request further amendments to the description of the Rural Hills Zone (page 7-2). I agree with the submitters that the wording of the description can be improved so that it more appropriately refers to the varied topography of the zone. However, I consider that the request by Allan Smith to delete the last two sentences of the description goes beyond the scope of his submission. I recommend that the wording be amended as follows:

> ***Rural Hills Zone***
>
> The Rural Hills comprise the foothills of the Tararua ranges and downlands. The varied topography ~~land~~ ~~is generally~~ includes very steep ~~and~~ land ~~experiences heavy rainfall events,~~ ~~although it does include some~~ and areas of flat to rolling land (e.g. on terraces in parts of the Ngatiawa Valley and Reikorangi Basin). ~~It is~~ ~~also~~ In its higher elevations, it contains some of the most visible landforms in the District ~~and most vulnerable to change~~. Some ~~P~~parts of ~~T~~ the Rural Hills are ~~generally~~ unsuitable for the building of dwellings due to topography and ground conditions. *Subdivision* and *development* in this area ~~are anticipated to retain the natural state of landforms and large *allotment* sizes. Moreover, *development* in the Rural Hills~~ should be undertaken in a manner which is sympathetic to the ~~high~~ landscape character and ~~visibility~~ visual amenity of the area.

2.5 Lyndon Enterprises Ltd (#271) requests that the description of the Rural Hills Zone be amended. I consider that the amendments requested by the submitter are outside the scope of their submission.

Focus on Production

2.6 Allan Smith requests that the last paragraph on the 'Focus on Production' (page 7-3) be deleted and replace with wording that refers to provision being made for new buildings on sites in the Rural Zones , including dwellings and other buildings ancillary to the productive activities being undertaken on the site. I consider that the request is out of the scope of the original submission.

Rural Character and Amenity

2.7 Allan Smith and Waa Rata Estate generally support my recommended changes to the description of Rural Character and Amenity (pages 7-3 to 7-4). However, Allan Smith has requested that the order of the paragraphs under the description be changed and that the wording of the first sentence of the third paragraph be amended. I consider that the changes requested are unnecessary. Waa Rata Estate requests that the second bullet point of the past paragraph of the description be amended on the basis that it is not appropriate or accurate to refer to structures as 'man-made'. I agree with the submitter insofar as I consider that it is not appropriate to refer to 'man-made' and that the wording of the second bullet point should be amended as follows:

> - The general absence of ~~man-made~~ structures other than those related to *primary production activities* and *network utilities*.

Policy 7.2 - Versatile and specialised soils and Policy 7.3 – Subdivision and development on highly versatile and specialised soils

2.8 Allan Smith (#443) requests that Policy 7.2 be deleted and that Policy 7.3 be deleted or amended.

2.9 Lyndon Enterprises (#271) is concerned that Policy 7.2 has been significantly widened and changed to a quite different topic by amending it to refer to 'productive potential of land'. While the submitter supports sustaining the productive potential of land, they consider that the examples given in clauses a) to c) of the policy will not necessarily contribute to this aim and they request that the clauses be deleted.

2.10 Land Matters Ltd and others (#441 etc.) note that Policies 7.2 and 7.3 only relate to those zones with predominantly 'highly versatile soils' and the policies (as recommended to be amended in the s42A report) now confuse the issue of primary production. Land Matters consider that the policies should be deleted and the individual policies defining the different rural zones be clarified to define what makes each zone have 'productive potential'. Land Matters generally supports Horticulture New Zealand's submission (#219.37), that the focus of the policies in the Rural Zone should be on production (but not necessarily 'food production') and that there are varied factors that can influence this, not simply the type of soils. However, Land Matters are unsure that replacing references to 'highly versatile soils' with 'productive potential' will provide the certainty and clarity required in the policies of the PDP (i.e. Policies 7.2, 7.3 and 7.10).

2.11 Waa Rata Estate (#327) supports the evidence submitted by Land Matters Ltd.

2.12 Federated Farmers of New Zealand (#250) is concerned that clause a) of Policy 7.2, which seeks that clustering of buildings within sites and with buildings on adjoining sites, will remove the flexibility for farmers to make decisions about the best locations for buildings on their properties. They are also concerned that clause c), which seeks the avoidance of urban and rural residential development in areas on land with productive potential for primary production activities, will include farmers' homesteads and farm workers accommodation on their properties. If Policy 7.2 is intended to support primary production in the rural zones and sustain the productive potential of land, then Federated Farmers consider that it should allow for the development of farm buildings and farm houses.

2.13 Gerald Rhys (#85) is concerned about the deletion of the term 'highly versatile soils' and its replacement with 'productive potential' in Policy 7.2 and considers that it would create a major issue for the Council in identifying productive potential of land. He strongly supports including the avoidance of the fragmentation of the productive potential of land in Policy 7.3.

2.14 I agree with the submitters, that changing the focus of the policies from 'highly versatile and specialised soils' to 'the productive potential of land' changes their scope, so that they may apply more broadly to land that is suitable for carrying out agricultural and horticultural activities in the rural zones that may fall outside the following definition of 'highly versatile soils' in the PDP (as notified):

> *"means soils that have a land use class of I – III of the NZ Land Resources Inventory Land Use Capability, DSIR. These soils are considered to be capable of growing a wide range of crops suited to the particular climate."*

2.15 I note that Policy 7.2 refers to the highly versatile soils and specialised soils being "identified on the District Plan Maps". However, the soils are not identified on the PDP Maps and Plan users would need to refer to information that is held outside the PDP to determine whether their land has highly versatile soils and would be affected by Policies 7.2 and 7.3. Land Matters request in their submission (411.21 and 411.32) that the Council provide information on how the soil is classified on their land, as it is

difficult to know whether the policies apply to their land or not. I note that there are no submissions requesting that the PDP Maps be amended to show highly versatile soils.

2.16 However, regardless of whether the policy is amended to refer to the 'productive potential of land' or whether it continues to refer to 'highly versatile soils', I consider that the clauses under Policy 7.2 are not appropriate. For example, clause a) refers to the clustering of buildings, but the only rural zone where clustering of buildings is required (in terms of the amendments I have recommended in response to submissions) is in the Rural Eco-Hamlet Zone under Rule 7A.1.10. Clause b) also requires the retention of large lot sizes which is relevant to the Rural Hills Zone, but not to other rural zones (e.g. the Rural Dunes Zone and the Rural Eco-Hamlet Zone) where smaller lot sizes are provided for.

2.17 I therefore concur with Land Matters that it would be better to delete Policy 7.2 and to rely on the specific policies for the rural zones in Chapter 7 (i.e. Policies 7.13 – 7.19). I note that the issue of sustaining the productive potential of land is already adequately addressed under Objective 2.6 – Rural productivity, and so there is no need to repeat that matter in Policy 7.2.

2.18 I consider that there is scope to delete Policy 7.2 under Submissions 492.32 Kennott Trust Company Limited and 493.16 Kumototo Nominees Limited and Patone Holdings Limited.

2.19 With respect to Policy 7.3, the policy includes a number of matters that will be considered when assessing applications for the subdivision, use and development of areas characterised by highly versatile soils and specialised soils. The matters relate to the size and shape of lots, and the location of new buildings and structures, including clustering, to sustain primary production activities over time. Clause e) refers to the ability for buildings and structures to be easily removed or relocated.

2.20 As for Policy 7.2, I consider that there is an issue with Policy 7.3 in terms of its broad application across all rural zones, where the matters to be considered are not relevant to all zones or consistent with the specific policies for subdivision, use and development for particular zones under Policies 7.13 – 7.19. In terms of clause e), I question its relevance, as there are no rules in Chapter 7 that require buildings to be removable or relocatable. I therefore agree with the submitters that Policy 7.3 should be deleted.

2.21 Horticulture New Zealand has requested (in Submission 219.42) that a new clause f) be added to Policy 7.3 to enable the Council to consider the potential for reverse sensitivity effects and methods to reduce such potential. I consider that if Policy 7.3 is deleted, the Council will still have the ability to consider such matters under Policy 7.9 and recommended new Policy 7.9A.

2.22 I note that there are no submissions requesting the deletion of Policy 7.3 (i.e. the submissions only request amendments to the policy). However, Submissions 136.1 & 2 Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff and 715.5 Sharif Family Trust generally seek to simplify the PDP, reduce its length and make it easier to understand. Submission 451.5 R Crozier and J Allin also requests that the PDP be revised so that ill-considered provisions are removed and provisions are drafted so that unintended consequences will not occur. I therefore consider that there is scope within these submissions to delete Policy 7.3.

Policy 7.4 – Rural character

2.23 Allan Smith (#443) considers that the amendments that I have recommended be made to Policy 7.4 significantly improve it, but he requests that clause f) be amended to read: "*f) ~~the predominance of primary production activities~~ that enables efficient productive activities to take place".* I do not support the amendments requested by the submitter as the issue of efficiency is not relevant to rural character.

2.24 Federated Farmers of New Zealand (#250) have advised that they support my recommended amendments to Policy 7.4.

2.25 Quicksilver Enterprises Limited (#212) generally agrees with the recommended amendments to Policy 7.4 but requests that new clause f) be amended by adding the words "including forestry". I consider that the requested amendment is unnecessary.

2.26 Waa Rata Estate (#327) supports the recommended amendments to Policy 7.4 but is concerned about clause b) natural landforms, as Chapter 3 Natural Environment covers natural landforms. Similarly, Land Matters Limited (#411) does not support clause b) as the submitter considers that it gives the impression that subdivision, use and development will have to be located away from natural landforms.

2.27 I consider that it is appropriate to consider natural landforms as being part of the character of the rural environment and I therefore consider that it is appropriate to retain clause b). While natural landforms are included in Chapter 3, it is only with respect to those identified as part of special amenity landscapes or outstanding natural features and landscapes. I also disagree with Land Matters Limited that the policy infers that subdivision, use and development will have to be located away from natural landforms in order to maintain or enhance rural character.

2.28 I therefore recommend that the changes to Policy 7.4 that I have recommended in my section 42A report be retained.

Plantation Forestry

Questions from the Hearings Panel

2.29 The Hearing Panel requested that I address the following matters in my reply:

- Provide an update on the status of the proposed National Environmental Standard for Plantation Forestry (NES) (June 2015) and the expected timeframe for Gazetting;

- Provide a comparison of the plantation forestry planting and harvesting rules in Chapter 7 with the proposed NES in relation to setbacks from boundaries and waterbodies, and harvesting standards;

- The overlap (if any) between the setbacks from waterbodies in the Proposed Natural Resources Plan for the Wellington Region (PNRP) and the PDP;

- The reason for not allowing plantation forestry to be planted within 20 metres of a waterbody whose bed had an average width of 3 metres or more (i.e. under Rule 7A.1.2.1(a));

- The reason for controlled activity status for the harvesting of plantation forestry over 10 hectares in an calendar year (under Rule 7A.2.2); and

- Whether replanting should be provided for under existing use rights (i.e. after existing plantation forestry has been harvested).

2.30 I address each of these matters below.

Update on status of Proposed NES

2.31 I spoke with Stuart Miller from the Ministry of Primary Industries (MPI) on 30 June 2016. He advised that since submissions closed on the proposed NES a significant number of changes have been made to it by MPI. MPI is currently seeking approval from the Minister on the updated NES and propose to release the updated version in the next few weeks (no date given). Mr Miller advised that it is likely the proposed NES will be publicly notified in the New Zealand Gazette around mid-2017, but no date has yet been set for this.

Comparison of PDP Planting and Harvesting Rules with Proposed NES and PNRP

2.32 The table attached as Appendix A of this Reply compares the rules in the Proposed NES with the relevant rules of the PDP (as notified), the PDP (as recommended to be amended in the s42A report) and the relevant rules of the PNRP.

2.33 The key points to note from the table are:

- Under the Proposed NES district councils have responsibility for enforcing permitted activity setbacks for afforestation from adjoining properties and existing dwellings under different ownership, urban/residential zones, and roads. Regional Councils are responsible for enforcing permitted activity setbacks for afforestation from perennial rivers and streams, wetlands, lakes, the coastal marine area and outstanding freshwater bodies, and surface water bodies subject to water conservation orders.

- The minimum setback in the Proposed NES for plantation forestry from adjoining properties under different ownership is 10 metres, which is the same as the setback I have recommended in my s42A report, except that the Proposed NES allows a lesser setback where the approval of the adjoining owner has been obtained.

- The minimum setback in the Proposed NES for plantation forestry from adjoining existing dwellings under different ownership is at least 40 metres, which is greater than the 30 metre minimum setback I have recommended in my s42A report, except that the Proposed NES allows a lesser setback where the approval of the adjoining owner has been obtained.

- The Proposed NES includes a minimum setback of 30 metres from urban/residential zones, unless the approval of the adjoining owner has been obtained. There is no such standard in the PDP.

- Both the Proposed NES and PDP require plantation forestry to be setback from road boundaries. However, the Proposed NES does not specify a minimum distance – rather, it requires a setback to avoid shading of roads between 10am and 2pm on the shortest day. However, it exempts compliance with this

requirement where topography already causes shading, icing does not occur, the written consent of the roading authority is obtained.

- The PDP (as recommended to be amended in the s42A report) requires plantation forestry to be setback 10 metres from waterbodies that have a bed with an average width of 3 metres or more. The Proposed NES requires a setback of 5 metres from perennial rivers and streams with a bank full channel width less than 3 metres, and a setback of 10 metres where the width is 3 metres or greater.

- The Proposed NES includes additional minimum setbacks for plantation forestry from lakes and wetlands over 0.25 hectares, the coastal marine area, outstanding freshwater bodies and surface water bodies subject to water conservation orders.

- Under the Proposed NES, the responsibility for harvesting lies with regional councils. District councils are only required to be notified at least 20 working days (and not more than 60 working days) before harvesting operations start.

- There is no limit on the area of harvesting permitted under the Proposed NES, unlike the PDP which only permits harvesting of areas less than 10 hectares in any 12 month period.

- Harvesting is permitted under the Proposed NES, except where it occurs within the Red Zone (i.e. areas at very high risk of erosion under the Erosion Susceptibility Classification) where it is either a controlled activity or restricted discretionary activity

- The permitted activity conditions for harvesting under the Proposed NES require that the regional council be provided with a Harvest Plan at least 20 working days prior to harvesting operations starting. The focus of the Plan is on managing environmental risks associated with surface water bodies and their riparian areas, including indigenous vegetation. This differs from the forestry management plan required under the PDP (for harvesting areas larger than 10 hectares in any 12 month period) which requires other matters to be addressed, including hours of operation, access points and roads to be used by logging vehicles, and the identification of important environmental and heritage features and values within areas to be harvested.

- The remaining permitted activity conditions for harvesting under the Proposed NES relating to erosion and sediment control, riparian disturbance and slash end debris management.

- The PNRP does not include any rules for the planting of plantation forestry.

- The PNRP permits harvesting on erosion prone land (i.e. with a pre-existing slope that exceeds 20 degrees) subject to compliance with conditions which require the preparation of a harvest plan that must be submitted to the regional council at least 20 working days prior to harvesting, and relate to the disturbance of soil and vegetation, slash, earthworks and potential effects on receiving waters. Harvesting that does not comply with the permitted activity conditions is a controlled activity. As such, resource consent for harvesting will only be required under the PRNP where it is undertaken on erosion prone land and does not meet the permitted activity standards.

Reasons for Setback for Planting of Plantation Forestry from Waterbodies in the PDP

2.34 I advised in my section 42A report (paragraphs 708- 710) that the 20 metre minimum setback requirement for planting of plantation forestry from waterbodies with an average bed width of 3 metres or more (under Rule 7A.1.2) has been carried over from the Operative District Plan. The section 32 report for Chapter 7 of the PDP states that the standards will ensure that river banks are not destabilised by harvesting forestry close to the banks of waterbodies, it will minimise erosion and will reduce the amount of suspended sediment entering the waterbodies. In my opinion, the intention of the standard appears to be the avoidance of potential adverse effects on water quality from harvesting of plantation forestry, by requiring forestry to be planted away from waterbodies in the first place. There is no reference in the PDP to requiring the setback for amenity reasons.

Reasons for controlled activity status for the harvesting of plantation forestry over 10 hectares in an calendar year (under Rule 7A.2.2)

2.35 I advised in my section 42A report (paragraphs 773 – 775) that Rule 7A.2.2 has been carried over from Rule D.2.1.2 of the Operative District Plan. The section 32 analysis report for Chapter 7 states that the purpose of the standards for harvesting forestry blocks larger than 10 hectares is to ensure that significant indigenous vegetation or significant habitats of indigenous fauna will not be modified during harvesting. The requirement for a forestry management plan is intended to provide a fire plan to manage potential fire risk and to assess environmental effects, so that potential adverse effects can be avoided, remedied or mitigated as appropriate (including through the imposition of conditions of consent relating to hours of operation, access points and roads to be used by logging vehicles).

2.36 I requested information from the Council's consents staff about controlled activity resource consents granted for harvesting of plantation forestry to determine what types of conditions are imposed on such consents by Council. The staff identified three consents relating to harvesting. Only one of the consents (i.e. RM150230) was for harvesting over 10 hectares of plantation forestry (i.e. 19 hectares), including the construction of three skid sites and the upgrading of old logging tracks. The other two consents were for earthworks associated with the construction of skid sites for harvesting (including a skid site within an ecological site). The conditions imposed on Consent RM150230 relate to:

- Undertaking the activity in general accordance with the approved Harvest Plan and specifications lodged with the application and the best practice guidelines (noted in the consent as being the: Best Practice Guidelines for Road and Landing Construction, FITEC 2005, and the New Zealand Environmental Code of Practice for Plantation Forestry, FITEC 2007;

- An archaeological discovery condition;

- The consent holder paying the Council engineering fees for work required for plan approvals and consent monitoring, as well as extra fees that may apply in accordance with the Engineering Fees Schedule adopted by Council from 1 July 2014 (Note: there are no fee amounts specified in the consent conditions);

- Carrying out the activity in accordance with the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region" and provide for silt retaining fences, ponding areas and the control of

storm water run-off during the harvesting operations, to the satisfaction of Council;

- Establishing suitable ground cover as soon as practicable, where the existing or vegetative cover is disturbed or damaged during harvesting operations;

- Providing the Council's Roading Network Performance Team Leader with an Operations Plan for approval as part of the consent, including a communications plan, community liaison plan, traffic movements, frequency, hours and noise etc.

- Advising Council staff in the Roading section in writing at least 48 hours prior to the movement of over dimension/overweight vehicles used in association with the activity along Mangaone Road to and from the application site;

- Notifying the Council's Compliance Officer of the start date of the works in writing 48 hours before the works are carried out; and

- Paying the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991.

Whether replanting should be provided for under existing use rights (i.e. after existing plantation forestry has been harvested).

2.37 This question from the Panel relates to whether the replanting of plantation forestry should be provided for under existing use rights, where the replanting will not comply with the minimum setback requirements for planting under Rule 7A.1.2.1.

2.38 I note that a similar issue has arisen in submissions on Rule 3A.3.10 in Chapter 3: Natural Environment regarding the replanting of plantation forestry on sites containing a sensitive natural feature after existing forests have been harvested. In that case I have recommended that the existing use rights of forestry owners should be recognised by adding the words "except replanting within one calendar year of harvesting a forest existing at the time of notification of this District Plan", so that replanting is not captured by a new discretionary activity rule (i.e. Rule 3A.4.9) I have recommended be added to Chapter 3. I consider that the time frame of 'within one calendar year' is appropriate as it reflects section 10(2) of the RMA, which specifies that existing use rights under section 10(1) of the RMA do not apply where the use of land that contravenes a rule in a district plan or a proposed district plan has been discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified.

2.39 I refer to this matter further (below) in relation to Rule 7A.5.9.

<u>Policy 7.5 – Plantation forestry and Policy 7.6 – Harvesting plantation forestry</u>

2.40 Egon Guttke (#100) supports the removal of the reference to erosion susceptibility and natural hazards from Policy 7.5 and the recommended simplification of the policy. However, he is considers that the wording of the policy (as recommended to be amended) is negative and does not recognise the importance of plantation forestry. He requests that the wording of the policy be replaced with the following new text:

"Manage primary production in the rural zones to protect ecological sites, outstanding natural features and landscapes, geological features and historic heritage features from inappropriate subdivision, use and development".

2.41 The Wellington Branch of the Farm Forestry Association (#188) supports the evidence presented by Egon Guttke.

2.42 Quicksilver Enterprises Limited (#212) considers that the recommended wording for Policy 7.5 is unduly restrictive and fails to recognise that plantation forestry is an appropriate activity in the rural environment and may already be lawfully present in sensitive natural features, etc. The submitter requests that Policy 7.5 be reworded to read as follows:

> "*Restrict the location of <u>new</u> plantation forestry activities to protect ecological sites … outstanding natural features and landscapes …, <u>whilst recognising that existing plantation forest development on such identified areas may continue to operate in accordance with the standards applying in the balance rural area."</u>*

2.43 Lyndon Enterprises Ltd (#271) support the general tenor of the recommended changes to Policy 7.5 but opposes the introduction of additional restrictions that were not included in the original PDP which the submitter considers are unjustified. The submitter requests that Policy 7.5 be amended to read:

> *"Restrict the location of plantation forestry in the rural zones to protect ecological sites, outstanding natural features and landscapes, geological features and historic heritage features ~~and to avoid, remedy or mitigate adverse effects on riparian areas, adjoining activities and roads~~."*

2.44 Federated Farmers of New Zealand (#250) consider that the recommended amendments to Policy 7.5 mostly address their concerns with the policy, but consider that the wording of the policy should be amended to enable plantation forestry in rural zones and that adverse effects on the listed sites will be avoided, remedied or mitigated. The submitter requests that the policy be reworded as follows:

> *"~~Restrict the location of~~ <u>Enable</u> plantation forestry in the rural zones ~~to protect~~ <u>while avoiding, remedying or mitigate adverse effects on</u> ecological sites, outstanding natural features and landscapes, geological features and historical heritage features, and to avoid, remedy or mitigate adverse effects on riparian areas, adjoining activities and roads."*

2.45 Egon Guttke (#100) supports the recommended changes to Policy 7.6.

2.46 Lyndon Enterprises Ltd (#271) supports the general tenor of the recommended changes to Policy 7.6 but opposes the introduction of additional restrictions that were not included in the original PDP and that the submitter considers are unjustified. The submitter requests that Policy 7.6 be amended to read:

> *"Provide for harvesting of plantation forestry where it is carried out in a manner that avoids, remedies or mitigates adverse effects on the environment~~, including rural amenity values and the safety and efficiency of roading infrastructure~~."*

2.47 Federated Farmers of New Zealand (#250) consider that the recommended amendments to Policy 7.6 mostly address their concerns with the policy. However, the submitter considers that amending the policy to include effects on roads is not within the scope of submissions.

2.48 Land Matters Limited (#411) considers that the reference to protecting "rural amenity values" in Policy 7.6 should be replaced with "adverse noise effects" which the submitter considers is more relevant.

2.49 I concur with the submitters that the wording of the policy (as I have recommended it be amended) is not positive as it does not recognise the importance of plantation forestry in the Kapiti District. I also consider that there is no need to refer to the protection of ecological sites, outstanding natural features and landscapes, geological features, historic features as this matter is already adequately addressed in the policies in Chapter 3: Natural Environment of the PDP. I also concur with Lyndon Enterprises Ltd that the reference to "adverse effects on riparian areas, adjoining activities and roads" is not justified in terms of the scope of submissions.

2.50 I acknowledge that my recommendation to amend Policy 7.6 by adding the words "including rural amenity values and the safety and efficiency of roading infrastructure" goes beyond the scope of submissions and should be deleted.

2.51 Given the above, I recommend that Policies 7.5 and 7.6 should be combined into a single policy (to avoid repetition) by deleting Policy 7.5 and amending Policy 7.6 as follows:

Policy 7.5~~6~~ – Planting and ~~H~~harvesting of plantation forestry

Provide for ~~H~~ the planting and harvesting of ~~*P*~~ *plantation forestry* in the rural zones ~~will be~~ where it is carried out~~, at a rate and~~ in a manner that ~~minimises erosion, and~~ avoids, remedies or mitigates adverse *effects* on the environment~~, including: natural features and rural character amenity values and the safety and efficiency of roading infrastructure by:~~

~~**a) Retaining vegetation within 20 metres of a waterbody;** [~~
~~**b) Retaining indigenous vegetation in steep gullies;**~~
~~**c) Staging harvesting and using selective methods; and**~~
~~**d) Replanting or retirement and restoration.**~~

2.52 I also recommend that the remaining policies in Chapter 7 be renumbered as appropriate.

Rule 7A.1.2.1 – Planting of Plantation Forestry and Shelterbelts

2.53 Egon Guttke (#100) considers that my recommended change to Rule 7A.1.2.1(a) does not go far enough and requests that the 10 metre minimum setback for planting from waterbodies be deleted or reduced to 5 metres. Mr Guttke refers to the economic cost of the setback and the loss of carbon credits associated with the loss of forest cover associated with complying with the standard. He also considers that the effects of harvesting on water quality is the responsibility of the regional council, not the district council.

2.54 Mr Guttke also requests that Rule 7A.1.2.1(c), which requires a minimum setback of 10 metres for plantation forestry and shelterbelts from the boundary of lots held in separate ownership be deleted on the basis that it does not recognise the benefits of shelterbelts and he considers there is plenty of common law to deal with potential conflict between landowners.

2.55 The Wellington Branch of the NZ Farm Forestry Association (#188) refers to a number of concerns relating to the setback requirements for plantation forestry and shelter belts under Rule 7A.1.2.1 and considers that it would be highly desirable to allow for written neighbour consent to deal with these issues. The submitter requests that the

setbacks from boundaries and waterbodies be removed or, alternatively, reduced to 5 metres and that an education campaign or advisory note about shelter belt design be made available. The submitter also considers that the words "whichever is greater" in Rule 7A.1.2.1(c) are out of context and should be deleted.

2.56 The NZ Farm Forestry Association also expresses disappointment that their request to align the PDP rules with those in the Proposed NES has not been adopted in my recommendations and they are of the view that the Proposed NES is highly likely to be adopted with relatively few changes to the 2014 version.

2.57 I note that Geoffrey Thompson (Submission #448) advised the Panel that he considers there is no legal issue in amending Rule 7A.1.2.1 so that the setback requirements could be reduced or waived where the written approval of the owner(s) of the adjoining properties was obtained.

2.58 Federated Farmers of New Zealand (#250) generally supports the recommended amendments to Rule 7A.1.2. However, they refer to the need to construct access to comply with Rule 7A.1.2.2 and request that if forestry tracking is intended to be permitted under Rule 7A.1.5, that this be made clear. I address Rule 7A.1.5 later in my Reply.

2.59 Land Matters Limited and others (#411 et al.) supports the changes I have recommended be made to Rule 7A.1.2 and notes that existing use rights will apply to established plantation forests under section 10 of the RMA.

2.60 As I have previously advised, the proposed NES includes a setback for the planting (afforestation) of plantation forestry of 5 metres from perennial rivers and streams with a bank full channel width less than 3 metres, and a setback of 10 metres where the width is 3 metres or greater. I have recommended that Rule 7A.1.2.1(a) be amended to require planting to be setback at least 10 metres from water bodies with an average bed width of 3 metres or more. There is no setback requirement for planting from waterbodies with a lesser width. I note that Egon Guttke and the NZ Farm Forestry Association have requested that the PDP be consistent with the proposed NES, but request that Rule 7A.1.2.1(a) be deleted or reduced to 5 metres. In my opinion, my recommended amendment to Rule 7A.1.2.1(a) is more consistent with the proposed NES, and for that reason, I do not wish to change my recommendation.

2.61 Both Egon Guttke and the Wellington Branch of the NZ Farm Forestry Association have requested that Rule 7A.1.2.1(c) be deleted, which requires shelter belts and plantation forestry to be set back at least 10 metres from any legal boundary of any lot held under a separate certificate of title, except where the adjoining land is also in plantation forestry or is in the same ownership. I note that the setback in the PDP is the same as the setback required under the proposed NES, except the NES allows a lesser setback where the approval of the adjoining owner has been obtained.

2.62 In my section 42A report, I referred to advice I received from the Council's legal advisors, that it is not appropriate to amend the rule to allow a lesser setback with the approval of adjoining owners. I note that the New Zealand Law Society made a submission on the proposed NES (dated 10 August 2015). One of the matters considered in the submission relates to the ability to waive the 10 metre setback requirement for afforestation from boundaries where the approval of the adjoining owner(s) has been obtained.

2.63 The submission notes that, in the context of regional and district plans, permitted activity conditions that purport to reserve some form of discretion to the consent

authority are generally regarded as *ultra vires* and invalid. However, the submission refers to the absence of relevant case law on this matter and, after considering the issues, concludes the following[1]:

> *"In contrast, permitted activity conditions that refer to approval of something, or exercise of some discretion by, a third party other than the consent authority may be valid, so long as they are sufficiently certain to enable an assessment of whether an activity is permitted or not.*
>
> *[…]*
>
> *The permitted activity conditions in the NES-PF that make permitted activity status contingent on adjoining owner approvals are therefore likely to be valid. They are likely to be sufficiently certain, as it will be a clear yes/no evaluation as to whether a written approval exists and how that correspondingly affects the application of permitted activity conditions."*

2.64 On the basis of the above submission, and given the fact that the equivalent rule in the Operative District Plan includes a clause stating that the setback may be reduced with the written consent of the adjoining property owner or road controlling authority, I consider that the concerns of the submitters can be addressed if Rule 7A.1.2.1(c) is amended to include such a clause. I note that Submissions 100.29 Egon Guttke, 102.29 Irena Guttke, 212.42 Quicksilver Enterprises Limited and 550.37 Cuttriss Consultants Ltd request the addition of a clause allowing the setback to be waived or reduced with the written approval of the adjoining owner(s).

2.65 I concur with the NZ Farm Forestry Association that the words "whichever is greater" in Rule 7A.1.2.1(c) are out of context and should be deleted.

2.66 I concur with Land Matters Limited that it is appropriate to have regard to existing use rights with respect to the replanting of existing forests that currently do not comply with the setback requirements under Rule 7A.1.2.1.

2.67 I therefore recommend that Rule 7A.1.2.1 be amended as follows:

1. ~~No p~~ *Plantation forestry* ~~or~~ and *shelterbelt* vegetation which will grow to a height of more than 6 metres ~~shall~~ must not be planted:
   a) within ~~20~~ 10 metres of any waterbody whose bed has an average width of 3 metres or more;
   b) within ~~50~~ 30 metres of an *existing primary residential building* on an ~~adjacent~~ adjoining property under separate ownership; ~~or~~
   c) within 10 metres of any legal *boundary* of any ~~*site*~~ *lot* held under ~~separate~~ a separate Certificate of Title except where land within an adjoining property in close proximity to the legal *boundary* of the *lot* is also in plantation forestry or it is in the same ownership~~, whichever is greater~~; or
   ~~c~~d) within a minimum of 10 metres of any *road boundary.*

   Except that:
   i) the setbacks under clauses 1b) to 1d) may be reduced or waived with the written approval of the adjoining owner(s) or road controlling authority; and
   ii) the setbacks under clauses 1a) to 1d) shall not apply to forest existing at the time of notification of this District Plan which is replanted within one calendar year of it being harvested and where the extent of non-compliance with the standards under this rule does not increase.

[1] At paragraphs 16 and 18 of the submission.

Rule 7A.1.3.1 and Rule 7A.2.2 – Harvesting of Plantation Forestry

2.68 Egon Guttke (#100) supports the ability to harvest smaller forests without the need for resource consent, but opposes the 10 hectare limit on the basis that harvesting under the PNRP is a permitted activity subject to meeting standards (including the provision of a Forest Management Plan), it is unreasonable to require the payment of financial contributions, the effects of traffic generated by harvesting will be negligible, and other Councils do not require resource consent to harvest. Mr Guttke requests that Rule 7A.1.3.1(a), which includes the 10 hectare limit, be deleted or Rule 7A.1.3 be amended so that harvesting of plantation forestry not exceeding 50 hectares per 12 month period is permitted.

2.69 Mr Guttke also refers to the advice note in Rule 7A.1.3 and requests that it be amended so that it refers to a fire plan being "lodged with" the Wellington Rural Fire Authority, rather than "certified by".

2.70 The Wellington Branch of the NZ Farm Forestry Association (#188) supports the evidence presented by Egon Guttke. They also oppose making the harvesting of forestry greater than 10 hectares in any 12 month period a controlled activity, and request that all harvesting be a permitted activity.

2.71 Land Matters Limited advises that USNZ Forestry Group Ltd (#408 & FS102) have requested that the 10 hectare limit be increased, so as to reduce compliance costs for forestry owners. Land Matters consider that the Council should only be concerned about the protection of indigenous forest, protection of outstanding natural features and landscapes, maintenance and enhancement of amenity landscapes and matters relating to noise and traffic when considering matters relating to forestry. The submitter notes that any issues relating to sediment control and water quality should remain the responsibility of the regional council. To that end, Land Matters advises that the Council has rules in place to prevent damage to ecological sites, heritage features and outstanding natural features and landscapes without the need to obtain resource consent. With respect to managing noise and traffic effects, the submitter considers that the most cost effective method would be through Council approving a forest harvesting plan as a permitted activity, whereby controls are put in place to manage traffic and noise. Land Matters notes that the submission of a forest harvest plan as a permitted activity condition is proposed in the NES for Plantation Forestry, therefore, all harvesting should be permitted.

2.72 Land Matters suggests that if the Panel does not support amending Rule 7A.1.3 by removing the area limit of harvesting, that the 10 hectare area limit should be amended so that it applies "per site" in any 12 month period.

2.73 Federated Farmers of New Zealand (#250) consider that the 10 hectare limit on harvesting is onerous and impractical, and the potential benefit of requiring resource consent for managing effects on roads will [not] outweigh the lost opportunity cost that the discouragement of forestry will have on the District. As such, they recommend that Rule 7A.1.3 be deleted and all aspects of forestry come under permitted activity Rule 7A.1.2, while recognising that forestry occurring within outstanding natural features and landscapes and other special scheduled sites will still be managed by Chapter 3: Natural Environment.

2.74 Having reviewed the example harvesting consent it is apparent that the types of conditions imposed generally relate to earthworks associated with the harvesting (including erosion and sediment control), a requirement to provide the Council's Roading Network Performance Team Leader with an operations plan for approval

(including a communications plan, community liaison plan, traffic movements, frequency, hours and noise etc.) and the need to notify the Council of the start date of harvesting and of the movement of over dimension/ overweight vehicles, at least 48 hours prior to these activities occurring. There is also a requirement to pay the Council fees to cover the cost of Council approving the plan and monitoring the consent. However, these fees appear to be relatively small and are required more as part of administering the consent itself, rather than mitigating environmental effects associated with the harvesting.

2.75 I note that, in terms of the Proposed NES, harvesting of any sized forest would be a permitted activity, subject to compliance with permitted activity conditions. The conditions include the need to provide district councils (as well as regional councils) with a notice of commencement at 20 days before harvesting operations start and to provide regional councils with a Harvest Plan at least 20 working days before harvesting commences that assesses and addresses the operational risks to the environment.

2.76 Kapiti Coast District Council made a submission to the Ministry of Primary Industries on the Proposed NES (in July 2015), noting the Council's concern that if jurisdiction for controlling harvesting activities (including the approval of Harvest Plans) falls to regional councils it will lose the ability to require controlled activity resource consents for harvesting of larger areas of forest (i.e. over 10ha in any 12 month period). The Council also expressed concern about losing the ability to impose financial contributions to meet the cost of upgrading and/or repairing damage to local roads caused by logging vehicles. All submissions on the Proposed NES, including the submission from the Council (and the submission from the New Zealand Law Society referred to above) are available on the MPI website (www.mpi.govt.nz/news-and-resources/consultations/proposed-national-environmental-standard-for-plantation-forestry/submissions/).

2.77 As I have noted above, I have been advised that a number of significant changes have been made to the Proposed NES by MPI, although I was not advised what those changes are.

2.78 The PNRP has adopted a similar approach to the Proposed NES. Permitted activity Rule R102 of the PNRP requires a harvest plan to be prepared in accordance with Schedule O of the PNRP and submitted to the Wellington Regional Council 20 working days prior to the plantation forestry harvesting on erosion prone land. Erosion prone land is defined in the PNPR as land that has a pre-existing slope exceeding 20 degrees. I consider it likely that much of the forestry in the Kapiti District will be on erosion prone land and subject to Rule R102. I note that the focus of the harvest plan required under the rule is on the management of slash to avoid surface water bodies and the use of best practice methods for erosion and sediment control. The plan must include maps or drawings that identify the harvest area, property boundaries, contours, location of existing roads, tracks, landings, firebreaks, stream crossings and culverts, a description of the harvest method and extraction directions, location of surface water bodies, streams and lakes, slash management areas and haul disposal areas.

2.79 However, the matters to be included in the regional council harvest plan do not include any requirement to consider access and transport effects associated with logging vehicles using roads, including over-dimension/overweight vehicles, or operations requirements, such as a communications plan, community liaison plan (including liaising with school bus operators) and hours of operation. These are all matters that may be considered under controlled activity Rule 7A.2.2. Rule 7A.2.2 includes the ability for the Council to impose conditions of consent to ensure that potential adverse

effects on the environment, including effects on the roading network, traffic safety and noise associated with truck movements are avoided, remedied or mitigated. This may include requiring forest owners to contribute to the cost of upgrading bridges and roads prior to the commencement of harvesting and/or repairing damage to roading infrastructure that may occur in accordance with the rules for financial contributions in Chapter 12 of the PDP. I understand that the Reporting Officer for Chapter 12 of the PDP intends to recommend that the following relevant rule be included in Chapter 12:

> *12.1.3.2 Condition of consent*
>
> *Council may require the payment of financial contributions as a condition of any subdivision of land use or building consent.*

2.80 The Council's Roading Network Planning Team Leader (Neil Trotter) has advised me that generally the Council staff try to work with forestry owners before harvesting commences, to identify and address potential roading issues, particularly where roads must be upgraded to allow access for logging vehicles.

2.81 The funding of intensive heavy vehicle activity on low volume rural roads is an issue facing many Councils and Mr Trotter has advised that a Special Interest Working Group on Low Volume Roads has been established by the Road Controlling Authorities Forum (NZ) Inc. to address this issue. The goal of the Working Group is to identify a robust and transparent process to quantify the life cycle cost impact of heavy vehicles, including those for forestry, on low volume roads, to determine an equitable mechanism to address this cost impact and to develop national guidelines (over the next five years) on best practice for practitioners to plan investment to meet the future cost of heavy vehicle impacts on low volume roads. Members of the working group include representatives from Councils, the NZ Transport Agency, the NZ Forest Owners Association, Federated Farmers and Local Government New Zealand.

2.82 While the outcome of the working group process may potentially assist the Council in funding the effects of forestry on its rural roads in the longer term, that is still some time away. In the meantime, Mr Trotter does not support removing the Council's ability to require forest owners to contribute to the cost of such works, where necessary, as a condition of consent. Removing this ability would effectively result in ratepayers subsidising the forestry industry, through funding the necessary repairs and upgrading to roads as a result of damage caused by logging trucks.

2.83 Mr Trotter has also advised that a high level forestry access impact study was undertaken by GHD for the Council in August 2014, to provide Council with an understanding of the impact on local road assets that forestry harvesting will have in the coming years. The report found that, generally, the most 'at risk' roads are those that connect to multiple forestry blocks and have some evidence of pavement issues along their length. This includes the Emerald Glen Road, Waterfall Road and Maungakotukutuku Road route; the Elizabeth Street and Reikorangi Road route; and the School Road, Te Hautere Cross Road and Maungaone North Road route. These three routes are the only routes predicted to have forestry truck volumes greater than 5000 movements in the 0-5 year timeframe. The 5-10 year timeframe shows that the higher volume routes are Otaki Gorge Road and the Elizabeth Street and Reikorangi Road route. The 10-25 year harvesting timeframe shows relatively high forestry truck volumes on the Valley Road, Ruapehu Street, Hinemoa Street and Kapiti Road route in addition to the Emerald Glen Road, Waterfall Road and Maungakotukutuku Road route and Elizabeth Street and Reikorangi Road route. The report recommends that the Council confirm the predicted forestry harvest timeframes, either through direct consultation with landowners or use of LiDAR canopy height data, and consider

consulting with forestry owners, either proactively where Council recognises a significant risk to the transport network, or reactively as consents are lodged.

2.84 Egon Guttke refers in his evidence to a concern about the duplication of harvest plans under the PDP and PNRP. However, the matters that would need to be addressed under each plan are different and I can see no reason why a single plan could not be prepared by forest owners that would meet the requirements of both the PNRP and the PDP.

2.85 I also note that while the submitters have referred to the difficulties of having to obtain consent for harvesting, Geoffrey Thompson, who is Chair of the Board of the Forest Growers Levy Trust Inc. (being the only organisation representing both large and small forests in New Zealand), has advised the Panel that he considers the need to obtain consent to harvest is not unreasonable.

2.86 Given the above, I consider that Rule 7A.1.3 and Rule 7A.2.2 should be retained.

2.87 I also consider that Rules 7A.1.3 and 7A.2.2 should be amended to refer to "10 hectares per property in any 12 month period". Applying the area on a per property basis is, in my opinion, more appropriate than applying it on a per 'site' basis (as suggested by Land Matters Limited) which is less certain.

2.88 I concur with Mr Guttke that the advice note included in Rule 7A.1.3 should be amended so that it refers to the fire plan being 'lodged' with the Wellington Rural Fire Authority.

Rule 7A.5.9 – Planting and harvesting of plantation forestry not complying with one or more permitted or controlled activity standards

2.89 The Wellington Branch of the NZ Farm Forestry Association (#188) supports my recommendation that the planting of plantation forestry not complying with one or more permitted activity standards under Rule 7A.1.2 is a discretionary activity, rather than a non-complying activity.

2.90 Land Matters Limited and others (#411 et al.) request that Rule 7.5.9 (recommended in my section 42A report to be replaced with new discretionary activity Rule 7A.4.1) be amended so that it refers to "The establishment" of plantation forestry not complying with one or more permitted activity standards", rather than "Planting", as the submitters consider this will have regard to existing use rights for forests under section 10 of the RMA.

2.91 I consider that the amended wording suggested by the submitter will also not provide sufficient certainty. I therefore consider that new Rule 7A.4.1 should be retained as I have recommended in my section 42A report.

Extractive Industries

2.92 Federated Farmers of New Zealand (#250) submitted that farm quarries should be separated from extractive industries and are concerned that they will not fall under the exception included in the definition of 'extractive industries'. They are also concerned that there is an overlap between extractive industries and earthworks, making it difficult for farmers to determine which rules apply.

2.93 Firstly, I note that in order to consider the concerns raised by the submitter, it is necessary to consider the rules under both Chapter 7 and Chapter 3 of the PDP.

2.94 In terms of Chapter 7, it is recommended in the section 42A report that the definition of 'Extractive industries' be amended as follows:

> **Extractive industries** means any activity where open or surface excavation of rock or other material deposits including gravel, rock, soil, clay, sand or peat is undertaken and removed from the site, and may include: ~~.~~
>
> - blasting;
> - processing minerals by crushing, screening, washing or blending;
> - storing and distributing mineral products;
> - removing and depositing overburden;
> - recycling or reusing aggregation from demolition waste such as concrete, masonry, or asphalt;
>
> The removal of soil (including topsoil, sand and peat) from the site which is less than $100m^3$ in volume within any 10 year period is not included within the definition of extractive industries. Refer to the definition of earthworks and permitted activity standards for earthworks within Chapter 3 Natural Environment for more detail.

2.95 A key aspect of the definition that is relevant to the issues raised by the Federated Farmers is that extractive industries involves the removal of more than $100m^3$ within any 10 year period of material excavated from the site, otherwise the activity falls to be considered under the definition of earthworks and the rules for earthworks within Chapter 3 of the PDP. I note that 'site' is defined in the PDP as meaning "an area of land capable of being disposed of separately". I understand that it is possible that this definition may be amended in response to submissions on Chapter 1, and will need to be considered by the Panel later in the hearing.

2.96 To provide further clarification of the differences between the definition of earthworks and extractive industries, I have recommended in my section 42A report for Chapter 3, in response to a submission from Winstone Aggregates (92.40), that the definition of 'earthworks' be amended to exclude 'extractive industries', as follows:

> **Earthworks** means any alteration to the land contour or disturbance of land including the deposition of cleanfill and the excavation and backfilling or recompaction of existing natural ground, but excludes cultivation, extractive industries and domestic gardening. The limits on earthworks in the standards apply to any earthworks within any 5 year period except in relation to overflow paths, ponding areas and the River Corridor.

2.97 I have also recommended in my section 42A report on Chapter 3 that permitted activity Rule 7A.1.7 be amended so that earthworks in all areas (except areas subject to flood hazards, sensitive natural areas outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character and historic heritage features) associated with the construction of farm tracks (including forestry tracks) under Rule 7A.1.5, and the installation and maintenance of services such as water pipes and troughs, be exempt from the earthworks volume limits under Rule 7A.1.7. I have also recommended that a new Rule 7A.1.9 be inserted into Chapter 3 so that earthworks in all areas associated with the maintenance of farm tracks permitted under Rule 7A.1.5 and accessways and walkways is permitted. In that regard, I consider that earthworks ancillary to these permitted activities, including taking material on the earthworks site from a farm quarry to use as fill for those activities, would be permitted.

2.98 Earthworks to dig silage pits, offal holes and bury dead stock would be subject to the earthworks volume limits under the rules in Chapter 3 (i.e. $100m^3$ (volume) in a five year period is permitted in rural zones under Rule 7A.1.7).

2.99 In my opinion, whether the removal of extracted material from a site is for sale or not, the potential effects of the activity on the environment may be the same or similar and should be assessed accordingly. Private and commercial quarries can both involve significant volumes of earthworks over time. I therefore do not wish to amend my recommendations in response to Submissions 250.2 and 250.44 Federated Farmers of New Zealand. However, I consider that the amendments I have recommended in relation to Chapter 3 may go some way to addressing the concerns raised by the submitter.

Policy 7.9 – Management of conflicting uses

2.100 Lyndon Enterprises Ltd (#271) supports the splitting of the Policy 7.9 into two policies, but opposes the inclusion of the National Grid transmission corridor in new Policy 7.9A – Sensitive Activities, on the basis that it is adequately covered by the term 'infrastructure'. I do not support the submitters request and consider that the wording of the new policy should be retained as I have recommended, which addresses issues raised in Submissions 208.38 and 208.39 Transpower New Zealand Ltd.

Policy 7.10 – Growth management

2.101 Lyndon Enterprises Ltd (#271) notes that the policy covers two different topics (urban and rural residential development) and considers that the policy should be split in two, irrelevant and anti-competitive terms deleted, and insert a new Policy 7.10a (wording is provided in the submitter's evidence).

2.102 Land Matters Limited and others (#411 et al.) do not support the current 'avoidance' wording of Policy 7.10, as recommended. Instead, the submitters request that the wording be reversed so that 'growth in the rural zone' is supported. Waa Rata Estate (#327) supports Land Matters Limited's evidence.

2.103 Policy 7.10 relates to Objective 2.3 – Development management (which seeks to maintain a consolidated urban form within existing urban areas), Objective 2.6 – Rural productivity (which seeks to sustain the productive potential of land in the District) and Objective 2.11 – Character and amenity values (which seeks to maintain and enhance the unique character of the District's communities). Policy 7.10 is about avoiding the encroachment of urban development and rural residential development into the rural zones of the District in order to achieve these objectives. This policy will be particularly important when assessing resource consent applications to establish commercial and industrial activities in the rural zones, or applications for subdivisions or developments of an urban or rural residential density, where it is important for the Council to consider the potential effects of those activities from a strategic growth management perspective, including effects on existing urban areas, including the working zones, effects on the District's transport network, public services and infrastructure, as well as on the productive potential of land in the rural zones and potential reverse sensitivity effects on rural activities (from sensitive activities establishing in the rural zones).

2.104 Policy 7.10 is not, in my opinion, about encouraging growth in the rural zones, as the submitters suggest. I therefore do not support the changes requested by the submitters.

2.105 I note, however, that while my recommended changes to Policy 7.10 in my section 42A report are correct (at paragraph 214), the tracked changes version of the policy in Section 4 of the report is incorrect, as clause i) has been deleted in error. Clause i)

of should be retained and amended so that it reads: “i) gives rise to reverse sensitivity effects on rural activities”.

Policy 7.12 – Household units and buildings

2.106 Allan Smith notes that the reference to environment environmental effects in the policy should refer to ‘adverse’ environmental effects. I concur with the submitter.

2.107 Mr Smith also considers that the policy should be amended by deleting clause b) which refers to limiting the bulk and location of buildings, and amending clause c) so that it refers to “clustering of buildings where it is appropriate to the productive activities on the property and can be demonstrated to have a beneficial impact on the productive potential of the property”.

2.108 I consider that clause b) could be worded to better reflect its intention, which is to control the location and scale of buildings (i.e. with respect to height and yard setbacks). I consider that clause c) should be deleted, as there is no general requirement for buildings to be clustered as an outcome of my recommendations in response to submissions on Chapter 7.

2.109 I therefore recommend that Policy 7.12 be amended as follows:

Policy 7. 12 – Household units and buildings

New *household units* and other *buildings* in all the Rural Zones will be provided in a manner which ~~minimises~~ avoids, remedies or mitigates adverse environmental *effects* (including cumulative *effects*) on the *productive potential* and landscape character of the rural area, including:

a) limiting the number of *household units* and *minor flats* to one of each per *site,* except where Development Incentive Guidelines are complied with;

b) ~~providing for a limited~~ controlling the location and scale of ~~*accessory buildings*~~; and ~~*buildings* which are *ancillary to primary production activities*; and~~

~~c) clustering *buildings* as much as practicable~~

c) recognising the operational requirements for buildings ancillary to primary production purposes.

Policy 7.16 – Rural Hills Zone

2.110 Waa Rata Estate (#327) supports the evidence of Land Matters Limited on Policy 7.16.

2.111 Land Matters Limited and others (#411 et al.) request that clause b) of Policy 7.16 be deleted as they consider it is vague and not consistent with sections 6(b) and (c) of the RMA, and the matters it covers are addressed under clause e) of Policy 7.16. I disagree that clause e) addresses the matters in clause b) as it relates to providing for building sites to accommodate a residential building which is not subject or likely to be subject to natural hazards, which relates to section 106(1) of the RMA. Clause b) has a wider application.

2.112 However, I agree with the submitters that it is not clear what is intended by clause b). If the clause relates to earthworks associated with activities in the rural zones, then there are relevant policies covering that in Chapter 3: Natural Environment. I therefore concur with the submitters that clause b) should be deleted.

2.113 I note that there are no requests in submissions on Policy 7.16 requesting the deletion of clause b) - the submissions only request its amendment. However, Submissions 136.1 & 2 Wind Energy Association, 138.1 B Coe, 446.1 A Darragh, 548.1 M Cox, 581.1 Norm Antcliff and 715.5 Sharif Family Trust generally seek to simplify the PDP, reduce its length and make it easier to understand. Submission 451.5 R Crozier and J Allin also requests that the PDP be revised so that ill-considered provisions are removed and provisions are drafted so that unintended consequences will not occur. I therefore consider that there is scope within these submission to delete clause b) of Policy 7.16, as follows:

Policy 7.16 – Rural Hills Zone

***Subdivision*, use and *development* in the Rural Hills Zone will be undertaken in a manner which:**

- **a) supports the *primary production activity* focus of the rural ~~*environment*~~ zones while protecting ~~the valued~~ outstanding natural features and landscapes and ecological ~~character~~ sites ~~of~~ in the Rural Hills Zone;**
- ~~**b) minimises the extent of proposed changes to natural landforms, and adverse *effects* of proposed *development* on erosion prone land**~~
- **c) retains low overall ~~*allotment*~~ lot density, and avoids, remedies or mitigates potential adverse *effects* arising from any proposed *subdivision* of land ~~into *lots* of less than 20ha~~ ;and**
- ~~**d) ensures that any *buildings* or dwellings proposed are designed and located in a manner which minimises visibility from the Rural Dunes, Rural Plains and *State Highway* 1; and**~~
- **e) provides *sites* which are capable of accommodating a *primary residential building* which is not ~~at risk~~ subject or likely to be subject to ~~from~~ identified *natural hazards.***

Request for New Eco-tourism Policy

2.114 Waa Rata Estate (#327) requested in their evidence the inclusion of a new policy on eco-tourism in either Chapter 7 or Chapter 3. I note Waa Rata Estate's submission (327.13 Waa Rata Estate) requested that a new eco-tourism policy be inserted into Chapter 3: Natural Environment, as follows:

> "327-13 Insert new Policy 3.27 as follows: "Enable tourism activities that facilitate economic vitality and avoid, remedy and mitigate adverse effects on the environment while complementing the landscape character in which the activities are located.
> Explanation: Tourism can complement primary production activities in rural zones while protecting natural environment qualities. The ability to adapt to a dynamic global economic environment is a key feature of community resilience and economic vitality. This aligns with objective 2.16.c) to enable 'opportunities to make the economy more resilient and diverse'. Facilitating appropriate forms of tourism would encourage both resilience and economic vitality."

2.115 However, I consider that if such a policy is added to the PDP, it would be more appropriately placed within Chapter 7 as it relates more directly to the rules in Chapter 7, not Chapter 3. When preparing the Submitter Engagement Version of the PDP I did not include such a policy in Chapter 3 because I considered that it did not fit comfortably within that Chapter.

2.116 I note that the rules in Chapter 7 permit home occupations (under Rule 7A.1.6), homestays and commercial activities ancillary to primary production activities (under default Rule 7A.1.1). These activities can all contribute to tourism in the District and so can be supported by the insertion of a new policy.

2.117 I therefore recommend that the following new Policy 7.25 be inserted into Chapter 7 (Note: the numbering of the policy may change if my recommendation to delete Policies 7.2 and 7.3 are accepted):

Policy 7. 25 – Tourism

Enable tourism activities that complement *primary production activities* in the rural zones and contribute to the vitality and resilience of the District's economy, while avoiding, remedying or mitigating adverse effects on the environment.

Rule 7A.1.4 – Buildings and structures in all rural zones, except Paraparaumu Rural Precinct

Questions from Hearings Panel

2.118 The Hearings Panel has requested that I address the following matters in my Reply in relation to the evidence presented on Rule 7A.1.4:

- Minor flats – is there a disconnection between secondary buildings (minor flats at 54m^2 gross floor area limit) and secondary living quarters as extensions to existing dwellings, where there is more than one kitchen within the dwelling); and

- With reference to Allan Smith's evidence (#443) why is 100 metres clustering required and why the difference in the height limit of 8 metres for dwellings and 10 metres for accessory buildings?

2.119 With respect to the first matter, the number of kitchens is relevant to the definition of 'household unit'. Under the definition of household unit, one household unit has one kitchen; if there are two kitchens, then there are two household units. This does not apply to minor flats which are provided for as buildings ancillary to a household unit.

2.120 The relationship between the terms 'household unit', 'kitchen', 'minor flat' and 'residential building' has been addressed by the Reporting Officer for Chapter 5" Living Environments, who has recommended a number of changes to the definitions. The Reporting Officer has recommended that the definition of minor flat be amended to make it clear that a minor flat is a small-scale self-contained residential activity which is ancillary to an existing household unit. If a minor flat exceeds the limit of 54m^2, then it may not be considered as being 'minor' and 'ancillary' to the primary household unit.

2.121 While I consider there is nothing in the rules in Chapter 7 to prevent a minor flat from being connected to a household unit (so that it is part of an extension to a single structure), the extension would still be subject to the gross floor area limit applying to minor flats and landowner would then not be permitted to build a separate and additional minor flat on the site.

2.122 While there is no gross floor area limit for household units or buildings accessory to household units in Chapter 7, the effect of Rule 7A.1.4.1 (which limits the number of household units, and the associated number of kitchens, to one per site) is to generally limit the scale of residential buildings that will be built in the rural zones. It is likely that if more than one kitchen in a household unit is allowed this could result in significantly larger household units being built than would otherwise occur (and enable multi-occupancy), which would not be consistent with achieving the objectives and policies of the PDP with respect to rural productivity (Objective 2.6 and Policy

7.1), rural character (Policy 7.4), growth management (Policy 7.10) and Policy 7.12 – Household units and buildings.

2.123 With respect to the second matter relating to Allan Smith's evidence, which refers to covered sheep yards having to be built within 100 metres of his dwelling, there is no such requirement under Rule 7A.1.4. The submitter may be confusing Rule 7A.1.4 with Rule 7A.1.9.1 which relates to buildings in the Rural Dunes Zone and which requires all buildings on the same site to be located so they are no further than 100 metres apart. I am aware that the submitter's property is located within the Rural Hills Zone, so Rule 7A.1.9.1 would not apply. Furthermore, I have recommended in my section 42A report that Rule 7A.1.9.1 be deleted.

2.124 The Panel has also questioned why there is a difference in the maximum height limits under Rule 7A.1.4.3 for habitable buildings and accessory farm buildings. I note that there is no reference to the height limits within the objectives and policies of the PDP, or within the section 32 report for Chapter 7. Also, the Permitted Activity Standards in D.2.2.1 of the Operative District Plan permits any buildings in the Rural Zone (except buildings on Kapiti Island and within the Peka Peka North Rural-Residential Precinct) up to a maximum height of 10 metres from original ground level. I am therefore uncertain why the PDP has changed from the standards in the Operative District Plan.

2.125 I have not assessed the height standards for buildings in my section 42A report as there were no submissions on Rule 7A.1.4.3.

Minor Flats

2.126 Allan Smith requested in his evidence that Rule 7A.1.4.1 be amended to allow second dwellings of at least 80m^2 and to allow the provision of secondary living quarters within a family home in rural zones to cater for family members living separately at home. Land Matters Limited and others requested in their evidence that the gross floor area limit for minor flats be increased to 100m$^{2.}$

2.127 I note that both Allan Smith (Further Submission 139) and Land Matters Limited (Further Submission 178) supported Submission 165.6 Peter Gibson which requests that the 54m^2 gross floor area limit for minor flats be increased to 60m^2 to allow for a second bedroom for a caregiver if needed for disabled accommodation.

2.128 As I advised in my section 42A report, if the floor area is increased for minor flats this will require the definition of minor flat to be amended as a consequence, which will have implications for rules for minor flats in other chapters of the PDP. I also note no evidence has been provided by submitters to demonstrate that two bedrooms cannot be accommodated within 54m^2. I note 54m^2 is an increase from the size allowed under the Operative District Plan, which has enabled (and continues to enable) two bedroom minor flats to be constructed within the district. Therefore, any amendment to the definition needs to be considered in terms of its implications for the whole plan. As such, my recommendation that the 54m2 standard be retained remains unchanged.

Dominant Ridgelines and Dominant Dunes (Rules 7A.1.4.4 and 7A.1.9.2)

2.129 Evidence presented by Federated Farmers of New Zealand (#250) refers to Rule 7A.1.4.4, which relates to the siting of buildings on top of, or in proximity to, dominant ridgelines and dominant dunes, and the lack of certainty for plan users in applying the rule given the vague definition of dominant ridgelines and dominant dunes in the PDP

and the recommendation to delete the features from the PDP Maps. The submitter requests that Rule 7A.1.4.4 be deleted. The removal of the standard is also supported in the evidence of Allan Smith (#433), Egon Guttke (#100) and the Wellington Branch of the NZ Farm Forestry Association (#188). Land Matters Limited and others (#411 et al.) request that Rule 7A.1.4.4 be amended to increase the height limit for buildings to 4.5 metres and they request that Rule 7A.1.9.2 be amended by deleting reference to dominant ridgelines and dominant dunes.

2.130 The issue of dominant ridgelines and dominant dunes is primarily related to Chapter 3: Natural Environment. In my section 42A report for that chapter I recommend that dominant ridgelines and dominant dunes be deleted from the PDP Maps, but that policies and rules relating to those features be retained, with amendments. I also recommended that the definition of dominant ridgelines and dominant dunes in Chapter 1 of the PDP be amended. In that report I acknowledge that identifying no dominant ridgelines or dominant dunes on the PDP Maps creates an issue with respect to knowing when the standards should be applied, but recognise that this is no different to the current situation under the Operative District Plan and it at least provides the Council with some ability to avoid or mitigate adverse effects of buildings on prominent ridgelines and dunes in the District that are outside outstanding natural features and landscapes. I have recommended, however, that the Council undertake a robust and defendable assessment of dominant ridgelines and dominant dunes in the District, in consultation with the community, and initiate a variation/change to the District Plan to identify them on the Planning Maps as soon as possible.

2.131 However, after having considered the matter further, and the evidence presented by submitters, I am now of the opinion that, without the mapping of the features, Council Officers will need to apply their discretion to implement the policies and rules relating to dominant ridgelines and dominant dunes, which I consider does not provide an acceptable or appropriate level of certainty. This is a matter that I will be raising with the Panel at the hearing for Chapter 3: Natural Environment.

2.132 I therefore concur with the submitters that Rule 7A.1.4.4 should be deleted and Rule 7A.1.9.2 should be amended by deleting reference to dominant ridgelines and dominant dunes.

Rule 7A.1.9 – Buildings in the Rural Dunes Zone

2.133 In addition to requirements for buildings on or near dominant ridgelines and dominant dunes, Rule 7A.1.9.2 also requires buildings to not be located within ecological sites, outstanding natural features and landscapes, geological sites or historic heritage features. There are, however, already rules in Chapter 3: Natural Environment and Chapter 10: Historic Heritage for buildings within these features. I therefore consider that Rule 7A.1.9.2 should be deleted completely.

2.134 As I have recommended in my section 42A report that Standards 1 and 3 of Rule 7A.1.9.2 should be deleted, and I have recommended above that Standard 2 should be deleted, I consider that Rule 7A.1.9 should be deleted entirely.

Intensive Farming Activities (Rules 7A.1.4.6 and 7A.3.2)

2.135 The Poultry Industry Association of New Zealand (PIANZ) and the Egg Producers Federation of New Zealand (EPFNZ) (#277.13) sought to amend Rule 7A.1.4.6 so that it is not a permitted activity to locate a sensitive activity within 300 metres of an existing intensive farming activity. This would reciprocate the 300 metres separation distance proposed by the submitters to establish new poultry farms. Paul Israelson

advised in his evidence for the submitter that the recommendation in my section 42A report to retain the 50 metre setback for sensitive activities from a building or enclosure containing a lawfully established intensive farming activity on an adjoining site failed to consider that the 300 metre setback for intensive farming activities from boundaries only applies to new intensive farming activities. As such, the submitter considers that retaining the 50 metre minimum setback could potentially create significant reverse sensitivity effects and undermine the operation of existing poultry farms. The submitter therefore requests that Rule 7A.1.4.5 be amended so that the setback is increased to 300 metres.

2.136 The submitter also requests that the new matter over which the Council restricts its discretion in Rule 7A.3.2, that I have recommended be added in response to the submitter's submissions (277.14 and 277.15), be amended as follows, to provide certainty for the Council (and plan users) of when to exercise its discretion for subdivision in rural zones to manage potential reverse sensitivity effects:

> *"10. The location of ~~house sites~~ sensitive activity sites located within 300m of existing primary production activities or intensive farming activities on adjoining properties to avoid, remedy or mitigate potential adverse reverse sensitivity effects on existing primary production activities and intensive farming activities on adjoining sites."*

2.137 I concur with the submitter that it is not appropriate for the matter of discretion to refer to 'house sites', as sensitive activities are not restricted to residential activities. However, I consider that it is not appropriate to refer to a specific distance (i.e. 300 metres) as the appropriate distance requirements may vary for different types of intensive farming and primary production activities. I therefore recommend that the matter be amended as follows:

> *"10. The location of ~~house sites~~ sensitive activity building sites to avoid, remedy or mitigate potential adverse reverse sensitivity effects on existing primary production activities and intensive farming activities on adjoining sites."*

2.138 I acknowledge that my assessment of Rule 7A.1.4.4 did not consider the setback for sensitive activities in relation to existing intensive farming activities in the District that may be located less than 300 metres from boundaries. However, I consider that the need for the Council to consider the proximity of new sensitive activity building sites in relation to existing intensive farming activities as part of subdivision consent applications in the rural zones, under Rule 7A.3.2, is sufficient and a larger setback under Rule 7A.1.4.4 is not necessary.

Farm tracks (Rule 7A.1.5 and Definition)

2.139 Allan Smith (#433) and Waa Rata Estate (#327) support my recommendation to amend Rule 7A.1.5.2 so that it applies a 2 metre vertical cut or height limit for earthworks. However, they request that some flexibility be built into the rule so that it allows for inevitable ground variations, by amending the rule as follows:

> *"2. Earthworks cut or fill shall not generally exceed 2 metres of vertical ~~distance~~ height continuously for more than 200 metres."*

2.140 Allan Smith, Waa Rata Estate and Federated Farmers of New Zealand (#250) consider that my recommendation to insert a new Standard 3 under Rule 7A.1.5, requiring earthworks to not be undertaken within 20 metres of a waterbody, including wetlands, does not make allowance for creating or maintaining livestock crossing points through a waterway. Federated Farmers also consider that regulating the

earthworks for water quality purposes is a regional council function. Allan Smith requests that the standard be amended to exempt such activities.

2.141 I note that Rule R99: Earthworks – Permitted Activity in the Proposed Natural Resources Plan for the Wellington Region permits the use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m^2 per property per 12 month period subject to complying with condition under the rule, including conditions relating to water quality. The PNRP also includes rules in relation to activities in the beds of lakes and rivers. Therefore potential adverse effects on waterbodies associated with the construction of farm tracks will be appropriately addressed under the PNRP.

2.142 Since preparing my section 42A report on Chapter 7, I have given further consideration to earthworks rules in the PDP as part of preparing my section 42A report for Chapter 3: Natural Environment. As part of preparing that report I have considered the current earthworks rules in the Operative District Plan and note that earthworks for private farm tracks in the Rural Zone that are ancillary to farming activities are permitted, and are not subject to any earthworks standards, including setbacks from waterbodies or limits on the height of cuts and fills. After speaking with Council staff, it appears that there have generally been no significant issues associated with the construction of farm tracks under the rules of the Operative District Plan. Given this, the rules in the PNRP, and the concerns raised by the submitters about constructing farm tracks under the constraints of Standards 2 and 3 of Rule 7A.1.5, I am now of the opinion that these two standards are unnecessary and inappropriate insofar as they will likely to trigger the need for resource consent in many cases. I therefore recommend that Standards 2 and 3 of Rule 7A.1.5 be deleted.

2.143 Federated Farmers of New Zealand (#250) are also concerned that farmers will not be able to comply with Rule 7A.1.5 due to the 'plethora' of other earthworks rules in Chapter 3 and the encompassing landscape classifications. This is an issue that I have addressed in my section 42A report for Chapter 3, where I have recommended that the earthworks associated with the construction of farm tracks permitted under Rule 7A.1.5 in all areas (except areas subject to flood hazards, outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character and historic heritage features) be exempt from the earthworks standards under permitted activity Rule 3A.1.7. I have also recommended that a new rule be inserted into Chapter 3 (i.e. Rule 3A.1.9) to permit the maintenance of farm tracks in all areas.

2.144 Land Matters Limited (#411 et al.) is concerned that it is not clear under Rule 7A.1.5 if 'farm tracks' includes forestry tracks. The submitter requests that either Rule 7A.1.5 is amended to specifically provide for farm and forestry tracks or the definition of 'farming' is amended to specifically include forestry. I agree with the submitter that, while I consider that forestry tracks will fall within the definition of farm tracks, it should be made clearer. Farm tracks are defined in Chapter 1 of the PDP as follows:

> ***Farm Tracks*** *include any ways, formations or access tracks located on private land, the use of which is restricted to the owner of the land, or such other persons who may be authorised by the owner to use them and which are suitable for conventional or special purpose vehicles. [Farm tracks shall be restricted to those activities defined as Farming].*

2.145 I have also recommended in my section 42A report on Chapter 7 that the definition of Farming be amended as follows:

Farming *means land based activity, having as its primary purpose the ~~commercial~~ production of ~~any~~ livestock or vegetative matter~~, except as excluded below, and, unless the context otherwise requires,~~ including ~~cultivation~~ agriculture, horticulture and viticulture. For the purposes of this Plan, farming does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the land.*

2.146 To address the concerns raised by the submitter I recommend that Rule 7A.1.5 be amended to refer to 'Farm and Forestry Tracks' and that the definitions of 'Farm Tracks' and 'Farming' be amended as follows:

Farm and Forestry Tracks *include any ways, formations or access tracks located on private land, the use of which is restricted to the owner of the land, or such other persons who may be authorised by the owner to use them and which are suitable for conventional or special purpose vehicles. [Farm and forestry tracks shall be restricted to those activities defined as Farming].*

Farming *means land based activity, having as its primary purpose the ~~commercial~~ production of ~~any~~ livestock or vegetative matter~~, except as excluded below, and, unless the context otherwise requires,~~ including ~~cultivation~~ agriculture, horticulture, plantation forestry and viticulture. For the purposes of this Plan, farming does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the land.*

2.147 As a consequence of amending the definition of Farm Tracks, all references to 'Farm Tracks' in Chapter 3 will also need to be changed to 'Farm and Forestry Tracks'.

Rule 7A.3.2.1 – Subdivision in all rural zones except Future Urban Development Zone – General Standards

2.148 Waa Rata Estate (#327) supports my recommended amendments to Rule 7A.3.2.1 subject to the following amendment to clause d) (in red):

> *"d) Site boundaries and roading infrastructure must ~~will~~ follow the contours, natural geographic features or ~~and~~ dune topography."*

2.149 I concur with the submitter's request.

Rule 7A.3.2.3 – Subdivision in all rural zones except Future Urban Development Zone – Additional Standards for the Rural Dunes Zone

2.150 Land Matters Limited and others (#411 et al.) supports my recommendation to reduce the minimum lot size in the Rural Dunes Zone from 6000m^2 to 4000m^2 for the reasons given in my section 42A report.

2.151 Land Matters Limited also requests the deletion of Rule 7A.3.2.3(c), which requires clustered lots to be located on the least suitable land for primary productive activities on the parent title. However, there were no submissions requesting amendments to clause c) of Rule 7A.3.2.3, therefore there is no scope to consider the submitter's request.

2.152 Ian Jensen (#275 and FS41) requests the deletion of the 1.0 hectare maximum lot size in clause a) and the requirement under recommended new clause e) for each new lot, including balance lots, to carry an encumbrance on the title prohibiting further subdivision. Mr Jensen considers that a consequence of clause e), will be for developers to have to subdivide the maximum number of lots allowed at once, as

clause e) would prevent them from subdividing in stages. Land Matters Ltd also opposes new clause e).

2.153 I have recommended in my section 42A report that the maximum lot size of 1 hectare be retained, as it is important to ensure that a cluster of smaller lots is created, leaving a larger balance area. This is consistent with supporting the primary production activity focus of the Rural Dunes Zone and retaining an overall rural character, as referred to in Policy 7.14 – Rural Dunes Zone.

2.154 I have reconsidered my recommendation to amend the minimum lot size under clause a) of Rule 7A.3.2.3 from 6,000m^2 (as notified) to 4,000m^2. In my section 42A report (paragraph 960) I considered that there was no apparent reason for increasing the minimum lot size to 6,000m^2 in the PDP, from the minimum lot size of 4,000m^2 under the equivalent rule in the Operative District Plan (i.e. Rule D.2.2.3(B)(i)).

2.155 In comparing the Operative District Plan rule against the PDP rule, I now realise that I overlooked the fact that the Operative District Plan includes standards which require subdivisions to achieve a minimum balance lot area in addition to a minimum lot size of 4000m^2 and an average lot size of 4 hectares (i.e. subdivision of lots exceeding 22 hectares must comprise a cluster of rural hamlet lots with a balance farm lot of at least 20 hectares, and subdivision of lots more than 15 hectares and less than 22 hectares must comprise a cluster of rural hamlet lots with a balance lot area of at least 10 hectares). Under the Operative District Plan rule, a 20 hectare lot can be subdivided into a maximum of 25 rural hamlet lots with a balance lot of 10 hectares. There was also a requirement under the rule for each new lot, including balance farm lots created under these rules, to carry a covenant prohibiting further subdivision (not including boundary adjustments) of that title or Council will issue a consent notice under Section 221 of the Resources Management Act 1991 prohibiting further subdivision (not including boundary adjustments) of the land.

2.156 Under PDP Rule 7A.3.2.3 (as notified) a 20 hectare lot can, ultimately, be subdivided into a maximum of 21 new lots (with a minimum lot size each of 6,000m^2) leaving a balance lot of 7.4 hectares. If the minimum lot size is amended to 4,000m^2, as requested by the submitters, this would allow a 20 hectare lot to be subdivided into a maximum of 31 new lots (to be clustered) leaving a balance lot of 7.6 hectares. Amending the minimum lot size to 4,000m^2 would, therefore, result in the creation of significantly more lots (i.e. 32 lots) than could be created under the Operative District Plan rule (i.e. 26 lots) and the notified PDP rule (i.e. 22 lots).

2.157 I therefore recommend that the 6,000m^2 minimum lot size in Rule 7A.3.2.3(a) be retained.

2.158 With respect to my recommendation to add a new clause e), requiring each new lot to carry an encumbrance on the title prohibiting further subdivision, after reviewing the relevant submissions and further submission in detail again, I now consider that adding this new clause is beyond the scope of submissions and it should be deleted. I consider that deleting this clause will address Mr Jensen's concerns about staging subdivisions.

2.159 While it is not referred to in the section 32 report for Chapter 7, it appears to me that Rule 7A.3.2.3 attempts to simplify the standards to achieve a similar outcome to the rules under the Operative District Plan for the subdivision of Rural Hamlet lots in the Coastal Dune Policy Area. However, in my opinion, the outcome will be very different, as Rule 7A.3.2.3 does not specify a minimum balance lot area of at least 10 or 20 hectares (depending on the size of the parent lots), so there will be a less

distinctive difference between the size of the balance lots and the cluster lots. As such, I consider that Rule 7A.3.2.3 will not be as effective in achieving Policy 7.14 – Rural Dunes Zone. There is, however, no scope within submissions to consider this matter. If the type of subdivision provided for under Rule 7A.3.2.3 is unintended, then the Council would need to consider initiating a variation/change to the District Plan as soon as possible.

2.160 I note that the definition of 'cluster (clustered)' in the PDP means "a group of buildings in close proximity to each other whether they are on the same site or adjacent site". In terms of Rule 7A.3.2.3(a), which requires the subdivision of lots to be in 'clusters of 12 or less', this definition does not work, in my opinion. Rather than amending the definition, which I consider would be difficult, this discrepancy can be more easily addressed by amending the rule so that the word 'clusters' is not italicised.

2.161 On the basis of the above, I therefore recommend that Rule 7A.3.2.3 (as amended in my section 42A report) be amended further, as follows:

3. Additional standards for the Rural Dunes *Zone:*
   a) The *subdivision* of *lots* shall be developed into ~~*clusters*~~ clusters of 12 or less with a maximum size of 1 hectare ~~ha~~ and a minimum of 6000 ~~4000~~m^2 per *lot*. The balance of the land shall be held in a single *lot*; and
   b) A minimum average lot size of 4 hectares ~~ha~~ across the whole subdivision ~~of~~ shall be maintained; and
   c) The clustered lots shall be located on the least suitable land for primary productive activities on the parent title; and
   d) ~~All buildings, including habitable buildings in a cluster as a result of subdivision shall be located within 300 metres of each other when measured at the closest points of each building~~. If more than one cluster is proposed in one subdivision the clusters shall be clearly separate.
   ~~e) Each new lot, including balance lots, shall carry an encumbrance on the title prohibiting further subdivision; specifying the building area and access limiting buildings to a clustered location.~~

Rule 7A.3.2.4 – Subdivision in all rural zones except Future Urban Development Zone – Additional Standards for the Rural Hills Zone

2.162 Lyndon Enterprises Ltd (#271) consider that Rule 7A.3.2.4(a), which requires subdivisions in the Rural Hills Zone to create lots within a minimum average area of 20 hectares across the subdivision and a minimum individual lot area of 1 hectare, will not achieve the aims of Policy 7.16 of supporting primary production. The submitter requests that the rule be amended "to say something like":

> *"a) Subdivision shall create lot sizes that maximise the overall productive potential of the land."*

2.163 I note that the original submission from Lyndon Enterprises Ltd (271.36) requested that clause a) be amended as follows:

> *"a) Subdivisions shall create lots ~~with a minimum average of 20ha per lot across the subdivision~~ which retain the productive potential of the land and have a minimum individual lot area of 1ha."*

2.164 I recommended in my section 42A report that the submitter's request be rejected as deleting the 20 hectare minimum average lot size across the subdivision could potentially allow land in the Rural Hills Zone to be subdivided into considerably

smaller lots, and as small as 1 hectare. In my opinion, this will not achieve Objective 2.6 – Rural Productivity, Policies 7.1 to 7.4 or Policy 7.16. I also consider that the amendment requested in the submitter's evidence would result in an inappropriate level of uncertainty for landowners and would require the Council to exercise discretion to determine whether compliance with the standard will be achieved. I therefore stand by my recommendation to reject the submission.

2.165 The evidence presented for Tina Pope (#547) reiterated the submitter's request to amend Rule 7A.3.2.4(a) so that the minimum lot size for subdivision in the Rural Hills Zone is increased from 1 hectare to 20 hectares, and to reinstate the subdivision rules for the Hill Country policy area under the Operative District Plan. In my section 42A report I advised that amending Rule 7A.3.2.4 as requested would limit the ability for subdivision in the Rural Hills Zone to achieve Objective 2.12 – Housing Choice in the PDP. I continue to hold that view.

2.166 Tina Pope requests in her evidence that there be no subdivision allowed within areas of identified erosion susceptibility, flood ponding and overflow paths, stream corridors, dominant ridgelines, outstanding natural landscapes and ecological sites. I consider that this request goes further than the submitter's submission (547.8), which only expressed concerns that the rules for subdivision in the Rural Hills Zone no longer take into account natural hazards, hazard values and natural features. I stand by my advice in the section 42A report (paragraph 10034) that general subdivision Rule 7A.3.2.1(a) requires all lots to meet the natural hazards standards in Chapter 9: Hazards and Chapter 3: Natural Environment of the PDP and that sufficient regard is therefore already required to be given to these matters.

2.167 Tina Pope requests in her evidence that Rule 9A.5.1 Non-complying Activities be amended. This matter relates to Chapter 9: Hazards and it is not appropriate for me to consider it as part of Chapter 7. I have forwarded a copy of the evidence to the Reporting Officer for Chapter 9 for consideration.

2.168 Tina Pope also requests that an area of the Paekakariki Ward be called the 'Paekakariki Rural Precinct' and requests the Rule 7A.3.2.4 be amended by adding the following new clause c):

> *"c) Notwithstanding a) above, where a site contains land in the Rural Hills Zone and the Paekakariki Rural Precinct, subdivision shall create lots with a minimum average area of 40 hectares per lot across the subdivision and a minimum individual lot area of 20 hectares."*

2.169 Tina Pope's submission does not include any request to add a new Paekakariki Rural Precinct, or to add a new clause to Rule 7A.3.2.4 relating to such a precinct. There are no other submissions received that request this amendment to the PDP. I therefore consider that the request is outside the scope of Tina Pope's submission and therefore cannot be considered by the Panel.

Rule 7A.3.2.5 – Subdivision in all rural zones except Future Urban Development Zone – Additional Standards for the Rural Plains Zone

2.170 The evidence presented by Poul Israelson on behalf of PIANZ and EPFNZ referred to the submitter's request (Submission 277.14 and 277.15) to amend Rule 7A.3.2.5 so that the average lot size in the Rural Plains Zone is increased from 6 hectares to 20 hectares, to provide enough land area for new lots and for any new sensitive activity to satisfy a 300 metre separation distance from an existing intensive farming activity.

2.171 As I advised in paragraphs 982 to 983 of my section 42A report, I consider that it is not appropriate to increase the average lot size as requested by the submitter. I continue to hold that view. I also consider that the addition of a new matter of discretion under Rule 7A.3.2 (which I have recommended be amended above) will enable the Council to assess the location of sensitive activity building sites in relation to existing intensive farming activities to avoid or mitigate reverse sensitivity effects.

Rule 7A.5.1 – Non-complying activities – default rule

2.172 Quicksilver Enterprises Limited (#212) raises concerns in their evidence about the default non-complying activity status for activities that are not permitted, controlled or discretionary or which do not comply with two or more permitted or controlled activity standards, or one or more restricted discretionary activity standards. The submitter is concerned that there is a relative absence of policy which recognises the contribution that subdivision, development and use of resources in the rural areas makes to the economic, social and cultural wellbeing of the district and the potential for the rule to effectively prohibit activities from occurring. The submitter refers to examples where the submitter considers that non-compliance with permitted or controlled activity standards will inappropriately trigger non-complying activity status.

2.173 Having considered the evidence, I agree with the submitter that a default non-complying activity status is inappropriate and unreasonable and that the relevant objectives and policies of the PDP, as well as the effects of the proposed activities on the environment, can be considered by the Council without limitation as a discretionary activity without subjecting applications to the more stringent tests under section 104D(1) of the RMA. I therefore recommend that Rule 7A.5.1 be deleted and replaced with the following new discretionary activity rule under 7A.4 Discretionary Activities:

> *7A.4 Discretionary Activities*
>
> *Any activity which is not permitted, controlled, restricted discretionary or non-complying or which does not comply with two or more permitted or controlled activity standards or one or more restricted discretionary activity standards in all Rural Zones.*

2.174 I note that if Rule 7A.5.1 is deleted and a new default discretionary activity rule is added (as I have recommended above) there will be a disconnection between default restricted discretionary activity Rule 7A.3.1 and the new rule. Rule 7A.3.1 (as I have recommended it be amended in my tracked changes version of Chapter 7 in Section 4 of my section 42A report) specifies that all activities that are not listed as discretionary or non-complying or which do not comply with more than one permitted or controlled activity standard in all rural zones are restricted discretionary activities. To ensure that Rule 7A.3.1 and the new discretionary activity default rule work correctly together, I recommend that the following consequential amendments be made to Rule 7A.3.1:

> *7A.3 Restricted Discretionary Activities*
>
> 1. *~~All activities~~ Any activity which ~~are~~ is not listed as discretionary ~~or non-complying and~~ or does not comply with ~~no~~ no more than one permitted or controlled activity standard in all rural zones.*

Rule 7A.5.4 – Non-complying activities – subdivision

2.175 Quicksilver Enterprises Limited (#212) notes that Rule 7A.5.4 requires subdivision that does not meet one or more of the restricted discretionary activity subdivision standards to be assessed as a non-complying activity. This will include subdivision that does not meet the general standards under Rule 7A.3.2.1 (e.g. clause b) that requires all lots to meet access and transport and infrastructure standards for subdivision in Chapter 11). The submitter requests that Rule 7A.5.4 be deleted and replaced with a new rule in 7A.4 Discretionary Activities.

2.176 Lyndon Enterprises Ltd (#271 and FS93) also opposes the non-complying status for subdivisions under Rule 7A.5.4 and requests that it be discretionary.

2.177 In my section 42A report (Section 3.6.5) I recommended that Rule 7A.5.4 be retained so that subdivisions that do not meet the minimum average area and minimum individual lot area standards for the various zones should be subject to the more rigorous tests under section 104D(1) of the RMA. While I still consider that appropriate, I agree with the submitters in part, insofar as I consider that discretionary activity status will be appropriate for subdivisions that do not meet one or more of the general standards under Rule 7A.3.2.1. I therefore consider that Rule 7A.5.4 should be amended as follows:

> *7A.5 Non Complying Activities*
>
> *4. Subdivision in any rural zone which does not comply with one or more of the restricted discretionary activity subdivision standards in Rule 7A.3.2.2, 7A.3.2.3, 7A.3.2.4, 7A.3.2.5, 7A.3.2.6 or 7A.3.2.7.*

Rule 7A.5.8 – Non-complying activities – industrial and commercial activities

2.178 Land Matters Limited and others (#411 et al.) support the changes in the PDP to allow commercial and industrial activities in the rural zones that are ancillary to primary production activities, but consider that it is a jump too far that industrial and commercial activities that do not meet one of more of the permitted activity standards to be assessed as non-complying activities. The submitters request that the status of such activities be changed to discretionary.

2.179 Rule 7A.5.8 (as I have recommended it be amended) specifies that industrial or commercial activities in all rural zones that are not home occupations, homestays, ancillary to primary production activities, or extractive industries are non-complying activities.

2.180 Commercial and industrial activities that are ancillary to primary production activities, and homestays (that are ancillary to an existing residential unit for bed and breakfast accommodation for no more than five guests) will be permitted under default Rule 7A.1.1 where they comply with the relevant permitted activity standards under Rule 7A.1 (and other relevant permitted activity standards in Chapters 3, 9, 10, 11 and 12 of the PDP). Home occupations are permitted under Rule 7A.1.6. Under default Rule 7A.3.1 (as recommended to be amended above), where the permitted activities do not comply with no more than one permitted activity standard they will be restricted discretionary. Otherwise, where these activities do not comply with more than one permitted activity standard they will be discretionary activities under the new default Rule 7A.4 (as I have recommended above). Similarly, extractive industries

that do not comply with one or more restrictive discretionary activity standards under Rule 7A.3.4 will be a discretionary activity under the new default Rule 7A.4.

2.181 Given this, I consider that any other commercial or industrial activities that are not provided for as permitted, controlled, restricted discretionary or discretionary activities should be assessed as non-complying activities under Rule 7A.5.8. I therefore do not support the amendment requested by the submitters and stand by my recommendation in Section 3.4.21 on my section 42A report.

2.182 I consider, however, that the recommended amendment to Rule 7A.5.8, to exclude extractive industries should be amended by deleting the words "under Rule 7A.5.8".

Definitions

'Aerodrome'

2.183 Federated Farmers of New Zealand requests that, instead of defining 'Aerodromes' by number of movements which could capture farm helicopters or planes, other defining characteristics could be used, such as constant parking of multiple aircraft, or use of the instead of the site by multiple people and organisations instead of a single farmer, or whether the airstrip is the primary use of the property or only ancillary to the main activity on the farm. The submitter questions what a 'flight movement' is under the definition.

2.184 In amending the definition of 'Aerodrome' I have relied on the technical evidence of Malcolm Hunt Associates, which relies on the thresholds under *NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Land Pads* which exempts noise from helicopter landing sites where up to 10 flight movements take place in any calendar month or where the maximum Lmax sound levels at any rural dwelling or living zone boundary does not exceed Lmax 90 dBA for daytime Lmax 70 dBA at night time. Malcolm Hunt Associates consider that it is also appropriate to apply these standards to fixed wing aircraft.

2.185 I consider that it would be inappropriate to exempt helicopter or fixed wing landing areas ancillary to farm activities from the definition of Aerodrome as the potential effects of these activities relates to the movement of aircraft to/from the landing areas and not the activities that the use of the aircraft relates to. In that regard, I consider that reliance on the NZS6807:1994 (as recommended by Malcolm Hunt Associates) is appropriate.

2.186 Malcolm Hunt Associates have advised that one flight movement is a landing or a take-off, not both.

2.187 Ms Dasent refers in her evidence for Federated Farmers to the use of a helicopter on her farm to apply fertiliser. She advises that the helicopter would have hovered, landed and taken off about 10 times in one day. Under my recommended amendments to the definition of "Aerodrome', this level of activity would account for 20 flight movements. However, the number of flight movements is not the only determinant of whether a landing area is an 'Aerodrome'. The definition applies where 10 or more flight movements take place in any calendar month or where maximum sound levels at any rural dwelling or living zone boundary exceed LAFmax 90 dB for daytime and LAFmax 70 dB at night time in accordance with NZ6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. In my opinion, the occasional use of aircraft on a farm will not make the landing area an 'aerodrome' if it does not exceed the noise limits under the definition.

2.188 I therefore consider that no further amendments to the definition of "aerodrome' are necessary in response to the evidence presented at the hearing. However, I note that I made an error in the amended wording of the definition, where I incorrectly refer to "do not exceed" with respect to the sound levels, when it should refer to "exceed". I recommend that the definition be amended as follows:

> ***"Aerodrome** means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, and surface movement of aircraft where 10 or more flight movements take place in any calendar month, or where maximum LAFmax sound levels at any rural dwelling or living zone boundary ~~do not~~ exceed LAFmax 90 dB for daytime and LAFmax 70 dB at night time in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas; and includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.*
>
> *For the avoidance of doubt, an aerodrome helicopter landing areas (sometimes referred to as heliports).*"

'Development' and 'Land Disturbance'

2.189 Egon Guttke (#100 and FS9) refers to the definitions of 'development' and 'land disturbance' in his evidence and requests that amendments be made to those definitions.

2.190 I have not addressed requests in submissions to amend those definitions in my evidence as they are relevant to a number of chapters in the PDP. These definitions will be considered by Reporting Officers later in the hearing in relation to Chapter 1 definitions.

'Intensive Farming'

2.191 Federated Farmers of New Zealand (#250) requests that the definition of 'intensive farming' (as I have recommended it be amended in response to submissions) be amended further by deleting the references to feed pads. They also consider that the 48 hour timeframe in the definition is too short and will capture normal practice of protecting stock from the elements. No alternative timeframe is specified by Federated Farmers.

2.192 I agree with Federated Farmers that it is not appropriate to include feed pads in the definition. However, with respect to the reference to 48 hours in the definition, there are no requests to amend that timeframe in the submission from PIANZ and EPFNZ (277.2) supported by Federated Farmers (FS63) or in the submission from the Wellington Fish and Game Council (462.1 and 462.2) opposed by Federated Farmers (FS63). I therefore consider that there is no scope within submissions to increase the time limit as requested.

2.193 I therefore recommend that the definition of 'Intensive Farming' be amended as follows:

> *"**Intensive farming (activities)** means the ~~confinement~~ commercial raising and keeping of pigs, poultry, dairy, beef, cattle, sheep, ferrets and other animals in yards, pens, feed lots, ~~feed pads,~~ bars or similar enclosures or buildings for periods in excess of 48 hours in any week and being sustained on supplementary feed while so confined. ~~Intensive farming includes intensive pig farming."~~*

‘Primary Production Activities’

2.194 PIANZ and EPFNZ (#277) request that the definition of Primary Production Activities be amended to include ‘Intensive Farming’ as intensive farming can only realistically occur in a rural setting. The submitter is also concerned that there is a vacuum of any policy support to manage reverse sensitivity effects created by new subdivision and development near existing intensive farming activities in rural zones.

2.195 In my section 42A report I rejected the submitter’s request on the basis that ‘primary production activities’ refers to activities that extract or harvest products from the earth, which intensive farming does not. I consider that that recommendation is still appropriate. I also consider that Policy 7.9 – Management of conflicting uses and recommended Policy 7.9A – Sensitive activities provide policy support to manage reverse sensitivity effects from sensitive activities establishing near existing intensive farming activities.

Maypole Environmental Ltd

PDP ‘Layers’ Affecting the Ngarara Precinct

2.196 Chris Hansen (for Maypole Environmental Ltd (#263)) refers in his evidence to the potential for rules relating to various ‘layers’ in the PDP (e.g. outstanding natural landscapes) changing the status of subdivision, use and development in the Ngarara Precinct. The Hearings Panel has asked what ‘layers’ in the PDP affect the Ngarara Precinct.

2.197 I have attached a copy of the Ngarara Precinct Structure Plan map in Appendix B of this Reply, which shows the location of the Eco-Hamlets that I refer to below.

2.198 In addition to the rules in Chapter 7 relating to the Rural Eco-Hamlet Zone and the Ngarara Precinct, the following ‘layers’ in the PDP (as notified) apply to land in the Ngarara Precinct (as shown on Maps 6 and 7 of the PDP Maps):

- Natural Hazards – parts of the Ngarara Precinct are located within a ‘Flood Storage Area’, ‘Ponding Area’ or ‘Stream Corridor’;
- Ngarara Dunes Outstanding Natural Landscape (applies to land in the Kukutauaki and Kawakahia Eco-Hamlets and part of the Smithfield Eco-Hamlet);
- Ecological Site (K066 – Te Harakeke Swamp) (located within the Kukutauaki Eco-Hamlet, on land identified on the Structure Plan map in Appendix 7.2 as an ‘Open Space – Wetland Buffer’);
- Coastal Environment (applies to all of the land in the Ngarara Precinct); and
- Dominant Ridgelines and Dominant Dunes.

2.199 As an outcome of the Reporting Officer recommendations in response to submissions on Chapter 3: Natural Environment, Chapter 4: Coastal Environment and Chapter 9: Hazards, the following layers will apply to land in the Ngarara Precinct:

- Natural Hazards – parts of the Ngarara Precinct are located within a 'Flood Storage Area', 'Ponding Area' or 'Stream Corridor' (NB: there are no apparent changes to these areas from those identified in the notified PDP);

- Ngarara Wetland Outstanding Natural Landscape (applies to part of the Kawakahia Eco-Hamlet area – most of the ONL is located within 'Open Space – Wetland Buffer' identified on the Structure Plan for the Ngarara Precinct, although some is located within the Kawakahia 'Neighbourhood');

- Ngarara Dunes Special Amenity Landscape (SAL) (applies to land within the Kawakahia Eco-Hamlet area and a strip of land between the Kawakahia and Smithfield Eco-Hamlets, including the Kawakahia 'Neighbourhood' and 'Open Space – Forest'); and

- Ecological Site (K066 – Te Harakeke Swamp) (located within the Kukutauaki Eco-Hamlet, on land identified on the Structure Plan map in Appendix 7.2 as an 'Open Space – Wetland Buffer').

2.200 I have provided a map in Appendix C that shows the location of the Ngarara Wetland ONL (shown in orange) and the Ngarara Dunes SAL (shown in grey/purple) in relation to the Ngarara Precinct (highlighted in green)[2].

2.201 Given the recommended amendments, no rules in Chapter 4: Coastal Environment will now apply. I have also recommended (in relation to Chapter 3: Natural Environment) that all dominant ridgelines and dominant dunes be deleted from the PDP Maps and (as I have mentioned above) I also intend to recommend to the Panel that all provisions relating to dominant ridgelines and dominant dunes be deleted from the PDP.

2.202 I consider that the presence of Ecological Site K066 located within an Open Space – Wetland Buffer area identified on the Structure Plan map for the Precinct, should not have any implications for the subdivision and development of the Kukutauaki Eco-Hamlet beyond those anticipated under Plan Change 80.

2.203 The Ngarara Wetland ONL overlays part of the Kawakahia Eco-Hamlet within the Ngarara Precinct. The majority of the ONL is located within the Open Space – Wetland Buffer area within the Kawakahia Eco-Hamlet and the remainder overlays the 'Neighbourhood' area of the Kawakahia Eco-Hamlet. Under the Chapter 7 rules, all buildings and activities in the Kawakahia Eco-Hamlet require restricted discretionary resource consent (under Rule 7A.3.6) subject to compliance with standards. The effect of the ONL will be to add an additional requirement to obtain restricted discretionary resource consent for buildings over 54m^2 gross floor area (under Rule 3A.3.6) or discretionary resource consent for buildings exceeding a height of 6 metres (under Rule 3A.4.1).

2.204 Under Rule 7A.3.7, subdivision of land within the Ngarara Precinct is a restricted discretionary activity, subject to compliance with standards. Subdivision of land within an ONL is also a restricted discretionary activity under Rule 3A.3.5. While the ONL will not change the status of subdivision in the affected part of the Precinct, the matters over which Council will restrict its discretion will be extended to include

[2] The base map used is taken from a map provided in Appendix 2 of Isthmus Group Limited's Landscape and Coastal Addendum Report which is provided as Appendix 6 to my section 42A report for Chapter 3: Natural Environment – General, Landscape and Earthworks.

potential adverse effects of development on the values of the ONL and the design and layout of the subdivision, including earthworks.

2.205 With respect to the Ngarara Dunes Special Amenity Landscape overlay, it will not result in any additional rules applying to the Precinct. However, where discretionary or non-complying resource consents are required (i.e. where the Council's discretion is not limited) the Council can consider Policy 3.19 in Chapter 3, which refers to maintaining or enhancing the values of special amenity landscapes identified in Schedule 3.5 of Chapter 3.

Non-complying Activity Status

2.206 Chris Hansen (for Maypole Environmental Ltd) raises concerns in his planning evidence about activities within the Ngarara Precinct becoming non-complying where they do not meet two or more permitted activity standards (under Rule 7A.1.10) or one or more restricted discretionary standards (under Rules 7A.3.6 and 7A.3.7). Mr Hansen considers that discretionary status for such activities would be more appropriate.

2.207 Non-complying activity status will be triggered under Rule 7A.5.1 where buildings and development within the Ngarara Precinct do not meet two or more of the permitted activity standards under Rule 7A.1.10. Non-complying activity status will also be triggered under Rule 7A.5.1 where building and development in the Kukutauaki and Kawakahia Eco-Hamlet areas of the Ngarara Precinct does not comply with two or more of the standards under Restricted Discretionary Activity Rule 7A.3.6.

2.208 Earlier in this Reply I have recommended (in response to other evidence presented at the hearing) that Rule 7A.5.1 be deleted and replaced with a new discretionary activity rule under 7A.4 Discretionary Activities. I consider that this amendment will address the concerns raised by Mr Hansen, as non-compliance with two or more of the standards under Rule 7A.1.10 or Rule 7A.3.6 would trigger discretionary activity status instead of a non-complying status.

2.209 For subdivision in the Ngarara Precinct, non-complying activity status will be triggered under Rule 7A.5.4 where one or more of the restricted discretionary activity subdivision standards under Rule 7A.3.7 are not complied with. Earlier in this Reply I have recommended that Rule 7A.5.4 be amended so that non-complying activity status is only triggered for subdivision where the minimum average lot size or maximum lot size standards are not complied with for the various zones under Rule 7A.3.2.

2.210 I note that Standard 3 of Rule 7A.3.7 for subdivision in the Ngarara Precinct requires compliance with the general subdivision standards under Rule 7A.3.2.1. Non-compliance with this standard would not change the restricted discretionary status of the subdivision (i.e. under Rule 7A.3.1). However, where there is non-compliance with the other subdivision standards under Rule 7A.3.7, I consider that it is appropriate that non-complying resource consent be required under Rule 7A.5.4. I note that this status is consistent with the current status of such subdivisions under the Operative District Plan.

2.211 I therefore recommend that Rule 7A.5.4 be amended to reflect this, so that it reads as follows:

7A.5 Non Complying Activities

4. *Subdivision in any rural zone which does not comply with one or more of the restricted discretionary activity subdivision standards in Rule 7A.3.2.2, 7A.3.2.3, 7A.3.2.4, 7A.3.2.5, 7A.3.2.6, 7A.3.2.7, 7A.3.7.1, 7A.3.7.2 or 7A.3.7.4.*

Other Questions from the Hearings Panel

2.212 The Panel requested that I provide a response to the following questions:

- Whether the concerns raised by submitter Mark Blood and Dorothy Muller (#179) regarding matters to be considered as part of developing a structure plan for the Future Urban Development Zone have been passed on to the relevant Council staff to consider;
- What section of the RMA requires public notification of external documents references in the PDP; and
- Can the policies in Chapter 7 (i.e. Policies 7.1, 7.2, 7.5 and 7.6) be amended to reflect the positive benefits of forestry (e.g. climate change)?

2.213 I provide my answers to these questions below.

Future Urban Development Zone

2.214 With respect to the structure plan for the Future Urban Development Zone, Council's Principal Policy Planner (Matt Muspratt) has advised the following:

> *"I understand the structure plan is not something to be picked up by the Council and produced as it generally benefits a small number of property owners as opposed to the community. It is the landowners who would need to work together to drive the structure plan themselves with the Council assisting and putting it through the Schedule 1 process to get it into the Plan. I understand this is what the landowners of the Ngarara Zone did. The purpose of the zone and corresponding non-complying status for subdivision is to prevent further fragmentation of the land via ad-hoc subdivision in the absence of a comprehensively planned development. It is my understanding the Council does not plan to drive a structure plan process for this area, but it is ready to work with landowners who wish to progress a comprehensive development."*

2.215 Therefore, the information provided by submitter Mark Blood and Dorothy Muller in their submission on the Future Urban Development Zone structure plan is something that they will need to use in developing a structure plan themselves (with other landowners in the zone), with the assistance of the Council.

Incorporation of Documents by Reference in the PDP

2.216 The section of the RMA that relates to the incorporation of documents by reference in the PDP (e.g. Codes of Practice) is Part 3 of Schedule 1 to the RMA.

Positive Benefits of Production Forestry

2.217 With respect to the request by Geoffrey Thompson (#448) to amend the policies in Chapter 7 to reflect the positive benefits of forestry (e.g. climate change), the original submission states the following:

"Plantation forestry has provided New Zealand with an enormous advantage in response to world climate change concerns. Our forests are carbon sinks through photosynthesis, drawing carbon from the atmosphere and sequestering it as the tree grows. Plantation forests are as potent in response to greenhouse gas emissions as our hydroelectricity dams in producing energy without emissions. Pines grow rapidly with a 30 year growth span from seedling to ideal harvest time in the Kapiti District. The tree has the ability to absorb carbon quickly and a mature pines absorb approximately 800 tonnes of carbon per hectare. Accordingly plantation forestry in Kapiti should be welcomed and encouraged through good planning rules. The local foothills are ideal planting country because of their steep contour and reasonably hard pastoral farming characteristics.

2.218 With respect to amending policies, the submission only requested that:

"The submitter asks for further words to be added to policy 7.6 to put a positive message into the plan, acknowledging that harvesting is a necessary adjunct of forest."

2.219 In my opinion, while reference is made to climate change in the submission, the submission does not provide scope to amend the policies to specifically refer to the benefits of forestry with respect to climate change. There is, however, scope to amend Policy 7.6 to acknowledge harvesting as a necessary part of plantation forestry. I consider that the wording of Policy 7.6 (as recommended to be amended above) already achieves this by referring to providing for the planting and harvesting of plantation forestry in the rural zones where it is carried out in a manner that avoids, remedies or mitigates adverse effects on the environment. I therefore do not recommend any other amendments to the policies in Chapter 7.

Other Recommended Amendments

Dominant Ridgelines and Dominant Dunes

2.220 As a consequence of my recommendation above to delete the standards within Rule 7A.1.4.4 and 7A.1.9.2 relating to dominant ridgelines and dominant dunes, I recommend that the following amendments also be made to Chapter 7:

- Delete clause d) of Policy 7.16 – Rural Hills Zone;
- Delete the words "and dominant ridgelines" under the sixth Matter of Discretion under restricted discretionary Rule 7A.3.2;
- Delete the words "and dominant ridgelines and dominant dunes" under the sixth Matter of Discretion under restricted discretionary Rule 7A.3.7; and
- Delete the words "and dominant ridgelines" under the thirteenth Matter of Discretion under restricted discretionary Rule 7A.3.8.

Significant / Special Amenity Landscapes

2.221 Following my recommendation to delete all rules and standards relating to Significant/Special Amenity Landscapes in Chapter 7 (as well as Chapter 3: Natural Environment), I note that there are some references to Significant/Special Amenity Landscapes that have been added in error in the matters of discretion under the following two rules that I now recommend be deleted:

- The sixth Matter of Discretion under restricted discretionary Rule 7A.3.7; and

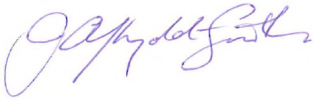
- The thirteenth Matter of Discretion under restricted discretionary Rule 7A.3.8.

Definition of Earthworks

2.222 Section 4 of my section 42A report, which shows changes that I recommend be made to definitions in Chapter 1 of the PDP, includes amendments to the definition of 'Earthworks'. This is an error and does not reflect any recommendations in my section 42A report. As such, the amendments to the definition of earthworks should be deleted from section 4.

2.223 I note that issues raised in submissions in relation to earthworks is primarily addressed in my section 42A report for Chapter 3: Natural Environment.

Janeen Kydd-Smith
Consultant Planner



26 July 2016

Appendix A

Comparison of PDP Planting and Harvesting Rules with Proposed NES and PNRP

Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
Permitted Activity Setbacks for Planting/Afforestation - District Council Jurisdiction				
• From adjoining property under different ownership: 10 metres unless approval of the adjoining owner(s) is obtained. • From adjoining existing dwelling under different ownership: The greater of: o 40 metres; or o Where vegetation could shade the dwelling between 10 am and 2 pm on the shortest day of the year (except where topography already causes shading); Unless approval of the adjoining owner has been obtained. • From urban/residential zone: 30 metres unless approval of the adjoining owner has been obtained. • Road setbacks: Where vegetation could shade a paved public road between 10 am and 2 pm on the shortest day or the year, except where: o Topography already causes shading; o Icing does not occur; o Written consent obtained from the road-controlling authority confirming it is satisfied the vegetation does not pose a safety risk, having had regard to: - the physical characteristics of the road; - the degree of potential shading of the road; - the nature and extent of the vegetation; - the surrounding topography; and	These conditions aim to establish setbacks so as to avoid effects of forestry on adjoining properties, including urban zones, residential sites and public roads. Road setbacks aim to avoid the excessive shading of paved roads because this can lead to increased or more frequent icing of the road, which is safety risk.	**Permitted Activity Rule 7A.1.2** 1. No plantation forestry or shelterbelt vegetation which will grow to a height of more than 6 metres shall be planted: a) Within 20 metres of any waterbody whose bed has an average width of 3 metres or more; b) Within 50 metres of an existing primary residential building on an adjacent property or 10 metres of any legal boundary of any site held under separate Certificate of Title, whichever is greater; or c) Within a minimum of 10 metres of any road boundary.	**Permitted Activity Rule 7A.1.2** 1. Plantation forestry and shelterbelt vegetation which will grow to a height of more than 6 metres must not be planted: a) Within 10 metres of any waterbody whose bed has an average width of 3 metres or more; b) Within 30 metres of an existing primary residential building on an adjoining property under separate ownership; c) Within 10 metres of any legal boundary of any lot held under a separate Certificate of Title except where land within an adjoining property in close proximity to the legal boundary of the lot is also in plantation forestry or it is in the same ownership, whichever is greater; or d) Within a minimum of 10 metres of any road boundary.	N/A

Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
- potential weather effects on the road, including consideration of icing risk.				
Permitted Activity Setbacks for Planting/Afforestation – Regional Council Jurisdiction				
• Setback (minimum horizontal distance) from (1) Perennial rivers or streams: - Bank full channel width <3 m: 5m - Bank full channel width ≥3m: 10m – except where a smaller setback is required to meet the conditions of a regional pest management strategy (2) Wetlands larger than 0.25ha: 5m (3) Lakes larger than 0.25ha: 10m (4) Coastal marine area: 30m (5) Outstanding freshwater bodies or surface water bodies subject to water conservation orders: 10m	Aims to establish appropriate setback distances from waterbodies to reduce the risk of future operations, such as harvesting or earthworks, causing sedimentation or damage to riparian areas that have the potential to degrade water quality and instream habitats.	Refer above	Refer above	None
Harvesting – District Council Jurisdiction				
Harvesting is permitted in the Green Zone[3], Yellow Zone[4] and Orange Zone[5] provided the		**Permitted Activity Rule 7A.1.3**: Harvesting of plantation forestry on land in all Rural Zones:	**Permitted Activity Rule 7A.1.3**: Harvesting of plantation forestry on land in all Rural Zones:	N/A

[3] Green Zone - an area at low risk of erosion under the Erosion Susceptibility Classification.
[4] Yellow Zone - an area at moderate risk of erosion under the Erosion Susceptibility Classification.
[5] Orange Zone - an area at high risk of erosion under the Erosion Susceptibility Classification.

Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
following permitted activity conditions are met. • District (and Regional) Councils must be notified at least 20 working days and no more than 60 working days before harvesting operations start. Councils may reduce this notice period at their discretion. Low intensity harvesting is permitted in all zones where: - A minimum of 75% of canopy closure is maintained at all times for any given hectare of forest land - All other permitted activity conditions for harvesting are met. Otherwise: Harvesting is a controlled activity in the Red Zone[6] (that is not class 8e) and a restricted discretionary activity in the Red Zone (that is class 8e)].	Seeks to ensure that district and regional councils are notified in a timely manner of harvesting operations starting, so they are aware of operations occurring and can schedule monitoring programmes if necessary.	<u>Standards:</u> 1. Harvesting of plantation forestry shall not: (a) exceed 10 hectares in area in any 12 month period. (b) Be undertaken within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins the forestry plantation. 2. A fire plan in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry shall be completed for all plantation forestry areas prior to harvesting by the forest owner or harvesting company and certified by the Rural Fire Officer prior to commencing any commercial forest harvesting. This shall include an assessment of access and transportation arrangements. **Controlled Activity Rule 7A.2.2:** Harvesting of plantation forestry larger than 10 hectares in any calendar year on land in all rural zones except in areas identified in District Plan maps as being: a) High and very high erosion susceptibility; b) High natural hazard risk; c) Historic heritage or cultural values; d) Outstanding natural landscapes and significant amenity landscapes and ecological sites. <u>Standards</u>:	<u>Standards</u>: 1. Harvesting of plantation forestry shall not: (a) exceed 10 hectares in area in any 12 month period. **Advice Note**: A fire plan in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry must be completed for all plantation forestry areas prior to harvesting by the forest owner or harvesting company and certified by the Wellington Rural Fire Authority prior to commencing any commercial forest harvesting. **Controlled Activity Rule 7A.2.2:** Harvesting of plantation forestry larger than 10 hectares in any 12 month period on land in all rural zones: - no standards <u>Matters over which Council reserves control</u>: 1. The operational techniques use to log the timber to avoid, remedy or mitigate adverse effects on the environment. 2. Measures contained in a forestry management plan with regard to the New Zealand Environmental	

[6] Red Zone - an area at very high risk of erosion under the Erosion Susceptibility Classification.

Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
		1. Compliance with the permitted activity standards for plantation forestry. 2. A forestry management plan, including the provision of a fire plan which identified methods to reduce and respond to the hazard, shall be provided prior to planting and harvesting. 3. Prior to harvesting a Forest Harvesting Notice must be prepared and submitted to Council. The Forest Harvesting Notice must be prepared and submitted to Council. The forest management plan and forest harvesting notice shall have regard to the New Zealand Environmental Code of Practice for Plantation Forestry and shall describe and identify: a) Any important environmental and heritage features (including waterways and areas of native vegetation) or values within the area to be harvested b) Operational techniques to be used for harvesting and associated activities c) Property boundaries d) The access points and roads to be used by logging vehicles e) Hours of operation f) Potential adverse environmental effects and proposed mitigate measures. **Non-complying Activity Rule 7A.5.9**: harvesting not complying with one or more permitted activity or controlled activity standards.	Code of Practice for Plantation Forestry, including a description and identification of: a) Any important environmental and heritage features (including waterways and areas of native vegetation) or values within the area to be harvested. b) Operational techniques to be used for harvesting and associated activities. c) Property boundaries d) The access points and roads to be used by logging vehicles. e) Hours of operation f) Potential adverse environmental effects and proposed mitigation measures.	

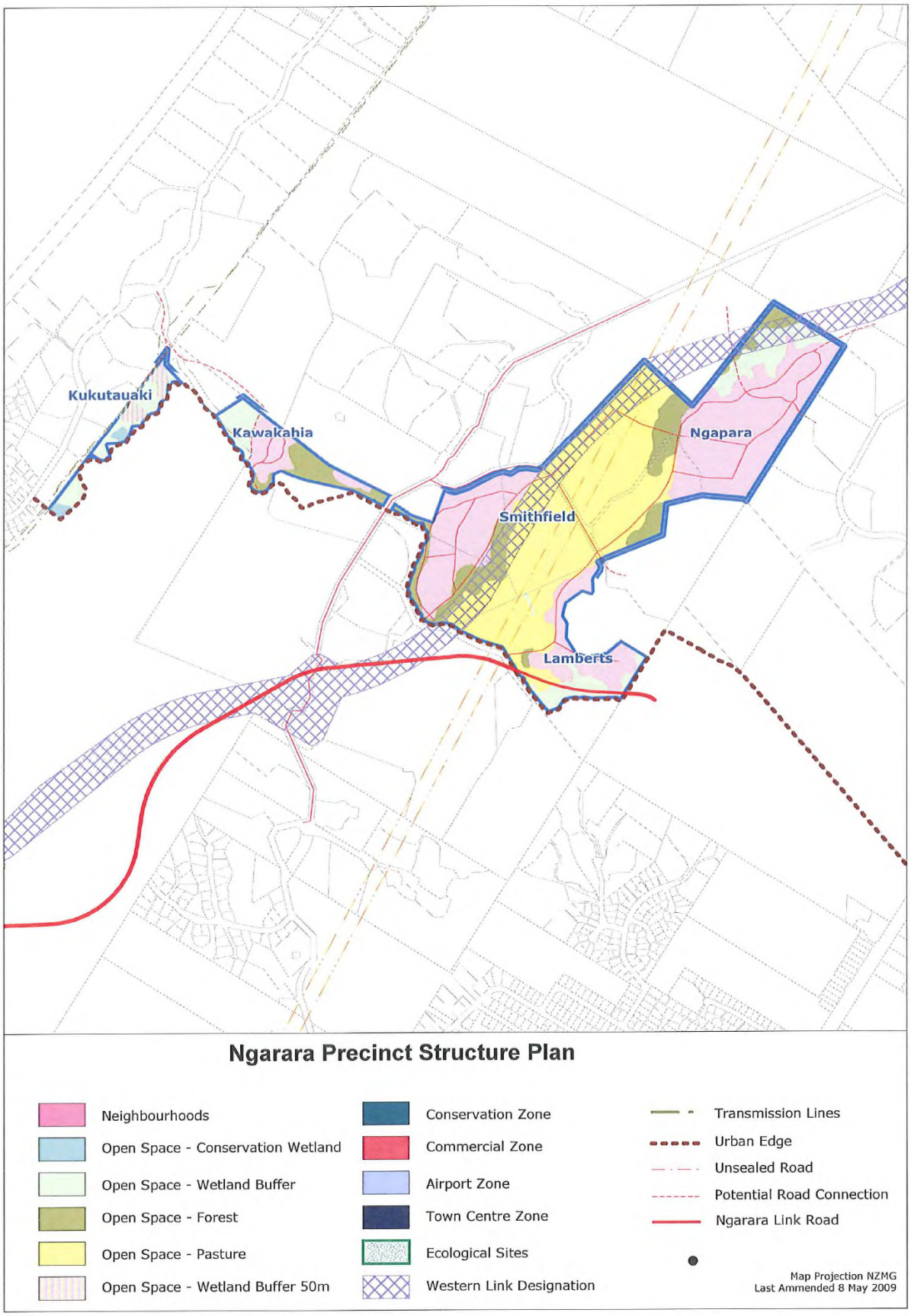
Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
Harvesting – Permitted Activity Conditions – Regional Council Jurisdiction				
• Harvest planning – must prepare a Harvest Plan in accordance with a prescribed template which must be made available to the regional council at least 20 working days before harvesting operations start, either on request or provided annually on agreement with the relevant council. Harvesting must be carried out in accordance with the Plan. The Harvest Plan must include (but is not limited to): - Mapping, environmental risk assessment and details of the management of risks relating to surface water bodies and their riparian areas, including indigenous vegetation; - A documented process for assessing and managing the effects and potential risks of slash entering water bodies appropriate to the scale and level of risk; - Identify and clearly document slash storage sites, including using skid diagrams as part of the pre-harvesting operation hazard identification process (as appropriate); and - Slash management planning for perennial water bodies. • Harvesting in the Orange Zone – a documented Erosion and Sediment Control Plan must be prepared in conjunction with the Harvest Plan in accordance with the prescribed template. • Permitted activity conditions also for ground disturbance outside riparian areas, riparian disturbance and slash and debris management.	Seeks to ensure that foresters prepare a Harvest Plan to identify and consider the environmental risks associated with harvesting operations before starting harvesting operations.	N/A	N/A	**Rule R102: Plantation forestry harvesting on erosion prone land – permitted activity** The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from plantation forestry harvesting on erosion prone land[7] is a permitted activity, provided the following conditions are met: (a) a harvest plan shall be prepared in accordance with Schedule O (forestry plan) and submitted to the Wellington Regional Council 20 working days prior to the plantation forestry harvesting, and (b) disturbed vegetation or soil is not placed where it can dam or divert a surface water body, and (c) slash is removed from a surface water body where it is blocking river flow or is diverting river flow and causing bank erosion, and (d) work areas are effectively revegetated within 18 months after the final completion of the plantation forestry harvesting. (e) any earthworks associated with plantation forestry harvesting shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters: (i) the production of conspicuous oil or grease films, scums of foams,

[7] Erosion Prone Land – is defined in the PNRP as "The pre-existing slope of the land exceeds 20 degrees."

Proposed NES (June 2015)	Reasons	PDP (as notified)	S42A Officer's Recommendations	Proposed Natural Resources Plan
				or floatable or suspended materials, and (ii) any conspicuous change in colour or visual clarity, and (iii) any emission of objectionable odour, and (iv) the rendering of fresh water unsuitable for consumption by animals, and (v) any significant adverse effect on aquatic life. **Rule R103: Plantation forestry harvesting – controlled activity** The use of land, and the discharge of stormwater into water or onto or into land that may enter water from plantation forestry harvesting that is not permitted by Rule R102 is a controlled activity. <u>Matters of control</u> 1. A harvest plan in accordance with Schedule O (forestry plan) 2. Methods for erosion and sediment control 3. Methods to manage and contain slash 4. Methods for stabilisation after harvesting 5. Design and location of river crossings and culverts 6. Methods for minimising bed disturbance 7. Impacts of sediment on receiving surface water bodies and any downstream receiving environment

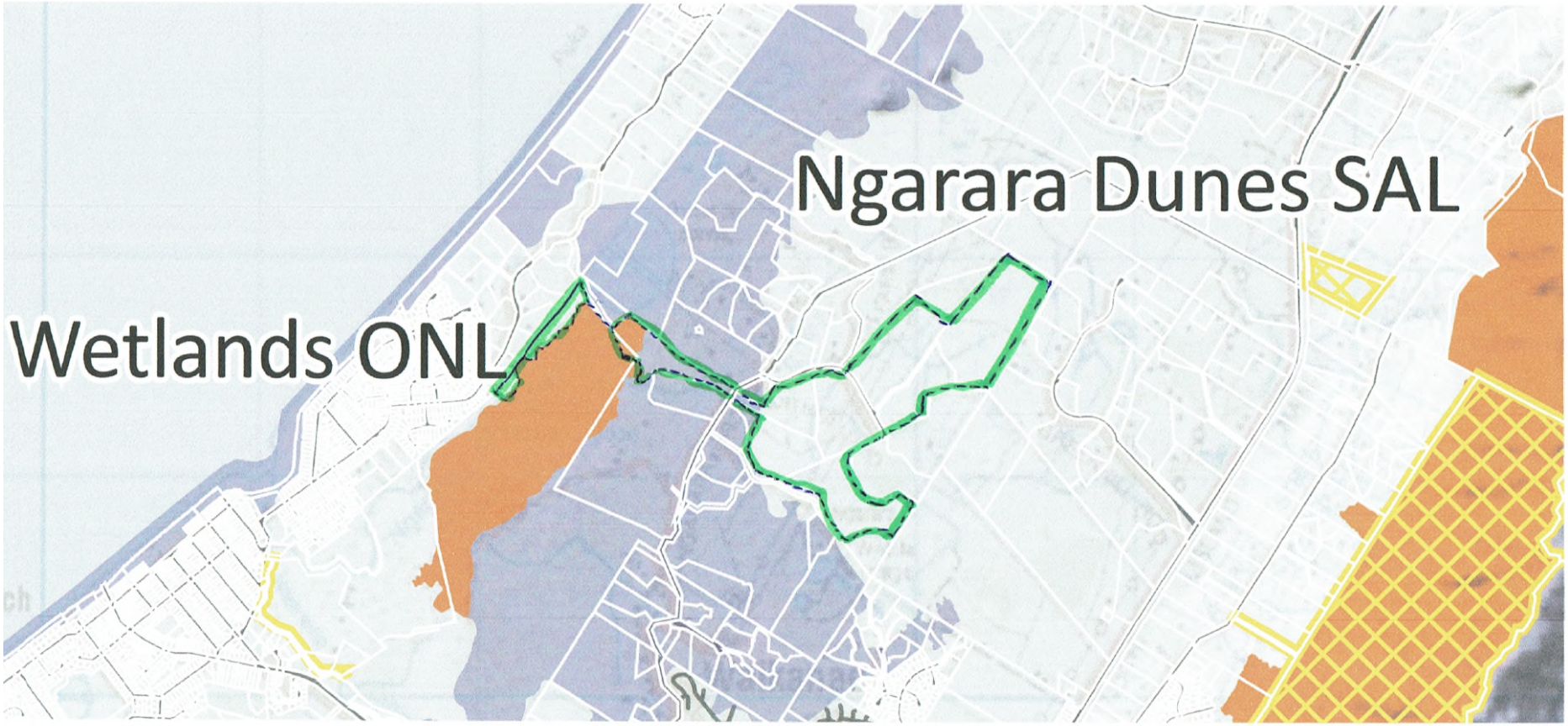
Appendix B

Ngarara Precinct Structure Plan Map (from Appendix 7.2 of the PDP)


Kukutauaki
Kawakahia
Ngapara
Smithfield
Lamberts
Ngarara Precinct Structure Plan
Neighbourhoods
Open Space - Conservation Wetland
Open Space - Wetland Buffer
Open Space - Forest
Open Space - Pasture
Open Space - Wetland Buffer 50m
Conservation Zone
Commercial Zone
Airport Zone
Town Centre Zone
Ecological Sites
Western Link Designation
Transmission Lines
Urban Edge
Unsealed Road
Potential Road Connection
Ngarara Link Road
Map Projection NZMG
Last Ammended 8 May 2009

Appendix C

Map showing Ngarara Wetlands ONL and Ngarara Dunes SAL in relation to the Ngarara Precinct


Ngarara Dunes SAL
Wetlands ONL
Ngarara Precinct