



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HŌU

Plan Change 25

Rural Lifestyle Zone

Decision Report

31 July 2024

Table of Contents

1.	Purpose of Report	1
2.	Hearing and Submitters Heard	1
3.	Our Approach	2
3.1	Statutory Framework	2
3.2	Out of Scope Submissions	2
3.3	Uncontested Provisions	3
3.4	Section 32AA Assessments	3
4.	Introduction to the RLZ Chapter	3
4.1	Assessment	3
4.2	Decision	3
5.	RLZ-O1 Zone Purpose and RLZ-P3 Compatible Activities	3
5.1	Assessment	3
5.2	Decision	4
6.	Definition of Infrastructure	4
6.1	Assessment	4
6.2	Decision	4
7.	RLZ-P5 and Reverse Sensitivity	4
7.1	Assessment	4
7.2	Decision	4
8.	Educational Facilities and Emergency Service Facilities	4
8.1	Assessment	4
8.2	Decision	5
9.	SCA12 Lyford Lane	5
9.1	Assessment	5
9.2	Decision	5
10.	Requests for Zone and Density Changes	5
10.1	Assessment	5
10.2	Decision	6
11.	Biodiversity	6
11.1	Assessment	6
11.2	Decision	7
12.	Miscellaneous	7
12.1	Assessment	7
12.2	Decision	7

Appendix 1: Amended Provisions

Appendix 2: Amended Planning Maps

Appendix 3: Appearances and Tabled Evidence

List of submitters addressed in this report:

Submitter Ref	Further Submitter	Submitter Name	Abbreviation
1		Justin Geary and Rachael Handy	
2		Springwater Trust	
3		Fire and Emergency New Zealand	FENZ
4		Port Bryson Trust	
5		Ashalea Meek	
6		Director General of Conservation	DOC
7		John Fahey	
8		Nova Energy Limited	Nova
9		Transpower New Zealand Limited	Transpower
11	FS1	NZ Transport Agency Waka Kotahi	NZTA
13		South Canterbury Province Federated Farmers of New Zealand	Fed Farmers
14		Lake Alexandrina Outlet Hutholders Society	LAOHHS
16		Doug and Pam Aitcheson	
17		Ministry of Education	MoE
18	FS4	Genesis Energy Limited	Genesis
19	FS2	Meridian Energy Limited	Meridian
20		Canterbury Regional Council	CRC
21		B.D. and C.B. White	
22		Peter Alwyn and Elizabeth Mills	
23	FS5	Milward Finlay Lobb Limited	MFL
24		Mackenzie Properties Limited	MPL
25		New Zealand Heavy Haulage Association Inc	NZHHA
26		Liz Mills	
27		Samuel Coleman	
28	FS6	New Zealand Defence Force	NZDF
		Forest and Bird	F&B
	FS3	Davis Ogilvie (Aoraki) Limited	
	FS7	Te Runanga o Ngāi Tahu	TRoNT
	FS8	Douglas McIntyre	

Abbreviations used in this report:

AECL	Aoraki Environmental Consultancy Limited
CRPS	Canterbury Regional Policy Statement
District	Mackenzie District
District Plan	Mackenzie District Plan
GRUZ	General Rural Zone
INF	Infrastructure
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
NP Standards	National Planning Standards
NPSIB	National Policy Statement for Indigenous Biodiversity
PC13	Plan Change 13 - Rural Zone- Mackenzie Basin
PC18	Plan Change 18 - Indigenous Biodiversity
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC25	Plan Change 25 - Rural Lifestyle Zones
PC26	PC26 Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 - Earthworks, Subdivision, Public Access and Transport
RDIS	Restricted Discretionary (activity status)
REG activities	Renewable electricity generation activities
RMA	Resource Management Act
RLZ	Rural Lifestyle Zone
SCA	Specific Control Area

Spatial Plan	Mackenzie Spatial Plans, September 2021
TWSPA	Twizel Water Supply Protection Area

1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of four independent commissioners¹ to hear and decide the submissions and further submissions on Plan Change 25 – Rural Lifestyle Zone which forms part of the Mackenzie District Plan Review (MDPR).
2. The content of Plan Change 25 was set out in the MDC's Overview Report², which was four pages long. We do not repeat that information here for the sake of brevity but note that the Overview Report is available on the MDC webpage.
3. This Decision Report sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 25.
4. The initial Section 42A Report and the end of Hearing Section 42A Report (Reply Report) for PC25 were:
 - Section 42A Report: Plan Change 25 – Rural Lifestyle Zone, Report on submissions and further submissions, Author: Meg Justice, Date: 19 April 2024.
 - Section 42A Report: Plan Change 25 – Rural Lifestyle Zone, Reply Report, Author: Meg Justice, Date: 12 June 2024.
5. In our Minute 10 for PC25 dated 6 May 2024 we posed a number of questions to Meg Justice, the PC25 Section 42A Report author. We received written answers to those questions on 15 May 2024.
6. The Hearing Panel's amendments to the notified provisions of PC25 are set out in Appendix 1. Amendments to definitions are set out in Appendix 1 of the PC23 Decision. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in ~~strike-out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in **red font** as ~~strike-out~~ and underlining. Amendments to the District Plan planning maps are shown in Appendix 2.

2. Hearing and Submitters Heard

7. There were 28 primary submissions and eight further submissions on PC25. Of the 28 primary submissions, three submissions were subsequently withdrawn prior to the hearing³. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the primary submissions to which they relate.
8. The Hearing for PC25 was held on Wednesday 22 to Friday 24 May 2024 in Fairlie. Twelve submitters were heard:

Submitter Ref	Submitter Name
4	Port Bryson Trust
6	Department of Conservation
8	Nova Energy
9	Transpower New Zealand Limited
13	South Canterbury Province Federated Farmers of New Zealand
14	Lake Alexandrina Outlet Hut Holders Society
18, FS04	Genesis Energy Limited
19	Meridian Energy Limited
20	Canterbury Regional Council
21	B&C White
23	Milward Finlay Lobb Ltd
25	New Zealand Heavy Haulage Association Inc

9. The people we heard from are listed in Appendix 3. The five submitters who tabled evidence but did not appear at the Hearing are also listed in Appendix 3.

¹ Andrew Willis, Megen McKay, Rob van Voorthuysen and Ros Day-Cleavin.

² Mackenzie District Plan Change 25 – Rural Lifestyle Zone, Final for Notification, 4 November 2023.

³ Submitters PC25.10, PC25.12, PC25.15.

10. Copies of any legal submissions or evidence (either pre-circulated or tabled at the hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the Hearing and whether or not they were represented by counsel or expert witnesses.
11. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework, moving provisions from the operative PC13 into the proposed PC format; the scope of changes to definitions; the relationships between District Plan chapters; DOC's submission relating to the status of Section 19 of the District Plan (the EIB chapter post-mediation version); and minor changes to be made under Clause 16 of Schedule 1 of the RMA.
12. We also received 'overview' evidence from Rachael Willox regarding the current stage of the MPPR, the PCs notified as part of Stage 3 and their integration with existing operative District Plan provisions. Michael McMillan gave evidence regarding Kati Huirapa's and AECL's involvement in the drafting of the PCs, particularly the Mana Whenua and SASM chapters that are addressed in PC24.
13. We note the tabled evidence from TRoNT dated 2 May 2024 stated that having considered the recommendations in the Section 42A Report relating to PC25, it accepted the position of the Section 42A Report author and provided no further evidence to the Panel.

3. Our Approach

14. We have decided to structure this Decision in the following manner.
15. Ms Justice's initial Section 42A Report sequentially addressed the provisions in the MDP's proposed Rural Lifestyle chapter. For the ease of readers of our Decision, we have adopted the same approach here and mimic the headings used in the initial Section 42A Report.
16. The submissions received on the provisions covered by each of these headings were summarised in the initial Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
17. Where, having considered the submissions and the submitters' evidence and legal submissions, we nevertheless agree with Ms Justice's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms Justice's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.
18. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A reports listed in paragraph 4 above.

3.1 Statutory Framework

19. We adopt the statutory framework assessment set out in section 6 of the Section 42A Report. We note that to be consistent with the framework described by Mr Garbett in paragraphs 4 to 14 of his opening legal submissions.

3.2 Out of Scope Submissions

20. We adopt the scope assessment set out in section 7 of the Section 42A Report⁴. The consequence of that is that we decline to consider the submission by John Fahey (7.02), which seeks the removal of the Lakeside Protection Area Overlay from 781 Glen Lyon Road.
21. We adopt the scope assessment set out in section 3 of the Section 42A Report which means that submission point PC25.14⁵ is addressed in the Section 42A Report for PC23.

⁴ Section 42A Report, Section 7, para. 28

⁵ Lake Alexandrina Outlet Hut holders Society (PC25.14)

22. We note that some definitions were proposed in PC25 which were also included in one or more of the other Stage 3 plan changes⁶. Any submissions made on a definition which is used in more than one plan change are considered to be within the scope of each plan change that includes this definition. Submissions on definitions associated with PC25 are addressed in this report but have been considered in conjunction with the other Section 42A Report authors for other relevant plan changes to ensure integration between the chapters which rely on the same definition.

3.3 Uncontested Provisions

23. The Table at paragraph 29 of the initial Section 42A Report listed provisions within PC25 which were either not submitted on or had submissions seeking their retention. The Table also listed the relevant submissions. We have decided to accept the submissions listed in that Table and we do not discuss them further in this Decision. Consequently, the provisions listed in the Table at paragraph 29 of the initial Section 42A Report are retained as notified (unless a clause 10(2)(b) or clause 16(2) change has been made to them).

3.4 Section 32AA Assessments

24. Where we adopt Ms Justice's recommendations, we also adopt her section 32AA assessments. For those submissions we are satisfied that Ms Justice's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments.

25. Where we differ from those recommendations, we are required to undertake our own section 32AA assessment at a level of detail that corresponds to the scale and significance of any changes we recommend to the provisions. In that regard we are satisfied that any such amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons we set out in this Decision.

4. Introduction to the RLZ Chapter

4.1 Assessment

26. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Justice's analysis and recommendations on the introduction to the RLZ chapter.

27. Having said that, we record our finding that the approach taken to the MDPR is consistent with the NP Standards; namely the INF and REG chapters are standalone, with provisions across the remainder of the District Plan not applying to the activities addressed therein unless explicitly stated.

28. However, we note that the Section 42A Report author for PC26 has helpfully recommended the insertion of a Table into the Introduction sections of the INF and REG chapters that lists the provisions in other chapters that apply to infrastructure and renewable energy activities in addition to the INF and REG chapter provisions themselves. We further note the consequential change recommended by the Section 42A Report author for PC26 to remove the use of the word 'infrastructure' from RLZ-P4.3 to ensure the INF chapter can remain a standalone chapter. We find that to be appropriate.

4.2 Decision

29. We adopt Ms Justice's analysis and recommendations to amend the Introduction to the RLZ chapter, along with the Section 42A Report author for PC26's recommendation to amend RLZ-P4.3, as our reasons and decisions on the RLZ chapter Introduction. The amendments are set out in Appendix 1 to this Decision.

5. RLZ-O1 Zone Purpose and RLZ-P3 Compatible Activities

5.1 Assessment

30. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Justice's analysis and recommendations that RLZ-P3 is retained as notified because, together with RLZ-

⁶ Section 42A Report, Section 3, para 13.

P1 and RLZ-P2, it aligns with the primary purpose for the RLZ as set out in objective RLZ-O1; and policy RLZ-P4 provides a pathway for the consideration of infrastructure activities that have a functional need or operational need to locate within the zone.

5.2 Decision

31. We adopt Ms Justice's analysis and recommendations as our reasons and decision on RLZ-O1 Zone Purpose and RLZ-P3 Compatible Activities.

6. Definition of Infrastructure

6.1 Assessment

32. Having considered the submissions received and any evidence presented at the hearing, we agree that given the definition of 'infrastructure' was introduced in PC20, the relief sought by submitters to amend the definition is outside the scope of the current plan changes.
33. As discussed above, we note the consequential change recommended by the Section 42A Report author for PC26 to remove the word 'infrastructure' from RLZ-P4.3 to ensure the INF chapter can remain a standalone chapter. Given we have found that amendment to RLZ-P4.3 is appropriate, we find that amendments sought to this policy by the submitters are now unnecessary.

6.2 Decision

34. We adopt Ms Justice's analysis and recommendations as our reasons and decision that RLZ-P4 be retained as notified, other than the clause 10(2)(b) consequential amendment to RLZ-P4.3. The consequential amendment is set out in Appendix 1 to this Decision.

7. RLZ-P5 and Reverse Sensitivity

7.1 Assessment

35. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Justice's analysis and recommendations on RLZ-P5 and reverse sensitivity. We particularly agree that including an additional clause in RLZ-P5 as sought by Genesis and NZDF⁷ will provide necessary and appropriate policy guidance for managing the potential for reverse sensitivity effects being generated on lawfully established activities in rural areas.
36. In response to a Panel question in Minute 10, Ms Justice explained that the additional clause recommended in RLZ-P5 is limited to those activities that are established, or may need to establish, close to the Rural Lifestyle zoned areas. She advised that these activities are limited to renewable energy generation activities, regionally significant infrastructure, and primary production activities. On that basis she concluded it was not necessary to specifically manage reverse sensitivity effects on NZDF's facilities on the outskirts of Takapō because all Rural Lifestyle zoned areas are located a significant distance from these facilities. We concur with this advice and accept that rural lifestyle activities do not have the potential to generate reverse sensitivity effects on NZDF's activities in the Mackenzie District.
37. We note that in response to Minute 10, Ms Justice provided refined wording for RLZ-P5.4 to better achieve strategic directions ATC-O4 and ATC-O6. We find this to be appropriate. New clause RLZ-P5.4 is set out in Appendix 1 to this Decision.

7.2 Decision

38. We adopt Ms Justice's analysis and recommendation on "RLZ-P5 and Reverse Sensitivity" as our reasons and decisions.

8. Educational Facilities and Emergency Service Facilities

8.1 Assessment

39. Having considered the submissions received and tabled evidence from MoE and FENZ we agree with Ms Justice's analysis and recommendations on "Educational Facilities" and "Emergency Service Facilities".

⁷ Genesis (PC25.18.06); NZDF (PC25.28.01)

40. In particular we concur that it is open to the MoE to establish a school in the RLZ via the designation process provided in the RMA, as is commonly undertaken in the District and nationwide. We note that MoE, in its tabled evidence, accepted that this is the case.
41. We are satisfied that the activity status for educational facilities that do not achieve the permitted activity standards should be RDIS in the RLZ along with the inclusion of matters of discretion and note that in its tabled evidence, MoE did not pursue this matter further.
42. We find it is appropriate to amend PREC4-MC1 to include reference to firefighting water supply and note that FENZ, in its tabled evidence, agreed with Ms Justice's proposed amendments to the Ohau River Precinct to include provisions for firefighting water supply.
43. While we acknowledge that FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to Standards RLZ-S2, RLZ-S3, RLZ-S4, and RLZ-S8 no additional analysis was provided to support its position. Further, FENZ did not specifically respond to the section 42A Report analysis of the relief sought nor the recommendations made by Ms Justice in relation to the relief. On this basis, we do not consider these matters further.

8.2 Decision

44. We adopt Ms Justice's analysis and recommendation on "Educational Facilities" and "Emergency Service Facilities" as our reasons and decisions.

9. SCA12 Lyford Lane

9.1 Assessment

45. We heard from Mr and Mrs White⁸ at the Hearing who spoke to their submission and the reasons they disagreed with the Section 42A Report author's recommendations relating to their property at 158 Lyford Lane. While we acknowledge the submitter's position, we were not persuaded by their rationale to remove SCA12 and to allow development of four lots and four dwellings as a permitted activity at 158 Lyford Lane.
46. We are satisfied that the proposed provisions for SCA12 Lyford Lane are appropriate when considered against the requirement to protect the Twizel Water Supply Protection Area (TWSPA) for Twizel's drinking water source, together with the need to avoid potential flooding and hydro inundation hazards at the site in the event of a canal wall failure.
47. We further note the evidence of Mr McLauchlan which confirms that MDC is in the feasibility stages of extending reticulated wastewater services to replace the septic tanks within SCA12 and agree with Ms Justice that the relief sought by Springwater Trust⁹ and Doug and Pam Aitcheson¹⁰ is beyond what we can properly consider as part of the District Plan review process.

9.2 Decision

48. We adopt Ms Justice's analysis and recommendation on "SCA12 Lyford Lane" as our reasons and decision that the provisions that apply to RLZ SCA12 Lyford Lane are retained as notified.

10. Requests for Zone and Density Changes

10.1 Assessment

49. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Justice's analysis and recommendations on requests for Zone and Density Changes.
50. Specifically, we find that:
 - It is appropriate for the boundary of the RLZ and SCA9 to be extended to incorporate the property at 141 Nixon's Road¹¹, being Lot 2 DP 422910. The mapping change is set out in Appendix 2 to this decision.

⁸ B.D. and C.B. White (PC25.21.01 – PC25.21.03).

⁹ Springwater Trust (PC25.02.01).

¹⁰ Doug and Pam Aitcheson (PC25.16.01).

¹¹ J Geary and R Handy (PC25.01.01)

- There is no compelling reason to depart from the outcomes of the Spatial Plan at 94 Nixons Road¹² and it is appropriate for the boundary of the RLZ SCA9 to be retained as notified where it applies to Lot 4 DP 81160.
- It is appropriate that RLZ S1.3 is amended to provide for one residential unit on sites less than 4 hectares which existed at the time PC25 was publicly notified, noting that this amendment will only benefit the submitter's¹³ site because all other sites within SCA9 Nixon's Road already have an existing residential unit on the site or are larger than 4 ha in area¹⁴.
- It is appropriate for RLZ-S1 (that applies to the RLZ west of Twizel) to be retained as notified. Similarly, it is appropriate that RLZ-S1.6 and RLZ-S1.7 (that apply to SCA11 Max Smith Drive) are retained as notified. In reaching this view we note our decision on MPL's rezoning requests for these areas in the Plan Changes 23-27 Rezoning Submissions Decision Report, dated 31 July 2024.
- It is appropriate for RLZ-S1 to be retained as notified on the basis that it is open for proposals to increase residential density in the RLZ at Ben Ōhau Road (such as that sought by Ms Meek¹⁵ of 51 Ben Ohau Road) to be considered in full via a discretionary resource consent application process.
- It is appropriate that the proposed GRUZ zoning for 913 Manuka Terrace Road (Lot 1 DP 442009) is retained as notified to ensure that any proposal to develop the site further can be considered via a resource consent application process given the sensitive nature of the site. We note that in response to Panel questions posed at the Hearing, Mr Pipe (for Port Bryson Trust) confirmed that he had no intention to develop the site and that the zone change request was based on a 'matter of principle'. We record here that we are unable to make decisions based 'on principle', rather we require a clear effects-based rationale to underpin our decision-making.

10.2 Decision

51. We adopt Ms Justice's analysis and recommendation on "Requests for Zone and Density Changes" as our reasons and decisions.

11. Biodiversity

11.1 Assessment

52. We acknowledge and accept the ecological evidence we received at the Hearing from Mr Nelson for DoC and we are satisfied that the biodiversity values present within Ōhau River Precinct PREC4 and nearby areas are unique to this area and should be recognised and protected when development occurs in this Precinct (in the area where development is enabled). On that basis, we agree that amendments to the Introduction Statement and PREC4-O1 to recognise the biodiversity values within and in close proximity to the Precinct are necessary and we note Mr Brass, planner for DoC, supported the recommended amendments set out in Ms Justice's Section 42A Report.

53. DoC sought a range of other changes to the Ōhau River Precinct PREC4 provisions which were initially rejected by Ms Justice on the basis that the Precinct provisions are largely a replication of operative District Plan provisions and that biodiversity is already addressed in Objective PREC4-O1 and Policy PREC4-P1 and through PC18.

54. At the hearing, Mr Brass pointed out that while he agreed that Objective PREC4-O1 and Policy PREC4-P1 provide direction on biodiversity (including that development should be sensitive to natural values including indigenous biodiversity, and that natural values should be retained through the use of a No Build Area) he could not see a mechanism to fully give effect to those provisions in the relevant rules. He explained that there is rule framework gap in PC25 (and PC27) where there was a lack of control or discretion over effects of development on indigenous biodiversity values outside the footprint of the Precinct. He emphasised that PC18 will not close this gap as the rules in the EIB chapter 19 only relate to vegetation clearance, not the

¹²Peter Alwyn and Elizabeth Mills (PC25.22.01).

¹³ Liz Mills (PC25.26.01).

¹⁴ PC25 Section 42A Report author response to Minute 10.

¹⁵ Ashalea Meek (PC25.5.01)

offsite effects of land use. In his view, this would fail to give effect to the CRPS, particularly Policy 9.3.1.3, as it would allow a net loss of indigenous biodiversity values within the tern colony and skink habitat to occur as a result of land use within the Precinct. It would also fail to achieve Objective PREC4-O1.

55. Mr Brass sought that the gap be addressed by either extending the recommended additions to Standard SUB-S8 so that they can apply outside of the Precinct or by adding to the matters of control in Rule PREC4-R1.
56. In her Reply Report, Ms Justice agreed with Mr Brass and recommended an additional matter of control be included in PREC4-R1 (which provides for Residential Units within the Precinct as a controlled activity). She advised that this amendment would enable a resource consent condition to be imposed to manage potential effects arising from this land use on these identified species. Ms Justice also recommended that an additional matter of discretion be included in SUB-R6 (addressed in PC27) that would apply exclusively to the Ōhau River Precinct to enable the management of the potential effects on significant fauna at the time of subdivision.
57. We are satisfied that the amendments recommended by Ms Justice to PREC4-R1 and SUB-R6 will protect the identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) from development in the Ōhau River Precinct. We note that the recommended amendments to these provisions (PREC4-R1 in PC25) and (SUB-R6 in PC27) have been accepted by Mr Brass as addressing the relief sought by DoC.
58. In a response to Minute 10, Ms Justice agreed that including cross referencing for the words “Vegetation Management Plan” within standard PREC4-S2, to refer plan users to the subdivision chapter standard SUB-S8.3, would be useful and considered this amendment could be made as a clarification under clause 16(2), Schedule 1 of the RMA. We agree, however, in Appendix 1 to her Section 42A Reply Report, this amendment was included within the Advice Note, not PREC4-S2. In our view it is clearer to include this amendment within PREC4-S2 itself and accordingly we have deleted the words “as required by standard SUB-S8.3” from the advice note and inserted the same phrase into PREC4-S2.

11.2 Decision

59. We adopt Ms Justice’s analysis and recommendation on “Biodiversity” as our reasons and decisions. The resultant provisions are set out in Appendix 1 to this Decision.

12. Miscellaneous

12.1 Assessment

60. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Justice’s analysis and recommendations on “Miscellaneous – Practicality of Provisions”.
61. In particular, we concur with Ms Justice’s analysis and recommendations on “Miscellaneous – Minor Residential Units”. We were not persuaded by Ms McMullan’s rationale for the relief sought and find no clear justification to increase the maximum floor area for minor residential units from 65m² to 90m² in the RLZ.
62. With regard to “Miscellaneous – Relocatable Buildings”, having heard the evidence of Mr Bhana-Thomson for NZHHA, we agree that a less onerous consenting pathway can be provided for relocated buildings in the RLZ which would still achieve the RLZ objectives. On that basis, we agree with Ms Justice’s recommendation to introduce a new rule and to amend Rule RLZ-S11, and we note Mr Bhana-Thomson confirmed at the Hearing he was supportive of Ms Justice’s recommendations in this regard. We further note that Mr Bhana-Thomson promoted the use of a pre-inspection/reinstatement report (and helpfully provided a suggested template to this effect). However, based on Ms Justice’s advice, we are satisfied that this document is not required to be included the District Plan.
63. In terms of the relief sought by the NZDF, we agree with Ms Justice’s analysis and recommendations to include an additional standard in the RLZ chapter to impose the height restrictions that apply within the existing airport protection areas on that basis that this measure will protect flight paths to and from the airport.

12.2 Decision

64. We adopt Ms Justice’s analysis and recommendation on “Miscellaneous” as our reasons and decisions.

13. Definitions

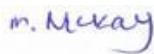
65. At paragraph 35 of Ms Justice's Section 42A Report she noted that the RLZ chapter refers to the defined term 'Sensitive Activity' and that this definition was not included in PC25. On this basis she recommended that the definition of 'Sensitivity Activity' is included in PC25 as a clause 16(2), Schedule 1 of the RMA amendment. We find this to be appropriate.

13.3 Decision

66. We adopt Ms Justice's analysis and recommendation on the inclusion of the definition of "Sensitive Activity" in PC25 as our reasons and decision.



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day-Cleavin