

BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearing Panel – Stream 3 – Rural

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Lower Hutt District Plan

STATEMENT OF EVIDENCE OF CHARLES HORRELL

ON BEHALF OF HUTT CITY COUNCIL

15 June 2026

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1.0 INTRODUCTION AND SCOPE OF EVIDENCE

- 1.1 My name is Charles Horrell. I am a Principal Planner at Boffa Miskell Limited.
- 1.2 I have been engaged by Hutt City Council to assist with the Rural Zone hearing stream following the completion and circulation of the Section 42A Officer’s Report prepared by Sean Bellamy dated 26 May 2026 (“Section 42A Report”). The Section 42A Report addresses submissions on the General Rural Zone (GRUZ), Rural Lifestyle Zone (RLZ), related strategic directions, definitions, and rezoning requests.
- 1.3 As I was not the Section 42A Report author, this statement is presented as my evidence in chief, and where relevant, responds to submitter evidence filed prior to the hearing.
- 1.4 I have reviewed the following evidence and statements filed by submitters relevant to the matters addressed in this evidence:
 - a. Planning evidence of Angela Goodwin on behalf of Waste Management NZ Limited
 - b. Corporate evidence of Sarah Whiteman on behalf of Waste Management NZ Limited
 - c. Planning evidence of Kaaren Rosser filed on behalf of Enviro NZ Services Limited
- 1.5 This evidence responds only to the evidence and statements filed prior to the hearing. Additional matters may arise through oral evidence, supplementary evidence, legal submissions, or questions from the Hearing Panel.
- 1.6 Responsibility for the Rural Zone hearing stream has been allocated between Mr Bellamy and myself as follows:
 - a. Rezoning requests from the General Rural Zone and Rural Lifestyle Zone – Mr Bellamy;
 - b. Quarrying activities and Quarry Zone Protection Overlay matters – Mr Bellamy;
 - c. General Rural Zone provisions, excluding quarrying matters – Charles Horrell;
 - d. Rural Lifestyle Zone provisions – Charles Horrell; and
 - e. Definitions, excluding those relating specifically to quarrying activities – Charles Horrell.

- 1.7 Accordingly, this evidence addresses only those matters listed in paragraph 6(c)–(e). Matters relating to rezoning requests and quarrying activities are addressed separately in the rebuttal evidence of Mr Bellamy.
- 1.8 I have independently reviewed the relevant provisions, submissions, further submissions, Section 32 evaluation material, the Section 42A Report, and submitter evidence. On that basis, I am generally satisfied that I can adopt and support the recommendations of the Section 42A Report, subject to the refinements identified in Sections E and F of this evidence.
- 1.9 For the sake of brevity, I have generally not commented on evidence where:
- a. The evidence supports the recommendations contained in the Section 42A Report that I have adopted;
 - b. The evidence repeats matters already addressed in the original submissions and considered in the Section 42A Report; or
 - c. The evidence does not result in any change to the recommendations made in the Section 42A Report that I have adopted.

2.0 EXPERIENCE AND QUALIFICATIONS

- 2.1 My name is Charles Price Horrell. I am a Principal Planner at Boffa Miskell Limited, an environmental consultancy that specialises in planning, landscape planning architecture and ecology.
- 2.2 I hold the qualifications of a Master of Resource and Environmental Planning (First Class Honours) from Massey University and a Bachelor of Applied Science from the University of Otago. I am a Full Member of the New Zealand Planning Institute.
- 2.3 I have over 10 years' experience in planning and resource management, working in both local government and private consultancy roles. During that time, I have provided planning advice across a broad range of resource management matters, including district plan reviews, plan changes, notices of requirement, and resource consent applications for both the public and private sector.
- 2.4 Of particular relevance to this hearing, I have been involved in a number of district plan review and policy planning processes. Most recently, I have been engaged by the

Masterton, Carterton and South Wairarapa District Councils to assist with the development and implementation of the Proposed Wairarapa Combined District Plan. My involvement has included the preparation of section 42A reports, preparation and presentation of planning evidence, participation in expert conferencing and mediation, and ongoing involvement in appeals before the Environment Court. This work included leading the Rural hearing topic through the hearing process and subsequent appeals.

- 2.5 While I have not previously been involved in the development of the Proposed Lower Hutt District Plan, I am familiar with the City's planning framework through my involvement in resource consent applications and providing planning advice to various clients. This includes experience applying the operative and proposed planning framework within Lower Hutt.

3.0 CODE OF CONDUCT AND CONFLICTS OF INTEREST

- 3.1 Although this evidence has been prepared for a Council hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. Other than where I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 3.2 For completeness, I note that I have previously provided planning advice to Horokiwi Quarries Limited (S246 & FS05) and Winstone Aggregates Limited (S444 & FS33) in relation to matters unrelated to the Proposed District Plan. Boffa Miskell has also provided planning advice to Horokiwi Quarries Limited during the Proposed District Plan submission process.
- 3.3 To manage any actual or perceived conflict, responsibility for all submission points relating to quarrying activities, including the Quarry Zone Protection Overlay, has been allocated to Mr Bellamy. Accordingly, those matters are addressed separately in Mr Bellamy's evidence and are not considered in this evidence.

4.0 RELATIONSHIP TO THE SECTION 42A REPORT

- 4.1 The Section 42A Report provides a comprehensive assessment of submissions on the Rural Zones topic and includes detailed consideration of:
- a. The General Rural Zone;

- b. The Rural Lifestyle Zone;
 - c. Related strategic directions; and
 - d. Rural-related definitions.
- 4.2 The Section 42A Report was prepared by Sean Bellamy, who has been the lead reporting officer for the Rural Zones topic throughout the Proposed District Plan process. Mr Bellamy has been directly involved in the development of the notified provisions, preparation of the Section 32 Evaluation Report, consideration of submissions and further submissions, and preparation of the Section 42A Report.
- 4.3 I have independently reviewed and familiarised myself with the relevant provisions, Section 32 Evaluation Report, submissions, further submissions, Section 42A Report and submitter evidence. While I was not involved in the development of the notified Rural Zone provisions or preparation of the Section 42A Report, I am satisfied that I am able to adopt and support the recommendations of the Section 42A Report, subject to the refinements identified in this evidence. Where background information is sought regarding the evolution of the Rural Zone provisions, or the rationale underpinning the notified provisions, Mr Bellamy is best placed to address those matters.
- 4.4 Having undertaken this review, I generally agree with and adopt the Section 42A Report insofar as they relate to the matters allocated to me.
- 4.5 In particular, I adopt:
- a. The statutory and policy framework outlined in the Section 42A Report;
 - b. The assessment of the purpose and function of the General Rural Zone and Rural Lifestyle Zone;
 - c. The recommendations relating to residential development in rural areas;
 - d. The recommendations relating to education facilities, emergency facilities, and waste-related activities; and
 - e. The recommendations relating to rural definitions, except where discussed further in this evidence.
- 4.6 While I generally support the recommendations contained within the Section 42A Report, I have identified a limited number of matters where I consider further refinement or a different

approach is appropriate in light of the evidence and my review of the provisions. These matters are addressed in the sections that follow.

- 4.7 My recommendations differ from, or further refine, the Section 42A Report only where:
- a. Additional evidence has been filed that was not available to the reporting officer when preparing the Section 42A Report;
 - b. Further consideration of the relevant statutory and policy framework has occurred following circulation of the report; or
 - c. Amendments are required to improve clarity, efficiency, or effectiveness of the provisions.
- 4.8 Except where expressly stated otherwise, I support and rely on the recommendations contained within the Section 42A Report.

5.0 REFINEMENT TO THE SECTION 42A REPORT RECOMMENDATIONS

Overview

- 5.1 The following section identifies those matters where I recommend amendments to the recommendations contained in the Section 42A Report and set out my reasons for doing so.
- 5.2 Appendix 1 contains a consolidated set of the Rural Zone provisions reflecting the amendments recommended in this evidence, together with any amendments recommended by Mr Bellamy in relation to quarrying activities and other matters allocated to him.

NZ Pork - Intensive Primary Production

- 5.3 Mr Bellamy recommends a suite of changes in response to the submissions points from NZ Pork, including:
- a. Addition of new defined term for 'Intensive outdoor primary production'
 - b. Amendment to Policy GRUZ-P3 (Potentially incompatible activities) to include clauses 1(d)-(e);
 - c. Deletion of Rule GRUZ-R4 (Piggeries); and

- d. Amendment of Rule GRUZ-R14 (intensive indoor primary production) to also include reference to intensive outdoor primary production.
- 5.4 Mr Bellamy recommends rejecting New Zealand Pork's submission points (341.2 and 341.4)¹ seeking amendments to the definition of "rural activity". However, I note that Appendix 1 of the Section 42A Report inadvertently shows a corresponding amendment to the definition by removing intensive indoor primary production from the list of excluded activities. Having reviewed the Section 42A Report and discussed this matter with Mr Bellamy, I confirm that the recommendation is to reject the relief sought and that the amendment shown in Appendix 1 was included in error. For completeness, I agree that no amendment should be made to the definition of "rural activity" for the reasons set out by Mr Bellamy in the Section 42A Report.
- 5.5 I generally support Mr Bellamy's evaluation of the submission points and the recommended amendments. However, I have identified two matters where I consider further refinement is appropriate to ensure the provisions function as intended.
- 5.6 First, in relation to the recommendation to include the additional clauses 1(d)-(e) within Policy GRUZ-P3, while I agree with Mr Bellamy's in part support of the submitters request to recognise management of reverse sensitivity for potentially incompatible activities, I consider that further refinement is necessary to provide clearer and more effective policy direction that would better achieve the relief as shown below. I have recommended those changes for the following reasons:
- a. In relation to recommended clause (d), I consider the policy would be more effective if it focused on ensuring reverse sensitivity effects are avoided or otherwise appropriately managed, rather than introducing a qualifier based on the significance of those effects. In my view, reverse sensitivity effects can arise across a range of circumstances, and clearer direction is provided by requiring those effects to be addressed wherever they occur.
 - b. I consider that recommended clause (e) is largely already addressed through clause (a). The character and amenity values anticipated for the General Rural Zone are articulated through Objectives GRUZ-O1 to GRUZ-O4 and provide a clear indication of the types of activities anticipated within, and compatible with, the zone. Clause (d) already requires activities to maintain or enhance those values. As such, I do not

¹ See paragraphs 174 and 471 of the Section 42A Report.

consider clause (e) provides any additional policy direction, and its deletion would improve the efficiency and readability of the policy without altering its intent.

5.7 I therefore recommend that Policy GRUZ-P3(1) be amended as follows:

1. Only allow potentially incompatible activities in the General Rural Zone where they:
 - a. Maintain or enhance the character and amenity values of the surrounding area,
 - b. Are compatible with the character of adjoining residential zones, including through managing the effects of new built development and noise generating activities, ~~and~~
 - c. Have a functional or operational need to be in that location, and
 - d. Can avoid or otherwise manage ~~Do not result in significant~~ reverse sensitivity on existing primary production activities, and
 - e. Would not be significantly incompatible with the use of the zone for future primary production activities due to being a sensitive activity in relation to primary production activities.

5.8 Secondly, while I support Mr Bellamy's recommendation to consolidate the management of intensive indoor and intensive outdoor primary production within GRUZ-R14, I consider that the framework can be more effectively implemented through a refined activity status.

5.9 Mr Bellamy recommends that GRUZ-R14 retain a discretionary activity status. While I agree that careful management of effects is required, I consider that a restricted discretionary activity status, as sought by New Zealand Pork, provides a more efficient and targeted method of addressing those effects. Rebuttal

5.10 In reaching this conclusion, I have had regard to the nature of the activity and the matters of discretion proposed by the submitter. In my view, the proposed matters of discretion appropriately capture the key effects of intensive primary production activities, including effects on amenity, traffic, servicing, and the surrounding rural environment.

5.11 I also place weight on the recommendation to delete GRUZ-R4, which currently provides for small-scale intensive indoor and outdoor primary production activities. In my view, the deletion of GRUZ-R4, together with the consolidation of the provisions within GRUZ-R14, supports a more enabling and coherent framework to intensive primary production activities,

provided that effects are appropriately managed through clearly defined matters of discretion.

5.12 While I acknowledge that the submitter has not provided detailed evidence demonstrating a specific demand for additional intensive primary production activities within the Hutt City District, I consider that the General Rural Zone is the most appropriate zone within which such activities should establish. The activity is inherently rural in nature and is generally anticipated through the proposed objective and policy framework.

5.13 I therefore recommend that Submission Point 341.28 is accepted, and GRUZ-R14 is amended as follows:

GRUZ-R14 Intensive indoor primary production and intensive outdoor primary production

2. **Activity Status:** Restricted Discretionary

Where:

- a. All paddocks, structures, buildings and areas of paved or otherwise impervious material used to house stock, and any wastewater treatment systems associated with intensive primary production, shall be located a minimum distance of 300m from the notional boundary of any lawfully established existing sensitive activity on another site, and 1km from any residential zone.

Matters of discretion are restricted to:

1. The extent to which the adverse effects of the activity can be avoided, remedied and mitigated.
2. Maintenance of rural character and amenity through the activity's nature, scale, and built form.
3. Design, location, and separation of animal housing (including buildings or compounds) to avoid adverse effects on sensitive uses, residential units, and residential zone boundaries.
4. Measures to internalise adverse effects and avoid conflicts or reverse sensitivity with other zone-anticipated activities.
5. Any benefits derived from the activity being undertaken on the site.

3. **Activity Status:** Discretionary

Where:

- a. Compliance is not achieved with GRUZ-R14.1

5.14 For completeness, I continue to support Mr Bellamy's recommendation to not include additional rule to require setbacks from intensive production activities to manage reverse sensitivity². I agree with Mr Ballamy that there is insufficient evidence of an existing or

² Submission Point 341.35.

anticipated future conflict that would justify further controls on lawfully established intensive primary production activities.

6.0 RESPONSES TO SUBMITTER EVIDENCE

Overview

- 6.1 The following sections respond to submitter evidence relevant to the General Rural Zone, Rural Lifestyle Zone, and rural-related definitions. For clarity and efficiency, I have structured this section of my evidence by submitter, rather than the resource management issue as adopted in the Section 42A Report.
- 6.2 Appendix 1 contains a consolidated set of the Rural Zone provisions reflecting the amendments recommended through both my evidence and the evidence of Mr Bellamy, including matters relating to quarrying activities.

Waste Management NZ Limited

- 6.3 I have reviewed the planning evidence of Angela Goodwin and the corporate evidence of Sarah Whiteman filed on behalf of Waste Management NZ Limited (WM).
- 6.4 WM's evidence relates primarily to:
- a. section 32 evaluation for the adoption of a definition for 'managed fill'
 - b. amendments to Policy GRUZ-P2 (Compatible Activities);
 - c. amendments to Objective GRUZ-O3 (Built Character);
 - d. the inclusion of managed fills within GRUZ-R16 (Landfills and Cleanfills); and
 - e. amendments to GRUZ-R17 (Waste Management Facilities).

Managed Fill

- 6.5 Ms Goodwin supports the recommended addition of 'managed fill' as a defined term; however, has observed that a statement in the Section 42A infers that there is insufficient information to assess the associated costs and benefits.
- 6.6 Having discussed with the Mr Bellamy, I understand that the reference to insufficient information was an error and does not reflect the intended position. For completeness, I

consider the addition of a defined term for managed fill is both efficient and effective because:

- a. The evidence demonstrates that managed fills are a distinct class of activity that is not appropriately captured by either the definition of cleanfill or landfill;
- b. The definition provides greater certainty as to how managed fills are to be treated under the Proposed Plan;
- c. The definition assists in distinguishing activities that accept fill material containing elevated contaminant levels from activities that accept only cleanfill material; and
- d. The definition supports the recommended amendments to GRUZ-R16 by ensuring that managed fills are expressly recognised and appropriately provided for within the activity framework of the General Rural Zone.

6.7 Accordingly, I support the recommendation in the Section 42A Report to introduce a definition of "managed fill".

GRUZ-P2

6.8 WM seeks the following changes to GRUZ-P2:

1. Provide for activities in the General Rural Zone that:
 - (a) Are compatible with the rural activities, lawfully established activities, and residential activities within the zone and the adjoining ~~rural and residential zones~~ urban and rural environment, and
 - (b) Either:
 - (ii) Support the rural activities and wellbeing of the community within the zone and surrounding area,
 - (iii) Have an operational or functional need to be in a rural area or an area with a low level of development, or
 - (iv) are appropriate in the location.
- ...

6.9 Ms Goodwin has provided further reasoning to support the requested amendments in her Statement of Evidence.

- 6.10 While I understand the intent of adding reference to "lawfully established activities" within clause (a), I do not support this amendment. In my view, the policy is intended to identify activities that are compatible with the character and purpose of the General Rural Zone, rather than requiring compatibility with all existing lawfully established activities. Further, the term "lawfully established activities" is broad and could encompass a wide range of activities with differing characteristics, scales and effects, creating uncertainty as to the activities against which compatibility is to be assessed. I also note that lawfully established activities already form part of the receiving environment and can be taken into account when assessing the effects of a proposal.
- 6.11 I also do not support replacing "adjoining rural and residential zones" with "urban and rural environment". While I acknowledge that the current wording may not capture all adjoining zones, it is consistent with Objective GRUZ-O2 and the broader policy framework of the General Rural Zone chapter. In the context of Lower Hutt, the General Rural Zone adjoins the Rural Lifestyle Zone, residential zones and open space zones. I am not persuaded that the submitter has identified an issue arising from the current wording that requires amendment.
- 6.12 Further, the proposed terminology would introduce additional complexity by requiring users to interpret the extent of the defined terms "urban environment" and "rural environment". If the Hearing Panel considers broader recognition of adjoining zones is necessary, I consider a clearer and more efficient approach would be to simply refer to "adjoining zones" which was acknowledged by Ms Goodwin as alternative relief. This would achieve the submitter's intended outcome while maintaining consistency with Objective GRUZ-O2 and providing greater certainty as to the scope of the policy.
- 6.13 In relation to the proposed addition of subclause (b)(iii), I do not consider this amendment is necessary or appropriate. As Ms Goodwin acknowledges, activities such as managed fill sites and waste management facilities would already fall under subclause (b)(ii) as activities having an operational need to locate within a rural area. As I understand it, the purpose of the additional clause recognising activities that "are appropriate in the location" is to reduce the risk of that interpretation being contested.
- 6.14 I consider the definition of "operational need" provides a clear and established framework for assessing whether an activity has a legitimate locational requirement. Accordingly, I consider the risk of differing interpretations is low.

6.15 Further, I consider the proposed additional clause would largely duplicate the role of subclause (b)(ii) while introducing a more subjective assessment as to what is "appropriate" in a particular location. In my view, this would reduce the clarity of the policy and weaken the distinction between activities that have a demonstrated operational or functional need to locate within a rural environment and activities that may simply be considered suitable in a particular location.

GRUZ-O3

6.16 WM seeks the addition of a new clause to GRUZ-O3 as follows:

Built development within the General Rural Zone:

- a. Either provides for rural activities and low-density residential development or is compatible with the provision of rural activities and residential activities within the zone, and
- b. Retains open space areas suitable for rural activities, and other activities that have an operational need or functional need for a location with a rural or open space character, and
- c. Supports a lawfully established activity.

6.17 Ms Goodwin explains that the addition would recognise buildings associated with lawfully established activities form a legitimate part of the rural zone.

6.18 For similar reasons to those outlined in relation to GRUZ-P2, I do not consider it is necessary or appropriate to include specific reference to "lawfully established activities" within GRUZ-O3. In my view, lawfully established activities are already recognised through the wider statutory framework and form part of the existing environment. Accordingly, I do not consider that an additional objective-level direction is required to support those activities.

6.19 I also note that the proposed amendment could have broader implications than intended. The term "lawfully established activities" is capable of encompassing a wide range of activities with differing characteristics and effects, many of which may not necessarily align with the intended character and function of the General Rural Zone.

6.20 Accordingly, I do not support the amendment and continue to align with Mr Bellamy's recommendation to reject the submission point.

6.21 While I understand this is not the submitter's intention, I note that the proposed drafting would make clauses (a), (b) and (c) conjunctive. If the Hearing Panel were minded to accept

the relief sought, I recommend alternative drafting to make clear that clause (c) operates independently of clauses (a) and (b). I would be happy to provide that drafting if required.

GRUZ-R16

- 6.22 WM supports the recommendation in the Section 42A Report to amend GRUZ-R16 to expressly include managed fills. Ms Goodwin considers that managed fills represent a distinct class of activity that is appropriately distinguished from both cleanfills and landfills.
- 6.23 I agree with Ms Goodwin's evidence and, for the reasons outlined earlier in this evidence, continue to support the recommendation contained in the Section 42A Report to include managed fills within GRUZ-R16.
- 6.24 I also note Ms Goodwin's distinction between the operation of a cleanfill, managed fill or landfill and the use of fill material associated with earthworks undertaken for another activity. In my view, the scope and intent of GRUZ-R16 is sufficiently clear that it applies to the former, and therefore no further amendment to the rule is required.

GRUZ-R17

- 6.25 WM supports the recommendation in the Section 42A Report to amend GRUZ-R17 from "solid waste transfer station" to "waste management facility" and to introduce a corresponding definition of "waste management facility" through the Infrastructure hearing stream. Ms Goodwin's evidence primarily focuses on the activity status of the rule and the associated matters of discretion.
- 6.26 Ms Goodwin seeks that waste management facilities be provided for as a restricted discretionary activity rather than a discretionary activity. In support of that relief, she considers that the effects associated with waste management facilities are generally well understood and capable of being addressed through identified matters of discretion, including traffic, amenity, rural productivity and cultural effects.
- 6.27 I acknowledge the reasoning provided by Ms Goodwin and agree that many of the effects associated with waste management facilities can be anticipated and appropriately addressed through matters of discretion. I also agree that waste management facilities can, in some circumstances, be appropriately located within the General Rural Zone, particularly where they require relatively large sites, have good access to the transport network, or serve a peri-urban catchment.

- 6.28 However, I remain cautious about applying a restricted discretionary activity status to all waste management facilities. As acknowledged by Ms Goodwin, the term encompasses a range of activities, including transfer stations and resource recovery facilities, which can vary considerably in scale, intensity and operational characteristics. In my view, larger-scale facilities may give rise to a broader range of effects that are not easily captured through a fixed set of matters of discretion. This was also a concern raised by several submitters³ as it relates to new waste stations being established, particularly in and around Manor Park, albeit I note that many of those concerns will be considered during Hearing Stream 8.
- 6.29 Notwithstanding this, I consider there may be merit in a more nuanced activity framework whereby smaller-scale waste management facilities are provided for as a restricted discretionary activity, with larger-scale facilities remaining discretionary. Such an approach could provide greater certainty for appropriately scaled facilities while retaining sufficient discretion for proposals with the potential for more significant effects.
- 6.30 However, neither the submission nor the evidence provides a clear basis upon which such a distinction could currently be drawn. In the absence of a defined threshold or scale-based framework, I continue to support the recommendation contained within the Section 42A Report to retain a discretionary activity status for waste management facilities.

Enviro NZ

- 6.31 I have reviewed the planning evidence of Kaaren Rosser filed on behalf of Enviro NZ Services Limited (Enviro NZ).
- 6.32 Ms Rosser's evidence primarily relates to residential zone provisions concerning waste management. In relation to the Rural Zones topic, her evidence addresses:
- a. GRUZ-O4 (Reverse Sensitivity);
 - b. GRUZ-P2 (Compatible Activities);
 - c. GRUZ-R16 (Landfills, Cleanfills and Managed Fills);
 - d. Definition (rural industry, cleanfill, landfill and managed fill definitions);

³ Submission points from: Liesl Eksteen (136.3); Lindsay Streefkerk (138.3); Shayne Hawtin (36.2); Murray Carpenter (166.2); John Harrison (370.3); Deborah Harrison (371.3); Penny Birchall (372.2); Manor Park and Haywards Residents (377.5) and Lynette Congdon (456.2).

6.33 I note that consideration of GRUZ-P2 is addressed separately by Mr Bellamy, given that the relief sought relates, in part, to quarrying activities and falls within the matters allocated to him.

6.34 In relation to the matters allocated to me, Ms Rosser supports the recommendations contained within the Section 42A Report (which I have adopted) in relation to:

- a. The amendment to GRUZ-O4 to recognise reverse sensitivity effects;
- b. The inclusion of managed fills within GRUZ-R16;
- c. The recommendation to reject amendments to the rural industry definition;
- d. The introduction of a cleanfill definition consistent with the National Planning Standards;
- e. The introduction of a landfill definition consistent with the National Planning Standards;
and
- f. The introduction of a managed fill definition.

6.35 Accordingly, I do not comment further on those matters.

7.0 SECTION 32AA EVALUATION

7.1 To the extent that I recommend amendments beyond those contained within the Section 42A Report, I have undertaken a further evaluation in accordance with section 32AA of the RMA.

7.2 In my opinion, the amendments recommended in this evidence:

- a. Better achieve the purpose of the relevant objectives;
- b. Improve the efficiency and effectiveness of the provisions;
- c. More appropriately address matters raised through submitter evidence; and
- d. Do not alter the overall policy intent of the Rural Zone framework.

7.3 The section 32AA evaluation for specific amendments is set out alongside the relevant discussion where appropriate.

8.0 CONCLUSIONS

- 8.1 Having reviewed the evidence filed by submitters, I generally support and adopt the recommendations contained within the Section 42A Report for the General Rural Zone, Rural Lifestyle Zone, and related definitions, insofar as they relate to the matters allocated to me.
- 8.2 Subject to the amendments identified in this evidence and set out Appendix 1 (which also include Mr Bellamy’s recommended changes), I recommend that the Hearing Panel adopt the recommendations of the Section 42A Report.
- 8.3 The recommendations in this evidence are intended to assist the Hearing Panel in determining the submissions on the Rural Zones topic and, in my opinion, provide the most appropriate way to achieve the purpose of the Resource Management Act 1991.



CHARLES PRICE HORRELL
Principal Planner
Boffa Miskell Limited (on behalf of Hutt City Council)
15 June 2026

**Appendix 1: Recommended
amendments to the Proposed
Lower Hutt District Plan**

This appendix includes the parts of chapters of the District Plan that include amendments recommended through the Section 42A Report, this evidence and the rebuttal evidence of Mr Bellamy.

Recommended amendments arising from Hearing Stream #1 and Hearing Stream #2 are shown in **black**:

- Additions are shown as black underlined text.
- Deletions are shown as black ~~strikethrough~~ text.

Original recommended changes (including changes recommended in the Section 42A Report) are shown in **red**:

- Additions are shown as red underlined text.
- Deletions are shown as red ~~strikethrough~~ text.

Revised recommended changes arising from this evidence and the rebuttal evidence of Mr Bellamy are shown in **blue**:

- Additions are shown as blue underlined text.
- Deletions are shown as blue ~~strikethrough~~ text.

GRUZ — General Rural Zone

The General Rural Zone covers areas of Lower Hutt that are primarily used for rural activities and development and low-density residential development that retains the existing rural and open space character of the areas. This includes areas in Moores Valley Road, and coastal land and hill country south of Wainuiomata and Eastbourne, as well as small areas of rural land in the Western Hills, Stokes Valley and Manor Park.

Properties in the General Rural Zone are generally larger than those in the Rural Lifestyle Zone and zones in urban areas, and are of a sufficient size to support rural activities and development. The density of residential development within the zone is partly due to the lack of infrastructure that would support more dense development, with development often needing to be serviced through on-site facilities, such as on-site wastewater disposal and water collection.

In addition to rural and residential activities, some sites within the zone are also used for other activities that support the rural activities and community within the zone and surrounding area, as well as activities that either require or benefit from a rural location or location with a low level of development.

Built development within the zone is primarily the development necessary to support rural activities and development, and low-density residential activities, as well as infrastructure with a functional or operational need to be in a location within the zone.

While this chapter includes the core objectives, policies, and rules that apply to the General Rural Zone, other district-wide chapters of the District Plan, including those that apply overlays across specified areas, set additional objectives, policies and rules for all or part of the zone. As such, this chapter should be read alongside the district-wide chapters of the District Plan.

Quarry Zone Protection Overlay

To address potential reverse sensitivity effects on quarrying activities within the Quarry Zone from new land use within the rural area near the Quarry Zone, the District Plan identifies the rural areas through the Quarry Zone Protection Overlay, and includes specific objectives, policies, and rules to manage new land use in the identified area. This includes objectives, policies, rules in both the General Rural Zone and Rural Lifestyle Zone chapters.

These objectives, policies, and rules are additional to the other objectives, policies, and rules for the zones.

Objectives

GRUZ-01	Purpose and character of the zone
<p>The General Rural Zone consists of areas with a prevalence of open space areas over built development that provide opportunities for:</p> <ol style="list-style-type: none">Rural activities, andOther activities that either support or are compatible with rural development and retain the rural, open space character of the zone.	

GRUZ-O2	Activities in the zone
<p>The General Rural Zone:</p> <ol style="list-style-type: none"> 1. Predominantly provides for: <ol style="list-style-type: none"> i. Rural activities, and ii. Low-density residential development that maintains the rural and open space character of the zone. 2. Provides for other activities that: <ol style="list-style-type: none"> i. Maintain and enhance the rural and open space character of the zone, ii. Are compatible with the rural activities and residential activities within the zone and adjoining areas in the Rural Lifestyle Zone and Residential Zones, iii. Are compatible with the residential activities within adjoining areas in Residential Zones, and iv. Either support the community within the zone and surrounding area or have an operational need or functional need to be in a rural, low-density location. 	
GRUZ-O3	Built character
<p>Built development within the General Rural Zone:</p> <ol style="list-style-type: none"> 1. Either provides for rural activities and low-density residential development or is compatible with the provision of rural activities and residential activities within the zone, and 2. Retains open space areas suitable for rural activities, and other activities that have an operational need or functional need for a location with a rural or open space character. 	
GRUZ-O4	Adverse effects
<p>Adverse effects and reverse sensitivity of activities and development are effectively managed within the zone and at interfaces with Residential Zones and the Rural Lifestyle Zone.</p>	
GRUZ-O5	Infrastructure
<p>Development in the General Rural Zone is either adequately serviced and supported by infrastructure or is serviced and supported by on-site facilities, such as on-site wastewater disposal and water storage or collection.</p>	

Objective — Quarry Zone Protection Overlay

GRUZ-QZPO-01	Protection of the quarrying activities in the Quarry Zone
<p><i>This objective is additional within the Quarry Zone Protection Overlay.</i></p>	
<p>New activities and development in the General Rural Zone do not restrict quarrying activities in the Quarry Zone.</p>	

Policies

GRUZ-P1	Predominant activities
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Enable rural activities and low-density residential development in the General Rural Zone as the predominant activities for the zone.

GRUZ-P2 Compatible activities

1. Provide for activities in the General Rural Zone that:
 - a. Are compatible with the rural activities and residential activities within the zone and adjoining rural and residential zones, and
 - b. Either:
 - i. Support the rural activities and wellbeing of the community within the zone and surrounding area, or
 - ii. Have an operational need or functional need to be in a rural area or an area with a low level of development.
2. Potentially compatible activities include:
 - a. Commercial activities, Child care services, Health care activities, and Community facilities that support the community within the zone and surrounding area,
 - b. Retail of goods grown and produced on the site or in the surrounding area,
 - c. Visitor accommodation,
 - d. Educational facilities, recreation activities, and commercial activities that require access to open spaces, a rural location, or the natural features and landscapes within the zone and adjoining areas,
 - e. Cleanfill and quarrying activities that support rural development, and
 - f. Boarding of domestic pets.

GRUZ-P3 Potentially incompatible activities

1. Only allow potentially incompatible activities in the General Rural Zone where they:
 - a. Maintain or enhance the character and amenity values of the surrounding area,
 - b. Are compatible with the character of adjoining residential zones, including through managing the effects of new built development and noise-generating activities, **and**
 - c. Have a functional or operational need to be in that location.
 - d. Can avoid or otherwise manage Do not result in significant reverse sensitivity on existing primary production activities, and
 - e. Would not be significantly incompatible with the use of the zone for future primary production activities due to being a sensitive activity in relation to primary production activities.

GRUZ-P4 Built development

- Built development in the General Rural Zone is managed to:
- a. Maintain the rural character and open space character of the zone, including through managing the scale and location of buildings and allotment sizes,
 - b. Ensure rural activities, low-density residential development, and compatible activities are provided for, and
 - c. Ensure adequate privacy and access to daylight for residential activities and other sensitive activities on adjacent sites.

GRUZ-P5 Infrastructure

Recognise that infrastructure in rural areas, including in the General Rural Zone, may only be able to support a low level of land use and intensification without significant investment

and upgrades, and new development may need to be serviced through on-site facilities such as on-site wastewater disposal and water storage or collection.

Policies — Quarry Zone Protection Overlay

GRUZ-QZPO-P1	Activities in the Quarry Zone Protection Overlay
<i>This policy is additional within the Quarry Zone Protection Overlay.</i>	
Only allow activities in the Quarry Zone Protection Overlay where they do not increase reverse sensitive effects on quarrying activities within the Quarry Zone.	

Rules

Note:
Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.

Buildings and structures

GRUZ-R1	Repair and maintenance of buildings and structures
	1. Activity status: Permitted
GRUZ-R2	Demolition or removal of buildings and structures
	1. Activity status: Permitted
GRUZ-R3	Construction of new buildings and structures and alterations and additions to existing buildings and structures
	1. Activity status: Permitted Where: a. Compliance is achieved with: i. GRUZ-S1: Gross floor area, ii. GRUZ-S2: Building height, and iii. GRUZ-S3: Setbacks.
	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with GRUZ-R3.1a. Matters of discretion are restricted to: a. The matters of discretion for any infringed standard.

Land use activities

GRUZ-R4	Piggeries
-	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. All grazing and shelter areas are at least 50 metres from any residential unit on the site in which the activity occurs and from all site boundaries, b. There are no more than five adult pigs (defined as one year or older) at the piggery at any one time, and c. Structures and fencing are provided to prevent pigs escaping from their grazing and shelter areas.
-	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with GRUZ-R4.1.
GRUZ-R5	Rural activities not otherwise provided for
-	1. Activity status: Permitted
GRUZ-R6	Residential activities
-	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. There are no more than two principal residential units per site, b. Each principal residential unit has a minimum area of 15ha for its exclusive use, including any area provided for parking or manoeuvring space but excluding any area for shared access, c. In addition to principal residential units, each principal residential unit can be accompanied by an ancillary minor residential unit, and d. The gross floor area of a minor residential unit does not exceed 80m².
-	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. Compliance is not achieved with GRUZ-R6.1. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. Effects on the amenity values and character of the surrounding area.
GRUZ-R7	Papakāinga
-	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Unless associated with a rural activity, non-residential activities associated with the papakāinga do not include:

- i. The repair, alteration, restoration, or maintenance of motor vehicles, or
 - ii. The use of heavy vehicles, or
 - iii. Any drive-through activity.
- b. Unless associated with a rural activity, the hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of:
 - i. 8.00am to 7.00pm Monday to Friday, and
 - ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays.
- c. Retail activities are limited to:
 - i. Goods produced on the site, or
 - ii. Goods retailed online and not resulting in customer visits to the site, or
 - iii. Goods ancillary to a service provided by the papakāinga.
- d. The total gross floor area of non-residential activities is no more than 200m² (excluding buildings associated with rural activities).
- e. There are no more than 10 residential units within the papakāinga.

Matters of discretion are restricted to:

- a. Effects on the amenity values and character of the surrounding area.
- b. Whether the development is adequately serviced and supported by existing or planned infrastructure and the transport network, and if not, the extent to which on-site solutions are sufficient to support the development.
- c. Reverse sensitivity ~~effects~~ on rural activities.
- d. The matters in the policies of the Papakāinga chapter.

1. **Activity status:** Discretionary

GRUZ-R8

Home businesses not otherwise provided for

1. **Activity status:** Permitted

Where:

- a. At least one person employed by the home business lives permanently on-site,
- b. No more than four people may work on-site at the home business at any one time,
- c. Retail activities are limited to:
 - i. Goods produced on the site, or
 - ii. Goods retailed online and not resulting in customer visits to the site, or
 - iii. Goods ancillary to a service provided by the home business.
- d. The home business does not include the repair, alteration, restoration, or maintenance of motor vehicles,
- e. The home business does not involve the use of heavy vehicles, other than for deliveries, and
- f. The hours of operation for visitors, customers, clients, deliveries, and pickups to the home business are not outside the hours of:

- i. 8.00am to 7.00pm Monday to Friday, and
- ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays.

1. Activity status: Restricted discretionary

Where:

- a. Compliance is not achieved with GRUZ-R8.1.

Matters of discretion are restricted to:

- a. Effects on the amenity values and character of the surrounding area.
- b. Effects on the safe and efficient movement of vehicles and other road users.
- c. The extent to which site layout and any proposed landscaping helps avoid or minimise effects on amenity values of the surrounding area.

GRUZ-R9 Conservation activities

1. Activity status: Permitted

GRUZ-R10 Public and community gardens

1. Activity status: Permitted

GRUZ-R11 Recreation activities not otherwise provided for

1. Activity status: Permitted

Where:

- a. Motorised recreation activity is only for the enjoyment of residents of the site and their visitors, and
- b. Participation in the activity does not incur a fee, including any associated membership fee.

2. Activity status: Discretionary

Where:

- 1. Compliance is not achieved with GRUZ-R11.1.

GRUZ-R12 Visitor accommodation

1. Activity status: Permitted

Where:

- a. The maximum number of staff and residents onsite is limited to 10 persons at any one time.

2. Activity status: Restricted discretionary

Where:

- a. Compliance is not achieved with GRUZ-R12.1.

Matters of discretion are restricted to:

- 1. Effects on the amenity values and character of the surrounding area.
- 2. Reverse sensitivity issues for primary production

GRUZ-R13	Rural industries
	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. The effects on the amenity values of the surrounding area.</p>
GRUZ-R14	Intensive indoor <u>primary production</u> and intensive outdoor primary production
	<p>1. Activity status: <u>Restricted</u> Discretionary</p> <p><u>Where:</u></p> <p>a. <u>All paddocks, structures, buildings and areas of paved or otherwise impervious material used to house stock, and any wastewater treatment systems associated with intensive primary production, must be located a minimum distance of 300m from the notional boundary of any lawfully established existing sensitive activity on another site, and 1km from any residential zone.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>The extent to which the adverse effects of the activity can be avoided, remedied and mitigated;</u> 2. <u>Maintenance of rural character and amenity through the activity's nature, scale, and built form;</u> 3. <u>Design, location, and separation of animal housing (including buildings or compounds) to avoid adverse effects on sensitive uses, residential units, and residential zone boundaries;</u> 4. <u>Measures to internalise adverse effects and avoid conflicts or reverse sensitivity with other zone-anticipated activities;</u> 5. <u>Any benefits derived from the activity being undertaken on the site.</u>
	<p>2. Activity status: Discretionary</p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with GRUZ-R14.1</u></p>
GRUZ-R15	Quarrying activities
	<p>1. Activity status: Discretionary</p>
GRUZ-R16	Landfills, and cleanfills and managed fills
	<p>1. Activity status: Discretionary</p>
GRUZ-R17	Solid waste transfer stations <u>Waste management facilities and ancillary activities</u>
	<p>1. Activity status: Discretionary</p>
GRUZ-R18	Retirement villages
	<p>1. Activity status: Discretionary</p>
GRUZ-R19	Community facilities
	<p>1. Activity status: Discretionary</p>
GRUZ-R20	Educational facilities

	1. Activity status: Discretionary
GRUZ-R21	Health care activities
	1. Activity status: Discretionary
GRUZ-R22	Emergency service facilities
	1. Activity status: Discretionary
GRUZ-R23	Boarding of domestic pets
	1. Activity status: Discretionary
GRUZ-R24	Activities not otherwise provided for
	1. Activity status: Discretionary
GRUZ-R25	Industrial activities <u>not otherwise provided for</u>
	1. Activity status: Non-complying

Rules — Quarry Zone Protection Overlay

GRUZ-QZPO-R1	Construction of new residential units in the Quarry Zone Protection Overlay
<i>This rule is additional within the Quarry Zone Protection Overlay.</i>	
	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Reverse sensitivity effects on quarrying activities in the Quarry Zone. Public notification is precluded for applications under this rule.</p>
GRUZ-QZPO-R2	Residential activities in the Quarry Zone Protection Overlay
<i>This rule is additional within the Quarry Zone Protection Overlay.</i>	
	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Reverse sensitivity effects on quarrying activities in the Quarry Zone. Public notification is precluded for applications under this rule.</p>
GRUZ-QZPO-R3	Visitor accommodation in the Quarry Zone Protection Overlay
<i>This rule replaces GRUZ-12 within the Quarry Zone Protection Overlay.</i>	
	1. Activity status: Restricted discretionary

Matters of discretion are restricted to:

1. Reverse sensitivity effects on quarrying activities in the Quarry Zone.
Public notification is precluded for applications under this rule.

Standards

GRUZ-S1	Gross floor area
<p>Gross floor area must not exceed:</p> <ol style="list-style-type: none">1. A combined total of 600400m² for all residential buildings and structures on the site, and2. A combined total of 800m² for all buildings and structures on the site. <p>Matters of discretion if the standard is breached:</p> <ol style="list-style-type: none">1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.3. Whether the additional gross floor area is necessary to provide for the functional needs and operational needs of activities on the site.4. Any positive effects that can only be achieved through non-compliance with the standard.	
GRUZ-S2	Building height
<ol style="list-style-type: none">1. Building and structures must not exceed 11 metres in height above ground level. <p>Matters of discretion if the standard is breached:</p> <ol style="list-style-type: none">1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.3. Whether topographical or other site constraints make compliance with the standard impractical.4. Whether the additional building height is necessary to provide for the functional needs and operational needs of activities on the site.5. Any positive effects that can only be achieved through non-compliance with the standard.	
GRUZ-S3	Setbacks
<ol style="list-style-type: none">1. Buildings and structures must be set back at least 10 metres from any boundary. This standard does not apply to fences less than 2 metres in height above ground level. For front boundaries, this standard does not apply to structures less than 2 metres in height above ground level. <p>Matters of discretion if the standard is breached:</p> <ol style="list-style-type: none">1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.3. Whether the reduced setback is necessary to provide for the functional needs and operational needs of activities on the site.	

4. Any positive effects that can only be achieved through non-compliance with the standard.
5. The ability for emergency services to safely and efficiently access the site and/or access on-site servicing infrastructure, such as water storage for firefighting purposes.

RLZ — Rural Lifestyle Zone

The Rural Lifestyle Zone covers areas of Lower Hutt that are primarily used for a mix of small-scale rural activities and low-density residential development in a semi-rural setting. This includes areas in Moores Valley, the Western Hills, and Wainuiomata.

Properties in the Rural Lifestyle Zone are generally smaller than those in the General Rural Zone and larger than in the Large Lot Residential Zone. The density of residential development within the zone is partly due to the lack of infrastructure that would support more dense development, with development often needing to be serviced through on-site facilities, such as on-site wastewater disposal and water collection.

In addition to rural and residential activities, sites within the zone can also be used for other activities that support the community within the zone and surrounding area, as well as activities that either require or benefit from a rural location or location with a low level of development.

Built development within the zone is primarily the development necessary to support rural activities and development, and low-density residential activities, as well as infrastructure with a functional or operational need to be in a location within the zone.

While this chapter includes the core objectives, policies, and rules that apply to the Rural Lifestyle Zone, other district-wide chapters of the District Plan, including those that apply overlays across specified areas, set additional objectives, policies and rules for all or part of the zone. As such, this chapter should be read alongside the district-wide chapters of the District Plan.

Quarry Zone Protection Overlay

To address the potential for reverse sensitivity effects on quarrying activities within the Quarry Zone from new land use within the rural area near the Quarry Zone, the District Plan identifies the rural areas through the Quarry Zone Protection Overlay, and includes specific objectives, policies, and rules to manage new land use in the identified area. This includes objectives, policies and rules in both the General Rural Zone and Rural Lifestyle Zone chapters.

These objectives, policies, and rules are additional to the other objectives, policies, and rules for the zones.

Objectives

RLZ-O1	Purpose and character of the zone
The Rural Lifestyle Zone consists of areas with a low level of built development that provides opportunities for small-scale rural activities, low-density residential development, and other activities that either support or are compatible with the mixed rural and residential character of the zone.	
RLZ-O2	Activities in the zone
The Rural Lifestyle Zone: a. Predominantly provides for: i. Small-scale rural activities, and ii. Low-density residential development.	

<p>b. Provides for other activities that:</p> <ul style="list-style-type: none"> i. Maintain the mixed rural and residential character of the zone, ii. Are compatible with the rural activities and low-density residential development within the zone and adjoining areas in the General Rural Zone, iii. Are compatible with the residential activities within adjoining areas in Residential Zones, and iv. Either support the community within the zone and surrounding area or have an operational need or functional need to be in a rural, low-density location. 	
RLZ-O3	Built character
<p>Built development within the Rural Lifestyle Zone either provides for small-scale rural activities and low-density residential development or is compatible with the provision of small-rural activities and residential activities within the zone.</p>	
RLZ-O4	Adverse effects
<p>Adverse effects of activities and development are effectively managed within the zone and at interfaces with Residential Zones and the General Rural Zone.</p>	
RLZ-O5	Infrastructure
<p>Development in the Rural Lifestyle Zone is either adequately serviced and supported by infrastructure or is supported by on-site facilities, such as on-site wastewater disposal and water <u>storage or</u> collection.</p>	

Objective — Quarry Zone Protection Overlay

RLZ-QZPO-O1	Protection of the quarrying activities in the Quarry Zone
<p><i>This objective is additional within the Quarry Zone Protection Overlay.</i></p>	
<p>New activities and development in the Rural Lifestyle Zone do not restrict quarrying activities in the Quarry Zone.</p>	

Policies

RLZ-P1	Enabled activities
<p>Enable small-scale rural activities and low-density residential development in the Rural Lifestyle Zone as the predominant activities for the zone.</p>	
RLZ-P2	Compatible activities
<ul style="list-style-type: none"> 1. Provide for activities in the Rural Lifestyle Zone that: <ul style="list-style-type: none"> a. Are compatible with the rural activities and residential development within the zone and adjoining rural and residential zones, and b. Either: <ul style="list-style-type: none"> i. That support the rural activities and community within the zone and surrounding area, and ii. Have an operational <u>need</u> or functional need to be in a rural, low-density location. 2. Potentially compatible activities include, but are not limited to: 	

- a. Commercial activities, Child care services, Health care activities and Community facilities that serve the community within the zone and the surrounding area,
- b. Retail of goods grown and produced on the site or in the surrounding area,
- c. Educational facilities,
- d. Visitor accommodation, and
- e. Boarding of domestic pets.

RLZ-P3	Potentially incompatible activities
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1. Only allow potentially incompatible activities in the Rural Lifestyle Zone where they:
 - a. Maintain or enhance the character and amenity values of the surrounding area,
 - b. Are compatible with the character of adjoining residential zones, including through managing the effects of new built development and noise-generating activities,
 - c. Are compatible with the character of adjoining rural zones, including through managing reverse sensitivity ~~effects~~ on existing rural activities, and
 - d. Have a functional or operational need to be in that location.
2. Potentially incompatible activities include, but are not limited to:
 - a. Intensive indoor primary production,
 - b. Industrial activities,
 - c. Quarrying activities, and
 - d. Landfills and cleanfills.

RLZ-P4	Built development
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- Built development in the Rural Lifestyle Zones is managed to:
- a. Maintain the low-density, rural-residential character of the zone, including through managing the scale and location of buildings and allotment sizes,
 - b. Ensure low-density residential development, small-scale rural activities, and compatible activities are provided for, and
 - c. Ensure adequate privacy and access to daylight for residential activities and other sensitive activities on adjacent sites.

RLZ-P5	Infrastructure
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Recognise that infrastructure in rural areas, including in the Rural Lifestyle Zone, may only be able to support a low level of land use and intensification without significant investment and improvement, and new development may need to be serviced through on-site facilities such as on-site wastewater disposal and water storage or collection.

Policies — Quarry Zone Protection Overlay

RLZ-QZPO-P1	Activities in the Quarry Zone Protection Overlay
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This policy is additional within the Quarry Zone Protection Overlay.

Only allow activities in the Quarry Zone Protection Overlay where they do not increase reverse sensitive ~~effects~~ on quarrying activities within the Quarry Zone.

Rules

Note:

Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.

Buildings and structures

RLZ-R1	Repair and maintenance of buildings and structures
	1. Activity status: Permitted
RLZ-R2	Demolition or removal of buildings and structures
	1. Activity status: Permitted
RLZ-R3	Construction of new buildings and structures and alterations and additions to existing buildings and structures
	1. Activity status: Permitted Where: a. Compliance is achieved with: i. RLZ-S1: Gross floor area. ii. RLZ-S2: Building height. iii. RLZ-S3: Setbacks.
	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with RLZ-R3.1a. Matters of discretion are restricted to: 1. The matters of discretion for any infringed standard.

Land use activities

RLZ-R4	Piggeries
	1. Activity status: Permitted Where: a. All grazing and shelter areas are at least 50m from any residential unit on the site in which the activity occurs and from all site boundaries, b. There are no more than five adult pigs (defined as one year or older) at the piggery at any one time, and c. Structures and fencing are provided to prevent pigs escaping from their grazing and shelter areas.
	2. Activity status: Discretionary activity Where:

~~a. Compliance is not achieved with RLZ-R5.1.~~

RLZ-R5

Rural activities not otherwise provided for

1. **Activity status:** Permitted

RLZ-R6

Residential activities

1. **Activity status:** Permitted

Where:

- a. There are no more than two residential units on the site,
- b. One of the residential units is a minor residential unit, and
- c. The gross floor area of the minor residential unit does not exceed 80m².

2. **Activity status:** Restricted discretionary

Where:

- a. Compliance is not achieved with RLZ-R6.1.

Matters of discretion are restricted to:

1. Effects on the amenity values and character of the surrounding area.

RLZ-R7

Papakāinga

1. **Activity status:** Restricted discretionary

Where:

- a. Unless associated with a rural activity, non-residential activities associated with the papakāinga do not include:
 - i. The repair, alteration, restoration, or maintenance of motor vehicles, or
 - ii. The use of heavy vehicles, or
 - iii. Any drive-through activity.
- b. Unless associated with a rural activity, the hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of:
 - i. 8.00am to 7.00pm Monday to Friday, and
 - ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays.
- c. Retail activities are limited to:
 - i. Goods produced on the site, or
 - ii. Goods retailed online and not resulting in customer visits to the site, or
 - iii. Goods ancillary to a service provided by the papakāinga.
- d. The total gross floor area of non-residential activities is no more than 200m² (excluding buildings associated with rural activities).
- e. There are no more than 10 residential units within the papakāinga.

Matters of discretion are restricted to:

	<ol style="list-style-type: none"> 1. Effects on the amenity values and character of the surrounding area. 2. Whether the development is adequately serviced and supported by existing or planned infrastructure and the transport network, and if not, the extent to which on-site solutions are sufficient to support the development. 3. Reverse sensitivity effects on rural activities. 4. The matters in the policies of the Papakāinga chapter.
	<p>2. Activity status: Discretionary</p>
RLZ-R8	Home businesses not otherwise provided for
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. At least one person employed by the home business lives permanently on-site, b. No more than four people may work on-site at the home business at any one time, c. Retail activities are limited to: <ol style="list-style-type: none"> i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site, or iii. Goods ancillary to a service provided by the home business. d. The home business does not include the repair, alteration, restoration, or maintenance of motor vehicles, e. The home business does not involve the use of heavy vehicles, other than for deliveries, and f. The hours of operation for visitors, customers, clients, deliveries, and pickups to the home business are not outside the hours of: <ol style="list-style-type: none"> i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays.
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with RLZ-R8.1. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Effects on the amenity values and character of the surrounding area. 2. Effects on the safe and efficient movement of vehicles and other road users. 3. The extent to which site layout and any proposed landscaping helps avoid or minimise effects on amenity values of the surrounding area.
RLZ-R9	Conservation activities
	<p>1. Activity status: Permitted</p>
RLZ-R10	Public and community gardens
	<p>1. Activity status: Permitted</p>

RLZ-R11	Recreation activities not otherwise provided for
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Motorised recreation activity is only for the enjoyment of residents of the site and their visitors, and b. Participation in the activity does not incur a fee, including any associated membership fee.
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with RLZ-R10.1.
RLZ-R12	Visitor accommodation
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The maximum number of staff and residents onsite is limited to 10 persons at any one time.
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with RLZ-R11.1a. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. Effects on the amenity values and character of the surrounding area.
RLZ-R13	Rural industries
	<p>1. Activity status: Discretionary</p>
RLZ-R14	Retirement villages
	<p>1. Activity status: Discretionary</p>
RLZ-R15	Community facilities
	<p>1. Activity status: Discretionary</p>
RLZ-R16	Educational facilities
	<p>1. Activity status: Discretionary</p>
RLZ-R17	Emergency service facilities
	<p>1. Activity status: Discretionary</p>
RLZ-R18	Boarding of domestic pets
	<p>1. Activity status: Discretionary</p>
RLZ-R19	Activities not otherwise provided for
	<p>1. Activity status: Discretionary</p>

RLZ-R20	Intensive indoor primary production
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	1. Activity status: Non-complying
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RLZ-R21	Industrial activities
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	1. Activity status: Non-complying
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Rules — Quarry Zone Protection Overlay

RLZ-QZPO-R1	Construction of new residential units in the Quarry Zone Protection Overlay
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This rule is additional within the Quarry Zone Protection Overlay.

	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. Reverse sensitivity effects on quarrying activities in the Quarry Zone.</p> <p>Public notification is precluded for applications under this rule.</p>
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RLZ-QZPO-R2	Residential activities in the Quarry Zone Protection Overlay
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This rule is additional within the Quarry Zone Protection Overlay.

	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. Reverse sensitivity effects on quarrying activities in the Quarry Zone.</p> <p>Public notification is precluded for applications under this rule.</p>
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RLZ-QZPO-R3	Visitor accommodation in the Quarry Zone Protection Overlay
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This rule is additional within the Quarry Zone Protection Overlay.

	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. Reverse sensitivity effects on quarrying activities in the Quarry Zone.</p> <p>Public notification is precluded for applications under this rule.</p>
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Standards

RLZ-S1	Gross floor area
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Gross floor area must not exceed:

1. A combined total of 400m² for all residential buildings and structures on the site, and
2. A combined total of 800m² for all buildings and structures on the site.

Matters of discretion if the standard is breached:

1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.
2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.
3. Whether the additional gross floor area is necessary to provide for the functional needs and operational needs of activities on the site.
4. Any positive effects that can only be achieved through non-compliance with the standard.

RLZ-S2

Building height

1. Buildings and structures must not exceed 11 metres in height above ground level.

Matters of discretion if the standard is breached:

1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.
2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.
3. Whether topographical or other site constraints make compliance with the standard impractical.
4. Whether the additional building height is necessary to provide for the functional needs and operational needs of activities on the site.
5. Any positive effects that can only be achieved through non-compliance with the standard.

RLZ-S3

Setbacks

1. Buildings and structures, excluding accessory buildings, must be set back at least 10m from any boundary,
2. Accessory buildings must be set back at least 5 metres from any property boundary.

This standard does not apply to fences less than 2 metres in height above ground level. For front boundaries, this standard does not apply to structures less than 2 metres in height above ground level.

Matters of discretion if the standard is breached:

1. Effects on the character and amenity values of the surrounding area, including dominance, privacy, and shading effects on adjoining sites.
2. Any proposed mitigation of adverse effects through design, appearance and siting of the building or structure or landscaping and screening.
3. Whether the reduced setback is necessary to provide for the functional needs and operational needs of activities on the site.
4. Any positive effects that can only be achieved through non-compliance with the standard.
5. The ability for emergency services to safely and efficiently access the site and/or access on-site servicing infrastructure, such as water storage for firefighting purposes.

SD — Strategic Direction

UDSD-08	Rural and Open Space Areas
<p>Rural and open space areas that surround the urban area in the form of a greenbelt are retained. These areas extend along the Western and Eastern Hills, and along the Eastern Bays to the southern coast, and:</p> <ol style="list-style-type: none"> a. Enable ongoing primary production and active and passive recreation uses, and b. Protect enhance and restore the cultural, heritage and natural values of these areas. 	

SUB — Subdivision

SUB-RXX	Subdivision of 104 Upper Fitzherbert Road (Lot 1 DP 80607)
<p><u>Medium Density Residential Zone</u></p>	<p>1. Activity status: <u>Restricted Discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> a. <u>Compliance is achieved with:</u> <ol style="list-style-type: none"> a. <u>SUB-S1: Allotment size,</u> b. <u>SUB-S2: Legal and physical access,</u> c. <u>SUB-S3: Roads,</u> d. <u>SUB-S4: Water supply,</u> e. <u>SUB-S5: Wastewater disposal,</u> f. <u>SUB-S6: Stormwater management,</u> g. <u>SUB-S7: Power supply,</u> h. <u>SUB-S8: Telecommunications, and</u> i. <u>SUB-S9: Esplanade reserves and esplanade strips.</u> b. <u>There is no direct access to Upper Fitzherbert Road;</u> c. <u>The layout is in general accordance with Appendix xx. [At the time of subdivision, an extension to the Wise Street road carriageway is provided between the southern and northern boundaries of Lot 1 DP 80607. Once a subdivision has been completed that creates the required road corridor, SUB-Rxx will no longer apply.]</u> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>The matters in:</u> <ol style="list-style-type: none"> a. <u>SUB-P1: Benefits of subdivision,</u> b. <u>SUB-P4: Subdivision design and layout,</u> c. <u>SUB-P5: Integration of subdivision and development,</u> d. <u>SUB-P6: Transport network,</u> e. <u>SUB-P7: Servicing and access,</u> f. <u>SUB-P8: Esplanade requirements,</u> g. <u>INF-P1 – Recognise benefits of infrastructure</u> h. <u>INF-P3 – Planning and delivery of infrastructure; and</u> i. <u>INF-P7 – Upgrading and developing the transport network;</u> j. <u>SUB-PX: Subdivision of 104 Upper Fitzherbert Road</u>
<p><u>Medium Density</u></p>	<p>1. Activity Status: <u>Discretionary</u></p> <p><u>Where:</u></p>

	Residential Zone	a. Compliance is not achieved with SUB-RXX.1.
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Definitions

Term	Definition
cleanfill area	means an area used exclusively for the disposal of cleanfill material.
Intensive outdoor primary production	Means primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover. It excludes pig production for domestic use which involves no more than five sows and intensive winter grazing, where livestock are grazed on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year.
land-based primary production	means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.
landfill	Landfill means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.
managed fill	means a facility where managed fill material is accepted for deposit. Managed fill material is: <ol style="list-style-type: none"> 1. Contaminated soil and other contaminated materials; 2. Natural materials such as clay, gravel, sand, soil, rock; or 3. Inert manufactured materials such as concrete and brick; and That does not contain: - <ol style="list-style-type: none"> 1. Hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; 2. Products or materials derived from hazardous waste treatment stabilisation or disposal practices; 3. Materials such as medical and veterinary waste, asbestos, or radioactive substances; Combustible components; or 4. More than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation).

rural activity	<p>means the use of land and/or buildings for agricultural, pastoral, horticultural, and forestry activities, and includes:</p> <ul style="list-style-type: none"> a. the storage of products and initial processing as an ancillary activity of horticultural and agricultural products produced on the site, and b. the storage and disposal of solid and liquid animal waste. <p>Intensive indoor primary production, rural industry, quarrying and mining activities, top soil stripping and turf farming are excluded.</p>
rural environment	<p>means anywhere in Lower Hutt that is not in the urban environment, <u>any area within the following zones:</u></p> <ul style="list-style-type: none"> a. <u>Rural Zones, or</u> b. <u>Natural Open Space Zone.</u>
urban environment	<p>means any area within the following zones:</p> <p>Residential Zones, Commercial and Mixed Use Zones, Industrial Zones, Open Space Zone, Sport and Active Recreation Zone, Hospital Zone, Marae Zone, or Tertiary Education Zone. <u>Seaview Marina Zone</u> <u>Quarry Zone</u></p>