

Section 42A Officer's Report

Stream #3: Residential and Rural

Subjects: General Rural Zone

Rural Lifestyle Zone

Related Strategic Directions, Definitions and maps

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2 Introduction

2.1 Purpose of this report

- (1) This report is the Officer Report for the Rural Zones topic for the Proposed Lower Hutt District Plan (the PDP).
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - Assist the Hearing Panel in making their recommendations on the submissions and further submissions on the Proposed Lower Hutt District Plan (the PDP), and
 - Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer(s) for this hearing stream, and their recommendations to the Hearing Panel.
- (3) The Independent Hearings Panel may choose to accept or reject the conclusions and recommendations of these reports, or may come to different conclusions and make different recommendations, based on the information provided to them, including evidence provided to them by submitters.

2.2 Scope and structure

- (4) This report addresses submissions on the following chapters of the PDP:
 - GRUZ – General Rural Zone
 - RLZ – Rural Lifestyle Zone
- (5) In addition, this report addresses submissions on the following Strategic Directions and Definitions:

Strategic Directions

- UDSD-O8: Rural and Open Space

Definitions from the PDP as notified

- Conservation Activities
- Primary production
- Rural activity
- Rural environment
- Rural industry

New definitions requested by submitters

- Cleanfill area
- Intensive Outdoor Primary Production
- Keeping of Goats
- Landfill
- Managed fill
- Primary production
- Rural environment
- Rural industry

(6) Some submission points received on the PDP may have some relevance for the Rural Zone chapters but are more appropriately addressed through reports for other hearing streams to enable them to be considered alongside similar submission points. This includes submission points on:

- Papakāinga,
- Subdivision,
- Earthworks,
- Infrastructure, and
- 30 Benmore Crescent, Manor Park.

2.3 Author

(7) My full name is Sean Bellamy. I am an Intermediate Policy Planner in the Policy Planning team at Hutt City Council (the Council).

(8) I hold the qualifications of a Master of Regional and Resource Planning from the University of Otago, and a Master of Earth Science from the University of Waikato. I am an Intermediate Member of the New Zealand Planning Institute.

- (9) I have approximately 13 years' experience in planning and resource management roles in Local Government, covering district plan reviews and resource consent processing. This experience includes processing resource consent applications for Dunedin City Council and Hawkes Bay Regional Council and managing the review of the residential section of the Hastings District Plan.
- (10) I have been involved in the Hutt City Council District Plan Review since 2022, including working on the General Rural Zone, Rural Lifestyle Zone, Quarry Zone, Activities on the Surface Water, Signs and Designation chapters and associated s32 reports.
- (11) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.
- (12) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to us that might alter or detract from the opinions that I express.
- (13) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.4 Supporting evidence

- (14) Other than the s32 evaluation reports for these chapters, there is no additional supporting documents or evidence for this report.
- (15) Whilst I have not received any formal advice on 3 waters infrastructure and transport, I have had discussions with Council's Transport Team and Matt Aitchison (Council's consultant engineer) with regard to the rezoning of 104 Upper Fitzherbert Road, Wainuiomata. In this instance the representatives of the submitter have indicated that they will provide additional information

prior to the hearing. This information will be reviewed by Council experts once this has been received.

2.5 Glossary and abbreviations

Term or abbreviation	Meaning
Agricultural Aviation Association	NZ Agricultural Aviation Association
Brookfield	The Brookfield Board and Scouts Aotearoa
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
GRUZ	General Rural Zone
GWRC	Greater Wellington Regional Council or Wellington Regional Council
Manor Park and Haywards Residents	Manor Park and Haywards Residents Community Incorporated Society
MoE	Ministry of Education – Te Tāhuhu o Te Mātauranga
NES-DMRU	National Environmental Standards for Detached Minor Residential Units 2025
NPS-HPL	National Policy Statement for Highly Productive Land 2024
NPS-I	National Policy Statement for infrastructure 2025
NRP	Natural Resources Plan for the Wellington Regional Resource Plan
NRP Change 1	Proposed Change 1 to the Natural Resources Plan for the Wellington Regional Resource Plan
ODP	Operative District Plan
PDP	Proposed Lower Hutt District Plan
Pork Industry Board	New Zealand Pork Industry Board
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991

RPS	Regional Policy Statement for the Wellington Region
RPS Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Te Karearea Ltd	Te Karearea Ltd / Rosco Ice Cream Ltd
Wainuiomata Rural Community	Wainuiomata Rural Community Association Incorporated
Waste Management NZ	Waste Management NZ Limited

2.6 Procedural issues

- (16) At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Rural zones, although there has been a meeting between reporting officers for the Residential and Rural Zone hearings and a submitter in relation to 104 Upper Fitzherbert Road, Wainuiomata (discussed below in s2.6.1 of this report).
- (17) The 'Plan Stop' requirements and the associated exemption for the PDP (discussed in the s42A report for Hearing #1: Opening) are relevant for the Rural Zones of the PDP. This is discussed below in [s2.6.2](#) of this report (The Plan Stop legislation and changes, and the New Planning legislation are covered in the s42A report for Hearing Stream 1: Opening).
- (18) Discussions on 104 Upper Fitzherbert Road, Wainuiomata. There are no other procedural matters to note.

2.6.1 Conferencing and minutes

- (19) Kathleen Haylock (Council planner assisting with the preparation of s42A reports, including for Residential Zones) and I met with representatives of FH Developments 2025 (516) on 7 May 2026 to discuss and clarify issues relating

their submissions on the potential rezoning of 104 Upper Fitzherbert Road, Wainuiomata¹.

- (20) The matters raised in submissions are specific to the site and rezoning from the Rural Lifestyle Zone to the Medium Density Residential Zone. The matters relate to transport, three waters, and ecosystems and indigenous biodiversity. Council staff agreed that additional evidence is needed.
- (21) While officers found these discussions helpful in understanding the context of the site and the submission, no joint position on any issue was sought between the representatives of the submitters and the reporting officers.

2.6.2 Relevance of the PDP exemption for the Rural Zone chapters

- (22) As discussed in the s42A report for *Hearing #1: Opening*²:
- The Resource Management (Consenting and Other System Changes) Amendment Act came into force on 20 August 2025.
 - The Amendment Act introduced new “Plan Stop” requirements.
 - For Hutt City Council and its PDP, these requirements effectively required Council to stop the PDP process and withdraw the plan unless an exemption was granted by the Minister for the Environment.
 - Council requested an exemption for specific parts of the PDP. This exemption was granted on 15 January 2026.
- (23) The exemption from the Plan Stop requirements excluded several parts of the PDP. Of particular relevance for the Rural Zones chapters, provisions for the General Rural Zone relating to the management of highly productive land,

¹ The original s42A report mistakenly stated that Kate Pascall attended this meeting. The report has been corrected and updated.

² <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/proposed-district-plan-hearings/hearing-stream-1>

including the associated overlay of the PDP maps, were not part of the exemption. These provisions and the overlay have been withdrawn.

- (24) The following table lists the highly productive land provisions that have been withdrawn.

Provisions of the Proposed Lower Hutt District Plan relating to Highly Productive Land that have been withdrawn.
<ul style="list-style-type: none">• Introduction – section on Highly Productive Land Overlay only• GRUZ-HPLO-O1: Protection of highly productive land in the Highly Productive Land Overlay GRUZ-HPLO• GRUZ-HPLO-P1: Existing activities in the Highly Productive Land Overlay• GRUZ-HPLO-P2: Activities in the Highly Productive Land Overlay GRUZ-HPLO• GRUZ-HPLO-R1: Construction of new buildings and structures and alterations and additions to existing buildings and structures in the Highly Productive Land Overlay• GRUZ-HPLO-R2: Land use activities in the Highly Productive Land Overlay• Highly Productive Land Overlay

- (25) In addition, the Natural Environment Values parts of the PDP, including parts relating to Ecosystems and Indigenous Biodiversity, are not part of the exemption, and have been withdrawn. This is relevant for this report when considering submission points that specifically relate to protection of natural environment values, ecosystems and indigenous biodiversity.

2.6.2.1 Integration with the Operative District Plan

- (26) As parts of the PDP have been withdrawn, the PDP is no longer a complete replacement of the Operative District Plan. As a result, on the completion of the PDP process, the surviving parts of the PDP will need to integrate with the parts of the Operative District Plan that will no longer be replaced.

- (27) Of relevance for this report, there are provisions in the General Rural Activity Area chapter of the Operative District Plan that correspond to parts of the Coastal Environment, Ecosystems and Indigenous Biodiversity, and Natural Character chapters of the PDP that have now been withdrawn. As a result, they will need to be retained and integrated with the PDP on the completion of the PDP process.
- (28) In addition, with the withdrawal of the parts of the PDP relating to highly productive land, consequential amendments will need to be made to other chapters of the PDP prior to its integration with the Operative District Plan. Specifically:
- The Subdivision chapter, which addresses highly productive land in *SUB-P11: Subdivision in rural zones*, *SUB-P23: Subdivision of highly productive land* and *SUB-R22: Subdivision of land within the Highly Productive Land Overlay*.
 - Definitions that would solely support highly productive land provisions that have been withdrawn.

2.6.3 Submissions relating to 30 Benmore Crescent, Manor Park

- (29) A large number of submissions on provisions for the GRUZ chapter and related definitions are associated with interest in future land use and development at 30 Benmore Crescent, Manor Park. This site is in the General Rural Zone of the PDP, but submitters argue both for and against a rezoning to General Industrial Zone or a site-specific zone or precinct. As a consequence, submitters have made submissions on provisions in the GRUZ and Industrial Zones that seek to manage issues specific to 30 Benmore Crescent.
- (30) In general, the s42A reports will deal with submissions for rezonings in the hearing stream relevant to the zoning in the PDP for that site or sites, e.g. a request to rezone from Rural to Industrial will be covered in the Rural report. However, given the volume of submissions on this site, there will be a standalone hearing stream for the Benmore Crescent site, currently scheduled for November 2026.

(31) Accordingly, this report does not consider specific issues and submission points relating to 30 Benmore Crescent in this report.

2.6.4 Submissions on parts of the Rural Zone chapters and related provisions to be addressed through future hearings

(32) For some provisions in the Rural Zone chapters, it is more appropriate to address the provision in a future hearing stream that focusses on the issues to which the provisions relate. In particular:

- **Provisions on Papakāinga**

Submissions relating to Papakāinga will be addressed in the s42A report on the Papakāinga chapter, in *Hearing #7: Other Topics*. The report will address any submission points on rules GRUZ-R7 and RLZ-R7, which relate to papakāinga in rural zones. Hearing #7 is scheduled for October 2026.

- **Activities in the Quarry Zone Protection Overlay**

Activities the Quarry Zone Protection Overlay will be addressed in the s42A report for the Quarry Zone, in *Hearing #4: Other Zones*, scheduled for July 2026.

The inclusion of the majority of quarry related provisions in a single s42A report allows for the efficient consideration of submissions.

(33) In addition, district wide issues, such as natural hazards, earthworks and noise, which are relevant for Rural Zones but also other zones of the PDP, will be addressed through relevant s42A reports in later hearing streams to allow those issues to be considered for all zones collectively.

(34) The withdrawal of these provisions from the plan change means that any associated submissions are now out of scope. For this reason submissions on the Highly Productive Land Overlay and the associated objective, policy, rules and definitions are not considered in this report. For this reason, submissions on the Highly Productive Land Overlay and the associated objective, policy,

rules and definitions are not considered in this report. This includes submission points on the following:

- Objective GRUZ-HPLO-O1: 29.3, 52.3, 341.11, 399.73
- Policy GRUZ-HPLO-P1: 29.4, 52.4, 341.17, 399.75
- Policy GRUZ-HPLO-P2: 29.5, 52.5, 41.18, 399.76
- Rule GRUZ-HPLO-R1: 29.6, 52.6, 341.33
- Rule GRUZ-HPLO-R2: 29.7, 52.7, 341.34, 399.79
- Highly Productive Land Overlay: 52.1, 230.2, 319.1, 354.2, 364.21, 365.1
- Definition – “land-based primary production”: 202.13, F22.1
- Other points relating to highly productive land: 29.2, 52.2, 168.1, 196.14, 365.2

3 Chapter summary

3.1 Chapter summary

- (35) The Rural Zones chapter includes two zones, General Rural (GRUZ) and Rural Lifestyle (RLZ). Both The zones work together as a package drafted in the same structure as required the National Planning Standards and using the same language by default, with differences only where the policy intent of the zones differs.
- (36) I have considered submissions across the zones as a whole. Submitters have often, logically, made the same submission point on equivalent provisions in the two zones. As a result, provisions for both zones may be at times be discussed together.

3.2 Statutory and policy context

- (37) The broader statutory considerations and national and regional direction largely remains as set out in the s32 report for the chapter. While there was a significant package of new and updated national direction in January 2026, and further amended direction is set to come into force in June 2026, most of it is either not relevant to the Rural Zones or would be implemented through district-wide chapters.
- (38) This includes the new *National Policy Statement for Natural Hazards* and *National Policy Statement for Infrastructure*. While these national policy statements have some relevance for rural areas and Rural Zones of the PDP, their relevance for the PDP will be addressed through officer reports for *Hearing #5: Natural Hazards* and *Hearing #6: Infrastructure*.
- (39) However, the new National Environmental Standards for Detached Minor Residential Units 2025 (NES-DMRU) are also relevant, and are best addressed through this report to the extent necessary to address their application to Rural Zones.

(40) In addition, while the Highly Productive Land provisions and associated overlay have been withdrawn from the PDP, the National Policy Statement on Highly Productive Land (NPS-HPL) may still be relevant when considering rezoning highly productive land.

(41) The NES-DMRU and NPS-HPL are discussed below.

3.2.1 National Environmental Standard for Detached Minor Residential Units

(42) The NES-DMRU provides for detached dwellings associated with a principal residential unit on a site as a permitted activity in Rural Zones. This is subject to the following conditions:

- A maximum floor area of 70m²,
- A set back of 10m from a front boundary, or 5m from other boundaries, and
- Compliance with rules and standards of the District Plan relating to:
 - Subdivision of land,
 - Matters of national importance (s6 of the RMA),
 - The use of DMRU for non-residential activities,
 - Papakāinga,
 - Earthworks,
 - Natural hazard risk,
 - Reverse sensitivity, and
 - Site-specific infrastructure requirements (drinking water, wastewater and stormwater).

(43) The relevant provisions in the District Plan can be more lenient than the NES-DMRU. The Rural Zone chapters of the PDP contain provisions for minor additional dwellings (of most relevance, rules *GRUZ-R6: Residential activities* and *RLZ-R6: Residential activities*). These are, in a way, more lenient than the provisions of the NES-DMRU in that they permit minor residential units where the gross floor area does not exceed 80m². In addition, they do not require minor residential units to be detached from the principal residential unit.

3.2.2 National Policy Statement on Highly Productive Land

- (44) The National Policy Statement on Highly Productive Land (NPS-HPL) seeks to protect highly productive land for use in land-based primary production, both now and for future generations. Provisions in GRUZ, relating to highly productive land, have been withdrawn from the plan change as outlined in section 2.6.2. However, Council must still consider the NPS-HPL when considering submissions.
- (45) The NPS-HPL sets out that a regional council is to identify highly productive land and map this in the Regional Policy Statement³. As this assessment is yet to be done, the NPS-HPL, has an interim provision about how highly productive land is identified, which for the PDP means land that is zoned General Rural and has been mapped as Land Use Capability Class 3 as mapped by the New Zealand Land Resource Inventory⁴
- (46) The NPS-HPL contains specific provisions limiting the circumstances under which Council may rezone land containing highly productive land to an urban zone or Rural Lifestyle Zone⁵. This affects submissions seeking that land zoned as General Rural in the ODP and also proposed as General Rural in the PDP, be zoned Rural Lifestyle or an urban zone.
- (47) Other policies seek to prioritise and support land-based primary production, manage reverse sensitivity issues, and protect highly productive land from inappropriate use and development.
- (48) Council can provide for rezoning of rural land if there are long term constraints on land that mean the highly productive land for land based primary production is not able to be economically viable for at least 30 years. It is important to note that that the NPS-HPL states that size of a landholding is not in itself a determining factor. It must also be demonstrated that the

³ NPS-HPL, cls 3.4-3.5.

⁴ NPS-HPL, cl 3.5(7).

⁵ NPS-HPL, cls 3.6, 3.7, 3.10.

permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land.

- (49) For rezonings to urban land (but not Rural Lifestyle Zone), Council can also rezone land if necessary to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development (NPS-UD), where a shortage is identified in the Housing and Business Development Capacity Assessment (HBA) using the methodology required by the NPS-UD. The most recent HBA did not find such a shortage. However, an updated HBA is nearing completing at time of writing. While it will not be available for this hearing stream it is expected to be published prior to the wrap-up hearing.

4 Discussion of submissions and recommendations

(50) The following sections of this report discuss the submission points on Rural Zones, related strategic directions, and definitions of the PDP that principally relate to Rural Zones.

(51) It includes sections on:

- Key issues raised in submissions (s4.2),
- Submissions on strategic directions (s4.3),
- Submissions on Rural Zone chapters (s4.4),
- Submissions on locations of Rural Zones (4.5), and
- Submissions on definitions (s4.6).

(52) The key issues section discusses some issues raised in submissions in general terms. However, specific relief requested by submitters, and my recommendations are made at a provision-by-provision level in the later sections.

4.1 Format for consideration of submissions

(53) As noted above, section 4.4 addresses submissions on the Rural Zone chapters. The section steps through the relevant submissions by starting with more general submission points before stepping through relevant provisions in the order that they appear in the chapters.

(54) Each section includes:

- A brief summary of the relevant submission points,
 - A discussion of those points, and
 - My recommendations on the decisions requested or alternative relief.
-

- (55) Appendix 1 of this report is a 'tracked changes' version of the relevant chapters and sections of the PDP, showing my recommended amendments.
- (56) Appendix 2 of this report is a table of the submission points addressed by this report, with my recommendations on each point.
- (57) Where I recommend an amendment to the PDP, an assessment of the amendment in accordance with s32AA of the RMA is included in Appendix 3 of this report.
- (58) Appendix 4 of this report outlines which provisions for the General Rural Activity Area and the Rural Residential Activity Area in the ODP will continue to remain operative alongside the PDP.

4.2 Key resource management issues

- (59) The following key resource management issues have been identified for the submissions on the Rural Zones of the PDP:
- Residential development in the Rural Zones,
 - Provision for Intensive Primary production,
 - Provision for quarrying activities in the GRUZ,
 - Management of goats,
 - Rural aerial activities,
 - Landfills, cleanfills and waste transfer stations,
 - Education facilities in the rural environment,
 - Provision for emergency facilities, and
 - Rezoning requests.

4.2.1 Residential development

- (60) The key changes proposed by the PDP for Rural Zones compared with the equivalent Activity Areas in the ODP are:
- Provision for an additional minor dwelling on each site in both the General Rural Zone and Rural Lifestyle Zone, and
 - From the Subdivision chapter, a reduction of the minimum allotment size for the Rural Lifestyle Zone from 2ha to 1ha.

(61) There are a number of submissions relating to the density of residential development in the GRUZ and the Rural Lifestyle Zone (RLZ). These include.

- Submissions requesting the retention of the existing provisions for residential development in rural zones.
- Submissions supporting the proposed changes.
- Submissions seeking increased intensification of residential development in GRUZ.

(62) This report does not include an assessment of the provisions in the Subdivision chapter. However, it is noted that there are submissions on the minimum lot size in the rural zones that will be assessed as part of the s42A report for Subdivision in *Hearing #7: Other Topics*.

4.2.2 Provision for intensive primary production

(63) The Pork Industry Board (341) seek a number of amendments to provide for and to protect intensive primary production. This includes substituting primary production for rural activities in objectives, policies and rules in GRUZ, or modifying the definition of rural activities to include intensive primary production. They also seek a new definition for outdoor intensive primary production.

(64) The Pork Industry Board seeks to amend the GRUZ-R12 that provides a consent pathway for intensive indoor primary production to include intensive outdoor primary production. They seek to modify the activity status to limit the matters of discretion Council can consider.

(65) They seek to protect intensive primary production, by including reverse sensitivity in the policy for potentially incompatible activities (GRUZ-P3) and removing the list of potentially compatible activities in the policy GRUZ-P2. Additionally, they seek to amend the rule for visitor accommodation to include reverse sensitivity and to create an additional standard for setbacks to intensive indoor and intensive outdoor primary production that applies to the rules for the construction of new buildings and structures and alterations and additions to existing buildings and structures (GRUZ-R3) and residential activity (GRUZ-R6).

- (66) The Pork Industry Board has also requested the deletion of the GRUZ-R4. This provision manages piggeries. Piggeries would then be managed as an indoor intensive or outdoor intensive primary production.
- (67) Horokiwi Quarries Limited (F05) opposes the proposed amendment to GRUZ-P2 on the basis that it provides a consenting pathway for activities that aren't rural.
- (68) The provisions in GRUZ in the PDP provide for rural activities and other activities that support or are compatible with rural development and retain the open space character in the zone. Intensive indoor primary production is excluded from rural activities.
- (69) These are given effect through GRUZ-P2 for potentially compatible activities and GRUZ-R 14 for Intensive indoor primary production. Intensive indoor primary production is a discretionary activity.
- (70) I disagree with the submission to expand the meaning of rural activities to include intensive indoor primary production. I consider the General Rural Zone adequately provides for intensive indoor primary production where it has a functional need to locate in the zone and is compatible with other activities in the zone.
- (71) I disagree with the submissions seeking amendments relating to setbacks from sites with intensive primary production. The submitter requests standards for buildings, and residential activity within 300m of sites with intensive primary production. The size and shape of the General Rural Zone effectively means most residential development or buildings in the General Rural Zone could require a resource consent. I consider there is a similar issue with removing the permitted activity status for visitor accommodation. It would effectively require a resource consent for all small visitor accommodation, including rural homestays, and holiday rental houses, cabins and baches. This is despite the fact that most of area within General Rural Zone is relatively steep hill country.
- (72) I concur with the submission by the Pork Industry Board that piggeries can be managed under the provisions of GRUZ-R14.

4.2.3 The keeping of goats

- (73) Forest and Bird (424, F23) seeks a number of amendments to the Rural Zone chapters in relation to the keeping of goats. The submitter seeks provisions to control the keeping of goats within 200 metres of the boundary with the Natural Open Space Zone through policies, rules and standards.
- (74) The submission proposes:
- A new definition of the keeping of goats.
 - A new policy that provides for the keeping of goats.
 - A new rule that provides for the keeping of goats as a controlled activity where they kept within a goat proof fence and are subject to annual reporting requirements, or requires a resource consent for a discretionary restricted activity.
 - A new standard that specifies the design and construction of fences enclosing goats.
- (75) The submitter has sought this relief for the Rural Zones. Alternatively, they seek similar provisions for the Ecosystems and Indigenous Biodiversity chapter.
- (76) The submitter's alternative relief seeking policies, rules, and fencing standards for the keeping of goats in the Ecosystems and Indigenous Biodiversity Chapter can no longer be considered because the chapter has been withdrawn. On this basis, I have assessed the part of the submission seeking amendments to introduce policies, rules, and fencing standards in the GRUZ and RLZ where located near the Natural Open Space Zone.
- (77) Federated Farmers (F22.5) submitted in opposition to this submission noting that wild goats are already managed by the Wild Animal Control Act 1977 (WACA) and the Greater Wellington Regional Pest Management Plan 2019–2039 (GWRPMP). Federated Farmers consider that Council is not equipped to monitor and enforce provisions for livestock goats.

Assessment

- (78) I agree with the submitter that the keeping of goats is a potential issue within the rural area in Lower Hutt. Goats are used in the rural environment to manage pest species, but have the potential to impact on areas of indigenous vegetation. The submitter's proposed provisions would provide for the containment of goats and limit the development of feral goat populations.
- (79) The Natural Open Space Zone covers areas of the district where there are low levels of built development. The zone has been applied to publicly owned parks and reserves managed by the Department of Conservation, GWRC and Hutt City Council. This includes Remutaka Forest Park, East Harbour Regional Park, Belmont Regional Park and other similar areas.
- (80) The submitter has not provided evidence regarding the extent to which goats from the rural environment are contributing to the loss of environmental values associated with the Natural Open Space Zone, and the proposed changes would be an additional cost on landowners.
- (81) I have reviewed the WACA and GWRMP and I note these are focussed on the regulation of hunting and recovery of wild goats. By contrast, the provisions proposed by Forest and Bird seek to restrict the loss of domestic and farmed goats into the wild.
- (82) In my opinion, there is insufficient evidence about the extent and effects of goats from the Rural Zones escaping into the Natural Open Space Zone. Accordingly, I recommend rejecting the relief sought by Forest and Bird and accepting the further submission of Federated Farmers.

4.2.4 Provisions for quarrying activities in the Rural Zones

- (83) A number of submitters have made submissions relating to the provisions for quarrying activities within the GRUZ. These include general submissions on the provision of the activity along with more specific submissions seeking amendments to existing provisions or the inclusion of new provisions.

- (84) Winstone Aggregates (444.114) seeks that the PDP be amended to recognise relevant matters in the higher order planning documents, Regional Policy Statement (RPS), Natural Resources Plan (NRP), and Part 2 of the RMA.
- (85) Winstone Aggregates (444.115) seeks that the PDP provisions give effect to consenting pathways and recognition for quarrying and clean filling and extraction of aggregate pathways provided for in National Policy Statements and National Environmental Standards, including any changes to these documents and the RMA.
- (86) As noted above, the NPS-I came into effect earlier this year. This NPS provides for quarrying activities where they are needed to directly support infrastructure. Key components of the policy, include recognition of the:
- Importance of quarrying activities to enable the benefits of infrastructure activities to be realised;
 - Operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and
 - Enablement of the timely delivery of infrastructure supporting activities.
- (87) I consider that the PDP as notified largely gives effect to NPS-I with respect to quarrying. The provisions in the PDP provide for quarrying in the general Rural Zone. They are identified a potentially compatible activity in GRUZ-P1, and as a discretionary activity in GRUZ-R15. GRUZ-P1 provides for quarrying where is supports rural development and has an operational need to be located within GRUZ.
- (88) Incorporating the NPS-I in full into the PDP at this stage would require large scale revisions to the PDP and would raise natural justice issues given the community have not had a chance to submit on those provisions.
- (89) I recommend rejecting the submissions as I'm not sure that the quarrying activities have been directly linked to infrastructure provisions. The submitters would need to provide additional arguments and evidence to outline in which circumstances the policy would apply.

(90) Horokiwi Quarries Ltd (246.32 and 246.31), supported by Winstone Aggregates (F33.23), seek to amend GRUZ-R15 (Quarrying activities) and introduce a new rule to manage new quarrying activities and existing quarrying activities.

(91) This specifically relates to sand extraction at Fitzroy Bay, but the submitter also seeks recognition of existing quarries outside the Quarry Zone. In order to give effect to Objective 21 and Policy 60 of the RPS.

(92) Objective 21 of the RPS is as follows:

Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.

RPS -Plan change 1 has been notified with the following change to Objective 21:

The resilience of our communities, infrastructure are more resilient to natural hazards, including the impacts and the natural environment to natural hazards is improved, including to the short, medium, and long-term effects of climate change, and sea level rise and people are better prepared for the consequences of natural hazard events.

(93) Policy 60 of the RPS is as follows:

Policy 60: Utilising the region's mineral resources – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given

to:

- a) the social, economic, and environmental benefits from utilising mineral resources within the region; and*
- b) protecting significant mineral resources from incompatible or inappropriate land uses alongside.*

(94) I consider the existing provisions provide for quarrying.

4.2.5 Landfills, cleanfills and waste transfer stations

- (95) Waste Management NZ Limited (Waste Management NZ) has made a number of related submissions on the General Rural chapter of the District Plan. They have sought amendments to provide for landfills, cleanfills and waste transfer stations.
- (96) There are a number of submissions that relate to policies and rules in the GRUZ that also relate to the specific site at Benmore Crescent. These are dealt with in a general sense, recognising that specific submissions will be made as part of Hearing #8.
- (97) The specific submissions assessed in this report relate to the following provisions:
- Definition: Managed Fill
 - GRUZ-P2 (Compatible Activities)
 - GRUZ-R16: (Landfills and cleanfills)
 - GRUZ-R17: (Solid waste transfer stations)
 - (new provision sought) GRUZ-PX: (Cross Boundary issues)
- (98) Broadly speaking Waste Management NZ seek to provide for landfills, cleanfills and waste transfer stations in the GRUZ. The submitter seeks defined matters of discretion.
- (99) Waste Management NZ seeks to add additional definitions relating to waste management facilities, and managed fill. They also seek an amendment to the definition of heavy industrial activity. The definition of waste management facilities is considered in the section 42A report for the Infrastructure chapter in Hearing #6 and the definition of heavy industrial activities has been considered in the section 42A report for the Industrial chapter in Hearing #2. Both definitions are relevant to the submissions on the GRUZ.
- (100) Waste Management NZ also requests a new definition for managed fill. Whilst I do not object to the proposed definition, I do not agree with the impact of including the definition in provisions within the GRUZ. I consider that there is insufficient information provided to assess cost benefit and effectiveness and efficiency of the definition. This is discussed where relevant.

- (101) I agree with the proposed amendment to remove “solid” from solid waste transfer on the basis that solid waste transfer is not defined and creates confusion.
- (102) As outlined in section 3.2.2 the NPS-I is relevant to the management of landfills, waste transfer stations and cleanfills as resource recovery and waste disposal facilities have been incorporated into the definition of Infrastructure.
- (103) Whilst giving full effect to the NPS-I is considered out of scope of this plan change, I note that the provisions are consistent with some of the policies in the PDP.
- (104) The intent of the objective GRUZ-O2 and Policy GRUZ-P3 is to recognise that there may be an operational or functional need to provide for land fill, clean fill and waste transfer stations in a specific rural location. However, the effects of the any development need to be considered, as well as the impact of reverse sensitivity. Because of the variety of the potential effects, their scaler and dependence on location, a discretionary activity status is considered appropriate.
- (105) Waste Management NZ seeks to provide for landfills, cleanfills and waste transfer stations once established. However, changes to existing landfills, cleanfills and waste transfer stations, may create effects that still need to be considered. These will vary by location, and scale of the development. I note that this is consistent with the NPS-I.
- (106) A number of submitters seek to make the application for resource consent more onerous. John Harrison (370.2 and 370.3), Deborah Harrison (371.2 and 371.3), Penny Birchall (372.2 and 372.2) and Manor Park and Haywards Residents Community Incorporated Society (Manor Park and Haywards Residents) (377.5 and 3.77.6), John Harrison (370.3), Deborah Harrison (371.3) seek to have the activity status for landfills, cleanfills and solid waste transfer stations in GRUZ-R16 and GRUZ-R17 changed from a discretionary activity to a non-complying activity.
- (107) The change in the activity status would require an assessment of whether a proposed activity is contrary to the objectives and policies in the District Plan

when considering an application for resource consent under section 104D of the RMA. This is a more onerous requirement than resource consent applications for another activity status.

- (108) There are situations where landfills, cleanfills and solid waste transfer stations may have a functional or operational need to operate within the GRUZ. These activities are an essential activity within a district. This is primarily due to physical constraints associated with activities and the management of adverse effects.

4.2.6 Emergency facilities

- (109) Fire and Emergency New Zealand (FENZ) (374) has made a number of related submissions on the rural zones of the District Plan. They have sought amendments to:

- GRUZ-O5 (Infrastructure)
- GRUZ-P5 (Infrastructure)
- GRUZ-R22 (Emergency services facilities)
- GRUZ-S3 (Setbacks)
- (new provision sought) GRUZ-Sx (Firefighting water supply)
- RLZ-O5 (Infrastructure)
- RLZ-P5 (Infrastructure)
- RLZ-R16 (Emergency services facilities)
- RLZ-S3 (Setbacks)
- (new provision sought) RLZ-Sx (Firefighting water supply)

- (110) Broadly speaking FENZ seeks to provide for emergency service facilities in rural environments, where growth requires it as a permitted activity and is exempt from standards relating to height, height in relation to boundaries and setbacks.

- (111) As outlined in section 3.2.2 the NPS-I is relevant to the management of emergency facilities have in incorporated into the definition of Infrastructure.

- (112) While the incorporation of the NPS-I cannot be fully considered through the scope of the PDP, I note that the provisions are consistent with some of the policies therein.

- (113) FENZ also seek to amend the objectives and policies in the rural zones to include references to water storage. I agree with the change as it more clearly defines the need to incorporate water storage into developments and ensures that development of unserviced rural sites have adequate water supply for firefighting purposes.
- (114) The proposed amendment to the rules for emergency service facilities would permit emergency service facilities without any conditions in the rural zones. I acknowledge the critical importance of emergency facilities to the community. However, unplanned development outside of the urban area has the ability to compromise primary production and should require consideration of the operational need to operate in the RLZ.
- (115) In my opinion, a good case has not been made by the submitter that the effects are any different to structures in general or that emergency service towers and communication poles have a good reason in most circumstances to need to be put close to the boundary with residential zones. Where there are, violation of the standards is a restricted discretionary boundary activity, and it is not unreasonable for FENZ to seek a deemed permitted boundary activity or resource consent.
- (116) Additionally, FENZ proposes an additional matter of discretion providing for assessment of the ability of emergency services to safely and efficiently access the site and/or access on-site servicing infrastructure, such as water for firefighting purposes. I agree that this is an important consideration.

4.2.7 Education facilities in the rural environment

- (117) The Ministry of Education (MoE) (399) has made a number of related submissions on the Rural chapters of the District Plan. They have sought amendments to:
- GRUZ-O3 (Built character),
 - GRUZ-R20 (Educational facilities),
 - GRUZ-R24 (Activities not otherwise provided for),
 - RLZ-R16 (Educational facilities),
 - RLZ-R19 (Activities not otherwise provided for).

- (118) Broadly speaking the MoE seeks to provide for education facilities in rural environments, where growth requires it. It seeks defined matters of discretion.
- (119) As outlined in section 3.2.2 the NPS-I is relevant to the management of education facilities. Schools and specific types of institutions have been incorporated into the definition of Infrastructure. This is similar to the definition of education facilities in the PDP. The main difference being the exclusion of child care facilities from the definition in the NPS-I.
- (120) Whilst the full incorporation of the NPS-I is considered out of scope of this plan change, I note that the provisions are consistent with some of the policies therein.
- (121) The intent of the objectives and policies in the rural zones is to recognise at a policy level that there may be an operational or functional need to provide for education facilities in a specific rural location. However, the effects of any development need to be considered. Because of the variety in the potential effects of education and depending on their scale, design and location, I consider the provisions in the PDP to be the most effective and efficient.
- (122) Whilst the Education facilities are potentially compatible, they are not necessarily always compatible. There are effects that still need to be considered and these will vary by location, and scale of the development. Issues include the loss of productive rural land, landscape, impacts on cultural and historical heritage values, the ability of infrastructure to manage the effects of water supply, wastewater, stormwater, and traffic, as well as on the rural amenity of the rural area adjacent areas remain still need to be considered.
- (123) The MoE seeks to include childcare in the provisions for education facilities. They argue that childcare activities are not included in the provisions not otherwise provided for. I do not agree with this perspective. I note that childcare services are included in the definition of education facilities. The use of land or buildings for teaching or training by childcare services is included within the definition of education facilities.
- (124) I note that educational facilities, such as public, and publicly integrated schools are generally provided for via designations in district plans. In

practice this means that the provisions of the District Plan often do not regulate education facilities, but are managed through the designation and outline plans.

4.2.8 Rezoning from General Rural

- (125) The potential rezoning of land at 30 Benmore crescent is dealt with in Hearing #8.
- (126) Duane Pirimona and Alison Pirimona (354.1) and Clauda Riley and John Riley (230.1a) seek to rezone land located in 41, 43, 65, 69, 89, 107, and 115 Crowther Road, Wainuiomata from General Rural to Rural Lifestyle land.
- (127) The Brookfield Board and Scouts Aotearoa (469.5) (Brookfield) seek that the site at 562 Moores Valley Road, Wainuiomata to a new special purpose zone.
- (128) The sites contain highly productive land. Council must consider the NPS-HPL when rezoning land from the General Rural Zone to the Rural Lifestyle Zone. This is discussed in section 3.2.2.
- (129) The sites are zoned General Rural Activity Area in the ODP, and the NPS-HPL only allows a territorial authority to rezone such a site to the Rural Lifestyle Zone if the assessment requirements in clause 3.10 of the NPS-HPL are met. This would include demonstrating that:
- There are permanent or long-term constraints on the land that mean land-based primary production will not be economically viable for at least 30 years
 - The rezoning avoids significant loss or fragmentation of highly productive land
 - The benefits of the enabled land uses would outweigh the costs of the loss of highly productive land (including on intangible values)
- (130) Council also needs to have sufficient information to assess the Special Zone proposed by Brookfield. The proposed amendment has not been developed under the RMA. The proposed special zone is a preexisting zone that was created in 1989 under the Town and Country Planning Act 1977 and was replaced by the provisions in the ODP.

4.2.9 Rezoning from Rural Lifestyle

- (131) A number of submissions have been received to rezone areas from the Rural Lifestyle Zone. These include submissions by:
- Brookfield (469.1) and Wainuiomata Rural Community Association Inc (364.3b) (“WRCAI”) seek to rezone a large undeveloped property at the northern end of Moore Valley, Wainuiomata from RLZ to GRUZ.
 - The Policy Planning Team of the Hutt City Council (440.98) seeks to rezone a previously residentially zoned site in Stockdale Street, Wainuiomata from RLZ to Large Lot Residential Zone,
 - FH Developments 2025 (516.1) and Prime Contracting Services (4.1) seek to rezone sites in Upper Fitzherbert Road, Wainuiomata, from RLZ to Medium Density Residential Activity Zone.
- (132) Changing the large undeveloped sites in the northern end of Moores Valley from LRZ to GRUZ limits the potential development of land and seeks to maintain the status quo of the existing environment. The proposed change would restrict the development of rural lifestyle allotments and restrict the development to lower density rural development.
- (133) Amending the zoning of site at 57 Stockdale Road simply reverts the zoning of ta site to the equivalent of its previous zoning under the ODP. The site has already been assessed under the previous plan as being consistent with the objectives and policies of the District Plan.
- (134) Amending the zoning of the sites in Upper Fitzherbert Road from RLZ to the Medium Density Residential Zone requires consideration of infrastructure capacity and the longer term development of the valley. There is insufficient information in the submissions for me to recommend that the request to rezone the properties be accepted.

4.3 Strategic directions – Discussion and recommendations

- (135) The following sections discuss general submissions and submissions relating to strategic directions, including Strategic Direction *UDSD-08: Rural and Open*
-

Space Areas of the PDP as notified and new strategic directions requested by submitters. These sections also include my recommendations on decisions requested by submitters and other amendments resulting from these submission points.

4.3.1 UDSD-O8: Rural and Open Space Areas

Submissions

- (136) Heritage New Zealand Pouhere Taonga (248.12) and Te Rūnanganui o Te Ati Awa (503.24) support Objective NESD-O8 and request it be retained as notified.
- (137) GWRC (452.28) seeks an amendment to include enhancement and restoration of cultural, heritage and natural values in UDSD-O8 as outlined below:

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:

- 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.*

- (138) GWRC argues that it is important to recognise that in some circumstances it may be appropriate to restore or enhance cultural, heritage or natural values, consistent with NESD-O3.

Assessment

- (139) I agree with GWRC's relief sought to insert 'enhance and restore' into NESD-O8 for the reason in their submission, being that restoration is an appropriate objective for the city's rural and open space areas in some circumstances. Accordingly, I recommend accepting the submission point from GWRC (452.28).

(140) I note that there are other strategic objectives that address cultural, heritage and natural values:

- NESD-O3: Natural Character, Natural Features and Landscapes, Ecosystems and Indigenous Biodiversity
- TWSD-O3: Wāhi Taonga and Sites and Areas of Significance to Tangata Whenua.
- UDSD-O11: Special Values

(141) However, UDSD-O8 specifically recognises the benefit of providing for activities that enhance and restore these values within the rural and open space areas, where the other strategic directions address these matters more generally.

Recommendation

(142) I recommend accepting the relief sought by GWRC (452.28).

(143) I recommend accepting the submission points of Heritage New Zealand Pouhere Taonga (248.12) and Te Rūnanganui o Te Ati Awa (503.24) in part, in that the submitters' support is noted and UDSD-O8 is retained, subject to the recommended amendment.

4.3.2 New strategic direction

Submission

(144) The Pork Industry Board (341.6) seeks to clearly identify the key priorities for the rural areas of the district.

(145) The submitter argues that the district plan would benefit from strategic directions for the rural environment that clearly identify:

- The key priorities for the rural areas of the district,
- How primary production will be supported in the district, including protection from reverse sensitivity effects,
- How the interface between the rural environment and other environments within the district will be managed, and

- The approach to highly productive land.

Assessment

- (146) I do not support the proposed amendment. The proposed amendment is not specific in what it seeks and is partially covered by an existing objective.
- (147) I consider that the existing policy UDSD-O8 identifies that ongoing primary production is a primary objective for the district plan. I consider that reverse sensitivity and cross boundary issues are more appropriately considered in the objectives and policies of the GRUZ.
- (148) It is out of scope to consider the highly productive land. The provisions in the PDP relating to Highly Productive Land have been withdrawn.
- (149) In addition, if a further strategic direction on rural areas were to be added to the District Plan, it should address the wide variety of environments within the rural areas of Lower Hutt, which do include areas that are primarily used for primary production (albeit less so than other parts of the Wellington region) but also include a wide range of other land uses.

Recommendation

- (150) I recommend rejecting the relief sought by the Pork Industry Board (341.6)

4.4 Submissions on Rural Zone chapters – Discussion and recommendations

- (151) The following sections of this report address submission points on Rural Zone chapters, with my recommendations on decisions requested by submitters and other amendments resulting from these submission points.
- (152) As submissions often address equivalent provisions of both the General Rural Zone and Rural Lifestyle Zone chapters, equivalent provisions of the two chapters are addressed together in these sections. For example, submissions on GRUZ-R6, which is for residential activities in the General Rural Zone, is addressed alongside RLZ-R6, which is for residential activities in the Rural Lifestyle Zone.

(153) The sections are:

- Provisions not in dispute,
- General submissions,
- Submissions on:
 - The Introduction,
 - Objectives,
 - Policies,
 - Rules, and
 - Standards, and
- Submissions on zoning.

4.4.1 Provisions not in dispute

(154) The following provisions only have submissions that are neutral or in support, with no changes sought:

Objectives

- RLZ-O1 (Purpose and character of the zone): Supported by MoE (399.80)
- RLZ-O2 (Activities in the zone): Supported by Enviro NZ (323.67), FENZ (374.100) and MoE (399.81)

Policies

- GRUZ-P4 (Built development): Supported by the Pork Industry Board (341.16)
- RLZ-P3 (Potentially incompatible activities): Supported FENZ (374.102b). Enviro NZ (323.68) and Aggregate and Quarry Association (202.7) supported by Winstone Aggregates (F33.11) are neutral in relation to RLZ-P3.

Rules

- GRUZ-R1 (Repair and maintenance of buildings and structures): Supported by the Pork Industry Board (341.19)
- GRUZ-R2 (Demolition or removal of buildings and structures): Supported by the Pork Industry Board (341.20)

- GRUZ-R3 (Construction of new buildings and structures and alterations and additions to existing buildings and structures): Supported by the Pork Industry Board (341.21)
- GRUZ-R5 (Rural activities not otherwise provided for): Supported by the Pork Industry Board (341.23)
- GRUZ-R18 (Retirement villages): Supported by the Pork Industry Board (341.29)
- GRUZ-R19 (Community facilities): Supported by the Pork Industry Board (341.30)
- GRUZ-R21 (Health care activities): Supported by the Pork Industry Board (341.32)
- RLZ-R13 (Rural industries): neutral submission from Enviro NZ (323.69)
- RLZ-R21 (Industrial activities): neutral submission from Enviro NZ (323.70)

Standards

- GRUZ-S2 (Building height): Supported by FENZ (374.98b)
- RLZ-S1 (Gross floor area): Supported by FENZ (374.104a)
- RLZ-S2 (Building height): Supported by FENZ (374.104b)

Maps

- Zoning of Lot 100 DP 322126 – Winstone Aggregates seek the GRZ zoning is retained (444.75)

(155) I recommend that the submission points supporting these provisions, as identified above, be approved.

4.4.2 Submissions relating to Rural Production Zone

(156) FENZ (374.68f, 374.69f) seeks amendments if the PDP contains a Rural Production Zone. A Rural Production Zone is not included in the PDP and the submissions are therefore moot.

4.4.3 General submissions

4.4.3.1 Whole chapter

Submission

- (157) Lyle Earle (12.2) seeks that the whole of the RLZ chapter is retained as notified.
- (158) Aggregate and Quarry Association (202.6) submits that proposed plan could be clearer as to how quarrying activities in the GRUZ (and any other zone) would be treated and what provisions would apply. They have not submitted any proposed amendments.
- (159) The Pork Industry Board (341.8) seeks that references to reverse sensitivity are inserted to the GRUZ objectives and policies to protect primary production activities.

Assessment

- (160) The Aggregate and Quarry Association does not seek any specific relief, and the submission is too broad to be assessed. The submitter may be able to provide more specific information on what they seek in this regard through the hearing.
- (161) I agree with the Pork Industry Board that land use compatibility is an issue that needs to be managed to ensure that rural activities can operate in the zone. Reverse sensitivity is an issue when potentially incompatible activities are established. This needs to be carried through from the objectives to the policies.
- (162) I do not think that all reverse sensitivity should be avoided, but that only significant reverse sensitivity that could place unreasonable constraints on primary production activities. This is particularly relevant when considering potentially incompatible activities. The Pork Industry board has submitted specifically in policy GRUZ-P3, (see section 4.4.6.3).

Recommendation

- (163) I note Lyle Earle's support for the RLZ chapter and recommend accepting it in part, subject to the detailed discussion on provisions below (12.2).

- (164) I recommend rejecting the relief sought by Aggregate and Quarry Association (202.6).
- (165) I recommend rejecting the relief sought by the Pork industry Board (348.1).

4.4.4 Submissions on Rural Zone introductions

Submission

- (166) The Pork Industry Board (341.7) supports the Introduction of the GRUZ chapter.
- (167) This support is on the condition that “Intensive primary production” is removed from the list of exclusions in the definition of “Rural activities” (submission point 341.2, discussed in s4.6.4.1 of this report). If the definition is not amended, the submitter requests that references to “Rural activities” in the introduction are changed to “Primary Production.”

Assessment

- (168) In my opinion the submitter makes a valid point. The description of the GRUZ in the National Planning Standards states that the zone predominantly for primary production activities, including intensive indoor primary production. Primary production is also very broadly defined and includes agricultural and horticultural activities.
- (169) A key issue is whether there are potential adverse effects on the environment that need to be managed. This includes the impact on activities within the zone and on activities in adjacent zones.
- (170) A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.
- (171) The General Rural Zone is described in the National Planning Standards as being areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

(172) This includes a broad range of activities, including aquaculture, agriculture, horticulture, mining, quarrying, forestry, and associated ancillary activities involved in the initial processing of commodities. This definition is very broad and many of the activities may have adverse effects on each other and result in reverse sensitivity. This may be particularly true for a quarry and intensive agriculture. Both activities are also sensitive to reverse sensitivity.

(173) Rural activity is a more restricted term, a subset of primary production, providing for agriculture, horticulture, and forestry. This allows for the separation of activities that are generally found throughout GRUZ, and can be permitted with limited standards, and activities such as intensive primary production, mining and quarrying that produce more significant effects on the surrounding area.

Recommendation

(174) I recommend rejecting the relief sought by Pork Industry Board (341.7).

4.4.5 Submissions on Rural Zone objectives

4.4.5.1 GRUZ-O1: Purpose and character of the zone

Submissions

(175) Horokiwi Quarries Ltd (246.28) and MoE (399.70) seek that GRUZ-O1 is retained as notified. Enviro NZ (323.56) is neutral.

(176) The Pork Industry Board (341.9) support GRUZ-O1, subject to the acceptance of their relief (341.4) requesting the “rural activities” definition be modified to remove the exclusion of intensive indoor primary production. The relevance of this change to GRUZ-O1 is that these activities would then not be subject to the qualifying language in clause (b) of the objective which refers to other activities which support or are compatible with rural development.

Assessment

(177) I consider that the adverse effects of intensive indoor primary production activities may result in compatibility issues in rural environments, whereby it

is appropriate that these activities are subject to the qualifying language in clause (b) of the objective.

Recommendation

- (178) I recommend that the submission point of the Pork Industry Board (341.9) be accepted in part, however that intensive indoor primary production activities remain subject to clause (b) of GRUZ-O1.

4.4.5.2 GRUZ-O2: Activities in the zone

Submissions

- (179) Horokiwi Quarries Ltd (246.29), Enviro NZ (323.57), FENZ (374.94) and the MoE (399.71) seek that GRUZ-O2 is retained as notified.
- (180) The Pork Industry Board (341.9) support GRUZ-O2, subject to the acceptance of their relief (341.4) requesting the “rural activities” definition be modified to remove the exclusion of intensive indoor primary production. The relevance of this change to GRUZ-O2 is that these activities would be provided for as predominant activities in the zone rather than other activities which are potentially compatible in the zone.

Assessment

- (181) I consider that the adverse effects of intensive indoor primary production activities may result in compatibility issues anticipated with other activities anticipated in rural environments, whereby it is not appropriate that they be provided for as predominant activities in the GRUZ.

Recommendation

- (182) I recommend that the submission point of the Pork Industry Board (341.9) be accepted in part, however that intensive indoor primary production activities are not provided for as predominant activities in GRUZ-O2.

4.4.5.3 GRUZ-O3: Built Character

Submissions

- (183) Enviro NZ (323.58) supports GRUZ-O3 as notified.

(184) The Pork Industry Board (341.9) support GRUZ-O3, subject to the acceptance of their relief (341.4) requesting the “rural activities” definition be modified to remove the exclusion of intensive indoor primary production. The relevance of this change to GRUZ-O3 is that these activities would not be subject to qualifying language referring to compatibility with rural and residential activities in the zone.

(185) MoE (399.72) seeks the following amendment to GRUZ-O3:

GRUZ-O3: Built Character

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~~ or other activities that have an operational need or functional need for a location with a rural or open space character.*

(186) The Ministry states that the requested amendment improves the readability of the objective as the way it currently reads the objective can be interpreted to mean that all the items in the list of point b. are included and considered together, and that the proposed amendment makes it clearer that open space is either provided for rural activities, or open space is provided for other activities that have an operational or functional need to be in a location with a rural or open space character.

(187) Waste Management NZ (461.15), opposed by Manor Park and Haywards Residents (F10.42), seeks the following amendment to GRUZ-O3:

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.

(188) The submitter states that buildings associated with lawfully established activities should not be restricted, and that as lawfully established activities do not fall within the definition of rural activity they should be specifically referred to.

Assessment

(189) With regard to the Pork Industry Board (341.9), I consider that the adverse effects of intensive indoor primary production activities may result in compatibility issues in rural environments, and it is appropriate that these be managed to achieve the outcomes sought for compatibility in GRUZ-O3.

(190) I disagree with the submission by the MoE. The intent is to provide for consideration of the effects of development on the surrounding area rather than site that is developed. It is therefore appropriate to consider both rural activities and other activities.

(191) I disagree with the submission by Waste Management NZ. I consider this gives undue consideration to existing activities that may be potentially incompatible with rural activities. It could result in increases in effects on rural activities and an increase in reverse sensitivity.

Recommendation

(192) I recommend that the submission point of the Pork Industry Board (341.9) be accepted in part, however that intensive indoor primary production activities are subject to the qualifying language with respect to compatibility under GRUZ-O3.

(193) I recommend that the submission point of Enviro NZ (323.58) be accepted.

(194) I recommend that the relief sought by MoE (399.72) be rejected.

(195) I recommend that the relief sought by Waste Management NZ (461.15) be rejected.

4.4.5.4 GRUZ-O4: Adverse effects

Submission

(196) Enviro NZ (323.59) supports the proposed objective as notified.

(197) The Pork Industry Board (341.10) seeks to amend the objective by inserting a reference to reverse sensitivity risks and the need to manage these to protect primary production activities within the GRUZ.

(198) While the submitter has not provided the proposed wording in their submission, the requested amendment has been interpreted to be:

GRUZ-O4: Adverse effects

Adverse effects and reverse sensitivity of activities and development are effectively managed within the zone and at interfaces with Residential Zones and the RLZ.

(199) The submitter argues that reverse sensitivity effects threaten the viability of primary production activities in the rural areas and that this risk needs to be managed through the objectives and policies in the General Rural chapter.

Assessment

(200) I agree that reverse sensitivity should be part of managing the effects of potentially incompatible activities, particularly in areas, such as rural areas, where the nature of activities that are anticipated to take place in the area have effects that would be potentially objectionable to new, more sensitive land uses.

Recommendation

(201) I recommend accepting the relief sought by the Pork Industry Board (341.10).

4.4.5.5 GRUZ-O5/RLZ-O5: Infrastructure

Submission

- (202) FENZ (374.95a, 374.101a) seeks to alter GRUZ-O5 and RLZ-O5 by including a reference to water storage in the objectives. The proposed change (which is identical for the two objectives) is as follows:

GRUZ-O5/RLZ-O5: Infrastructure

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.

- (203) The submitter argues It is critical that objectives, policies and rules enable the construction and siting of on-site facilities, including above ground water storage tanks, where connections to reticulated services are unavailable.

Assessment

- (204) The issue of emergency facilities and associated servicing for rural sites, including the issue of water storage for firefighting purposes, is discussed in section 4.2.6 of this report. I recommend accepting the relief sought by FENZ, noting that rural areas of Lower Hutt are typically not serviced by the reticulated water supply, so rely on-site water collection and storage for water supply including for potable use and firefighting purposes.

Recommendation

- (205) I recommend that the submission points of FENZ (374.95a, 374.101a) be accepted, and that objectives GRUZ-O5 and RLZ-O5 be amended as requested by the submitter.

4.4.6 Submissions on Rural Zone policies

4.4.6.1 GRUZ-P1: Predominant Activities

Submission

- (206) The Pork Industry Board (341.12) support GRUZ-P1, subject to the acceptance of their other relief (341.4) requesting the "rural activities" definition be modified to remove the exclusion of intensive indoor primary production. The relevance

of this change to GRUZ-P1 is that these activities would then be provided for as predominant activities in the zone under this policy.

Assessment

- (207) I consider that the adverse effects of intensive indoor primary production activities may result in compatibility issues in rural environments, whereby it is not appropriate that they be provided for as predominant activities in the GRUZ.

Recommendation

- (208) I recommend that the submission point of the Pork Industry Board (341.12) be accepted in part, however that intensive indoor primary production activities are not provided for as predominant activities under GRUZ-P1.

4.4.6.2 GRUZ-P2/RLZ-P2: Compatible activities

Submissions

- (209) Enviro NZ (323.61), FENZ (374.96a) Aggregate and Quarry Association (202.4) and MoE (399.74) support Policy GRUZ-P2 as notified. FENZ (374.102a) and the MoE (399.82) supports the policy RLZ-P2 as notified.
- (210) Horokiwi Quarries Ltd (246.30) seek to include cleanfill and quarrying activities that support development in general rather than just rural development in the list of potentially compatible activities. They argue that development throughout the district benefits from quarry activities.
- (211) David Surrey (427.8 and 429.9) seeks to amend GRUZ-P2/RLZ-P2 to provide a description of the effects from activities that are potentially compatible with the rural environment, instead of listing the activities.
- (212) Mr Surrey argues that GRUZ-P2 should be completely rewritten to provide a description of the effects from activities that are potentially compatible with the rural environment, instead of listing the activities as some of the activities listed are not supported through the rule frameworks and therefore there is a disconnect with the policy and the rules. Mr Surrey gives examples of maintaining the rural character of the local area, having low traffic volumes,

not requiring intensive infrastructure, are small in size, and support the well-being of the local community.

- (213) The Pork Industry Board (341.13) support GRUZ-P2, subject to the acceptance of their relief (341.4) requesting the "rural activities" definition be modified to remove the exclusion of intensive indoor primary production. The relevance of this change is that these activities would then not be subject to policy GRUZ-P2 and the qualifying language therein with respect to compatibility in the zone. I discuss this issue in general terms in section 4.2.2.
- (214) Pork Industry Board (341.14), opposed by Horokiwi Quarries (F05.2), seeks to amend the Policy by deleting the list of potentially compatible activities in GRUZ-P2.2.
- (215) They argue that the compatibility of an activity within the GRUZ should be based on an assessment of the individual activity. GRUZ-P2 lists potentially compatible activities and prescribes an expectation of what is considered to be a compatible activity.
- (216) They submit that the listed activities are clearly sensitive to the effects of primary production as is evident through the manner in which other district plans have applied controls and an appropriate activity status regime.
- (217) Waste Management NZ Limited (461.16), supported by Enviro NZ (F43.7) and opposed by Manor Park and Haywards Residents (F10.43), seeks to amend Policy GRUZ-P2 including the addition of consideration of appropriate location, and removing the reference to rural development for cleanfill, managed fill and quarrying activities.

Assessment

- (218) I agree with Horokiwi Quarries submission. Quarry activities provide the basic raw material for development, and therefore benefit the district as a whole. However, larger scale development has potential effects on other primary industries. In these instances quarrying activities and cleanfill areas would be potentially incompatible.
- (219) I recommend not accepting the submission by David Surrey. The submission does raise the issue of a more comprehensive listing of effects. However, the
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submission is very broad. In order to reconsider my recommendation I would need additional clarification of the specific effects to be managed.

- (220) With regard to the Pork Industry Board (341.13), I consider that the adverse effects of intensive indoor primary production activities may result in compatibility issues in rural environments, and it is appropriate that these be managed through the direction of policy GRUZ-P2.
- (221) I also disagree with the Pork Industry Board submission (314.14) with regards to removing the example activities. I consider this provides useful guidance on the kinds of activities and using the word “includes” makes clear it is not an exclusive list. The structure of this policy is consistent with equivalent policies in the zone chapters.
- (222) Waste Management NZ Limited argue that clean fills, managed fills, and landfills require a peri urban location to function most efficiently and that they are activities that can be compatible with its surrounding land uses.
- (223) I partially agree with this assessment. Whilst it might be the case that a periurban location may be the most efficient location for these activities. However, the submitter hasn't provided any evidence in support of the assertion that this is always the case.
- (224) In addition, the activities may need to be located in a rural zone for operational or function reasons. I think it is likely that the potential effects of the activities on rural activities and residential activities will need to be managed.

Recommendation

- (225) I recommend rejecting the relief sought by David Surrey (427.9).
- (226) I recommend rejecting the relief sought by Horokiwi Quarries Ltd (246.30).
- (227) I recommend accepting in part the relief sought by the Pork Industry Board (341.13), however I recommend that policy GRUZ-P2 should apply to intensive primary production activities.
- (228) I recommend rejecting the relief sought by the Pork Industry Board (341.14).

- (229) I recommend rejecting the relief sought by David Surrey (427.8).
- (230) I recommend rejecting the relief sought by Waste Management NZ Ltd (461.16).
- (231) Regarding RLZ-P2 and the submission point of Mr Surrey (427.9), I recommend rejecting the relief sought by Mr Surrey.

4.4.6.3 GRUZ-P3: Potentially incompatible activities

Submission

- (232) Enviro NZ (323.62) and FENZ (374.96b) support policy GRUZ-P3.
- (233) The Pork Industry Board (341.15) seeks to amend the Policy to include reverse sensitivity effects on existing and future primary production activities.

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. *Do not result in reverse sensitivity effects on existing and future primary production activities.*

- (234) The submitter argues that the policy provides no consideration of the potential for incompatibility with primary production.

Assessment

- (235) GRUZ-O1 sets out that the zone consists of “*areas...that provide opportunities for...Rural activities*”. GRUZ-O2 sets out that activities are expected to be “*compatible with the rural activities ... within the zone*”.
- (236) I agree with the submitter that land use compatibility is an issue that needs to be managed to ensure that rural activities can operate in the zone. Reverse sensitivity is an issue when potentially incompatible activities are established. This needs to be carried through from the objectives to the policies.
- (237) I do not think that the direction in the objective suggests that all reverse sensitivity should be avoided, but that only significant reverse sensitivity that could place unreasonable constraints on primary production activities.
- (238) The submitter seeks a provision that would consider reverse sensitivity on “*existing and future*” primary production activities. As discussed in the submission points on the definition of *reverse sensitivity*, an issue under contention is whether the concept of reverse sensitivity applies only where the activity causing adverse effects is established first, or whether the concept applies when the sensitive activity is established first. The notified definition provides for both, but the definition sought by the submitter (and some other submitters) would limit it to only where the activity causing adverse effects is there first.
- (239) I consider that both scenarios should be addressed. The primary goal of the zone is not to specifically enable the ongoing operation of only existing activities but also to provide a space for primary production generally to establish and develop. However, to be consistent with the change in definition recommended in the s42A report for Hearing Stream 2⁶ which limits the scope to where the activity causing adverse effects is established first, I consider that the language would need to encompass both “reverse sensitivity” and “separating incompatible land uses”.

Recommendation

⁶ Section 42A Report, Industrial Zones and the Seaview Marina Zone, para 765.

(240) Accordingly, I recommend accepting, in part, the relief sought by Pork Industry Board (341.12) with altered language to take account of future reverse sensitivity and being consistent with PDP terminology:

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. *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.*

4.4.6.4 GRUZ-P5/RLZ-P5: Infrastructure

Submission

(241) GWRC (452.191) seeks the policy RLZ-P5 is retained as notified.

(242) FENZ (374.95b, 374.101b) seeks to amend policies GRUZ-P5 and RLZ-P5 to include provision of water storage. The proposed amendment is outlined below:

GRUZ-P5 / RLZ-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.

- (243) The submitter argues that it is critical that objectives, policies and rules enable the construction and siting of on-site facilities, including above ground water storage tanks, where connections to reticulated services are unavailable.

Assessment

- (244) The issue of emergency facilities and associated servicing for rural sites, including the issue of water storage for firefighting purposes, is discussed in section 4.2.6 of this report, and equivalent changes to the objective in section 4.4.5.5. I consider this change to the policies is appropriate, noting that rural areas of Lower Hutt are typically not serviced by the reticulated water supply, so rely on-site water collection and storage for water supply including for potable use and firefighting purposes.

Recommendation

- (245) I recommend accepting the relief sought by FENZ (374.95b, 374.101b) and amending RLZ-P5 and GRUZ-P5 as set out above.

4.4.6.5 New policies GRUZ-PX/RLZ-PX: Keeping of goats

Submission

- (246) Forest and Bird (424.2c) seek the following new policy on the keeping of goats for both General Rural Zone and Rural Lifestyle Zone:

GRUZ-PX/RLZ-PX: Keeping of goats

Restrict the keeping of goats in rural zones near open space zones to protect natural values.

Assessment

(247) I recommend rejecting the submission proposing a new policy for the keeping of goats for the reasons outlined in section 4.2.3 of this report.

Recommendation

(248) I recommend rejecting the relief sought by Forest and Bird (424.2c).

4.4.6.6 New Policy RLZ-PXX: Residential development

Submission

(249) David Surrey (427.11b) submits that a new policy for residential development may be required.

(250) Mr Surrey states that there may be the need to amend the policy framework to support the restricted discretionary status of this consent and the additional matters of discretion, or the introduction of a new policy specifically for additional dwellings on a site.

Assessment

(251) I consider that residential activity is provided for within the existing policy framework. GRUZ-P1 provides for residential activities as predominant activities, GRUZ-P3 as potentially incompatible activities. In addition, the built environment I provided for by GRUZ-P4.

Recommendation

(252) I recommend rejecting the relief sought by David Surrey (427.11b).

4.4.7 Submissions on Rural Zone rules

4.4.7.1 GRUZ-R3: Construction of new buildings and structures and alterations and additions to existing buildings and structures

Submission

(253) The Pork Industry Board (341.21) supports the permitted activity status for the construction of new builds and structures under rule GRUZ-R3, but request the

addition of a new standard on setbacks from intensive indoor and outdoor primary production (341.35).

Assessment

- (254) The issue of setbacks is discussed in section 4.4.8.3 of this report, in relation to GRUZ-R3 (relating to construction of new building and structures, alteration and additions), GRUZ-R6 (relating to residential activities) and the new standard requested by the submitter (relating to setbacks from intensive indoor and outdoor primary production), where I recommend not adding such a standard. Accordingly, no change needs to be made to GRUZ-R3 to mention it.

Recommendation

- (255) I recommend that the submission point of the Pork Industry Board (341.21) be accepted in part, in that rule GRUZ-R3 be retained but that no additional standard be added.

4.4.7.2 GRUZ-R4: Piggeries

Submission

- (256) The Pork Industry Board (341.22) opposes rule GRUZ-R4 and seeks that it be deleted. This would be a natural consequence of their general relief to seek a rule for intensive outdoor primary production (see section 4.4.7.7).

Assessment

- (257) I concur with the submission by the Pork Industry Board. Piggeries can be managed under the provisions for intensive primary production provisions in GRUZ-R14.

Recommendation

- (258) I recommend that the submission of the Pork Industry Board (341.22) be accepted and that rule GRUZ-R4 be deleted.

4.4.7.3 GRUZ-R6/RLZ-P6: Residential activities

Submission

- (259) Donald McCreary (196.10) and Claire Jackson (319.11) and Steve Full and Andrea Bason (365.13) support rule GRUZ-R6.
- (260) Ken Jackson (168.11) supports rule GRUZ-R6, but states the two principal (inferred) dwellings provided for by the rule could have an average area of seven hectares, rather than 15 hectares as proposed.
- (261) Go Architecture Ltd (331.25, 331.27) request that the gross floor area threshold for minor residential units in rules GRUZ-R6/RLZ-R7 be reduced from 80m² to 70m², and that this requirement is addressed in a standard.
- (262) The submitter states that the maximum gross floor area should be defined as less than 70m² so that it aligns to the Central Government rules for minor dwellings that do not require building consent, and that this ensures simplicity and consistency.
- (263) David Surrey (427.11a, 427.10a) supports rules GRUZ-R6/RLZ-R6 in part, and seeks that the matters of discretion be expanded to include:
- The apparent density arising from the additional residential units,
 - The need of landscaping to mitigate any effects, and
 - The outcomes sought under the policy framework.
- (264) Mr Surrey states that the matters of discretion are too brief and do not align with the policy framework. Mr Surrey makes corresponding submission points (427.11a, 427.10a)⁷ on the policies of the GRUZ and RLZ chapters, seeking amendments to the framework to support the restricted discretionary activities under these rules.
- (265) The Pork Industry Board (341.24) supports rule GRUZ-R6 (but does not submit on RLZ-R6), including the permitted activity status, but requests that a new *GRUZ-SX: Setback to Intensive Indoor and Intensive Outdoor Primary*

⁷ While submission points on policies are generally addressed in s4.4.6 of this report, as these submission points relate directly to the interaction between the policy framework and rules GRUZ-R6 and RLZ-R6, these submission points are considered here.

Production standard (requested elsewhere in their submission) apply to permitted activities under this rule.

- (266) The purpose of the standard would be to prevent reverse sensitivity issues.

Assessment

- (267) The submissions in support of the rule are noted.

- (268) I disagree with the suggestion from Mr Jackson that the density standard for the General Rural Zone could be amended so principal dwellings have an average area of seven hectares, rather than 15 hectares as proposed. This is one of the PDP's key controls to provide for primary industry and managing reverse sensitivity resulting from new residential development, although I acknowledge one residential unit per seven hectares is still very low density in a Lower Hutt context.

- (269) In addition, rule GRUZ-R6 also provides for a minor additional dwelling for each principal dwelling, which along with the NES-DMRU provides for a level of added residential development above what is currently provided for in these areas under the ODP.

- (270) I disagree with Go Architecture Ltd's request that the size of permitted minor additional dwellings under GRUZ-R6/RLZ-R6 should be reduced from 80m² to 70m² in order to align with rules relating to building consents. While it may be convenient to align standards across plans and legislation, in my opinion this alone is not sufficient to warrant a reduction in the standard and introduce additional resource consent requirements for minor additional dwellings between 70m² and 80m², noting that this is in the context of what are typically very large sites where the impacts of the added built development and density resulting from minor additional dwellings are less than would be expected in areas with smaller lot sizes.

- (271) I do not support the additional matters of discretion requested by Mr Surrey. While I agree an increase in density in a rural area can have impacts on the surrounding area, particularly in relation to effects on existing amenity and compatibility with existing land uses, I do not think this warrants additional matters of discretion, given that:

- This rule solely addresses the number residential units and minor residential units. It does not address the impacts of new buildings and structures, such as impacts on visual amenity.
- The rules on new buildings and structures and alterations and additions to existing buildings and structures (GRUZ-R3/RLZ-R3), and associated standards on gross floor area, building height and setbacks from boundaries appropriately manage the effects of built development on the amenity of the surrounding area. The standards include matters of discretion that allow impacts on character and amenity of the surrounding area to be considered, as well as proposed mitigation, including landscape and screening.
- Residential development in the Rural Zones is also regulated through the provisions of the Subdivision chapter. Where a proposed subdivision would not meet the relevant minimum allotment sizes for the zone (one hectare for the Rural Lifestyle Zone and 15 hectares for the General Rural Zone), resource consent would be required as a restricted discretionary activity, and the matters of discretion all for consideration of whether the subdivision is consistent with the anticipated purpose, character, and density of development of the underlying zone (through policy SUB-P4).

(272) With regard to the request from the Pork Industry Board that their requested standard on setbacks to intensive indoor and intensive outdoor primary production be added to rule GRUZ-R6.1 as a permitted activity standard, this issue is discussed in relation to the requested standard in section 4.4.8.3 of this report. In that section, I recommend the requested standard be rejected. As a logical consequence, I recommend the request to add the standard to rule GRUZ-R6.1 be rejected.

Recommendation

(273) I recommend that the submission points of Donald McCreary (196.10) and Claire Jackson (319.11) and Steve Full and Andrea Bason (365.13) in support of rule GRUZ-R6 be accepted.

- (274) I recommend that the request from Ken Jackson (168.11) to reduce the area per principal dwelling under rule GRUZ-R6 from 15 hectares to 7 hectares be rejected.
- (275) I recommend that the request of Go Architecture Ltd (331.25, 331.27) to reduce the gross floor area threshold for minor residential units in rules GRUZ-R6/RLZ-R7 be reduced from 80m² to 70m² be rejected.
- (276) I recommend that the request from David Surrey (427.11a, 427.10a) for additional matters of discretion for GRUZ-R6/RLZ-R6 be rejected.
- (277) I recommend that the request from the Pork Industry Board (341.24) for an additional *GRUZ-SXX: Setback to Intensive Indoor and Intensive Outdoor Primary Production* be rejected.

4.4.7.4 GRUZ-R11: Recreation activities not otherwise provided for

Submission

- (278) The Pork Industry Board (341.26) seeks to amend the rule changing the activity status to from permitted subject to conditions and otherwise discretionary to restricted discretionary. In addition they request reverse sensitivity on primary production activities be included as a matter of discretion.
- (279) The submitter argues that recreational activities can constitute a sensitive activity that could restrict primary production activities from operating with the GRUZ. Potential effects of recreational activities should be assessed via a consenting pathway to allow for a full assessment of effects and the application of appropriate mitigations.

Assessment

- (280) I do not consider that the evidence provided by the submitter supports the idea that recreation activities falling under the permitted activity conditions are particularly likely to give rise to reverse sensitivity.

Recommendation

- (281) I recommend rejecting the relief sought by the Pork Industry Board (341.26).

4.4.7.5 GRUZ-R12: Visitor accommodation

Submissions

- (282) Ken Jackson (168.12), Donald McCreary (196.11), Claire Jackson (319.12), and Steve Full and Andrea Bason (365.14), support rule GRUZ-R6 as notified.
- (283) Pork Industry Board (341.27) seeks to amend the activity status of the rule from permitted subject to conditions and otherwise restricted discretionary, to solely restricted discretionary. They also seek a matter of discretion for reverse sensitivity.

GRUZ-R12: Visitor accommodation

~~1. Activity status: Permitted~~

~~Where:~~

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

~~2. Activity status: Restricted discretionary~~

~~Where:~~

~~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~~

- (284) The submitter argues that visitor accommodation can constitute a sensitive activity that could restrict primary production activities from operating with the GRUZ. Potential effects of visitor accommodation should be assessed via a consenting pathway to allow for a full assessment of effects and the application of appropriate mitigations.

Assessment

- (285) I agree with the submission that additional assessment criteria would be beneficial and more effectively give effect to the objectives and policies of the District Plan. However, I think this would be excessive and disproportionate to the benefits in situations where a resource consent is otherwise not required and the occupancy of the site is similar to what would be provided for as a permitted residential activity, particularly given that existing primary production likely to be subject to reverse sensitivity issues is not as common in Lower Hutt's rural environment.

Recommendation

- (286) Accordingly, I recommend accepting in part the submission by the Pork Industry Board (341.27), by adding reverse sensitivity for primary production activities to the restricted discretionary arm of the rule but not amending the permitted activity conditions:

GRUZ-R12 Visitor accommodation

...

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](#)

4.4.7.6 GRUZ-R13: Rural industries

- (287) David Surrey (427.7) seeks to amend the matters of discretion for Rural Industry as follows:

GRUZ-R13: Rural industries

1. ***Activity status:*** *Restricted discretionary*

Matters of discretion are restricted to:

1. *The effects on the amenity values of the surrounding area.*

2. Hours of operation.

3. Number of traffic movements

4. Visual amenity impacts

- (288) Mr Surrey argues that the matters of discretion should be expanded to ensure a more holistic consideration of the impacts of these activities can occur.

Assessment

- (289) The existing matters of discretion include amenity values of the surrounding area, which would include visual amenity. Limiting the hours of operation would be a potential management option and condition of consent if relevant to amenity effects, but not a matter in and of itself. Transport effects are generally handled in the Transport chapter and I do not think the submitter makes a case for a departure from that standard approach for this particular land use.

Recommendation

- (290) I accordingly recommend rejecting, the relief sought by David Surrey (427.7).

4.4.7.7 GRUZ-R14: Intensive indoor primary production

Submission

- (291) The Pork Industry Board (341.28) seeks to amend rule GRUZ-R4 to include intensive outdoor primary production, modify the activity status from a discretionary activity to a restricted discretionary activity, where located 300m from a boundary of a building and 1km from a residential zone. The proposed amendment is:

Intensive indoor and intensive outdoor primary production.

1. Activity status: ~~Discretionary~~ 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.

(292) The submitter states:

- The potential effects of intensive indoor primary production are well known, as are appropriate mitigations. The GRUZ is the only zone that intensive indoor primary can locate and is an intended land use in the zone, as per the zone description in the National Planning Standards.
- The effects of intensive indoor primary can be appropriately assessed and managed via a restricted discretionary consenting pathway, that recognises that IIPP is a legitimate and anticipated activity in the GRUZ while still allowing for an assessment of potential effects and retaining the ability to decline the consent if necessary.
- Required setback distances within the rule framework are a good starting point for an restricted discretionary activity status and provide reciprocity with setbacks from sensitive activities to intensive indoor primary activities.
- Intensive Outdoor Primary Production activity should be added to this rule to capture outdoor pig farming that is considered intensive, and so may produce greater effects than extensive pig farming.

Assessment

- (293) I concur with the submission by the Pork Industry Board. Intensive indoor primary production is provided in the National Planning Standard's description of the GRUZ.
- (294) Intensive indoor and outdoor farming is not provided for as a permitted activity because of the potential adverse effects and reverse sensitivity. A key question is whether the potential effects of the intensive farming can be managed through the matters of discretion. The proposed amendments include consideration of rural amenity and character.
- (295) I note that the bulk and location of buildings and structures is managed by additional policies rules and standards in the GRUZ. Matters relating to light and noise are managed by the Noise and Light chapters in the General District-Wide matters section of the district plan.
- (296) However, I consider that intensive primary production could result in adverse effects on, and compatibility issues with other primary production. I am not convinced that all of the potential effects can be captured in the proposed amendment.
- (297) I therefore consider that it is appropriate to change the title of GRUZ-14 as requested, but recommend rejecting the change of the activity status for GRUZ-R14 from discretionary to restricted discretionary.

Recommendation

- (298) I recommend accepting, in part, the relief sought by Pork Industry Board (341.28).

4.4.7.8 GRUZ-R15: Quarrying Activities

Submissions

- (299) Aggregate and Quarry Association New Zealand (202.5) and Enviro NZ (323.64) support rule GRUZ-R15.
- (300) Horokiwi Quarries Ltd (246.32) seek to amend GRUZ-R15 so that it only applies to new quarrying activities. The requested amendment is as follows:

GRUZ-R15: New Quarrying activities

1. Activity status: *Discretionary*

Assessment

- (301) The support of the Aggregate and Quarry Association New Zealand is noted.
- (302) With regard to the requested amendment from Horokiwi Quarries Ltd, I do not agree that the rule should be amended to solely address new quarrying activities. It is appropriate for the potential effects of quarrying activities to be assessed on a case-by-case basis through a resource consent process including when an existing quarrying activity expands or changes.
- (303) Any existing quarrying activities (that is, those that aren't "new" quarrying activities) would be authorised through a combination of resource consents, certificates of compliance and existing use rights, and would not need a resource consent under rule GRUZ-R15 unless the quarrying activities altered in a way that the resource consents, certificates of compliance or existing use rights no longer applied to the activity. In this situation, it would be appropriate for a resource consent to be required to enable an assessment of the change in the potential effects of the quarrying activities given the change to those activities.

Recommendation

- (304) I recommend the submission point of the Aggregate and Quarry Association New Zealand (202.5) and Enviro NZ (323.64) be accepted.
- (305) I recommend the submission point of Horokiwi Quarries Limited (246.32), including the requested amendment to GRUZ-R15, be rejected.

4.4.7.9 GRUZ-R16: Landfills and cleanfills

Submissions

- (306) Enviro NZ (323.65), opposed by Waste Management NZ (F39.39), seeks that GRUZ-R16 is retained as notified.

- (307) There are a number of submissions seeking to change the activity status of landfills and cleanfills in the General Rural Zone from a discretionary activity to a non-complying activity.
- (308) Murray Carpenter (166.2), Teresa Mazzola (306.2), Nicole Hawtin (345.2), John Harrison (370.2) Deborah Harrison (371.2) and Penny Birchall (372.2), Manor Park and Haywards Residents (377.5) and Lynette Congdon (456.2) seek to amend the rule such that GRUZ-R16 is less permissive in general or specifically by becoming non-complying. These points are opposed by Waste Management NZ (F39.37, F39.38, F39.40, F39.41, F39.42, F39.43, F39.44, F39.45) and Te Karearea Ltd (F40.21, F40.22, F40.23, F40.24, F40.26, F40.27, F40.31). I consider that the only practical proposed change to implement this is:

GRUZ-R16: Landfills and cleanfills

Activity status: ~~Discretionary~~ Non-complying

- (309) Submitters raised issues on the adverse effects associated with waste management, including noise, dust, odour, visual amenity, traffic, health and safety, value of housing, and the containment of rubbish.
- (310) Waste Management NZ (461.14), supported by Enviro NZ (F43.6) and opposed by Manor Park and Haywards Residents (F10.41), seeks to amend GRUZ-R16 as follows:

GRUZ-R16: Landfills, ~~and cleanfills~~ and managed fills

Activity status: Discretionary

- (311) They state that managed fills are a class of landfill between a cleanfill and landfill (they do not fall comfortably into either category), and so should be included in the GRUZ-R16.

Assessment

- (312) First, I note that issues specific to the site at 30 Benmore Crescent, Manor Park, and proposals for a waste transfer station there, will be the subject of a dedicated hearing stream, in Hearing #8.

- (313) For the reasons outlined in section 4.2.5 I recommend rejecting the relief sought by Murray Carpenter (166.2), Robert Akema (198.3), Teresa Mazzola (306.2), Nicole Hawtin (345.2), John Harrison (370.2), Deborah Harrison (371.2), Penny Birchall (372.2), Manor Park and Haywards Residents (377.5), and Lynette Congdon (456.2).
- (314) I disagree with that there is a legality issue of classifying landfills and cleanfills as a discretionary Activity (Murray Carpenter 166.2). Whilst I am unsure of the specific reasoning of the submission, the RMA provides for the management of land via the objectives, policies and rules in a district plan.
- (315) I consider treatment of the solid waste is an activity more appropriately carried on industrial zoned land is a valid consideration. However, it is important that waste can be disposed of, stored or reused, and to recognise that sometimes there will be functional or operational need to locate in the GRUZ.
- (316) Many of the submitters seek a modification of Rule GRUZ-R16 to make landfills, cleanfills and waste transfer stations a non complying activity within 500m of a residential zone.
- (317) I agree with Waste Management NZ Limited as the proposed amendment includes waste management activities that are not included, and managed, in the GRUZ-R16.
- (318) I recommend accepting the relief sought by Waste Management NZ Limited (461.14). The proposed changed to the rule includes additional activities not previously identified within the rule.

Recommendation

- (319) I recommend rejecting the relief sought by Murray Carpenter (166.2), Teresa Mazzola (306.2), Nicole Hawtin (345.2), John Harrison (370.2) Deborah Harrison (371.2) and Penny Birchall (372.2), Manor Park and Haywards Residents (377.5), Lynette Congdon (456.2)
- (320) I recommend accepting the relief sought by Waste Management NBZ Limited (461.14).

4.4.7.10 GRUZ-R17: Solid waste transfer stations

Submissions

- (321) Enviro NZ (323.66), opposed by Waste Management NZ (F39.39), seeks that GRUZ-R17 is retained as notified.
- (322) Murray Carpenter (166.2), Robert Alkema (198.3), Teresa Mazzola (306.2), Nicole Hawtin (345.2), John Harrison (370.3), Deborah Harrison (371.3), Penny Birchall (372.3) and Manor Park and Haywards Residents (377.6) seek to amend the rule such that GRUZ-R17 is less permissive, either in general or by making the activity non-complying. These points are opposed by Waste Management NZ (F39.37, F39.38, F39.40, F39.41, F39.42, F39.43, F39.44) and Te Karearea Ltd (F40.21, F40.22, F40.23, F40.25, F40.28, F40.30).
- (323) The arguments for these submissions are largely the same as those for the changes to GRUZ-R16. However, there is also an issue that *solid waste transfer station* is not defined.
- (324) Waste Management NZ (461.13) seeks to amend GRUZ-R17 such that it applies to waste management facilities and ancillary activities rather than solid waste transfer stations and is a restricted discretionary activity rather than a discretionary Activity. This is outlined below:

GRUZ-R17: Solid waste transfer stations management facilities and ancillary activities

1. Activity status: Restricted discretionary

- (325) Waste management NZ submission is supported by Enviro NZ (F43.5) and opposed by Manor Park and Haywards Residents (F10.40).

Assessment

- (326) I concur with Waste Management NZ that changing the description of the activity from solid waste transfer station to waste transfer station. This would improve the interpretation of the plan and make the provision more effective.
- (327) I disagree with the submission from Waste Management NZ Limited in that the appropriate activity status is restricted discretionary as opposed to

discretionary. In my opinion the submitter has not provided sufficient information to identify and justify the matters of discretion. Given the potential adverse effects and reverse sensitivity a discretionary activity is more appropriate. Manor Park and Haywards Residents (F10) do not provide any additional reasons in support of their objection to Waste Management NZ's submission.

- (328) I disagree with the submissions by Murray Carpenter, Robert Akema, Teresa Mazzola, Nicole Hawtin, John Harrison, Deborah Harrison and Penny Birchall, and Manor Park and Haywards Residents. They argue that that provisions should be less permissible and should be a non complying activity in GRUZ.
- (329) I agree with Enviro NZ (F43) that a blanket restriction on waste transfer stations is arbitrary and that a consent pathway is appropriate providing for specific activities, design, location and effects.
- (330) I consider that a discretionary activity status is appropriate. A discretionary activity status does not limit Council's discretion when considering resource consents including the consideration of effects on the adjacent area. I consider this more appropriate than a non complying activity as there may be a functional or operational need for landfills to be located on a site in the GRUZ.

Recommendation

- (331) I recommend rejecting the relief sought by Murray Carpenter (166.2), Robert Akema (198.3), John Harrison (370.3) Deborah Harrison (371.3) and Penny Birchall (372.3) and Manor Park and Haywards Residents (377.6), and accepting the relief sought by Waste Management NZ Limited (461.13), and accepting in part the relief sought by Waste Management NZ Limited (461.13).
- (332) I recommend accepting the following change:

GRUZ-R17: Solid ~~w~~Waste ~~transfer stations~~ management facilities and ancillary activities

1. Activity status: Discretionary

4.4.7.11 GRUZ-R20/RLZ-R16: Educational facilities

Submission

- (333) The Pork Industry Board (341.31) supports rule GRUZ-R20 as notified.
- (334) MoE (399.77, 399.83) seeks to amend rules GRUZ-R20 and RLZ-R16 by:
- Including child care services, and
 - Changing the activity status from discretionary to restricted discretionary, and
 - Restricting discretion to the effects on rural amenity, traffic effects, the ability of landscaping to mitigate visual effects and policies relating to compatible activities, built development, and infrastructure.
- (335) The Pork Industry Board (F02.11) opposes 399.77.
- (336) With these amendments, the rules would be as follows:

GRUZ-R20/RLZ-R16: Educational facilities (including child care services)

1. **Activity status:** *Restricted Discretionary*

Matters of discretion are restricted to:

1. *The effects on the rural amenity of the surrounding area.*
 2. *The effects on pedestrian safety and 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 surrounding rural areas, the streetscape, and adjoining public space.*
 4. *The matters in policies:*
 - a. *GRUZ-P2: Compatible activities.*
 - b. *GRUZ-P4: Built development*
 - c. *GRUZ-P5: Infrastructure*
-

(337) The submitter's reasons for the request are:

- Educational facilities are essential social infrastructure for which there is a need for the community in General Rural Zone.
- The amendment will allow the Ministry to better service the growth within the rural areas of the district and support the local communities' needs.
- Matters of discretion should be limited to matters of relevance.

(338) The Pork Industry Board (F2.11) has made a further submission opposing the submission by the MoE.

(339) They argue that:

- Educational facilities are a sensitive activity that could impact on established and legitimate primary production activities which form the primary purpose of the rural zone,
- A discretionary activity status allows for a thorough examination of the activity and its potential effects on rural production, and
- A discretionary activity status is aligned with the activity status for other similar sensitive activities in the General Rural Zone, such as community facilities and health care activities.

Assessment

(340) I do not agree with the submission point of MoE and the requested amendments to GRUZ-R20, for the following reasons:

- The rule title does not need to explicitly refer to child care facilities. These are included in the definition of educational facilities, a definition that is set by the National Planning Standards.
- While I agree that educational facilities are essential social infrastructure for Lower Hutt, I do not think this necessarily supports restricted discretionary activity consenting pathway given the potential reverse sensitivity to existing rural activities from new land uses that may be sensitive to their effects.
- Council officers are unaware of any issues with the provision of educational facilities for the rural areas of Lower Hutt, noting that:

- Lower Hutt has a relatively small rural area when compared to many other cities in New Zealand,
- The rural areas of Lower Hutt are generally well connected to suburban centres that provide for educational facilities, while rural areas are generally not well connected to other rural areas and so do not form a significant catchment area for educational facilities in their own right.
- While there are existing child care facilities in rural areas of Lower Hutt, these are not common.
- There are no existing schools in rural zones of Lower Hutt and no recent resource consent applications or notices of requirement for new schools in these areas.

(341) If there are known issues with the provision of educational facilities in the rural areas of Lower Hutt, the submitter may wish to elaborate on these issues through the hearing.

Recommendation

(342) I recommend that the submission point of the Pork Industry Board (341.31) in support of rule GRUZ-R20 be accepted.

(343) I recommend that the submission points of MoE (399.77, 399.83) be rejected, and that the further submission point of the Pork Industry Board (F2.11) be accepted.

4.4.7.12 GRUZ-R22/RLZ-R17: Emergency service facilities

Submission

(344) FENZ (374.68d, 374.68e, 374.97, 374.103) requests that rules GRUZ-R22 and RLZ-R17, for Emergency service facilities in the General Rural Zone and Rural Lifestyle Zone respectively, be amended so activity has a permitted activity status with no conditions.

(345) The submitter argues that it is important for the District Plan to recognise the critical importance of emergency services to communities and that the submitter requires the ability to construct and operate fire stations in

locations which enable reasonable response times to fire and other emergencies and that this is a critical service to communities.

Assessment

- (346) I acknowledge the critical importance of emergency facilities to the community. However, unplanned development outside of the urban area has the ability to compromise primary production and should require consideration of the operational need to operate in the GRUZ. The proposed amendment would permit emergency service facilities without any conditions. I recommend rejecting the relief sought by FENZ for the reasons outlined in section 4.2.6.

Recommendation

- (347) I recommend that the submission points of FENZ on rules GRUZ-R22 and RLZ-R16 (374.68d, 374.68e, 374.97, 374.103) be rejected.

4.4.7.13 GRUZ-R24/RLZ-R19: Activities not otherwise provided for

Submission

- (348) MoE (399.78, 399.84) opposes the inclusion of child care services in rules GRUZ-R24 and RLZ-R19.
- (349) The Ministry argues that child care services are not considered a permitted, controlled, restricted discretionary, noncomplying or prohibited activity under the rules for the GRUZ and are therefore provided for under these catch-all rules.

Assessment

- (350) Child care services are not captured by rules GRUZ-R24 and RLZ-R19 as they are specifically included in the definition of Educational facilities, which are addressed through GRUZ-20 and RLZ-R19. This definition of Educational facilities is set by the National Planning Standards.

Recommendation

(351) I recommend accepting in part the relief sought by MoE (399.78, 399.84) in that child care services are not included in rules GRUZ-R24 and RLZ-R19 in the PDP as notified. However, no amendments are needed in response to these submission points.

4.4.7.14 New Rule – GRUZ-RX: Existing (and consenting) of quarrying activities

Submission

(352) Horokiwi Quarries Ltd (246.31) seeks a new rule to provide for existing legally established quarry activities. The proposed rule is as follows:

GRUZ-Rx – Existing (and consenting) of existing lawfully established quarrying activities

1. Activity status: Restricted discretionary

Matters of discretion are restricted to:

1. The effects on the amenity values of the surrounding area.

2. The importance of quarrying aggregate and meeting the supply demand for the city's use.

3. Dust, access and traffic.

4. The matters in GRUZ-P2.

(353) The submitter considers that recognition of existing quarry activities outside the Quarry zone is still appropriate to give effect to the RPS Objective 31⁸ and Policy 60.

(354) Winstone Aggregates (FS33.23) has made a further submission in support of Horokiwi Quarry Limited's submission. Winstone aggregates supports relief sought in so far as it does not relate to the Quarry Zone.

⁸ Given as Objective 21 in the submission, but from context I infer this is intended to be a reference to Objective 31.

Assessment

(355) Objective 31 of the RPS is that:

The demand for mineral resources is met from resources located in close proximity to the areas of demand.

(356) "Close proximity" is not defined although I note that the associated Anticipated Environment Result is that "Aggregate and hard rock, for local use, is sourced from within the Wellington region".

(357) Policy 60 of the RPS requires Council to consider:

- a. the social, economic, and environmental benefits from utilising mineral resources within the region, and
- b. protecting significant mineral resources from incompatible or inappropriate land uses alongside.

(358) Whilst I agree that the utilisation of the regions mineral resources is important, I consider that the existing resource consent is the appropriate method for managing the effects of quarrying. In addition, any change in intensification could be dealt with through discretionary activity pathway.

(359) In addition, if the Council were to include a new rule I do not consider that the limitations of matters of discretion are sufficient. For Instance, noise is not included in the matters of discretion and this is a common matter associated with quarrying.

Recommendation

(360) I recommend rejecting the relief sought by Horokiwi Quarries Ltd (246.31).

4.4.7.15 New Rule - GRUZ-RX/RLZ-RX: Keeping of goats

Submission

(361) Forest and Bird (424.2c) seeks to introduce associated policy, rules and fencing standards in the rural environment or ECO and NOSZ to ensure that domestic goats are managed and do not contribute to the feral population in

Lower Hutt. Manor Park and Haywards Residents (F10.54) submitted in support of the submission.

- (362) Forest and Bird (424.2c) seeks to introduce associated policy, rules and fencing standards in the rural environment or ECO and NOSZ to ensure that domestic goats are managed and do not contribute to the feral population in Lower Hutt. Manor Park and Haywards Residents (F10.54) submitted in support of the submission.

GRUZ-RX Keeping of goats

1. **Activity status: Controlled**

Where:

- a. All goats shall be contained within goat-proof fenced areas
- b. the site(s) on which the goats are kept is not located within 2km of the Natural Open Space Zone.

Matters of control are:

1. Annual inspection of fences by the consent holder and reporting of results to the Council;
2. Annual reporting of stock numbers;
3. Procedures for reporting fence breaches and escapes to the Council and neighbours;
4. Procedures for stock retrieval;
5. The method of stock identification; and
6. Methods of stock disposal if the activity ceases to operate.

Notification status: An application for resource consent made in respect of rule GRUZ-R2.1.a is precluded from being publicly notified or limited notified.

2. **Activity status: Restricted Discretionary**

- a. Where compliance with 1 or 2 is not achieved.

Matters of discretion:

1. Effects on indigenous biodiversity.

Assessment

- (363) I recommend rejecting the submission for the reasons outlined in the wider discussion of this issue in section 4.2.3 of this report.

Recommendation

- (364) I recommend rejecting the relief sought by Forest and Bird (424.2c).

4.4.8 Submissions on Rural Zone standards

4.4.8.1 GRUZ-S1: Gross floor area

- (365) FENZ (374.98a) supports standard GRUZ-S1 as notified.
- (366) Go Architecture Ltd (331.26) supports standard GRUZ-S1 in part, but requests that the maximum combined gross floor area for residential buildings and structures on a site be increased from 400m² to 600m².
- (367) The submitter argues that the 400m² limit for a site with potentially two principal dwellings and two minor dwellings is insufficient.

Assessment

- (368) I think that there is merit to the submitter's argument. Rule GRUZ-R6, as notified, provides for two principal residential units per site as a permitted activity, on the condition that each principal residential unit has a minimum area of 15 ha for its exclusive use. In addition, each principal unit can be accompanied with an ancillary minor residential unit. For large sites (which are typical in the General Rural Zone), this means that four residential units would be permitted, in which case 400m² would be relatively restrictive.
- (369) In addition, the effects on the surrounding area from the larger buildings resulting from the increase in gross floor area would still be mitigated by the large size of the site.

Recommendation

(370) I recommend that the submission of Go Architecture Ltd (331.26) be accepted and that rule GRUZ-R6 be amended as requested.

(371) I recommend that the submission of FENZ (374.98a) be accepted in part, in that I recommend that rule GRUZ-R6 be retained, albeit with the amendment recommended above.

4.4.8.2 GRUZ-S3/RLZ-S3: Setbacks

Submission

(372) The submission of FENZ (374) includes submission points relating to standards GRUZ-S3 and RLZ-S3 (on Setbacks).

(373) In a part of their submission specific to the General Rural Zone and Rural Lifestyle Zone:

- FENZ supports standards GRUZ-S3/RLZ-S3 (on Setbacks) in part, but seek new matters of discretion on *“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”* (374.99, 374.105).

(374) In another part of their submission that relates to Lower Hutt in general (rather than rural zones specifically) FENZ (374.70d, 374.70e) seeks an exemption from building height and setback standards for the erection or installation of emergency service towers and communication poles, up to a height of no more than 15m, associated with an emergency services facility.

(375) The submitter states:

- The requested amendment provides for the health and safety of the community by enabling the efficient functioning of FENZ in establishing and operating fire stations.
- Fire stations are a key component of FENZ’s ability to respond to emergencies.
- The exemption would apply in relatively few situations only.

- The effects of the exemption can be largely anticipated, and such effects do not differ from the effects of several activities that may be anticipated through the urban and rural environments.

Assessment

- (376) In my opinion, a good case has not been made by the submitter that the effects an emergency service tower or communication pole are any different to structures in general or that emergency service towers or that they have a good reason to be put close to the boundary. These standards are primarily included in the PDP for the purpose of managing the potential effects of buildings and structures on adjoining properties, including dominance and shading effects, and these effects are likely to be similar for emergency service towers and communication poles as they would be for similar structures.
- (377) While the importance of FENZ's operations are acknowledged, I do not think requiring a resource consent for these structures, particularly where located near a property boundary, is too restrictive, particularly noting (as stated in the submission) that the exemption would apply in relatively few situations.
- (378) Where the standards are not met, these would be restricted discretionary activities, and any functional or operational needs for breaching the standard(s) would be able to be considered as a matter of discretion under these standards.
- (379) With regard to the submitters request for new matters of discretion for GRUZ-S3/RLZ-S3 (on Setbacks) relating to the ability for emergency services to safely and efficiently access the site (374.99, 374.105), I agree with the submitter that access by emergency services to water supply is an important issue and is an appropriate matter of discretion where a breach of a boundary setback is considered.

Recommendation

- (380) I recommend that the submission point of FENZ supporting in part standards GRUZ-S3/RLZ-S3: Setbacks but requesting a new matter of discretion (374.99, 374.105) be accepted, and that the standards be amended as follows:

GRUZ-S3/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:

...

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.

- (381) I recommend that the submission point of FENZ (374.70d, 374.70e) relating to exemptions for emergency service tower or communication pole exemptions from standards GRUZ-S2/RLZ-S2 and GRUZ-S35/RLZ-S3 be rejected.

4.4.8.3 New Standard GRUZ-SX: Setbacks to Intensive Indoor and Intensive Outdoor Primary Production

- (382) Pork Industry Board (341.35) seeks add a setback standard to Intensive Indoor and intensive outdoor primary production to protect these activities from reverse sensitivity effects arising from new sensitive activities. It would require 300m setback from buildings, structures and areas used to house stock and wastewater treatment systems used for intensive primary production. The proposed changes are set out below:

GRUZ-S3: Setbacks to Intensive Indoor and Intensive Outdoor Primary Production

1. Any newly established sensitive activity shall be set back 300m from the closest outer edge of any paddocks, structures, or buildings, and areas of paved or otherwise impervious material used to hold or house stock, and wastewater treatment systems used for intensive primary production.

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.

Assessment

- (383) Sensitive activities in this context would include residential activities, which in a low-density context are provided for as an anticipated activity in the zone. I consider that the zone's provision should generally provide for such residential activities at the scale of both existing sites in the zone, and at the level of subdivision generally provided for.
- (384) Other sensitive activities such as community facilities typically already have a discretionary activity status as a starting point and so the standard would be irrelevant.
- (385) The proposed amendment would protect intensive primary production from reverse sensitivity issues and sensitive activities from exposure to adverse

effects from primary production such as odour and noise. It would require resource consent for activities locating within 300 metres of paddocks or buildings used for outside or indoor intensive primary production to ensure any reverse sensitivity is considered.

- (386) The standard as written would thus require people carrying out residential development to assess whether neighbouring sites within 300 metres were in use for intensive primary production that met the definition in order to determine if resource consent is needed. In my view this would be impractical for both property owners and the Council and the standard would have the defacto effect of a 300m setback from any boundary.
- (387) A 300m setback is in excess of anything that could practically be achieved in most rural areas in Lower Hutt. Most existing sites in the General Rural Zone do not have any location more than 300 metres from a boundary⁹. This would not provide for the reasonable use of existing land especially in the context of rules that would not significantly provide for the relevant effects to first be mitigated to some extent at source.
- (388) The standard as intended would have limited application with the Hutt City District. There are few if any existing intensive primary production activities within Lower Hutt. It is difficult to know the future potential for high intensity primary production in Lower Hutt. Most of the highly productive flat land has been converted to lifestyle blocks or to urban areas. The General Rural land is largely confined to hill country and the narrow flood plain of the Wainuiomata River.
- (389) Given the low likelihood of the rule being applied to intended situations due to the lack of intensive farming and opportunities for intensive farming in the district I see little value in the proposed standard, and it comes with high potential costs. I think the issue is unlikely to be of much relevance. However, in principle it might arise. The submitter might want to consider whether a

⁹ 27 out of 398, according to Council's GIS system, potentially including sites where the acceptable location is of miniscule size or on an undevelopable part of the site.

more realistic and workable standard could be crafted within the scope of their submission.

Recommendation

(390) I recommend rejecting the relief sought Pork Industry Board (341.35).

4.4.8.4 New Standard GRUZ-Sx/RLZ-Sx: Firefighting Water Supply

Submission

(391) FENZ (374.69d, 374.69e) seeks new performance standards for the General Rural Zone and Rural Lifestyle Zone that would require adequate water supply for firefighting purposes when new allotments are created.

(392) The proposed standards are:

GRUZ-SX/RLZ-SX: Firefighting water supply

1. Activity status: Permitted

a) Where a connection to a publicly owned reticulated water supply systems is available, all new allotments must:

i. Be provided with a water supply connection at the allotment boundary, that meets the requirements of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 6, Tables 6.1 and 6.2), and

ii. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

b) Where a connection to a publicly owned reticulated water supply systems is not available, all allotments must:

i. Be provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L, and

ii. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Matters of discretion:

1. The extent to which the proposed water supply is sufficient for the development or activity it serves.
2. The suitability of the proposed water supply for fire-fighting purposes, including effects on people's health and safety, and on property.
3. Where a publicly owned reticulated system is not immediately available, but is likely to be in the near future, the appropriateness of temporary systems.
4. Whether any site constraints make compliance impracticable.
5. Any resulting changes to the level of service provided to other properties in that part of the network.

(393) The submitter argues that the standard is needed to ensure water supply and access for firefighting purposes when occurs.

Assessment

(394) For clarity, while the submission refers to the proposed provision as a 'performance standard', given the format of the Proposed Lower Hutt District Plan, the proposed provision is in the form of a rule, rather than a standard, and relates to requirements for the creation of new allotments.

(395) I consider the proposed change, and water supply requirements for new allotments more generally, are better addressed through the Three Waters and Subdivision chapters, on which FENZ has also made an equivalent submission. Submission points on the Three Waters chapter will be addressed through a s42A report for *Hearing #6: Infrastructure*. Submission points on the Subdivision chapter will be addressed through a s42A report for *Hearing #7: Other Topics*.

- (396) I do not think it is appropriate to replicate these requirements in zone chapters if they are addressed in these district-wide chapters.

Recommendation

- (397) I recommend that the submission points of FENZ (374.69d, 374.69e) requesting a new performance standard on firefighting water supply in the General Rural Zone and Rural Lifestyle Zone be rejected.

4.4.8.5 New Standard – GRUZ-SX/RLZ-SX: Keeping of goats

Submission

- (398) Forest and Bird (424.2c) seeks to amend the District Plan with the addition of a new standard managing the keeping of goats.

GRUZ-SX Fencing requirements for the keeping of goats

1. All goats shall be contained within fenced areas, with fencing that meets the following requirements:

a. wire post-and-batten fence with no internal or external stays and with a minimum of high tensile 2.5mm diameter galvanised steel, and either:

i. nine wires, with the bottom wire placed no higher than 80mm above ground level and, above that, wires placed at the following intervals: 100, 100, 100, 110, 120, 135, 150, and 165mm. The top wire should be approximately 50mm below the top of the post; or

ii. seven wires, with the bottom wire barbed, and no higher than 80mm above ground level and, above that, wire placed at the following intervals 100, 120, 140, 160, 210, and 250mm. The top wire should be approximately 50mm below the top of the post. An electric wire on an outrigger shall also extend for the full length of the fence.

b. posts must be at the following intervals:

i. less than 30 degrees ground slope: 5m;

ii. 30 degrees to less than 45 degrees: 4m; and

iii. 45 degrees or more: 3m;

c. battens must be at 1m intervals; and

d. fences across water bodies shall also require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction. Flood gates across culverted watercourses shall be on the downstream side of the culvert.

Matters of discretion:

1. Whether the proposed alternative fence design or other means of containment (by enclosure or tether) will adequately contain the keeping of goats within the site.

Assessment

(399) I recommend rejecting this amendment submitted by Forest and Bird for the reasons outlined in Section 4.2.3 of this report.

Recommendation

(400) I recommend rejecting the relief sought by Forest and Bird (424.2c).

4.5 Submissions on locations of Rural Zones

(401) Before addressing the specific submission points that seek a change in zone, to assist the Panel I have briefly outlined the approach I have taken in assessing these requests to ensure a consistent approach has been applied.

(402) The general approach of the PDP for rural areas has been to apply the National Planning Standards zone equivalent to the Operative District Plan

activity areas, and then review specific areas which may warrant change. This is set out in the s32 report for the Rural Zones.

- (403) When considering rezoning requests, I have undertaken a step-by-step assessment of the planning history including the nature of the relief sought, ODP activity area, approved resource consents, historical use of the site and the National Planning Standards as relevant to inform my advice to the Panel. Where the rezoning limitations of the NPS-HPL apply, I have assessed whether the exceptions available in the NPS-HPL apply.

4.5.1 Changes to the zoning maps being considered in other reports

- (404) There are requested changes to the Rural Zone maps that are considered in other reports. These include:

- 3-5 Reynolds Bach Drive, Stokes Valley (Sections 1-5 SO 461420 - Silverstream Park Christian Centre (32.3) – covered in the Residential Zones report, also in this hearing stream.

4.5.2 Moores Valley, Wainuiomata – rezonings sought from General Rural Zone to Rural Lifestyle Zone

- (405) Duane Pirimona and Alison Pirimona (354.1) seek that 43 Crowther Road, Moores Valley, Wainuiomata be zoned Rural Lifestyle Zone, rather than General Rural Zone.

- (406) They consider that:

- The site is already less than the minimum lot size for the zone.
- It is similar in nature to sites zoned Rural Lifestyle Zone in the wider Moores Valley area.
- The site is not used for rural production and is not likely to become so.

- (407) The submitters assess the site in relation to the NPS-HPL in connection with their (now moot) submission point to remove the Highly Productive Land overlay.

(408) Clauda Riley and John Riley (230.1a) likewise seek that 41, 43, 65, 69, 89, 107, and 115 Crowther Road be zoned Rural Lifestyle Zone, rather than General Rural Zone.

(409) They consider that:

- The sites are not currently used for significant rural productive activity and sites are already too small to make it viable for this to start.
- Properties in the area are used for businesses or working from home that uses the Internet, access to which is constrained.
- Additional development in the area could help manage landslide risk.
- The treatment of Moores Valley as a low density rural area is inconsistent with denser urban development in the main Wainuiomata valley.

Assessment

(410) I do not agree that it is unreasonable for the District Plan to provide for a different level of development for Moores Valley when compared to the more urbanised area of Wainuiomata. This reflects the difference between an established urban area with full access to infrastructure, suitable transport links, and commercial and community services, versus a more remote valley without the same urban features. Issues around natural hazard risk are better addressed in the Natural Hazards chapter (on which the submitters have separate submission points). The constraints on internet access identified by submitters do not support their suggested relief, but I think these constraints can likely be addressed and in any case, rural areas inherently have a lower expectation of the capacity of fixed-line data services than urban areas.

(411) I generally agree with the arguments of both submitters that rural production activity is not significant in the area at present, and around consistency with the surrounding area.

(412) However, the sites are zoned General Rural Activity Area in the ODP, and the NPS-HPL only allows a territorial authority to rezone such a site to Rural Lifestyle Zone if the assessment requirements in clause 3.10 of the NPS-HPL are met. This would include demonstrating that:

- There are permanent or long-term constraints on the land that mean land-based primary production will not be economically viable for at least 30 years
- The rezoning avoids significant loss or fragmentation of highly productive land
- The benefits of the enabled land uses would outweigh the costs of the loss of highly productive land (including on intangible values)

(413) I do not think the evidence already available to the Council is sufficient to meet these requirements, particularly that no economic evidence around rural production is available, and I do not think the assessment provided by the submitters in their original submission meets these requirements (but submitters may be able to provide such an assessment at the hearing).

Recommendation

(414) I recommend that the sites remain zoned as notified in the PDP, subject to any further information becoming available.

4.5.3 Moores Valley, Wainuiomata – rezonings sought from Rural Lifestyle Zone to General Rural Zone

(415) The Brookfield Board and Scouts Aotearoa (“Brookfield”) (469.1) seek that areas of Rural Lifestyle Zone around their site at 562 Moores Valley Road are rezoned General Rural Zone.

(416) Wainuiomata Rural Community Association Inc (364.3b) (“WRCAI”) and David Innes and Pauline Innes (416.1b) seek that “large parcels” proposed as Rural Lifestyle Zone in the northern end of Moores Valley, fall instead within the General Rural Zone.

(417) Brookfield consider that:

- The Rural Lifestyle Zone would provide for more intensive development in the area which could have negative impacts on traffic and the stream, including from septic tanks, and impact the “wilderness attributes” of the Brookfield site.

- More intensive development in the area could have reverse sensitivity issues for recreation activities at the Brookfield site.
- More intensive development in the area could cause air, sound, and light pollution.

(418) WRCAI and David and Pauline Innes consider that:

- More intensive development in the area could have negative impacts on traffic and the stream.
- The National Planning Standards contain a policy direction to avoid expansion of Rural Residential / Rural Lifestyle areas.
- More intensive development would impact rural character.

Assessment

(419) The sites proposed to be zoned Rural Lifestyle Zone in the PDP in Moores Valley are zoned Rural Residential Activity Area in the ODP, a comparable zone. The major change is a different minimum lot size, an issue for the zone as a whole which will be addressed in more detail in the Subdivision topic. The change sought by submitters would otherwise be a significant change in policy direction from the ODP and PDP. The overall approach of the PDP was to reflect the existing characteristics of Lower Hutt's rural areas, particularly in Moores Valley, that mostly do not have substantial primary production activity and are more residential in nature. In general, the Council has a duty under the RMA to be as enabling of people's use of their land as possible given the constraints needed to manage effects on the environment. Potential effects from maintaining the status quo could be:

- Impacts on the transport network, as identified by submitters,
- Impacts on freshwater quality, as identified by submitters,
- Impacts on cultural values, ecosystems, and outstanding features and landscapes, now out of scope from the partial withdrawal and Plan Stop exemption, and
- Impacts on rural primary production.

(420) I do not think the evidence provided by submitters suggests that the transport and freshwater impacts are particularly significant in this area, although submitters may be able to provide more evidence in the hearing. As generally

identified in the s32 report, there is limited evidence to suggest that existing Rural Lifestyle / Rural Residential areas have a significant capacity to provide for rural primary production.

- (421) The Brookfield site is a significant size and borders existing conservation areas. I do not think there is evidence to suggest that the change in development density from General Rural to Rural Lifestyle outside is a significant impact on recreational attributes.
- (422) I do not think there is a policy reason to significantly restrict development on private property for the sake of potential reverse sensitivity for recreation activities, which are not regionally significant infrastructure or another type of activity with national or regional direction, or direction in the strategic objectives of the PDP, around reverse sensitivity.
- (423) I do not agree with the interpretation that the National Planning Standards contain a direction to avoid use of the Rural Lifestyle Zone. The Planning Standards set out¹⁰ that they:
- do not alter the effect or outcomes of policy statements or plans*
- (424) Air, noise, and light pollution are potential issues but I do not think the evidence provided by submitters suggests that the district-wide approaches for noise and light and the regional plan's approach to air pollution have particular issues that would be different in Moores Valley from other Rural Lifestyle or similar areas.
- (425) In my view, Rural Lifestyle areas developed at the 1 hectare site size scale anticipated by the plan are still rural in character, and in any case, solely character values are not a strong reason to limit development in rural areas if it will not improve the ability of those areas to be used for primary production or conservation.

¹⁰ National Planning Standards, p5, "Purpose"

Recommendation

(426) Accordingly, I do not recommend any change to the zoning of Rural Lifestyle sites in northern Moores Valley.

4.5.4 Moores Valley, Wainuiomata – Brookfield camp

(427) The Brookfield Board and Scouts Aotearoa (“Brookfield”) (469.5) seek that a new special purpose zone be applied to their site at 562 Moores Valley Road, Wainuiomata. They do not propose specific provisions for such a zone.

(428) They consider that:

- District schemes prior to the amalgamation of Wainuiomata District Council in 1989 provided special purpose zones for the subject site and the comparable site of the Boys Brigade Camp on Coast Road.
- The General Rural Zone has permitted activity limits for height and floor area that limit existing and future facilities they may wish to erect
- The General Rural Zone does not provide for buildings to be used in association with a recreation activity

Assessment

(429) The District Plan for Lower Hutt operates under different legislation than pre-1991 district schemes and applies to a much larger and more varied area than the former Wainuiomata District. In addition, the provisions in those district schemes were already reviewed in the early 1990s when the current ODP was prepared. I do not think this provides a reason for a special purpose zone.

(430) Brookfield’s submission generally calls for greater levels of restriction on development on neighbouring land and in my view does not present a strong case for why their own land is more suitable for intensive built development than their neighbours. In some regards their submission suggests that there are greater potential effects from development on their own site than neighbours, particularly from existing ecosystem values.

(431) Recreation activities in a rural environment have a reasonable potential to have transport network, character, and noise impacts. These can often be suitably managed but this will depend on the details of the area and activity.

Recreation activities that attract visitors are thus generally subject to resource consent requirements in the General Rural Zone¹¹. I do not think any of the evidence provided by the submitter suggests there is a lesser risk of these potential effects at the subject site.

Recommendation

- (432) Accordingly, I do not think there is a reason to have any site-specific provisions that would warrant a precinct or special purpose zone, and the issues raised by the submitter are better addressed in a resource consent. I recommend retaining the zoning of the site as notified.

4.5.5 385 Hebden Crescent, Kelson

- (433) R G McMillan, D B McMillan, and Gibson Sheat Trustees Limited (229.2) seek to rezone 385 Hebden Crescent, Kelson from residential to rural. They argue that the site should not be zoned residential and is rural in character. This site is shown below:

¹¹ GRUZ-R11, which is a discretionary activity but would probably involve assessment of at minimum GRUZ-P2, GRUZ-P3, and GRUZ-P5

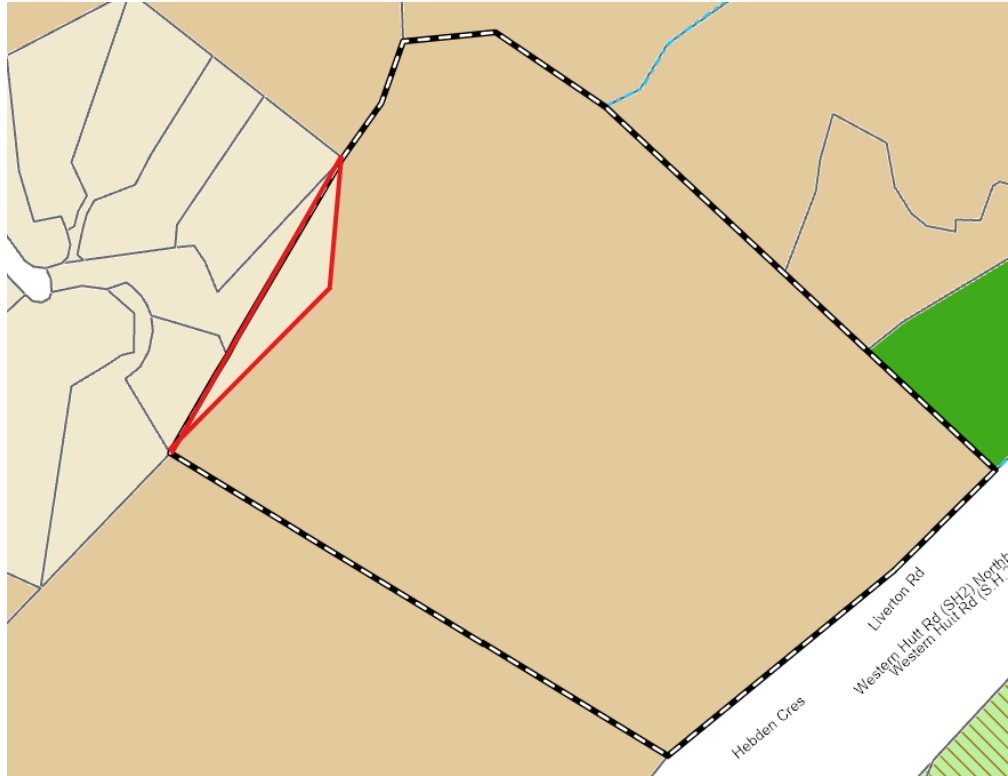


Assessment

- (434) The site is split-zoned in the PDP, with the large majority already being proposed as Rural Lifestyle Zone and a small section Large Lot Residential Zone. The general approach of the PDP is to avoid split-zoning sites without good reason, which I do not think exists in this case.

Recommendation

- (435) Accordingly, I recommend accepting the relief sought by rezoning the Large Lot Residential Zone portion of the site to Rural Lifestyle Zone, as shown below (area to be rezoned outlined in red):



4.5.6 57 Stockdale Street, Wainuiomata

(436) The Policy Planning Team of the Hutt City Council (440.98) seeks to rezone the site at 57 Stockdale Street, Wainuiomata from Rural Lifestyle Zone to Large Lot Residential Zone. The site is shown in below, with the site boundary in blue.



(437) The submitter argues that that Large Lot Residential Zone is a more appropriate given this site is zoned Hill residential Activity Area in the Operative District Plan and is bounded to the east by land that is zoned Large Lot Residential Zone.

Assessment

(438) I agree with the submission. This site was previously zoned Hill Residential Activity Area and it does not fit with the general approach to applying rural zones set out in the s32 report.

Recommendation

(439) I recommend accepting the relief sought by the Policy Planning Team of the Hutt City Council (440.98).

4.5.7 104 Upper Fitzherbert Road, Wainuiomata

Submission

(440) FH Developments 2025 (516.1), supported by Shane Wilson (F16.1), Caroline Patterson (F19.1), Prime Contracting (F24.1), Duanne and Rachel Nuku (F25.1) and Phil Henderson (F35.1), seeks to rezone the land at 104 Upper Fitzherbert

- Housing development capacity
- Three waters infrastructure
- Transport infrastructure

- (444) Under Policy 2 of the NPS-UD, Council is required to provide at least sufficient development capacity to meet expected demand for housing over the short term, medium term and long term. While the majority of the housing development capacity for Lower Hutt is provided through intensification within the existing residential areas, this can be supplemented by greenfield development opportunities, especially at the urban/rural boundary.
- (445) In addition, Policy 8 of the NPS-UD requires local authority decisions affecting urban environments to be “responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is (a) unanticipated by RMA planning documents; or (b) out-of-sequence with planned land release.
- (446) The submitter considers that the existing three waters constraints can be managed in the short to medium term. I have concerns that this may be dependent on the timing of future development. Given that there are existing constraints on three water infrastructure, and that infill development continues to be undertaken within Wainuiomata, this needs additional assessments of whether the existing three waters infrastructure has the capacity to cope with the additional development, or can be mitigated through engineering solutions proposed through the resource consent process.
- (447) There are several issues that relate to access to the site and future development of the wider area. Access to the area would need to be provided to enable future development of the area, either from Upper Fitzherbert Road or Wise Street.
- (448) I recognise that the site is on the urban/rural boundary. As such I consider that the rules of the Medium Density Residential Zone would be sufficient to manage the effects on the area in the adjoining Rural Lifestyle Zone.

(449) I recommend rejecting the relief sought by the FH Developments 2025 (516.1) due to the potential adverse effects, particularly the potential contains of water supply, wastewater disposal, stormwater management, and transport.

(450) However, if additional information is provided by the submitter in response to this report prior to the hearing, I will consider the information provided (including with the support of appropriate technical experts in relation to infrastructure issues) and would reconsider this recommendation.

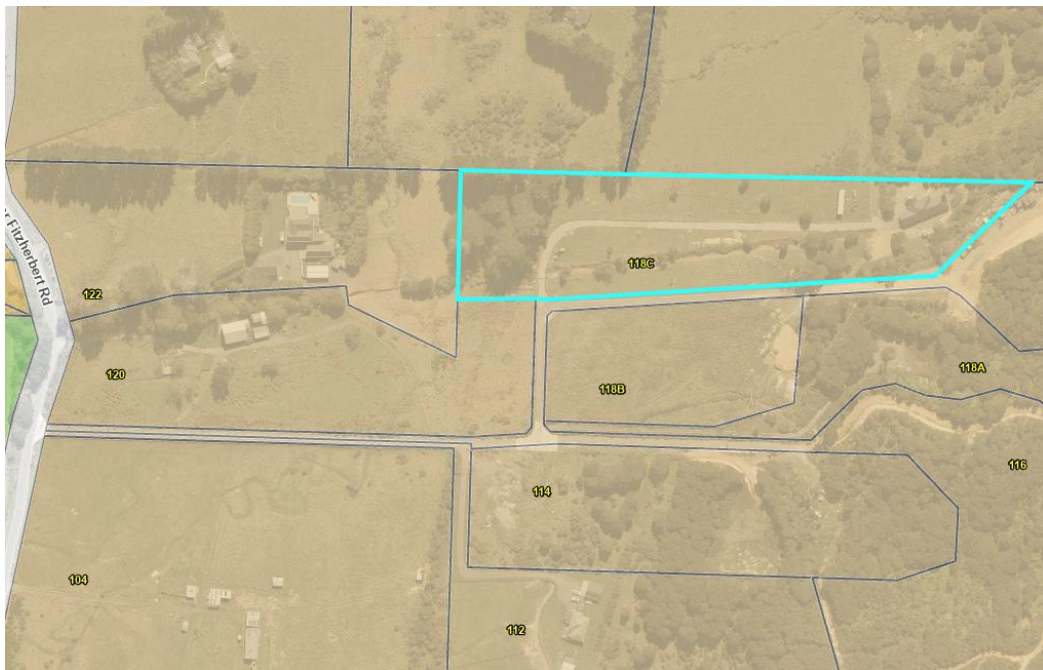
Recommendation

(451) I recommend rejecting the relief sought by FH Developments 2025 (516.1).

4.5.8 118C Upper Fitzherbert Road, Wainuiomata

Submission

(452) Prime Contracting Services (4.1) seek the rezoning of the site at 118C Upper Fitzherbert Road, Wainuiomata from RLZ to Medium Density Residential Zone. The site is shown below.



(453) The submitter supports the Rural Lifestyle Zone, but states that Medium Density Residential or Large Lot Residential Zone would be better due to the

current future proofed infrastructure on site and fast approaching developments.

Assessment

- (454) In my view, Prime Contracting Services has not provided sufficient supporting evidence for the rezoning.
- (455) Rezoning the site would result in a small, isolated area of residentially zoned land. Rezoning the site could have potential effects on the surrounding Residential Lifestyle Zone. Rezoning the adjacent sites from Residential Lifestyle Zone to Medium Density Residential Zone is out of scope of the submission and cannot be considered.
- (456) Rezoning the site could result in a range of issues including access and transport, the capacity of three waters infrastructure, potential ecological effects and effects on adjoining zones.
- (457) As noted in the assessment for 104 Upper Fitzherbert Road, Wainuiomata. There is a capacity issue with water supply, wastewater and stormwater infrastructure in Wainuiomata. Potential ecological effects would need to be evaluated for similar reasons.
- (458) In addition, it is not clear how adequate access could be provided to this site, current access being provided via a shared right of way. Access would likely require a more substantial rezoning of the adjacent sites and potentially a structure plan to ensure services could be provided.
- (459) I recommend rejecting the relief sought by the Prime Contracting Services (4.1) due to the potential adverse effects, particularly the potential constraints of water supply, wastewater disposal, stormwater management, and transport. None of these issues are addressed in the submission. If the submitter were to provide evidence at the hearing I would reconsider my recommendation in light of this.

Recommendation

- (460) I recommend rejecting the relief sought by Prime Contracting Services (4.1).

4.6 Submissions on definitions – Discussion and recommendations

4.6.1 Discussion of submissions

- (461) This section is a discussion of the submission points on definitions that are either primarily relevant to the Rural chapters, or raised by submitters primarily interested in the Rural chapters, with my recommendations on decisions requested by submitters.
- (462) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Rural I Zones s32 report.
- (463) Definitions are usually consequential on the decisions made on the substance of objective, policies, and rules, and submitters have usually submitted on those provisions as well, so I will generally call back to the discussions in the Rural sections.

4.6.2 Definitions addressed in other hearing streams

- (464) There are a number of definitions that are relevant to these chapters that have been, or will be, addressed in other hearing streams. The most relevant of these include:
- Agricultural aviation activity / Helicopter landing area / Heliport / Rural airstrip – Hearing Stream 7
 - Conservation Activities – Hearing Stream 1
 - Educational Facility –Hearing Stream 4
 - Emergency service facility – Hearing Stream 1
 - Functional Need – Hearing Stream 6
 - Reverse sensitivity – Hearing Stream 2
 - Sensitive activities – Hearing Stream 1
 - Waste management facility – Hearing Stream 6

4.6.3 Definitions not in dispute

(465) Definitions which have received submissions only in support are listed below:

- Intensive indoor primary production – supported by the Pork Industry Board (341.1)
- Primary Production – supported by Agricultural Aviation Association (231.5)

4.6.4 Definitions – proposed amendments

4.6.4.1 Rural activity

Submission

(466) The Pork Industry Board (341.4) seeks an amendment to remove “Intensive indoor primary production” from the list of exclusions in the definition of rural activity.

(467) The submitter states:

- Intensive indoor primary production is a farming activity that requires a rural location to operate,
- Reliance on this term in the GRUZ chapter means there is nowhere that these operations can feasibly locate,
- The description of the GRUZ in the National Planning Standards explicitly recognise that Intensive indoor primary production is a legitimate primary production activity within the zone, and
- Creates confusion for plan users.

Assessment

(468) “Rural activities” are provided for as predominant activities in the objectives and policies in the GRUZ chapter. The exclusion of “intensive indoor primary production” from the definition of this term, means these are provided for as other activities in the zone and are subject to qualifying language with respect to compatibility.

(469) Intensive indoor primary production is provided for in the General Rural Zone under rule GRUZ-R14: Intensive indoor primary production. The discretionary activity status under this rule does not preclude these activities locating in the GRUZ but will ensure effects are suitably managed.

(470) The objectives and policies include direction to provide for other activities (other than rural activities or low-density residential activities) which are compatible with rural activities in the zone and the character of adjoining residential zones (where applicable). I consider this is appropriate direction to guide the assessment of activities under GRUZ-R14, as it provides a framework for managing potential compatibility issues of such activities.

Recommendation

(471) I recommend rejecting the relief sought Pork Industry Board New Zealand Pork Industry Board (341.4).

4.6.4.2 Rural environment

Submission

(472) Forest and Bird (424.7), supported by Manor Park and Haywards Residents (F10.55), seek an amendment to the definition of rural environment. The submitter doesn't include a specific change to the definition, however they do argue that the definition is unhelpful for plan users and should be structured like the one for urban environments, listing which zones apply to it.

(473) Winstone Aggregates (F33.9) submits in opposition to this submission. They argue that the Quarry Zone should not be included in the definition of rural environment as they are areas of primarily industrial activity and can be located within or near Urban environments or Rural environments.

Assessment

(474) I concur with the submission by Forest and Bird. I agree that listing the zones would clarify the areas included in the rural environment would improve the usability of the District Plan for plan users and therefore the plans effectiveness.

(475) I concur with Winstone Aggregates submission that the Quarry Zone be included in the definition of rural environment. The Quarry Zone to long established quarry and associated industrial activities on a site located on the interface between rural and urban environments. Hence, I consider the Quarry Zone is appropriate to be included in the definition for “urban environment”.

Recommendation

(476) I recommend accepting in relief sought by Forest and Bird (424.7).

(477) I recommend the following amendment to the Rural environment definition:

Rural environment means ~~anywhere in Lower Hutt that is not in the urban environment~~ any area within the following zones:

a. General Rural Zone,

b. Rural Lifestyle Zone, or

c. Natural Open Space Zone.

(478) I also recommend a consequential change to the definition of urban environment.

Urban environment means any area within the following zones:

...

Quarry Zone

4.6.4.3 Rural industry

Submission

(479) Enviro NZ (323.17) seek an amendment to the definition of Rural industry to include organic composting.

means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. This includes organic composting.

The submitter argues that the definition needs to clarify that organic composting is included under the definition.

Assessment

- (480) In relation to the submission from Enviro NZ (323.17), I do not support the amendment sought. The proposed modification could potentially result in larger scale industrial activities sourcing organic material from, and onselling the product, throughout Lower Hutt and the wider Wellington region. As such it could generate larger and more complex adverse effects on the surrounding, sites, area and infrastructure. In my opinion this would necessitate a change in the restricted discretionary activity status in the General Rural Zone to a discretionary activity status to ensure appropriate avoidance, mitigation and remedying of any adverse effects are considered.

Recommendation

- (481) I recommend rejecting the relief sought by Enviro NZ (323.17).

4.6.5 New Definitions

4.6.5.1 Cleanfill area

Submission

- (482) Enviro NZ (323.5) seek a new definition for cleanfill area. The proposed definition is:

Cleanfill area means an area used exclusively for the disposal of cleanfill material.

- (483) The submitter states that the District Plan should recognise that cleanfills and landfills are important uses in the rural area and the definition would allow for these activities to be defined differently from industrial activities.

Assessment

- (484) I agree with the submitter that defining the cleanfill area in the PDP would aid in the interpretation of the plan and its effectiveness and efficiency. The

proposed definition is the same as the National Planning Standards and is therefore appropriate.

Recommendation

(485) I recommend accepting the relief sought by Enviro NZ (323.5).

4.6.5.2 Intensive outdoor primary production

Submission

(486) The Pork Industry Board (341.2) seeks a definition for Intensive outdoor primary production. The requested definition is

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.

(487) The submitter states that there is a gap in the definitions and the associated plan provisions. In pig farming, an intensive outdoor operation can be defined by the presence or absence of groundcover, with higher stocking densities that preclude the maintenance of groundcover more likely to produce adverse effects.

(488) Outdoor pig farms in which groundcover can be maintained have lower stocking densities and effects that are expected to be similar in nature to other pastoral farming systems.

Assessment

(489) The inclusion of “intensive outdoor primary production” as a defined term, supports the relief considered and recommendation in this report to modify

the description of rule GRUZ-R14 to include these activities. I consider the wording for the defined term is suitable. It will provide clarity for plan users and will ensure these activities are directed towards appropriate consideration as discretionary activities under GRUZ-R14.

Recommendation

(490) I recommend accepting the relief sought by Pork Industry Board (341.2).

4.6.5.3 Landfill

Submission

(491) Enviro NZ (323.11), opposed by Waste Management NZ (F39.4), seek a new definition for landfill. The proposed definition is:

Landfill means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.

(492) The submitter argues it is important to add the definition to the District Plan as landfills are an important use in the city, particularly in consideration that the Silverstream landfill and the closed Wainuiomata landfill are within the city boundaries.

Assessment

(493) I agree with the submitter that defining the landfill in the district plan would aid in the interpretation of the plan and the Plan's effectiveness and efficiency. The proposed definition is the definition set by the National Planning Standards, and is therefore appropriate.

Recommendation

(494) I recommend accepting the relief sought by Enviro NZ (323.11).

4.6.5.4 Keeping of goats

Submission

(495) Forest and Bird (424.2a), supported by Manor Park and Haywards Residents (F10.52), seeks to introduce associated policy, rules and fencing standards in

NOSZ to ensure that domestic goats are managed and do not contribute to the feral population in Lower Hutt.

Keeping of Goats means the keeping or farming of one or more free-ranging domestic goats.

Assessment

- (496) I recommend rejecting this amendment submitted by Forest and Bird for the reasons outlined in Section 4.2.3 of this report.

Recommendation

- (497) I recommend rejecting the relief sought by Forest and Bird (424.2d).

4.6.5.5 Managed Fill

Submission

- (498) Waste Management NZ (461.12), supported by Enviro NZ (F43.4) and GWRC (F38.73) and opposed by Manor Park and Haywards Residents (F10.39), requests the following new definition for managed fill:

Managed fill means Facility where managed fill material is accepted for deposit. Managed fill material is:

- Contaminated soil and other contaminated materials;
- Natural materials such as clay, gravel, sand, soil, rock; or
- Inert manufactured materials such as concrete and brick; and

That does not contain: -

- Hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- Products or materials derived from hazardous waste treatment stabilisation or disposal practices;
- Materials such as medical and veterinary waste, asbestos, or radioactive substances; Combustible components; or

- More than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation).

(499) They argue that managed fills are a class of fill site that do not fit into the definition of cleanfill or landfill and therefore should be specifically defined.

Assessment

(500) I agree with the submission. The proposed definition provides for the description of type of waste management activity, and supports relief considered and the recommendation made in this report to modify the description of GRUZ-R16 to provide for these activities. The addition to the plan and its inclusion in the provisions of the plan will mean that the activity can clearly be identified and managed.

Recommendation

(501) I recommend accepting the relief sought by Waste Management NZ (461.12).

5 Conclusion

- (502) This report has provided an assessment of submissions received in relation to Hearing Stream 3 or rural zones, related subdivisions provisions, definitions, and the strategic direction on UDSD-08.
- (503) Section 4 of this report assesses and provide recommendations on the decisions requested in submissions. I consider that the submissions addressed in that section for the purpose of Hearing #3 Residential and Rual Zones should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Appendix 2.
- (504) I recommend that provisions be amended as set out in Appendix 1 for the reasons set out in this report.
- (505) I consider that the amended provisions will be efficient and effect in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken in section 10 of this report.

6 Attachments

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

Appendix 2: Recommended decisions on submission points relating to rural zones

Appendix 3: Section 32AA assessment