



**Section 42A Report: Plan Change 23 –
Natural Character
Natural Features and Landscapes
General Rural Zone**

Report on submissions and further submissions

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3	Recommended Amendments to NFL Chapter
4	Recommended Amendments to GRUZ Chapter
5	Recommended Mapping Changes
6	Memo from Landscape Architect Ms Pfluger
7	Memo from Wilding Conifer Expert Mr Young
8	Memo from MDC Engineering Manager Mr McLachlan

List of submitters addressed in this report:

Submitter Ref	Further Submitter Ref	Submitter Name	Abbreviation
1		Ant Frith	
2	FS4	New Zealand Agricultural Aviation Association	NZAAA
3		Nic Zuppich	
4	FS7	Fire and Emergency New Zealand	FENZ
5		Wanaka Helicopters	
6		Hermann Frank	
7		Department of Conservation	DOC
8		Helios Energy Limited	Helios
9		Tekapo Landco Ltd & Godwit Leisure Ltd	TLGL
10		Michael Donnelly	
11		Murray Valentine	
12	FS21	Nova Energy	Nova
13	FS10	Transpower New Zealand Limited	Transpower
14	FS6	Pukaki Tourism Holdings Limited Partnership & Pukaki Village Holdings Limited	PTHL and PVHL
15	FS3	NZ Transport Agency Waka Kotahi	NZTA
16		Simpson Family Holdings Ltd	Simpson Family
17		Mackenzie Basin Wilding Tree Trust	MBWTT
18		Chris & Rachael Pudney	
19		Aviation New Zealand and NZ Helicopter Association	Aviation NZ
20		Environmental Defence Society	EDS
21		<i>Submission Withdrawn</i>	
22		Helicopters South Canterbury - Richard Geary	
24		PF Olsen	PFO
25	FS26	Te Rūnanga o Ngāi Tahu	TRoNT
26	FS1	NZ Pork	
27	FS18	South Canterbury Province Federated Farmers of New Zealand	Fed Farmers
28		Lake Alexandrina Outlet Hut Holders Society	LAOHHS
29	FS2	Port Blakely	PB
30		John Evans	
32		Grampians Station Ltd	Grampians Station
34		Rodney Garth Hurst	
35*	FS20	Road Metals Company Limited	Road Metals
36		Forest and Bird	F&B
37	FS22	Lisburn Farms Limited	Lisburn Farms
38		Ministry of Education	MoE
39	FS31	Matthew & Victoria Simpson	
40	FS12	Genesis Energy Limited	Genesis
41		The Mackenzie Country Charitable Trust	
42		Neil Joseph Lyons, Colleen Janice Lyons and Webb Farry Trustees 2014 Limited	Lyons Webb
43	FS23	Opuha Water Limited	OWL

44	FS9	Meridian Energy Limited	Meridian
45	FS14	Canterbury Regional Council	CRC
46		Blue Lake Investment (NZ) Limited	Blue Lake
47		<i>Submission Withdrawn</i>	
48	FS15	Milward Finlay Lobb Ltd	MFL
49		Rooney Group Ltd	Rooney Group
50	FS24	Wolds Station Limited	Wolds Station
51		New Zealand Heavy Haulage Association Inc	NZHHA
52		Grampians Station Limited	Grampians Station
53		Fraser Ross	
54	FS17	New Zealand Defence Force	NZDF
55		Mitch Taylor	
	FS5	Stephen Kerr	
	FS8	Andrew & Rachel McGregor	
	FS11	Davis Ogilvie (Aoraki) Limited	
	FS13	Mackenzie Guardians Inc.	
	FS16	Ian Morrison	
	FS19	Richard Milner	
	FS25	Mt Gerald Station	
	FS27	Andy McNab	
	FS28	Guy Sutherland	
	FS29	Andrew & Rachel McGregor	
	FS30	Andrew & Rachel McGregor	
	FS32	Kane & Marie Murdoch	
	FS33	David Giddings	
	FS34	Celia Devenish	
	FS35	George Giddings	
	FS36	Glen Dararach Trust/Grant Chisholm	
	FS37	Raincliff Station Ltd/David Morgan	
	FS38	Ian Morrison	

** The Road Metals submission on PC23 (35.10) includes a proposal for re-zoning part of Lot 2 DP 487658 for industrial purposes. That aspect of the Road Metals submission is not included within this report. However, all other aspects of that submission, including some site specific provision for quarrying on that site, are addressed in this report.*

Abbreviations used in this report:

Abbreviation	Full Text
CON	Controlled
CRPS	Canterbury Regional Policy Statement
CRPMP	Canterbury Regional Pest Management Plan
DIS	Discretionary
District Plan	Mackenzie District Plan
EIB chapter	Section 19 - Ecosystems and Indigenous Biodiversity
EMLS	Eastern Mackenzie Landscape Study
FBA	Farm Base Area
FMA	Forestry Management Area
GRUZ	General Rural Zone
ha	Hectare
HPL	Highly Productive Land
INF	Infrastructure
LPA	Lakeside Protection Area
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
MPI	Ministry for Primary Industries
NATC	Natural Character Chapter
NC	Non complying
NESCF	National Environmental Standards for Commercial Forestry
NESF	National Environmental Standards for Freshwater
NESPF	National Environmental Standards for Plantation Forestry
NFL	Natural Features and Landscapes
NPSFM	National Policy Statement for Freshwater Management
NPSHPL	National Policy Statement for Highly Productive Land
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation
NP Standards	National Planning Standards
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC18	Plan Change 18 – Indigenous Biodiversity
PC20	Plan Change 20 – Strategic Direction Chapters
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 - Subdivision, Earthworks, Public Access and Transport
PER	Permitted
PR	Prohibited
RDIS	Restricted Discretionary
REG activities	Renewable electricity generation activities

REG chapter	Renewable Electricity Generation Chapter
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
SCA	Specific Control Area
SNL	Significant Natural Landscape
SONS	Site of Natural Significance
TRAN	Transport
VAL	Visual Amenity Landscape

1. Purpose of Report

1. This report is prepared under s42A of the Resource Management Act 1991 (RMA) in relation to Plan Change 23 (PC23) (Natural Character, Natural Features and Landscapes and General Rural Zone) to the District Plan. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
2. The analysis and recommendations have been informed by the technical advice received in preparing PC23 and further specialist advice received in relation to matters raised in submissions from Ms Yvonne Pfluger (Landscape), Mr Rob Young (Wilding Conifers) and Mr Ashley McLachlan (Engineering). In preparing this report I have also had regard to the Strategic Direction chapters, the provisions introduced through PC18 (contained in Section 19 – Ecosystems and Indigenous Biodiversity of the Plan) and the other plan changes (PC24, PC25, PC26 and PC27) which have also been notified as part of Stage 3 of the MDPR.
3. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them by submitters.

2. Qualifications and Experience

4. My full name is Nick Boyes. I am an independent planning consultant and have been self-employed (trading as Core Planning and Property Ltd) for two years. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999).
5. I have 25 years' planning experience, which includes working in both local government and the private sector. My experience includes district plan development, including the preparation of plan provisions and accompanying section 32 evaluation reports, and preparing and presenting section 42A reports. I also have experience undertaking policy analysis and preparing submissions on RMA documents. The majority of my work involves preparing and processing resource consent applications and notices of requirements for territorial authorities. I am currently assisting MDC in the MDPR process and was the main author of the PC23 provisions and Section 32 report.
6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I have also read and am familiar with the Resource

Management Law Association / New Zealand Planning Institute “Role of Expert Planning Witnesses” paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

3. Scope and Format of Report

7. This report considers the submissions and further submissions that were received in relation to PC23 (except as explained in the sub-section below). It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendices 1 to 4** this Report, or, in relation to mapping, through recommended spatial amendments to the mapping (set out in **Appendix 5**). Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Where recommendations are made to either delete or add a provision, new provisions are numbered ‘X’, and no renumbering has occurred to reflect any additions or deletions. I anticipate that any renumbering requirements will be done in the Hearing Panel’s decision version of the provisions.
8. The assessment of submissions generally follows the following format:
 - a) An outline of the relevant submission points;
 - b) An analysis of those submission points; and
 - c) Recommendations, including any amendments to plan provisions (and associated assessment in terms of section 32AA of the RMA where appropriate).
9. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
10. Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

Submission Points Relating to other Stage 3 Plan Changes

11. Plan Changes 23, 24, 25, 26 and 27 were notified at the same time and prepared on an integrated basis.
12. Submission points made by Ant Frith (1.05, 1.06) were received on PC23 but are considered to be more appropriately addressed in the PC26 Section 42A report. The submitter opposed the Rules contained in PC23 as they do not explicitly permit solar panels on roofs, or otherwise where out of sight of roads and public places. Mr Frith also submits that provision should be made for mini hydro schemes to enable the powering of properties and to feed excess power into the grid. These matters are more appropriately within the scope of the REG activities and are considered within the PC26 section 42A report (see Ant Frith (PC26 22.07)).

Submissions Relating to Zone Changes

13. Four submissions lodged on PC23 were identified in Minute 1 as seeking re-zoning of land included in the GRUZ in PC23 as notified. In so far as those submissions relate to the rezoning, they are not addressed in this report. Please note that the more general submission points made by Road Metals are included in this PC23 section 42A report.
 - Helen Johnson and Philip McCabe- PC23.23
 - Morelea Farm Holdings Limited, PC23.31
 - Mackenzie Properties Limited, PC23.33
 - Road Metals Limited, PC23.35 (specifically submission point 35.10)

4. Plan Change 23 Overview

14. PC23 proposes to largely delete Section 7 (Rural) of the Operative District Plan and replace those provisions within three new chapters, relating to Natural Character (NATC), Natural Features and Landscapes (NFL), and the General Rural Zone (GRUZ). This structural change is made to accord with the district plan format set out in the National Planning Standards (NP Standards).
15. These topics are included within a single plan change (PC23) due to the inter-related nature of the chapters in dealing with matters relating primarily to the rural environment of Te Manahuna/the Mackenzie District.

Natural Character (NATC)

16. This is a relatively short chapter applying setbacks for certain listed activities from surface waterbodies. The chapter also introduces NATC-SCHED1 – a schedule of surface waterbodies where a greater setback is required to protect natural character.

Natural Features and Landscapes (NFL)

17. This Chapter includes leaving the key outcomes arising from Plan Change 13 (PC13) largely intact. In particular this refers to the identification of Te Manahuna/the Mackenzie Basin as an Outstanding Natural Landscape (ONL) and the provisions introduced to manage buildings, structures, agricultural conversion and pastoral intensification.
18. The only changes to the PC13 provisions included in the scope of PC23 are restricted to:
 - The removal of ‘subdivision fencing’ from the definition of ‘pastoral intensification’ given the provisions relating to mob-stocking now included in PC18.
 - Changes to some Farm Base Areas (FBA) to better reflect the existing situation and environmental constraints.
 - Removing ONL and Lakeside Protection Areas (LPA) Overlays from the three areas on the shore of Takamana/Lake Alexandrina, and identifying these areas as Precinct 3, with related controls applying through proposed provisions for the Precinct.
19. A key aspect of the NFL Chapter is the introduction of policy and rules that apply to the identified Wilding Conifer Removal and Management Overlays, to facilitate removal of wilding conifer species and increased potential for pastoral intensification to enable stock browsing to better control emergent wilding seedlings.

20. PC23 also extends the existing Te Manahuna/Mackenzie Basin ONL to include the western extent of the District as identified by the Western Mackenzie Landscape Study. Aoraki/Mount Cook National Park has not been identified as an ONL in PC23, as the zoning and overlays applying to this National Park will be considered as part of Stage 4 of the MDPR, which will include Open Space.
21. The Operative District Plan does not include any Outstanding Natural Features (ONF) or ONL within the eastern part of the District outside Te Manahuna/the Mackenzie Basin. PC23 introduces overlays and associated rules applying to these newly identified areas as set out in the Eastern Mackenzie Landscape Study (EMLS).

General Rural Zone (GRUZ)

22. In terms of the GRUZ, the key aspects of PC23 include the introduction of density controls for the Eastern Mackenzie, where none currently exist. This includes the identification and mapping of an Eastern Plains Specific Control Area (SCA-13), where a higher density of development is enabled to reflect the more intensified nature of primary production undertaken.
23. To provide diversification in rural land use, the PC23 rules provide greater provision for recreation, tourism and conservation activity; and update the Operative District Plan provisions relating to quarrying, mining and aviation to better reflect the current situation and align with higher order planning documents.
24. A new overlay identifies highly productive land as this is currently defined by the National Policy Statement for Highly Productive Land (NPSHPL), with associated provisions to protect this land from inappropriate subdivision and land use.
25. PC23 also removes the Ōpūaha/Opuha Dam Special Purpose Zone, which otherwise included various provisions relating to the establishment phase of the Ōpūaha/Opuha Dam project. That land will now be incorporated into the GRUZ, and subject to the provisions in the GRUZ chapter, as well as the INF and REG chapters.

Precinct 3 Takamana/Lake Alexandrina Hut Settlements (PREC3)

26. PC23 includes the identification of the existing Hut Settlement on the shores of Takamana/Lake Alexandrina as a new Precinct with rules controlling the design and appearance of built form. As noted above, these PREC3 areas are consequently proposed to be removed from the Te Manahuna/Mackenzie Basin ONL and LPA Overlays.

5. Procedural Matters

27. At the time of writing this section 42A report there have not been any pre-hearing conferences, Clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

6. Statutory Framework

28. The assessment under the RMA for this Plan Change includes whether:
 - a) it is in accordance with the Council's functions (s74(1)(a));
 - b) it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c) it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));

- d) the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
 - e) the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
29. In addition, assessment of the plan change must also have regard to:
- a) any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b) the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)l); and
 - c) in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).
30. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).
31. Specific provisions within the RMA and in other planning documents that are relevant to PC23 are set out in the Section 32 Report. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
32. The assessment of submission points has also been undertaken in the context of the Section 32 Report prepared for PC23. All recommended amendments to provisions since the initial section 32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Structure of Report

33. The report firstly sets out the provisions within PC23 where no changes were sought. The remaining submissions received on PC23 are dealt with by Chapter, being NATC, NFL and GRUZ (including PREC3).
34. In general terms consideration of each chapter follows the basic structure of:
- a) Introduction section and broad submissions on the whole chapter;
 - b) Objectives;
 - c) Policies;
 - d) Rules; and
 - e) Standards and Matters of Discretion.
35. However, within this general structure the submissions have been grouped by topic to more efficiently report on the matters raised. This particularly relates to the wilding conifer provisions and those relating to aircraft and helicopters movements and landing areas.
36. The report then deals with definitions introduced by PC23 and any mapping changes sought that have not already been addressed in the body of the report.

37. The Appendices at the end of the report include all the changes arising from the recommendations made as a result of assessing all submissions and further as discussed in this report. These are set out in the following order:
- Appendix 1: All Definitions across the Plan Changes
 - Appendix 2: NATC Chapter (Report Recommendations Version)
 - Appendix 3: NFL Chapter (Report Recommendations Version)
 - Appendix 4: GRUZ Chapter (Report Recommendations Version)
 - Appendix 5: Mapping Changes (Report Recommendations Version)
38. Appendices 6, 7 and 8 include the specialist technical advice received from Ms Yvonne Pfluger (Landscape), Mr Rob Young (Wilding Conifers) and Mr Ashley McLachlan (Engineering) respectively. This advice has been relied upon where stated.

Further Submissions

39. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions will only be mentioned where they raise a valid matter not addressed in an original submission; and individual recommendations on further submissions are not set out in this report. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
 - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
 - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.
40. The exception to this is the further submissions received from affected landowners in relation to the additional ONF/ONL/FMA sought in the original submissions from Hermann Frank (23.06) and Fraser Ross (23.53). These further submissions are specifically referred to and a recommendation made.
41. It is noted that two original submissions (Wanaka Helicopters (5.01) and Helicopters South Canterbury (22.01)) were effectively further submissions supporting the submission from NZAAA (submitter reference PC23.02). I recommend these submissions are accepted in part given the recommendations made in relation to the submission points made by NZAAA as set out below. These submissions by Wanaka Helicopters (5.01) and Helicopters South Canterbury (22.01) are not otherwise specifically referred to in this report.

8. Provisions where no Change Sought

42. The provisions listed in **Table 1** within PC23 were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a clause 10(2)(b) or clause 16(2) change is recommended).

Table 1: PC23 Provisions with no submission or where no change was sought

Section	Provision	Supporting Submissions
Natural Character	NATC-O1	NZTA (15.03), TRoNT (25.03), MoE (38.07)
	NATC-O2	TRoNT (25.03)
	NATC-SCHED1	OWL (43.17)
Natural Features and Landscapes	NFL-S4	No submissions
General Rural Zone	GRUZ-P6	Fed Farmers (27.08), OWL (43.08)
Precinct 3	PREC3-O1	TRoNT (25.22), LAOHHS (28.06), MoE (38.21)
	PREC3-P1	TRoNT (25.23), LAOHHS (28.07), MoE (38.22)
	PREC3-S2	LAOHHS (28.11)
	PREC3-S5	LAOHHS (28.14)

43. Some definitions were proposed in PC23 which were also included in one or more of the other Stage 3 plan changes. These definitions were included in PC23, as well as in PC24, PC25, PC26 and/or PC27. 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 uses that definition. Submissions on definitions associated with PC23 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.
44. The submissions listed in **Table 2** below sought the retention of the definition, as such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a clause 10(2)(b) or clause 16(2) change is recommended).

Table 2: PC23 Definitions where no change sought.

Definitions	Commercial Forest or Commercial Forestry	PFO (24.01)
	Commercial Forestry Activity	PFO (24.02)
	Conservation Activity	NZAAA (2.04), DOC (7.02) and Aviation NZ (19.04)
	Earthworks	Genesis (40.01), Meridian (44.01), Helios (8.03), F&B (36.01), OWL (43.03)
	Exotic Continuous Cover Forest or Exotic Continuous Cover Forestry	PFO (24.03)
	Exotic Forest	PFO (24.04)
	Functional Need	MoE (38.02), Meridian (44.02), OWL (43.03)
	Helicopter Landing Area	NZAAA (2.05), Aviation NZ (19.05)
	Intensive Primary Production	NZ Pork (26.02)
	Primary Production	NZAAA (2.07), NZ Pork (26.04)
	Quarrying activities	OWL (43.03)
	Relocated Building	NZHHA (51.02)
	Reverse Sensitivity	Genesis (40.04), Meridian (44.05), NZDF (54.01), NZAAA (2.08), NZTA (15.01), Aviation NZ (19.09), NZ Pork (26.05)
	Wetland	OWL (43.03)

45. The submissions listed in **Table 3** below were made on operative definitions, i.e., those having been introduced through PC21. However, the application of the definition is limited to the commercial and mixed use and general industrial zones. PC23 proposes to extend their application to the NATC, NFL or GRUZ Chapters introduced through PC23. All submissions in support of the operative definition do not require consideration as to whether there is any reason not to apply these as currently defined. I recommend that these submissions be accepted.

Table 3: Operative Definitions where no change sought.

Definitions	Building	NZHHA (51.01), OWL (43.03)
	Building Coverage	OWL (43.03)
	Building Footprint	OWL (43.03)
	Commercial Activity	Aviation NZ (19.03)
	Educational Facility	MoE (38.01)
	Habitable Room	MoE (38.03)
	Operational Need	MoE (38.04), Genesis (40.03), Meridian (44.04)
	Structure	OWL (43.03)

46. PC23 also proposes to make consequential amendments (largely deletions) to Section 3, Section 5, Section 7, Section 9, Section 10, Section 13 and Section 14 of the District Plan. Genesis (40.01) supports the deletion of Schedule A, and Rules 13.1.1, 13.2.1 and 13.3.1, and assessment matter 16.3.j in Section 7 of the Operative MDP, subject to adoption of the relief sought in Genesis submissions across PC23, PC24, PC25, PC26 and PC27. While noting Genesis' support is conditional on their other submission points being accepted, in absence of any other submitters opposing the deletions, I recommend that the deletions are accepted, because these existing rules are effectively superseded by the new REG Chapter and to retain them would result in confusion. I recommend that this submission point (40.01) be accepted in part, given the recommendations relating to the other Genesis submission points. As no submissions were received opposing the changes to the rest of Section 7, nor to Sections 3, 5, 9, 10, 13 and 14, I recommend that the deletions and amendments proposed to these sections through PC23 are accepted.

Submissions on Entire Plan Change 23

47. Submission (7.01) from DOC supports the overall approach of providing for the General Rural Zone, Natural Features and Landscapes, and Natural Character set out in PC23 as giving effect to the relevant higher order documents. The submission notes that provisions which are not specifically addressed in the balance of the submission are supported for the reasons given in the PC23 Section 32 Report. DOC seeks that PC23 is retained as notified, except where specific changes are requested through the submission points assessed in the balance of this report.
48. I recommend that this submission is accepted in part given the recommendations relating to the other DOC submission points.

9. Natural Character (NATC) Chapter

Overview of Submissions

49. A total of 21 submissions were lodged on the Natural Character (NATC) Chapter, making up 54 submission points.
50. A submission from Nova Energy (12.01) supports the entire chapter on the basis that it gives effect to the NPSFM and the CRPS and therefore seeks that it be retained as notified. I recommend that this submission is accepted in part only, on the basis of the changes I recommend having considered the relief sought in other submissions as set out below.
51. A number of submissions were received from the energy and infrastructure sector seeking clarification that the rules included in the NATC Chapter do not apply to activities otherwise falling under the INF and REG Chapters. Others sought amendments to be consistent with the surface waterbody setbacks for specified infrastructure set out in the higher order documents, such as the NESF.
52. Other key changes sought in submissions (which are discussed in more detail in the following sections of this report) relate to:
 - Clarification of which activities the setbacks apply to.
 - How setbacks apply to urban zoning.
 - Where setbacks are measured from.
 - Recognition of the modified working farm environment of the rural zone.
 - Lack of rules promoting and encouraging opportunities to restore and rehabilitate the natural character of surface waterbodies and their margins, including the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values.
 - New standard for firefighting supply.

NATC Introduction and Relationship with Other Chapters

Submissions

53. The submission from TRoNT (25.02), supports the Introduction as it recognises the importance of experiential attributes, remoteness, natural dark night skies, waterbodies and their margins to Mana whenua and therefore seeks that it be retained as notified.
54. The submissions from Transpower (13.01), Genesis (40.14) and Meridian (44.06) seek amendments to the Introduction to include explicit direction that the provisions of the NATC Chapter do not apply to infrastructure and renewable energy activities.
55. NZTA similarly make submissions regarding the provision for infrastructure. NZTA (15.04) support NATC-P2.2 in part, and seeks an amendment to include *“unless there is a functional and/or operational need associated with regionally significant infrastructure, including buildings, earthworks, woodlots and quarrying activities”*.
56. NZTA seek similar wording to be included in NATC-R1 to NATC-R3 and NATC-R1 on the basis that there are many instances where infrastructure activities are required within or in close proximity to waterbodies to protect and maintain the safe and efficient operation of the state highway network (NZTA 15.05, 15.06, 15.07, 15.08).

57. Helios (8.06) seeks amendment of NATC-S1 to make it consistent with the setbacks set out in the NESF Clause 45 applying to specified infrastructure.

Analysis

58. The approach taken for the MDPR is consistent with that set out in the NP Standards; being that the INF and REG Chapters are effectively standalone, with provisions across the remainder of the District Plan not applying, unless explicitly stated. This is discussed in some detail in the section 42A report relating to PC26. In my view the recommended wording therein is clear, and no further clarification is needed in each of the remaining chapters making up the Mackenzie District Plan, as to do so would result in unnecessary repetition. Because the provisions in the NATC Chapter do not apply to infrastructure, in my view reference to regionally significant infrastructure within the provisions would conflict with the approach taken and result in confusion.
59. On that basis I recommend that the submissions from Transpower (13.01), Genesis (40.14), Meridian (44.06), NZTA (15.04, 15.05, 15.06, 15.07, 15.08) and Helios (8.06) are rejected with respect to making changes to the NATC Chapter, while noting that the changes recommended to PC26 will go some way to granting the relief sought.
60. The submission from TRoNT (25.02) is accepted on the basis that no changes are recommended to the Introduction text on the NATC Chapter.

Recommendation

61. I recommend, for the reasons given above, that the Introduction is retained as notified and no other changes are made to the NATC policies and rules to add reference to infrastructure.

NATC Policies (NATC-P1 & NATC-P2)

Submissions

62. The submission from NZAAA (2.10 & 2.11) supports both Policies NATC-P1 and NATC-P2 as they *“recognise the natural state of wetlands, lakes, and rivers”*. Similarly, TRoNT (25.04) supports the policies as they recognise mana whenua interests in waterbodies and their margins and their place and function within the whenua. MoE (38.08) supports NATC-P2 and acknowledges that any use and development of educational facilities, should be appropriate and adequately managed to preserve and protect the natural character values of wetlands, lakes and rivers and their margins.
63. CRC (45.07) similarly supports NATC-P2 in part and seeks that a new rule be included. The specific relief sought in terms of a new rule is assessed further below.
64. OWL (43.18, 43.19) seek that NATC-P1 and NATC-P2 are amended so that they only apply to the surface waterbodies listed in NATC-SCHED1. This is on the basis that Rules NATC-R1 to R4 and Standard NATC-S1 only apply to the surface waterbodies identified in NATC-SCHED1.
65. The submission from TLGL (9.02) seeks that NATC-P2 be amended to provide clarification of how the setbacks will protect natural character, and also the desired outcomes for resource consents made for activities within the setback distances, particularly within urban zones.
66. The submission by Wolds Station (50.04) opposes all policies, standards and Table NATC-1 as in their view, they set the bar too high in the context of a modified working farm environment. The submitter considers that NATC-S1 is unclear and is concerned that it could be interpreted to apply to all activities near a waterbody, rather than being limited to those activities listed in

NATC-R1 – R4. The setback distances set out in Table NATC-1 are opposed, which they consider would deem significant areas of productive and working land unusable as several scheduled (and additional unscheduled) surface waterbodies traverse the Wolds Station. The submitter considers that it is not necessary to align the setbacks prescribed for buildings (as per the PC13 provisions) from rivers, wetlands and lakes.

Analysis

67. The submissions from OWL (43.18 & 43.19) are premised on the setbacks only applying to the surface waterbodies listed in NATC-SCHED1. This is not correct, Table NATC-1 includes surface waterbody setbacks for those waterbodies listed in NATC-SCHED1, and also a reduced setback for remaining waterbodies not listed in NATC-SCHED1. On that basis the relief sought would make a significant change, and in my view would not achieve the objectives of the NATC Chapter. I recommend that these submissions are rejected on that basis.
68. TLGL (9.02) states that the Section 32 Report is incorrect in stating that the setbacks in Table NATC-1 give effect to the NPSFM, and notes that the NPSFM does not provide a setback from lakes. Therefore, the submitter seeks clarification on how the setbacks for urban zones will protect natural character.
69. The Section 32 Report stated that the NATC objectives address a relevant resource management issue identified by the NPSFM and give effect to the policy direction set out in the NPSFM to manage natural and physical resources in a way that prioritises the health and well-being of water bodies and freshwater ecosystems. In my view it is not fatal to the proposed provisions that the NPSFM does not stipulate a setback from lakes. I consider this does not prevent the Council from including such a provision in its District Plan, if it considers this an appropriate approach to meet the direction in the NPSFM and achieve the outcomes sought in the District Plan itself. In any case, it is not considered that the policies are the best place to provide any such clarification required. Therefore, I recommend that this submission is rejected.
70. The general opposition to the proposed NATC provisions from Wolds Station is noted. The NP Standards determine that these provisions are contained within a single chapter. Notwithstanding, waterbody setback provisions are not new and are included in the Rural Section of the Operative District Plan. The proposed rural zone setbacks are consistent with those set out in **Rule 3.1.1.f**. I disagree with the proposition that the proposed setbacks would make productive and working land unusable as this is not something that has been identified as an issue with the operative rule. The setbacks included in Table NATC-1 only apply to the activities listed in NATC-R1 to R4, which do not control the ability to use the land for productive purposes. I recommend that the submission by Wolds Station (50.04) is rejected.
71. The support from NZAAA (2.10 & 2.11), TRoNT (25.04) and MoE (38.08) is noted. On the basis that I have not recommended any changes to NATC-P1 and NATC-P2 as a result of other submissions, I recommend that these submissions are accepted.

Recommendation

72. I recommend, for the reasons given above, that NATC-P1 and NATC-P2 are retained as notified.

NATC Rules and Standards (NATC-R1 to NATC-R4, NATC-S1, Table NATC-1 and Definition of Conservation Activity)

Submissions

73. Various submissions support the rules and/or standards and/or tables and seek that they be retained as notified. TRoNT (25.05) supports all provisions, FENZ (4.01) supports NATC-R2, the Simpson Family (16.16, 16.17, 16.18) supports NATC-R1, NATC-R2 and NATC-S1, Fed Farmers (27.33) and MoE (38.09) support NATC-R1, Grampians Station (52.05, 52.06, 52.07, 52.08, 52.09) support NATC-R1 to R3, NATC-S1 and Table NATC-1; and OWL (43.21) support NATC-S1 and Table NATC-1.
74. NZAAA (2.12) support NATC-R1 in part on the basis that there should be provision for pump sheds adjacent to water bodies, as they need to be located near the water source.
75. FENZ (4.02) support NATC-R4 in part, as quarrying and mining activities can present a high fire risk for FENZ where not located within a reticulated water zone. Therefore, to reduce the risk, FENZ seek provision for firefighting water supply to be included within the rule. The submitter considers this will enable the safe, efficient and effective management of new quarrying and mining activities. A new Standard relating to Firefighting Water Supply is also requested (4.03).
76. OWL (43.20) oppose NATC-R2 in part as no definition of “*conservation activity*” is provided in PC23, which they say raises issues as to the intended scope of the rule and could lead to interpretation issues. However, I note that a definition of conservation activity is included in PC23. Submissions from NZAAA (2.04), DOC (7.02) and Aviation NZ (19.04) support the definition and seek it be retained as notified.
77. Submissions received from two forestry companies (PFO and PB) refer to the NESCF and the role it plays in regulating earthworks in relation to commercial forestry (namely regulations 24 to 33 and 54). The submissions from PFO (24.10, 24.11, 24.12, 24.13, 24.14) oppose NATC-R2 to NATC-R4, NATC-S1 and Table NATC-1 respectively, as they state that the proposed setbacks are inconsistent with setbacks for commercial forestry activities that cover exotic continuous cover forests as prescribed by the NESCF. The relief sought is that these provisions are amended to include an exception for commercial forestry earthworks.
78. The submission from PB (29.02, 29.03) opposes NATC-R2 and NATC-S1 on the basis that PC23 makes no attempt to align itself with these higher order regulations and instead creates another set of regulations beyond those already contained in the NESCF. The submission points out that under the NESCF, when the earthworks no longer meet the permitted standards, it is the regional council that has jurisdiction to consider an application for a resource consent, not the territorial authority.
79. The submission from NZAAA (2.13) supports NATC-S1 in part, but seeks that it should be made clear that NATC-S1 only applies to activities specified in rules NATC-R1-R4.
80. DOC (7.05) opposes NATC-S1 in part, as it considers that the matters of discretion for activities which are within the setback distances do not adequately recognise or protect the habitats of indigenous species, or ecosystems, so would fail to implement Policy NATC-P1. The relief sought by DOC is to add reference to ‘habitats and ecosystems’ as well as indigenous vegetation within NATC-S1.
81. TLGL (9.03) submit that the 50m notified setback area for Lake Takapō/Tekapo is not defined and has the potential to unreasonably restrict the reasonable and anticipated use of the

submitters' land for residential and visitor accommodation purposes within the holiday park. The submitter considers that such matters would have been considered at the time the urban zoning was put in place and the proposed rules may prevent development within the appropriately zoned area.

82. The submitter seeks that NATC-S1 and Table 1 are amended to remove urban zones from being subject to the defined setbacks for 'Lakes', or otherwise amended to clarify where the 'top of bank' is measured for Lake Takapō/Tekapo to define the extent of the 50m setback area and ensure this remains outside of the urban zoned land along Lakeside Drive. Alternatively, the submitter seeks a mapping layer is included to identify the land subject to the NATC setbacks.
83. LAOHHS supports Table NATC-1 in part (28.18), noting that there are a number of existing buildings and structures within this 100m setback inside the proposed PREC3. The submitter notes that Table NATC-1 includes an exemption for the Ōhau River Precinct (PREC4) and seeks that a similar exception is applied to PREC3, which includes the existing Hut Settlements on the shores of Takamana/Lake Alexandrina.

Analysis

84. I recommend that the submissions from NZAAA (2.04), DOC (7.02), Aviation NZ (19.04) and OWL (43.20) in relation to the definition of "*conservation activity*" all be accepted, as I consider that inclusion of the definition within PC23 addresses the concern raised by OWL.
85. I generally agree with the NZAAA submission (2.12), which seeks that pump sheds are added to the exceptions listed in the heading for NATC-R1. This is on the basis that such structures are generally small (and therefore have limited adverse effects) and have a functional and operational need to locate close to the water source. However, in order to control the size, I recommend inclusion of a building footprint size limit of 10m², so that the exemption only applies to smaller water pump sheds, as I consider that larger sheds could have adverse effects that should be considered through a consent process.
86. In terms of the other matter relating to the NATC Chapter raised by that submitter, in my view it is clear that the setbacks in NATC-S1 only apply to the activities specified in the NATC Rules. This is also consistent with the drafting approach taken across the District Plan, including chapters introduced through PC21 (which are now operative), whereby standards only apply to activities which list that standard as being applicable to that activity. On that basis I recommend that the submission points from NZAAA (2.13) and the Wolds Station (50.04) are rejected.
87. I do not consider that the change to NATC-R4 sought by FENZ is required, as quarrying and mining activity is primarily managed through GRUZ-R17. It is noted that FENZ has not sought a similar provision in relation to this rule. There seems to be little point requiring a firefighting water supply in relation to a quarrying and/or mining activity located in close proximity to a surface waterbody when no such provision applies to quarrying and/or mining located in the GRUZ, which could potentially (and likely) be located much further from a water source.
88. Given the concern expressed by FENZ that quarrying and mining activities can present a high fire risk where not located within a reticulated water zone, I consider that the more appropriate change to grant the relief sought would be to amend GRUZ-R17 so that quarrying and mining activity is subject to Standard GRUZ-S9 'Water Supply for Firefighting'. On the basis that such a change falls within the scope of that allowed as a consequential amendment pursuant to Clause 10(2)(b), Schedule 1 of the RMA, I recommend such a change is made. Based on that, I recommend that FENZ submissions' (4.02, 4.03) are accepted in part.

89. As noted above, the activity setbacks from surface waterbodies set out in NATC-S1 apply only to those activities listed in NATC-R1 to R4. These rules do not manage commercial forestry on the basis that such setbacks are provided for in the NESCF. The submissions by PFO and PB seek to ensure that earthworks associated with commercial forestry and forestry quarrying are not captured by NATC-R2 and NATC-R4. It was not the intention that such activity otherwise regulated through the NESCF would be captured by these provisions. However, I consider that including an advice note in these standards to clarify this would be appropriate and avoid any doubt. I note that the inclusion of such advice notes would be consistent with that already used in Rule GRUZ-R17 relating to 'Quarrying Activities'. On that basis I recommend that PFO and PB submissions 24.11, 24.13, 24.14 and 29.02 are accepted.
90. The inclusion of an advice note within NATC-R2 and NATC-R4 means that there is no need to also make a similar change to NATC-S1. On that basis I recommend that the PFO submission (24.10) and PB submission (29.03) seeking changes to NATC-S1 are rejected, noting that the changes recommended do however address their concern.
91. In terms of the PFO submission (24.12) relating to woodlots, these fall outside the NESCF and are in my view therefore appropriate to be included; I therefore recommend this submission is rejected.
92. At present the matters of discretion set out in NATC-S1 refer to indigenous vegetation only. I consider that there is merit in also including reference to habitats and ecosystems. On that basis I recommend the DOC submission (7.05) is accepted.
93. I consider that the concern relating to the 50m lake setback in Table NATC-1 expressed by TLGL (9.03) is valid. In setting that distance, the area around the Lake Takapō/Tekapo foreshore was identified as the only area in the District where the provisions could potentially impact development undertaken in either Residential, Commercial and Mixed Use zonings. While I note that the 50m setback can be met without unduly limiting development in these zones, this is determinate on the interpretation of the bank edge. Lake Ruataniwha is the only other lake in the District located in close proximity to such 'urban' zonings, but unlike Lake Takapō/Tekapo has a defined cadastral boundary around the edge making it clear that such zoned areas sit outside the proposed setbacks.
94. The intent of the setbacks is not to frustrate development of existing urban zoned areas, and on that basis, I recommend that the setback is reduced to 25m, being the same as that applying to wetlands.
95. The nature of the Hut Settlements on the shore of Takamana/Lake Alexandrina is such that any future development of many sites within PREC3 not otherwise authorised via existing use rights under section 10 of the RMA would require consent under the NATC provisions. It is noted that this PREC3 is not otherwise impacted by any recommendation to amend the lake setback applying to residential, commercial, mixed use and industrial zones as set out above. I recommend that the exemption applied to the Ōhau River Precinct (PREC4) should also extend to PREC3 and that submission 28.18 from the LAOHHS is accepted on that basis.
96. The support from TRoNT (25.05), FENZ (4.01), the Simpson Family (16.16, 16.17, 16.18), Fed Farmers (27.33), MoE (38.09), and Grampians Station (52.05, 52.06, 52.07, 52.08, 52.09) is noted. As I have recommended a change to NATC-R1, NATC-R2, NATC-S1 and Table NATC-1 in response to other submission points, I recommend that submission points 16.16, 27.33, 38.09, 52.05 and 52.07 are accepted; with 23.43, 25.05, 16.17, 16.18, 52.06, 52.08 and 52.09 accepted in part only.

Recommendations

97. I recommend, for the reasons given above, that NATC-R1 is amended to include an exception for water pump sheds with a maximum building footprint of 10m² or less.
98. I recommend, for the reasons given above, that NATC-R2 and NATC-R4 are amended to include an Advice Note making it clear that these rules do not apply to earthworks associated with commercial forestry and forestry quarrying otherwise regulated under the NESCF.
99. I recommend, for the reasons given above, that the matter of discretion b. set out in NATC-S1 is amended to also include reference to habitats and ecosystems.
100. I recommend, for the reasons given above, that Table NATC-1 is amended to apply a 25m setback from lakes to Residential, Commercial and Mixed Use and Industrial Zones.
101. I recommend, for the reasons given above, that Table NATC-1 is amended so that the exclusion applying to PREC4 also applies to PREC3 relating to the Takamana/Lake Alexandrina Hut Settlements Precinct.
102. I recommend, for the reasons given above, GRUZ-R17 is amended so that quarrying activity becomes subject to Standard GRUZ-S9 'Water Supply for Firefighting'. This is on the basis that this change can be made as a consequential amendment pursuant to Clause 10(2)(b), Schedule 1.
103. The above recommended amendments to NATC-R1, NATC-R3 and GRUZ-R17 are set out in **Appendices 2 and 4**.
104. In terms of section 32AA, the justification for inclusion of an exception for smaller water pump sheds is the same as that for the other structures within the exceptions in PC23 as notified (being fences and water troughs). Furthermore, water pump sheds have a functional and operational need to be located adjacent to waterbodies.
105. The inclusion of habitats and ecosystems as well as indigenous vegetation in the matters of discretion better implements NATC-P1, so is a more effective and efficient way to give effect to the NATC Objectives.
106. The reduction in setback for 'urban zonings' recognises that the matter of natural character was assessed at the time the zoning was put in place and the reduction in setback enables the development of land around Lake Takapō/Tekapo to proceed as anticipated under the operative District Plan zoning.
107. The change to GRUZ-R17 requiring quarrying to be subject to Standard GRUZ-S9 is a minor change in recognition of the fire risk.

Definition of Riparian Margin

Submissions

108. DOC submits (7.04) that it is not clear that a definition of riparian margin is required in PC23 given that it is a generally understood term. DOC is concerned that the proposed definition would limit the term's application to only where the margin "*contributes to the natural functioning, quality and character of the waterbody and its ecosystem*". This interpretation could inappropriately exclude some land where riparian margin provisions are still relevant and create a perverse incentive for avoiding such values.

109. Wolds Station (50.02) also submits this definition should be deleted. They note that control of riparian margins is a function that sits with the CRC and consider that inclusion of a definition within the District Plan will create confusion and/or duplication. In the alternative, Wolds Station considers the definition must be further confined, so that the extent of a riparian margin can be easily identified by the landowner. As presently drafted, they consider that this definition has potential to encompass large tracts of adjacent land and will require expert assessment to determine where the riparian margin starts and finishes.
110. Helios (8.05) similarly opposes the definition as notified, as it does not provide a quantification on the distance from a water body or the extent of land adjacent to a water body.

Analysis

111. For the purpose of the NATC Chapter, I agree with the points raised in the opposing submissions above. There are no rules in the NATC chapter which rely on the definition of riparian margins included in PC23. I consider that the provisions where this term is used – in NATC-P1 and in the matters of discretion in NATC-S1 – will function adequately without a definition. As CRC note, the concept of a riparian margin is generally well understood, particularly in the context it is used in the NATC Chapter. Therefore, I recommend that the submissions by DOC (7.04), Wolds Station (50.02) and Helios (8.05) are accepted, and the definition deleted.

Recommendation

112. I recommend, for the reasons given above, that the definition of ‘riparian margin’ included in PC23 is deleted.
113. The recommended amendment is set out in **Appendix 1**.

NATC New Rule

Submissions

114. The submission from CRC (45.07) notes that there are no proposed rules to give effect to NATC-P2.3, being *“promoting and encouraging opportunities to restore and rehabilitate the natural character of surface waterbodies and their margins, including the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values”*.
115. The submission suggests a new permitted activity rule ‘NATC-R2 Restoration of surface waterbodies and their margins’ applying across all zones providing for:
- a) *the planting of vegetation that is indigenous to the ecological district; or*
 - b) *the removal of vegetation that is not indigenous to the ecological district.*

Analysis

116. There are no proposed NATC rules otherwise preventing the activities listed above from taking place within riparian areas without the need for consent, i.e., as a permitted activity. Furthermore, NATC-R2 ‘Earthworks and Stockpiles’ makes it clear that the setbacks do not apply to *“earthworks associated with conservation activity, where no setback shall apply”*.
117. The notified definition of Conservation activity is:

“means the use of land for any activity undertaken for the purposes of the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and

recreational enjoyment by the public, and safeguarding the options of future generations”.

118. On that basis I do not see a resource management reason to include the proposed rule set out in the submission and recommend that the CRC submission (45.07) be rejected.

Recommendation

119. I recommend, for the reasons given above, that no new rule is included in the NATC chapter.

10. Natural Features and Landscapes (NFL) Chapter

Overview Of Submissions

120. A total of 29 submissions were lodged on the Natural Features and Landscapes (NFL) Chapter raising some 149 individual submission points. It is noted that some of these are considered out of scope as they relate to PC13 provisions (as set out below).
121. The key changes sought in submissions (which are discussed in more detail in the following sections of the report) relate to:
- a) Submissions from the energy and infrastructure sector seeking clarification that the rules included in the NFL Chapter do not apply to activities otherwise falling under the INF and REG Chapters;
 - b) The relationship of the provisions in the NFL Chapter and how they interrelate with those in the EIB Chapter/Section 19 introduced through PC18;
 - c) The extent of the provisions enabling pastoral intensification to address wilding conifer control and management;
 - d) The requirement for rules relating to second tier landscapes to go beyond those otherwise included in the NESCF;
 - e) The extent of built form and earthworks provided for in ONF and ONL;
 - f) Mapping ONL Overlay changes from two landowners;
 - g) The identification of additional ONF and enlarged Two Thumb Range ONL; and
 - h) Whether the management of areas identified as second tier landscapes should be restricted to commercial forestry.

Scope of Plan Change 23 – Te Manahuna/Mackenzie Basin ONL

122. A general premise of the MDPR is to not change the key objectives, policies and rules arising from PC13, which primarily apply to Te Manahuna/the Mackenzie Basin ONL¹. Notwithstanding, those Operative District Plan provisions required some minor amendment in order to migrate them to a new NFL District Wide Chapter consistent with the NP Standards. These minor layout and numbering changes do not affect the substantive content of the provisions².

¹ Exceptions to this include a change to the definition of pastoral intensification and some amended FBA areas, which were included in PC23. The submissions received on these changes are assessed further below.

² However, such changes were shown as tracked in the notified version of PC23 so any party could review the nature of the minor changes made.

123. Therefore, PC23 was promulgated on the basis that it does not otherwise provide scope to re-visit the characteristics and extent of the ONL identified in Te Manahuna/the Mackenzie Basin through the PC13 Environment Court Appeal process. A 'Note' was included at the commencement of the NFL advising of this, and the affected provisions were shaded in grey to identify them as not being within the scope of matters that could be submitted on as part of PC23.
124. Any submission points received on these provisions are outside the scope of PC23. The affected submissions are set out in **Table 4** below and not considered further in this section 42A report.

Table 4: List of submissions considered outside scope

Submitter	Submission Point	Provision
Ant Frith	1.04	NFL-R1
NZTA	15.09	NFL-O2
	15.11	NFL-P6
	15.13	NFL-R4
	15.14	NFL-R5
	15.18	NFL-S5
	15.19	NFL-SCHED1
Simpson Family	16.21	NFL-P7*
	16.25	NFL-R5
PF Olsen	24.15	NFL-O2
	24.18	NFL-P8
TRoNT	25.07	NFL-O1
	25.10	NFL-P2
	25.11	NFL-P3, NFL-P4, NFL-P6, NFL-P8
	25.12	NFL-P5
	25.13	NFL-R4
	25.15	NFL-SCHED1, NFL-SCHED2, NFL-SCHED3
Fed Farmers	27.22	NFL-P7*
Lisburn Farms Ltd	37.09	NFL-P7*
MoE	38.10	NFL-O1
	38.12	NFL-P2
	38.13	NFL-P6
Genesis	40.12	NFL-O2
	40.13	NFL-R5.3
Mackenzie Charitable Trust	41.01	NFL-P8
Meridian	44.08	NFL-O2
Grampians Station	52.10	NFL-O2
	52.12	NFL-P7*

Note: NFL-P7 was not greyed out in the Notified Version of PC23 – however, this was Policy 3B12 from the Operative Plan and is out of scope.

Entire NFL Chapter, Introduction and Relationship with Other Chapters

Submissions

125. The submissions from Nova Energy (12.02, 12.05) support the entire NFL Chapter and Overlays, and seek that they be retained as notified. DOC (7.06) supports the Chapter in part, subject to the specific changes they seek being accepted.

126. NZTA (15.10) seeks the introduction of a new policy relating to regionally significant infrastructure; as well as exceptions to the rules within the NFL Chapter relating to regionally significant infrastructure, including NFL-R1 (15.12), NFL-R9 (15.15), and NFL-R12 (15.16).
127. TRoNT (25.06) supports the Introduction to the NFL Chapter in part, which in the submitter's view recognises the significant Kāi Tahu cultural traditions that are within the ONL/Fs of Te Manahuna/the Mackenzie District. However, TRoNT seeks additional wording to recognise the *"highly natural, remote landscape character and the dark night skies"*.
128. Genesis (40.11) supports the Introduction in part, seeking the deletion of the text relating to the identification of the supporting assessment of associated values for the Eastern and Western NFL areas' identification. Genesis is of the view that in the absence of an assessment of the landscape characteristics and values for Te Manahuna/the Mackenzie Basin, direct reference to the eastern and western technical landscape assessments is not appropriate.
129. Genesis' submission (40.11) also seeks clarification within the Introduction that REG activities within ONF and ONL overlays are managed under the REG Chapter of the District Plan. This is also included in the submissions from Meridian (44.07), and Transpower (13.02) in relation to the INF Chapter.
130. TLGL (9.01) seeks clarification that the LPA is as reflected in the Operative District Plan.
131. Wolds Station (50.05) opposes the subzone being renamed/mapped as an ONL without further detailed assessment as not all areas in the subzone meet ONL criteria. The submitter considers that NFL-P1 is all encompassing and will curtail all development within the subzone and does not provide a pathway for consent to be obtained, with almost all the subzone identified as having "limited capacity to absorb change". Wolds Station supports NFL-P7 and considers this ought to be strengthened to reflect the contribution farming makes to areas identified as ONL. The submitter is of the view that despite the Council stating that the PC13 provisions are out of scope of PC23, NFL-R1 to R5 introduce changes to these provisions within the subzone. Wolds Station opposes any amendments that seek to introduce new hurdles for landowners to overcome when obtaining consent. Wolds Station supports any amendments that enable continued lawfully established activities to occur and/or support development.
132. The submission from Ant Frith (1.02) states that PC23 makes the removal of vegetation (other than minor removal for fencing), and planting (including of natives) in the ONL and above 900m, a non-complying activity. Mr Frith seeks that native planting for rejuvenation and carbon sinks should be provided for in these areas.

Analysis

133. I consider that the point made by Genesis regarding the specific reference to the specialist assessments that informed the new Western and Eastern ONF and ONL being inappropriate without also referencing the origins of Te Manahuna/the Mackenzie Basin ONL, is valid. Rather than add that additional detail, I recommend that the text be deleted as set out in the submission. This also reflects that the Introduction sections in the District Plan are generally focussed on the content of the chapters, rather than the process for determining that content. Therefore, I recommend that the Genesis submission (40.11) is accepted.
134. In terms of the other aspect of that Genesis submission, along with that of NZTA, Meridian and Transpower; my assessment is the same as that set out above in terms of the NATC Chapter. The approach taken for the MDPR is consistent with that set out in the NP Standards; being that the INF and REG chapters are effectively standalone, with provisions across the remainder of

the District Plan not applying unless explicitly stated. This is discussed in some detail in the section 42A report relating to PC26. On that basis I recommend the submissions from Genesis (40.11), NZTA (15.10, 15.12, 15.15, 15.16), Meridian (44.07) and Transpower (13.02) are rejected with respect to making changes to the Introduction of the NFL Chapter, while noting that the changes recommended to PC26 will in any case go some way to granting the relief sought.

135. The extent of Te Manahuna/Mackenzie Basin ONL carried over into PC23 is effectively only that part identified by PC13 and shown on Operative District Plan planning map 61³. The proposed new areas of western and eastern ONL were subject to technical landscape assessment by Boffa Miskell Ltd. The changes required to the PC13 provisions to bring them into the NP Standards layout are indicated as track changes in PC23 as notified. No other submitter has raised an issue with the process or consequential changes made in order to move those provisions into the new District Plan format. In my view, the deletion of NFL-P1 would mean that PC23 would not adequately protect ONF and ONL from inappropriate subdivision, use and development and result in PC23 no longer meeting the statutory requirements in terms of section 6(b) of the RMA, or give effect to the CRPS. I therefore recommend that the submission from Wolds Station (50.05) is rejected.
136. With respect to the LPA, I note that the only changes to the LPA proposed in PC23 relate to the introduction of PREC3, to recognise the three existing Hut Settlements on the shore of Takamana/Lake Alexandrina. A consequence of the precinct being applied is that those identified PREC3 areas were removed from the LPA (and ONL) overlays. My understanding is that TLGL does not seek changes to the LPA, but clarity as to whether it is the same as shown in the Operative District Plan. On that basis no specific decision on this submission is required.
137. In terms of the matters raised in the submission from Ant Frith (1.02); it is noted that there are no controls relating to native planting, and conservation activity is otherwise permitted throughout the GRUZ (by GRUZ-R12). Vegetation clearance is otherwise regulated under the provisions included in the EIB Chapter/PC18, not the provisions included in PC23. As no changes are proposed to the provisions, I recommend that this submission is rejected.
138. The submissions in support from Nova Energy (12.02, 12.05), DOC (7.06) and TRoNT (25.06) are noted. Given the changes recommended as a result of other submissions, I recommend that submissions 12.02, 12.05 and 7.06 are accepted in part. The suggested additional wording in the TRoNT submission is consistent with the matters referred to in the NATC Chapter and is considered appropriate. On that basis I recommend that submission (25.06) is accepted.

Recommendations

139. I recommend, for the reasons given above, that the Introduction to the NFL Chapter is amended to include the wording as set out in the TRoNT submission (25.06); and that reference to the specialist assessments is deleted as per the submission from Genesis (40.11), as assessed above.
140. The amendments recommended to the Introduction are set out in **Appendix 3**.
141. The scale of change does not require a section 32AA evaluation, as the amendments are to the Introduction only and do not affect any particular provisions.

³ It is noted that the move to NP Standards necessitated ONL being removed from Special Purpose Zones so as to retain the same planning framework as existed under PC13, i.e., while the mapping encompassed these zones, there are no provisions relating to ONLs applying within them.

Objective NFL-O3, Policy NFL-P9 and Rules NFL-R10, NFL-R11

142. The only new Objective introduced through PC23 is NFL-O3. (NFL-O1 and NFL-O2 were carried over from the Operative District Plan as amended by PC13 and as set out above are out of scope).
143. NFL-O3 relates to the identification of second tier landscapes, which have been termed Forestry Management Areas (FMA) on the basis that commercial forestry is the only activity sought to be managed to maintain the landscape values of these areas. A 'Note to Plan Users' at the commencement of the Chapter states that *"Forestry Management Areas are categorised as Visual Amenity Landscapes for the purpose of the National Environmental Standards for Commercial Forestry"*.
144. A corresponding new Policy NFL-P9 relating to 'Forestry Management Areas' was also included in PC23.
145. Rules NFL-R10 and NFL-R11 refer to 'Commercial Forestry and Woodlots' and 'Shelterbelts' respectively.

Submissions

146. Various submissions support NFL-O3 and seek that it be retained as notified, including Simpson Family (16.19), Fed Farmers (27.20) and TRoNT (25.08).
147. The remaining submissions largely fall into two groups: forestry interests which oppose the Objective, Policy and NFL-R10 relating to Commercial Forestry and Woodlots on the basis that commercial forestry is adequately controlled through the NESCF (PFO (24.16, 24.19, 24.22) and PB (29.04, 29.05, 29.07)); and the submission from Herman Frank (6.01, 6.03, 6.07), which seeks that the scope of NFL-O3 and Policy NFL-P9 are broadened to manage land uses other than commercial forestry, including (but not limited to) earthworks, fences and buildings. Herman Frank (6.01) seeks that the Objective is amended to read *"The landscape character and visual amenity values of the visual amenity landscapes of the Mackenzie District are maintained or enhanced"*.
148. To facilitate this outcome Herman Frank seeks that the FMA overlay included in the District Plan as notified is renamed as a Visual Amenity Landscape (VAL).
149. F&B (36.07) support NFL-R10 on the basis that a NC activity status is appropriate for commercial forestry in ONL and ONF. F&B do question why the RDIS matters of discretion for commercial forestry in an FMA do not enable the Council to assess effects on indigenous biodiversity and submit that a NC activity status would be more appropriate.
150. Grampians Station (52.19) opposes NFL-R10 and considers that woodlots as defined should be a permitted activity in the GRUZ. In terms of NFL-R11, Grampians Station (52.20) supports the provision and seeks that it be retained as notified.
151. A submission from MFL (48.07) notes a typo within the wording of the NFL-R11, which should read '90⁰' degrees not '900'.

Analysis

152. The identification of the FMA arose from the EMLS undertaken by Boffa Miskell Ltd (dated 11 October 2023 (Final Version)). That document was included as Appendix 1 to the Section 32 Report prepared in relation to PC23.

153. This document identified four new second tier 'Significant Natural Landscapes' (SNL) areas in the eastern part of the District. A draft of this document was widely consulted on. In summary, public feedback received was clear that the visual amenity concerns relating to the future development of these areas related to forestry rather than continued pastoral farming and associated low demand for built form and earthworks. The topography of such areas is such that they are not intensively farmed and as a result the demand for numerous farm buildings is not high.
154. Consultation included discussions around the minimum allotment size. The 100ha minimum allotment size within the areas included in the FMA was considered sufficiently large that there is not likely to be a high density of dwellings and associated farm infrastructure. A larger density standard was preferred as opposed to a lesser minimum size with the need for additional controls on built form and other activities ancillary to farming (including built form design and appearance, earthworks, fencing etc.).
155. These matters were also the subject of various discussions with Ms Yvonne Pfluger (the primary author of the EMLS), and the advice received was that given the proposed density standards, managing forestry within the 'SNL' was an appropriate response to the landscape and visual amenity values present. As a result, the SNL was referred to as a Forest Management Area (FMA) to recognise the scope of the consideration applying to these areas.
156. At that time (early to mid-2023) the previous NESPF (Regulations 6, 13 and 15), set out that forestry activity in a VAL could not be more restrictive than a controlled activity. The introduction of the NESCF (which came into force on 3 November 2023) introduced Regulation 7, which was an amendment to the previous Regulation 6, so that a rule in a District Plan may be more stringent or lenient than set out in subpart 1 of Part 2 of the NESCF regulations. Based on that amendment to Regulation 6, it is now an option to place a more restrictive status than controlled on commercial forestry activities in a second tier landscape/VAL.
157. On the basis of that change to the NESCF provisions, and having sought advice on the appropriate activity status from Ms Pfluger, PC23 proposes (under NFL-R10) a restricted discretionary activity status for commercial forestry within an FMA.
158. The approach taken in the notified provisions is based on extensive public consultation undertaken during the course of preparing PC23 and the specialist landscape advice received. Having reviewed and assessed the submissions received, I consider the approach to be appropriate and recommend that NFL-O3, NFL-P9 and NFL-R10 are retained as notified. Consequently, I recommend that the PFO (24.16, 24.19, 24.22), PB (29.04, 29.05, 29.07) and Herman Frank (6.01, 6.03, 6.07) submissions are rejected.
159. The support of F&B (36.07) is noted. The focus of these NFL Chapter provisions is on landscape. Should any FMA contain indigenous vegetation any commercial forestry or woodlots proposed would have to comply with the provisions found in the EIB Chapter/PC18. On that basis I do not consider that a NC activity status for commercial forestry within FMA is required and recommend that this submission is accepted in part.
160. Grampians Station note that Woodlots should be permitted in the GRUZ, which they are; NFL-R10 applies to ONF, ONL and FMA areas within the GRUZ. The support of Grampians Station (52.20) of NFL-R11 is noted, and I recommend this submission is accepted.
161. With respect to the typo within NFL-R11 (reference to 900 rather than 90⁰), this is an error that occurred when transferring the document into the EPlan. The Section 32 Report and attached

provisions include the correct reference to 90°. Therefore, the amendment sought by MFL (48.07) can be made under Clause 16(2), Schedule 1 of the RMA. In any case I recommend this submission is accepted.

162. As I have not recommended any changes to NFL-O3 I recommend that those submissions seeking that it be retained as notified (Simpson Family (16.19), Fed Farmers (27.20) and TRoNT (25.08)) are accepted.

Recommendation

163. I recommend, for the reasons given above, that the Objective NFL-O3, NFL-P9, NFL-R10 and NFL-R11 are retained as notified; including that the EPlan is updated to refer to 90° not 900.

NFL-P1 Protection of Outstanding Natural Features and Landscapes

164. This is the general Policy referring to all ONF and ONL Overlays identified in the District Plan. Whilst it applies to all ONF and ONL, it is the primary policy for new ONL areas identified in the Eastern Mackenzie District, which are not otherwise subject to the more prescriptive policy framework included in NFL-P2 to NFL-P6 and NFL-P8 introduced through PC13 and carried over into the NFL Chapter, as discussed above.

Submissions

165. TRoNT (25.09) and Fed Farmers (27.21) support NFL-P1 and seek that it be retained as notified.
166. Herman Frank (6.02) considers that the wording of the policy is too weak, noting there is no policy recognising the importance of these natural features and landscapes for biodiversity. While this might be partially covered in other parts of the District Plan, the submitter considers it should be included in the NFL Chapter as an integral part of these landscapes.
167. Simpson Family (16.20) support the policy in part, but consider that it raises too much uncertainty for landowners and that the areas which have *“limited capacity to absorb such change”* should be mapped. The submitter also considers that NFL-P1.3 should be assessed across the ONL and not on a per site basis. Simpson Family also seek a new NFL-P1.8 to *“provide for earthworks including tracks and paths that do not detract from or damage the unique landforms and landscape features”*.
168. PFO (24.17) consider that NFL-P1 is *“a great departure from the RMA section 5 of promoting sustainable management of natural and physical resources”*. Therefore, the submitter seeks that NFL-P1.7, which recognises the existence of working pastoral farms and their contribution to NFL values of the District, be deleted; or alternatively increase the scope of this recognition to also include commercial forestry.
169. Helios (8.07) seeks clarification of what ‘break the skyline’ means; and also, that NFL-P1.7 is expanded to include pastoral farms *“including their associated infrastructure”*.
170. MoE (38.11) support NFL-P1 in part but seek to have the word term “avoid inappropriate” replaced by “restrict”.
171. Grampians Station (52.11) seek that the list included in NFL-P1 is re-ordered so that recognition of working pastoral farms comes first, which is consistent with NFL-P2.

Analysis

172. I do not consider the wording of NFL-P1 to be weak in the context of the protection for natural features and landscape within the District. The policy seeks to avoid inappropriate

development, which is considered sufficiently robust and preferred over the alternative wording suggested by MoE. I acknowledge that biodiversity values contribute to the identification of an ONF/L. However, provisions to protect such values are specifically dealt with in other parts of the District Plan (namely the EIB Chapter/PC18), which is the approach that accords with the framework set out in the NP Standards. On that basis I recommend the submissions of Herman Frank (6.02) and MoE (38.11) are rejected.

173. I do not consider that areas with capacity to absorb change need to be mapped; that is a matter of assessment in relation to any subsequent resource consent application made under the NFL Chapter rule framework, and will depend on the nature and scale of proposed change being considered at the time. Whilst earthworks are not specifically referred to in their own right in NFL-P1, earthworks required for farming are recognised under NFL-P1.7. Such earthworks, and any other earthworks proposed, are to be considered against NFL-P1.1 and NFL-P1.2 as to whether they meet the threshold of *“inappropriate use and development”*, which is to be avoided. I do not consider that an additional clause is required and accordingly recommend that this submission point (Simpson Family (16.20)) be rejected.
174. NFL-P1.7 deliberately uses the term “working pastoral farms” so as to exclude more intensive forms of primary production, including commercial forestry. Commercial forestry can have inappropriate impacts on ONF and ONL values. The Operative District Plan includes controls on forestry, as do many other district plans, including those promulgated following the introduction of the NESPF/NESCF framework. I recommend that the PFO submission (24.17) is rejected.
175. In my view, the additional reference to the infrastructure associated with pastoral farms in NFL-P1.7 is not required, as it is inherent that pastoral farming includes certain ancillary activities in order to operate. Furthermore, I do not consider the order that the clauses appear within NFL-P1 is fundamental to the application of the policy. They are not hierarchical, and in many cases will require balancing. Therefore, I recommend that the submissions by Helios (8.07) and Grampians Station (52.11) are also rejected.
176. The support of TRoNT (25.09) and Fed Farmers (27.21) is noted, and I recommend these submissions are accepted on the basis that no changes are recommended to the wording of NFL-P1 as a result of the assessment of the balance of the submissions received, as set out above.

Recommendation

177. I recommend, for the reasons given above, that Policy NFL-P1 is retained as notified.

All Rules

Submissions

178. DOC (7.08) opposes all Rules (NFL-R1 to NFL-R13) on the basis that they do not address vegetation clearance, except if it occurs as part of pastoral intensification and agricultural conversion. DOC considers that more general vegetation clearance can still have significant adverse effects on landscape values, which are not addressed in these rules, or the vegetation clearance rules contained in the EIB Chapter of the District Plan. The submitter is of the view that the provisions collectively fail to recognise biodiversity values, and rely on PC18, but as that plan change is not yet operative cannot be relied upon. DOC are of the view that allowing vegetation clearance without controls would be inconsistent with NFL-O1, NFL-O2 and NFL-P2.

179. DOC seeks that either the rules are amended to manage vegetation clearance, or new specific rules to manage vegetation clearance are added. The submission does not provide wording to clarify what revisions are considered to be necessary.

Analysis

180. The structure of District Plan being implemented through the staged MDP process follows the NP Standards. The NP Standards prescribe the structure for District Plans and requires (in Standard 7, Clause 19) that all provisions relating to ecosystems and indigenous biodiversity are contained within a separate Ecosystems and Indigenous Biodiversity (EIB) Chapter.
181. Provisions relating to EIB were specifically considered in PC18. Changes to the provisions introduced by PC18 are not within the scope of PC23. Section 19 was incorporated into the District Plan following public notification of PC18 pursuant to Clause 10(5) of Schedule 1 of the RMA. While the PC18 provisions are the subject of appeal, there is no opportunity for these provisions to be withdrawn under section 86B of the RMA. Therefore, I consider that the EIB provisions that have been introduced via PC18 can be relied upon. I consider the relief sought by DOC would inevitably result in the re-litigation of the PC18 provisions via the PC23 process.
182. Therefore, I recommend that the DOC submission (7.08) is rejected.

Recommendation

183. I recommend, for the reasons given above, that no changes are made to NFL-R1 to NFL-R13 in relation to indigenous biodiversity, as the EIB/PC18 provisions can be relied upon to manage vegetation clearance within the Overlay areas covered by the NFL Chapter.

Wilding Conifer Provisions (Policies NFL-P10, NFL-P11; NFL-R6 to NFL-R8; NFL-MD2; Definitions of 'Harvest of Closed Canopy Wilding Conifers' and 'Land Rehabilitation'; Mapping of Wilding Conifer Overlays; and New Rules Sought)

Submissions

184. MBWTT (17.01, 17.02, 17.03, 17.04, 17.05) and Fed Farmers (27.23, 27.24, 27.27, 27.28, 27.29), support Policies NFL-P10 and NFL-P11; as well as Rules NFL-R6 to NFL-R8, which were included in PC23 to address the increasing wilding conifer threat to the values of the Mackenzie District, and Te Manahuna/the Mackenzie Basin ONL in particular. These submissions seek that the provisions are retained as notified.
185. TRoNT (24.14) support NFL-MD2 as the provisions protect intrinsic landscape views and seek they be retained as notified.
186. MBWTT (17.06) support NFL-MD2 in part, seeking an amendment for fencing to be included as a matter for control or discretion to allow stock grazing to be effective as a tool for emergent seedling wilding conifer control.
187. The submission by FENZ (4.05) supports NFL-R6 for harvesting of closed canopy wilding conifers as a permitted activity insofar that it reduces fire risk across Te Manahuna/the Mackenzie District.
188. DOC (7.07) opposes NFL-P11 on the basis that the policy as drafted could be read as supporting grazing of indigenous vegetation. DOC seek clarification to ensure that grazing is only used in areas where grazing is already appropriate. In terms of NFL-R6, the DOC submission (7.09) opposes this provision in part, on the basis that the proposed standards would potentially allow

loss of habitats of indigenous fauna where they are not also significant indigenous vegetation. DOC therefore seeks reference to significant habitats of indigenous fauna be added to NFL-R6.2.

189. Simpson Family (16.22) support NFL-P10 and seek that the provision is retained as notified. Their submission point (16.23) supports NFL-P11 in part, seeking that it be amended to include reference to *"spraying, topdressing and oversowing"* to control wilding spread; and also make specific reference to the Overlay areas that give effect to the policy. The Simpson Family submissions (16.26, 16.27) support NFL-R6 and NFL-R7 and seek these Rules be retained as notified. Their submission (16.28) supports NFL-R8 in part, seeking that it be amended to clarify that the rules in the EIB Chapter/PC18 do not apply to activity undertaken under the proposed new rule.
190. EDS (20.01) opposes NFL-P11 and seeks amendment to ensure it does not provide for mob-stocking, intensification (i.e., through irrigation, cultivation, direct drilling, oversowing and topdressing etc), or additional clearance of indigenous vegetation. The submitter considers that such activities would have consequential adverse effects on the dryland landscape and ecological values of Te Manahuna/the Mackenzie Basin. EDS seek qualifying text is added to address this concern.
191. EDS (20.02) supports NFL-R6 and the associated Overlay, and seeks that it is retained as notified. EDS (20.03) supports NFL-R7 in part only and is concerned that NFL-R7(2) creates a pathway for pastoral intensification following removal of wilding conifers. The submitter notes that while NFL-R7(3) prevents the land from being irrigated, the rule still allows for other forms of intensification. EDS seeks that NFL-R7(3) is amended to cover other forms of agricultural conversion (i.e., direct drilling and cultivation) and vegetation clearance (e.g., oversowing and topdressing, mob stocking and overplanting).
192. EDS (20.05) opposes NFL-R8 in its entirety and seeks that it be deleted. The submitter notes that the management of oversowing and topdressing in Te Manahuna/the Mackenzie Basin has been a topic of debate for many years, including through the PC13 litigation, PC17, and the current PC18 process. EDS considers that oversowing and topdressing at increased frequencies and scale can have significant adverse effects on the indigenous biodiversity and outstanding natural landscape of Te Manahuna/the Mackenzie Basin. Further, the submitter notes that the Wilding Conifer Management Area Overlay is extensive, and many areas in the Overlay are known to contain significant indigenous vegetation and significant habitats of indigenous fauna, which must be protected in accordance with section 6(c) of the RMA. EDS is concerned about the potential misuse of the proposed rule to provide a pathway for intensification and notes that oversowing and topdressing at increased frequencies and scales has previously been used to provide a pathway for more intensive agricultural activities (i.e., cultivation and irrigation), including in the context of oversowing and top dressing for pests (wilding control). EDS is of the view that the proposed rule does not prevent such misuse (and eventual intensification) occurring.
193. EDS (20.06) supports NFL-MD2 in part only, on the basis that the Matters of Discretion should allow for consideration of all indigenous biodiversity, not only significant indigenous biodiversity. The submitter states that ecological evidence is that direct drilling, topdressing and oversowing at a level high enough to support increased stocking rates (and to control the re-infestation of wilding pines) is not consistent with the protection of significant indigenous vegetation, maintenance of indigenous vegetation and protection of the associated landscape values of Te Manahuna/the Mackenzie Basin ONL. EDS considers that NFL-MD2 should therefore be amended to focus on the effects of these activities on landscape and indigenous

biodiversity values. The relief sought in the EDS submission is to amend assessment matter (c) as follows:

~~“The frequency and rate of direct drilling, topdressing and oversowing required to support an increased stocking rate sufficient to remove emergent wilding conifer seedlings in the short to medium term whilst retaining and whether landscape and ecological values are retained”.~~

194. The submission also seeks an additional matter of discretion to address edge effects due to the effects intensive land development (used as a method to clear wilding pines) can have on adjacent dryland vegetation (and associated landscape values).
195. F&B raise similar matters in their submission (36.10), and seek a new Matter of Discretion addressing the extent of any adverse effects on indigenous biodiversity.
196. F&B (36.02) opposes NFL-P11 and wishes to be reassured that this policy does not enable mob-stocking in areas susceptible to wilding conifer invasion that contain indigenous vegetation or habitat for indigenous species, which are important attributes of the ONL. F&B consider the policy to be uncertain as to how natural values including indigenous biodiversity values of the ONL will be protected when there may be other more appropriate methods to control wilding pines.
197. In terms of the rules, F&B (36.03) supports NFL-R6 being restricted to the Overlay, but seeks an amendment so that the applicant would be required to notify the Council before any activity associated with the harvest of wilding conifers, particularly the construction of access tracks, commences. F&B (36.04) is also concerned that NFL-R7 allows for pastoral intensification and agricultural conversion. F&B seeks that the definition of pastoral intensification is retained to include subdivisional fencing. The submitter is unclear whether the Wilding Conifer Removal Overlay overlaps with any of the special areas listed in NFL-R3.2, particularly LPA. F&B considers that the Advice Note should be confined to applying to NFL-R3.1 and NFL-R3.3 only.
198. F&B (36.05) opposes NFL-R8 on the basis the rule would allow for intensification of land use resulting in the loss of indigenous biodiversity. Topdressing and oversowing are identified within the definition of vegetation clearance in PC18. F&B therefore do not consider that it can automatically be assumed that these activities are appropriate within all Wilding Conifer Overlay Areas. F&B seek that the vegetation clearance definition applies to all chapters including PC23 provisions.
199. PFO (24.06, 24.20, 24.21) oppose NFL-P10, NFL-R7 and the definition of land rehabilitation on the basis that these provisions incorrectly presume that pastoral farming is the only productive use of land (embedded in the definition of land rehabilitation). The submitter considers that prioritising one land use over other primary land uses should be avoided, and any policy outcomes should be effects based. PFO seek that NFL-P10 is amended to focus on the enabling of harvest. The submitter considers that proposed NFL-R7 is flawed in that it provides for land rehabilitation, but does not include any performance standards or time frames; and is otherwise based on the assumption that the land is suited to be returned to pastoral farming. PFO states that the rule is likely to result in perverse outcomes if land rehabilitation to pastoral land is required. They seek that the Rule is amended to focus on timing of the operation. PFO (24.23) oppose NFL-MD2 on the basis that they are excessive in relation to returning the land to pastoral grazing. They consider that this is inequitable for other primary production land uses and seek that (d) and (e) are deleted.

200. The definition of land rehabilitation used in PC23 is also the subject of submissions from CRC (45.03) and Grampians Station (52.01). CRC would like to see provision for the regrowth of indigenous vegetation under this definition, whilst Grampians Station do not consider that land rehabilitation should be limited to areas that have been subject to harvest.
201. Lisburn Farms Ltd (37.10) supports NFL-P11 and seeks that it be retained as notified.
202. CRC (45.08, 45.09) support these policies in part; seeking that the reference to a *“productive use”* at the end of NFL-P10 is deleted and the words *“where environmental effects can be appropriately managed”* added to the end of NFL-P11. CRC (45.10) supports NFL-R6 in part, noting that it gives effect to CRPS Policy 5.3.13. However, CRC is concerned that over the life of the District Plan, further areas could become infested with closed canopy wilding conifers as there are currently areas where dense carpets of seedlings are evident. CRC would support a mechanism whereby harvest of these areas, outside the proposed overlay, could also occur as a permitted activity. CRC also notes that stormwater, as referred to in NFL-R6.4, needs to be ‘managed’ as well as controlled. CRC (45.11, 45.12) also supports Rules NFL-R7 and NFL-R8 in part, but notes that indigenous vegetation should, where possible, be enhanced rather than just maintained. CRC also notes that MPI requires a permit to move unwanted organisms, including pest conifer species.
203. Grampians Station (52.13, 52.14, 52.16) oppose the policies in part, seeking alternative wording on the basis that *“any restriction on the ability to control regrowth by way of stock grazing would result in an amplification of this major threat to land productivity, indigenous biodiversity and the landscape. So that stock can graze such areas, farmers also need to be able to grow and maintain pasture”*. Grampians Station (52.17, 52.18) also oppose Rules NFL-R7 and NFL-R8 on the basis that they should be amended to be permitted activities.
204. Wolds Station (50.06) supports the introduction of a planning framework to manage the spread of wilding conifers, provided the cost of control is not borne solely by the landowner. They consider that this is particularly important where some properties contain significant seed source, and others do not. The submitter supports rule NFL-R8, but considers it would be more appropriate as a permitted activity, rather than controlled.
205. In terms of the mapping of the Wilding Control Removal Overlay and Wilding Control Management Overlays included in PC23, Simpson Family (16.01, 16.03) support the Overlays and seek they be retained as notified. PTHL and PVHL (14.07) support the mapping of these Overlays in part, but note that these overlays do not apply to the Special Purpose Zones. The submitter seeks that the Council consider how activities relating to wilding conifer removal and management will apply to the Special Purpose Zones.
206. Considering the extent of the Wilding Conifer spread within Te Manahuna/the Mackenzie District, Wolds Station (50.07) submits the Wilding Conifer Management Overlay should be extended to include the Mary Range, and the balance of Te Manahuna/the Mackenzie Basin. The submitter also is of the view that given the strong migration abilities of wilding conifer seeds, there needs to be a mechanism in place to enable the extension of the Wilding Conifer Management and Removal Overlays, when and if necessary. Similar submissions were received from Grampians Station (52.26, 52.27, 52.28), who consider the control of wilding conifers to be a district wide issue and that the ability to remediate land and prevent reinfestation following the removal of wildings should not be limited to the removal of closed canopy wilding conifers. The relief sought is to remove the Overlay entirely, or alternatively extend the Overlay to cover the entire Te Manahuna/Mackenzie Basin.

207. The submission from PF Olsen (24.05) opposes the definition of ‘Harvest of Closed Canopy Wilding Conifers’ on the basis that it is very broad. They consider it should target wilding conifer trees to avoid confusion with any other type of trees or harvesting activity. CRC (45.02) makes a similar observation noting that ‘wilding conifers’ are not defined whereas ‘wilding conifer species’ is. For consistency the submitter suggests that the same term is used in the title as used in the definition. CRC also considers that including the term “...for sale or use...” in the definition could limit harvesting to where there is a market for the harvested wood. CRC notes that harvesting of the wilding conifers and enabling the land to return to productive use or indigenous vegetation is of huge benefit to the environment even when there is no market for the wood.
208. PTHL and PVHL (14.02) generally support the intent of NFL-P11, however, they seek that it also recognises ‘vegetation clearance’ (by way of mechanical discing) as a method to control wilding conifer spread as they consider that this is an effective method to manage wilding conifers when appropriate controls are in place. PTHL and PVHL (14.05) support NFL-MD2 and seek that it is retained as notified.
209. PTHL and PVHL (14.03, 14.04, 14.06) seek new rules and matters of discretion to provide for:
- a) Mechanical discing of wilding conifers as a permitted activity where the proposed conditions are met. The submitters consider that with appropriate management measures in place, mechanical discing is an appropriate method to control wilding conifers within identified areas, and as such, should be provided for in the District Plan.
 - b) Controlled burns as a controlled activity for vegetation clearance within the areas identified as the Wilding Conifer Removal Overlay and Wilding Conifer Management Overlay to provide an alternative method for on-going control of emergent wilding seedlings.
 - c) New Matters of control relating to the proposed new rule outlined above (NFL-RX – Vegetation Clearance utilising controlled burns within Wilding Conifer Prone Areas).

Analysis

210. All submissions received appear to acknowledge the threat posed to Te Manahuna/the Mackenzie District from the increased spread of wilding conifers. However, there are divergent opinions expressed in the submissions above around how to most effectively address the issue. The submissions range between farming interests that do not consider the provisions as notified go far enough in providing a suite of land management tools to control and manage wilding conifers; to submitters representing environmental interests concerned that the provisions do not adequately control potential effects arising from these activities on indigenous biodiversity and landscape values. In my view the latter concern arises because of the perceived risk that the proposed provisions could be used to otherwise circumvent existing controls on pastoral intensification and agricultural conversion introduced through PC13.
211. The notified PC23 provisions relating to wilding conifer management were informed by the background technical report prepared by Mr Rob Young of Te Manahuna Consulting Ltd ‘Post Harvest Wilding Conifer Management’, dated March 2023. This report (attached as Appendix 4 to the PC23 Section 32 Report) sets out the scale of the wilding conifer issue, the relevant statutory planning background and potential regulatory changes to better address the issue. Mr Young was also consulted during the course of drafting of the PC23 provisions and also in the assessment of the submissions received (see **Appendix 7**).

212. My reading of this background report is that the existing District Plan framework introduced by PC13 is not fit for purpose when it comes to the management of wilding conifers within Te Manahuna/the Mackenzie Basin ONL. In the absence of significantly increased public funding to address the issue, Te Manahuna/the Mackenzie Basin is likely to become infested with wilding conifers, with negative impacts on both the outstanding landscape character and ecological values currently present.
213. Two differing management regimes are included in the suite of provisions seeking to address wilding conifers, these apply depending on the extent of the current issue through the identification of two different Overlay areas:
- a) **Wilding Conifer Removal Overlay:** these are the areas worst affected by wilding conifers where trees are so dense they have established a closed canopy, much like a traditional commercial forest. Traditional means of mechanical harvest are employed to remove the wilding conifer trees in this situation. The proposed rule framework permits harvest, subject to matters similar to those included in the NESCF, and subsequent land rehabilitation by the most efficient means available, including cultivation, root raking, direct drilling, fencing, topdressing and oversowing. These activities are currently not permitted under the existing PC13 framework.
 - b) **Wilding Conifer Management Overlay:** these are areas currently susceptible to continuous wilding conifer reinfestation from the more densely affected areas identified as the Wilding Conifer Removal Overlay above. Left unchecked, these areas will eventually also reach a closed canopy state and provide a seed source for additional outlying areas to become susceptible to further wilding conifer spread. In this Overlay, the proposed regulatory framework includes the use of topdressing and oversowing (as a controlled activity) to support an increased stock density over the short to medium term to control emergent wilding conifer trees. This would reduce dependence on the current regime of using periodical ground control, which is expensive.
214. The purpose of mapping these Overlay areas is to provide certainty as to the spatial application of the proposed rules and to prevent activities which fall within the definition of agricultural conversion and pastoral intensification being undertaken in areas where they are not necessary to address the wilding conifer issue. The support from the submissions by Simpson Family (16.01, 16.03) and PTHL and PVHL (14.07) is noted, and I recommend that these submissions be accepted.
215. The EDS (20.02) and F&B (36.03) support for NFL-R6 is dependent on its application being limited to defined areas identified by the Wilding Conifer Removal Overlay, i.e., areas that are fully infested with wilding pines with closed canopy cover. The spatial extent of land subject to these rules is important to ensure that activities provided for, but otherwise regulated within Te Manahuna/the Mackenzie Basin, are not undertaken in areas where they are not justified on the basis of Wilding Conifer control/management. Therefore, I recommend that the submissions from the Wolds Stations and Grampians Station seeking that the Wilding Conifer Overlays are extended to cover the entire Te Manahuna/Mackenzie Basin, or deleted altogether, are rejected (50.07, 52.26, 52.27, 52.28).
216. Both CRC and Wolds Station seek a specific mechanism to provide for a permitted activity status outside the currently mapped areas. At this point in time I do not consider that such a mechanism, beyond the plan change process already set out in the First Schedule of the RMA,

is available to address this matter. Therefore, I recommend these submissions (45.10, 50.07) are rejected.

217. The submission supporting the notified provisions from PTHL and PVHL (14.05), Fed Farmers (27.23, 27.24, 27.27, 27.28, 27.29), MBWTT (17.01, 17.02, 17.03, 17.04, 17.05), Simpson Family (16.22, 16.26, 16.27), FENZ (4.05), EDS (20.02), Lisburn Farms Ltd (37.10) and Wolds Station (50.06) are noted; and I recommend are accepted in part given the changes recommended below.
218. I recommend that the relief sought in the Simpson Family (16.23) submission is accepted in part given that reference to the Overlay areas in NFL-P11 would make the District Plan easier to interpret. A consequential amendment is recommended to refer to the corresponding Overlay within NFL-P10 also. The focus of NFL-P11 is on the use of stock grazing to control wildings, which is facilitated by restricted use of topdressing and oversowing (as provided for in the corresponding rule). On that basis I do not consider that specific reference to topdressing and oversowing is required in the Policy itself. Furthermore, the inclusion of spraying is not favoured given the potential impacts on indigenous biodiversity and I recommend this aspect of the submission point is rejected.
219. The reference to the Overlay areas within NFL-P11 also goes some way to addressing the concern raised in the submissions of DOC (7.07) and F&B (36.04), which I recommend are accepted in part on that basis.
220. The inclusion of specific reference to vegetation clearance in NFL-P11 is not recommended. Whilst I acknowledge that vegetation clearance as described in the PTHL and PVHL submission (14.02) can effectively control wildings, I am of the view that this is best achieved via a resource consent rather than being explicitly enabled through the District Plan Rules. In any case, the proposed provisions, along with the recommended changes, will provide a more enabling framework for other forms of wilding conifer removal to be considered when compared to the operative provisions. However, I recommend that this aspect of the PTHL and PVHL submission (14.02) is rejected.
221. The Overlay areas described above are exclusively located in Te Manahuna/the Mackenzie Basin ONL. Commercial forestry activity is not permitted within this ONL. Therefore, the definition of Land rehabilitation, as used in NFL-P10, focusses on restoration of pasture, which is a permitted farming activity. Should a landowner wish to establish commercial forestry following the removal of wilding conifers, then I consider that should be the subject of a resource consent application consistent with the approach to commercial forestry within the ONL. On that basis I recommend the submissions from PFO (24.06, 24.20, 24.21, 24.23) are rejected.
222. Mobstocking is a defined term used within the EIB Chapter/PC18 (under appeal), which means: *"confining livestock in an area in which there is insufficient feed and in a way that results in the removal of all or most available vegetation"*. The concern is that mobstocking could be used to remove remaining indigenous vegetation within the overlay areas. I consider this outcome to be counter productive, as the land manager will be seeking to increase feed so as to support a higher stocking rate, which will more effectively control emergent wilding seedlings and also lead to some financial benefit. In any case, mobstocking would trigger consent under the EIB Chapter/PC18 provisions, so in my view specific reference to mobstocking is not necessary within this policy framework. However, I consider that reference to mobstocking would be appropriate in the matters of discretion set out in NFL-MD2. On that basis, I recommend that the submissions of EDS (20.01) and F&B (36.02) are accepted in part.

223. The submission of the Simpson Family (16.28) states that it needs to be made clear that the provisions set out in the EIB Chapter/PC18 do not apply to the activities undertaken in accordance with NFL-R8. The approach is that those rules apply District wide, and that any activity undertaken in accordance with these new wilding conifer rules must still comply with the rules relating to indigenous vegetation clearance. I acknowledge that in some instances this will likely mean that proposed Rule NFL-R8 may have limited practical effect as activity to manage wildings may also trigger those EIB rules and therefore require resource consent with a more stringent activity status than provided for by these new provisions. This was a matter also raised in the CRC submission (45.12), which suggests there might need to be a 'carve out' from the relevant PC18 vegetation clearance rules for this type of activity. I agree that a carve out from the EIB Chapter/PC18 provisions would mean NFL-R8 is more effective at controlling wilding conifers. However, that outcome is likely to call into question whether the Council is meeting its obligations in terms of the NPSIB, and otherwise goes against the framework used in the District Plan that EIB Chapter/PC18 applies district wide.
224. Notwithstanding, I consider that NFL-R8 has merit and provides a more efficient consenting pathway for activity aimed at managing wilding conifers. Therefore, I recommend that the submission from the Simpson Family (16.28) is rejected, and that the submission from F&B (36.05) is accepted.
225. I recommend that the DOC submission (7.09) seeking reference to significant habitat of indigenous fauna within NFL-R6.2 is accepted.
226. F&B (36.03) consider that the Council should be notified before any harvesting is undertaken in accordance with NFL-R6. I note that this is the case under the notified provision. NFL-R6.6 requires a Forestry Earthworks Management Plan and Harvest Plan prepared in accordance with the matters set out in Schedule 3 of the NESCF to be prepared and submitted to MDC not less than 20 working days prior to harvest activity commencing on the site. Therefore the requirement sought by F&B is already included in PC23 and I recommend that this submission (36.03) is rejected.
227. NFL-R7 includes an Advice Note that NFL-R3 does not apply. F&B (36.04) opposes this and seeks that the Advice Note should be confined to applying to NFL-R3.1 and NFL-R3.3 only, so that any land rehabilitation in a sensitive area listed in NFL-R3.2 would require consent. I do not consider this is necessary as each of the sensitive areas are referred to in the Matters of Discretion set out in NFL-MD2(b), including Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas and Geopreservation Sites. This already allows for explicit consideration of the effects of the activity on these areas, and in my view is an efficient way to manage such effects, without the need for an additional consent requirement to be triggered. On that basis, I recommend that this submission point (36.04) is rejected.
228. The opposition to NFL-R7 and a greater extent NFL-R8 included in the submission of EDS is noted. The request that NFL-R7 not provide for direct drilling or cultivation and deletion of NFL-R8 effectively puts in place the same rule framework as the Operative District Plan. The Operative District Plan restrictions on cultivation and direct drilling following harvest of closed canopy wilding forests means that land managers would then be faced with either using outdated farming techniques to establish pasture, which would likely result in re-infestation of both wildings and other exotic weed species or entering an uncertain resource consent process. In my view this provides a disincentive for landowners to remove wilding conifers and does not address a key resource management issue facing Te Manahuna/the Mackenzie District. Nor would it assist in achieving the biodiversity outcomes in the EIB Chapter/PC18, because of the

negative impact that wilding conifers and other weeds have on indigenous biodiversity. The report from Te Manahuna Consulting notes the shortcomings of the current planning framework and that the wilding conifer issue is getting worse. Therefore, I recommend that the EDS submission points (20.03, 20.05) are rejected.

229. I support fencing being included as a matter of discretion, as fencing is important in terms of facilitating stock grazing to be an effective tool for emergent wilding conifer control. This will also allow Council to consider whether any new fencing proposed creates a potential situation of mobstocking in terms of the rules included in the EIB Chapter/PC18. Therefore, I recommend that the MBWTT submission (17.06) is accepted. I also consider that adding this new matter of discretion goes some way to address the concern raised by F&B in relation to 'subdivisional fencing' being removed from the definition of pastoral intensification.
230. In terms of DOC's concern re PC18 being under Appeal, there is no opportunity for these provisions to be withdrawn under section 86B of the RMA. Therefore, I consider that the EIB provisions that have been introduced via PC18, including that relating to mobstocking, can be relied upon. On that basis I recommend that the submissions from F&B (36.04) and DOC (7.03) be accepted in part.
231. I do not support the changes to NFL-MD2 sought by EDS, to delete reference to stocking rate and also time scale. The point of that Matter of Discretion is that the use of topdressing and oversowing is used only to the extent required to achieve a stocking rate "*sufficient to remove emergent wilding seedlings in the short to medium term*" (i.e., the right to undertake such activity is not without limits and should not extend in perpetuity). In my view the deletion of those requirements provides less guidance to consent planners as to the matters that need to be considered when processing any application under these rules. NFL-MD2(a) currently refers to the protection of any remaining significant indigenous vegetation. Both EDS (20.06) and F&B (36.10) seek the inclusion of indigenous biodiversity. I agree with this, noting that this would better align with the objective in the EIB Chapter/PC18 and recommend that these submissions are accepted.
232. The support of NFL-MD2 as notified from TRoNT (24.14) is noted. I recommend that this submission is accepted in part due to the amendments made as a result of submission by others.
233. Drafting suggestions are made in the submissions by CRC and Grampians Station. The minor suggestions made by the CRC are workable and would improve the usability of the District Plan. The re-wording of NFL-P10 and P11 proposed in the Grampians Station submission does not materially alter the intent of the Policy from that notified. I agree that the reference to "*mechanical*" harvesting is not necessary and that there might be other more efficient means of harvest that are introduced over the life of the District Plan. Therefore, I recommend that the submissions by CRC (45.08, 45.09, 45.11, 45.12) are accepted and that from Grampians Station (52.13) is accepted in part. Otherwise, the relief sought in the balance of the Grampians Station submissions is not favoured, and I recommend these submission points (52.14, 52.16, 52.17, 52.18) are rejected.
234. The definition of land rehabilitation deliberately focusses on activity that would otherwise require resource consent under the other rules contained in PC23 arising from PC13, namely through such means as cultivation, root raking, direct drilling, fencing, topdressing and oversowing. I do not see that planting of indigenous vegetation needs to be included in this definition. The rules for the underlying GRUZ make 'Conservation Activity' permitted. Nothing in the NFL Chapter changes this status. On that basis I do not see a reason to include the planting

of indigenous vegetation and subsequently recommend that CRC submission (45.03) be rejected.

235. The replacement of harvest with removal in the definition of land rehabilitation has merit. Harvest is referred to in NFL-P10 and NFL-R6 as harvest would otherwise require consent in the ONL Overlay. However, for the purpose of the definition I see no reason to be specific to the method of removal. On that basis I recommend that the Grampians Station submission (52.01) is accepted.
236. The submissions relating to the definition of the 'Harvest of Closed Canopy Wilding Conifers', how that definition relates to that of 'wilding conifer species', and the titles used in the rule framework raise valid points that require further clarification and amendment. I consider that the terms used should be consistent. Therefore, I recommend that the term 'species' is removed from the definition of 'wilding conifer species'; which would result in consistency with the terms used in the titles of NFL-P10, NFL-R6 and NFL-R7.
237. I agree that the definition of the term harvest of closed canopy wilding conifers should include specific reference to wildings (PFO (24.05)), and that the reference to sale or use should be deleted for the reasons set out in the submission by CRC. I recommend that the PFO submission (24.05) be accepted, and the CRC submission (45.02) be accepted in part on the basis that the changes recommended are slightly different to the relief sought therein.
238. NFL-P10 refers to the 'Harvest of Closed Canopy Wilding Conifers'. The mechanical harvest of wilding conifers has successfully been undertaken within the Te Manahuna/Mackenzie Basin and the effects of this activity are similar to those managed under the NESCF. In my view, removal of wilding conifers by way of mechanical discing is less understood.
239. The use of mechanical discing and controlled burns to either remove or manage wilding conifers is not a matter that was considered in promulgating the PC23 provisions. The provisions sought by the submitter would enable such activities in both Wilding Conifer Overlays. If the Hearing Panel consider it appropriate to allow for either mechanical discing or controlled burns, then I consider that any such activity would need to be restricted to the Wilding Conifer Removal Overlay only.
240. I am also of the view that the locations where either technique would be appropriate are much less widespread when compared to traditional methods of harvest. Rather than providing for these alternative methods of removal in new permitted rules, I consider that the use of such techniques is more effectively managed through a site specific resource consent process. The question then becomes whether NFL-P10 provides a pathway for resource consents seeking alternative methods of removal of wilding conifers to be successfully considered. NFL-P10 directs the 'enabling' of the harvest of closed canopy wilding conifers (as defined) and provides the policy basis for that activity being permitted under NFL-R6. The subsequent land rehabilitation (as defined) is managed through a controlled activity status under NFL-R7.
241. I consider there to be merit in amending NFL-P10 to provide direction for other alternative methods of removing wilding conifers to be considered through a resource consent process. As currently worded, the policy is restrictive and does not provide any support for the consideration of alternative methods as sought by the submitter. Accordingly, I recommend that NFL-P10 is amended as follows:
- Reference in the title is to the more general 'removal' of closed canopy wilding conifers rather than solely harvest;

- The enabling aspect of the policy is retained in relation to the harvest, to retain the policy support for NFL-R6; and
 - The introduction of a second aspect to the policy to recognise the overall benefits of wilding conifer removal and the consideration of alternative methods of removal where adverse effects can be appropriately managed.
242. On that basis, I recommend that the submissions by PTHL and PVHL (14.03, 14.04, 14.06) are accepted in part. I also recommend that the words ‘dense’, ‘forests’ and ‘the’ are removed from NFL-P10 so that it uses the defined terms used in PC23. These changes are recommended as consequential amendments to the submissions seeking changes to NFL-P10 pursuant to Clause 10(2)(b) of the RMA.

Recommendations

243. I recommend, for the reasons given above, that NFL-P10 is amended to provide scope to consider other methods of removing wilding conifers as described above.
244. I recommend, for the reasons given above, that NFL-P10 is amended to delete the words ‘mechanical’, ‘dense’, ‘forests’ and ‘to achieve a productive use’, and insert reference to ‘conifers within the Wilding Conifer Removal Overlay’.
245. I recommend, for the reasons given above, that NFL-P11 is amended to delete reference to ‘areas known to be susceptible to reinvasion of wilding conifer species’ and replace with reference to the ‘Wilding Conifer Removal Overlay’ and ‘Wilding Conifer Management Overlay’; and add the words ‘where adverse effects can be appropriately managed’.
246. I recommend, for the reasons given above, that NFL-R6.2 is amended to include reference to ‘Any significant indigenous vegetation or significant habitat of indigenous fauna is retained’.
247. I recommend, for the reasons given above, that NFL-R6.4 is amended to include reference to ‘Stormwater management controls...’.
248. I recommend, for the reasons given above, that NFL-MD2(a) is amended to include maintenance of ‘indigenous biodiversity and protection of significant indigenous biodiversity’ rather than ‘significant indigenous vegetation’.
249. I recommend, for the reasons given above, that NFL-MD2(d) is amended to include reference to ‘Maintenance, and where practicable, enhancement of the composition of indigenous vegetation...’.
250. I recommend, for the reasons given above, that NFL-MD2 is amended to include a new matter of discretion (X) regarding fencing to allow stock grazing to be effective as a tool for emergent seedling wilding conifer control.
251. I recommend, for the reasons given above, that the definition of ‘Land Rehabilitation’ is amended to replace the reference to ‘harvest’ with the more general term ‘removal’.
252. I recommend, for the reasons given above, that the definition of ‘Harvest of Closed Canopy Wilding Conifers’ is amended to include reference to wilding conifers and to delete reference to the “sale or use of logs”.
253. I recommend, for the reasons given above, that the defined term ‘Wilding Conifer Species’ is amended to ‘Wilding Conifers’, to better reflect how that term is used in the provisions.
254. The amendments recommended are set out in **Appendices 1 and 3**.

255. The scale of the changes above do not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original s32 evaluation still applies.

Definition of 'Pastoral Intensification'

Submissions

256. PC23 includes removing reference to 'subdivisional fencing' within the definition of 'pastoral Intensification' introduced through PC13. This change means that erecting a fence would no longer require resource consent within Te Manahuna/the Mackenzie Basin ONL. This was the only substantive change to the provisions introduced through PC13. The background to the change is addressed in the Section 32 Report for PC23. In summary, the concern regarding fencing was that it can be used to facilitate 'mobstocking', being the removal of indigenous vegetation by overstocking. As mobstocking has since been separately defined by PC18 and requires resource consent under the vegetation clearance rules, there is, in my view, no longer the need to control the establishment of new fences otherwise required to support primary production. The proposal to remove fencing from the definition of pastoral intensification is supported by Fed Farmers (27.19), Wolds Station (50.01) and Grampians Station (52.02).
257. The submission from Ant Frith (1.01), whilst not specifically referring to the definition of 'pastoral intensification', does refer to the need to have the ability to repair/replace existing fences to ensure that stock is kept out of neighbours and DOC estate. Mr Frith also notes that there needs to be provision to replace existing fences with fences more appropriate for use, e.g., deer vs cattle vs sheep and netting on the bottom to restrict access/migration of Wallabies and or predator fence on the edge of the DOC estate.
258. DOC (7.03) opposes the change on the basis that PC18 is not yet operative so should not be relied upon at this stage. F&B (36.04) seeks that the definition of pastoral intensification is retained to include subdivisional fencing.

Analysis

259. This matter has already been briefly referred to in the section above. I remain of the view that the regulation of fencing is not required on ecological grounds given the definition of mobstocking and associated provisions now included in the EIB Chapter/PC18. In terms of DOC's concern re PC18 being under Appeal, I consider that the EIB provisions introduced via PC18 can be relied upon. On that basis I recommend that the submissions from F&B (36.04) and DOC (7.03) be rejected.
260. The support from Ant Frith (1.01), Fed Farmers (27.19), Wolds Station (50.01) and Grampians Station (52.02) is noted and I recommend these submissions are accepted.

Recommendation

261. I recommend, for the reasons given above, that the definition of 'pastoral intensification' is retained as notified, by removing reference to 'subdivisional fencing'.

Rules NFL-R1 and NFL-R9 (Building and Structures)

Submissions

262. The submissions from Herman Frank (6.04, 6.06) oppose both NFL-R1 and NFL-R9 on the basis that no new buildings should be allowed in an ONF. Mr Frank considers that ONF and ONL

should have separate rules reflecting that ONF typically cover a relatively small area when compared to an ONL. In an ONF context, the submitter is of the view that any buildings would compromise the values of these outstanding features. The submitter seeks that buildings and structures are a non-complying activity in an ONF.

- 263. The submissions from MoE (38.14, 38.15) support these provisions and seek they are retained as notified.
- 264. F&B (36.06) supports NFL-R9 on the basis that at least a discretionary activity status is retained for non-farm buildings within ONF and ONL outside of the Te Manahuna/Mackenzie Basin ONL.
- 265. Lisburn Farms (37.11) supports NFL-R1 and seeks that it is retained as notified but opposes NFL-R9 resulting in a discretionary activity status. Lisburn Farms (37.13) prefers a restricted discretionary activity status to better enable farms to establish non-farm buildings that assist with supplementing farm income, while also retaining discretion over appropriate matters.
- 266. Two submissions, Simpson Family (16.24) and Rooney Group (49.03) raise a matter relating to the connection between the two provisions. NFL-R1 applies to all buildings except residential units regardless of use. However, NFL-R9 refers to “non-farm buildings including residential units”. These submitters consider that differentiating between farm and non-farm buildings is confusing when there is no separate permitted activity rule for farm buildings. Rooney Group seeks that NFL-R9 is amended to remove the words “non-farm” from the rule title. Simpson Family notes that NFL-R1 should read ‘Farm’ Buildings and Structures.

Analysis

- 267. The relationship between NFL-R1 and NFL-R9 is a drafting issue that requires amendment. This has arisen during the process of transferring the Operative Plan PC13 provisions across into the NP Standards format. The submissions from Simpson Family and Rooney Group seek opposing relief in terms of how to rectify this situation. I prefer the relief sought in the submission from the Simpson Family as it is more consistent with the framework used in the Operative provisions, which differentiates between farm and non-farm buildings. On that basis I recommend the submission from Simpson Family (16.24) be accepted and Rooney Group (49.03) be accepted in part.
- 268. This will require a consequential amendment pursuant to Clause 10(2)(b) to retain the definition of ‘Farm Building’ as included in the Operative District Plan.
- 269. The submissions from Herman Frank (6.04, 6.06) have been considered by Ms Pfluger and she agrees that the spatial constraint of ONF is such that any new buildings or structures would in most cases be inappropriate and compromise ONF values. On that basis a NC activity status within an ONF Overlay is supported as more effectively achieving Objective NFL-O1 and Policy NFL-P1. I recommend that these submissions (6.04, 6.06) are accepted.
- 270. In terms of activity status, the DIS status included in NFL-R9 as notified is consistent with the approach used in Te Manahuna/the Mackenzie Basin ONL where located outside an FBA. I therefore recommend that this DIS status be retained and the Lisburn Farms submission (37.13) be rejected.
- 271. The support included in the submissions from MoE (38.14, 38.15), F&B (36.06) and Lisburn Farms (37.11) is noted; and I recommend that these submissions are accepted in part due to the change resulting from the other submissions assessed above.

Recommendations

272. I recommend, for the reasons given above, that NFL-R1 is amended to make it clear it relates to 'farm' buildings and structures, as 'non-farm' buildings are managed under NFL-R9. I recommend that a consequential amendment is made to retain the definition of 'farm building' from the Operative District Plan. I consider this change can be made pursuant to Clause 10(2)(b), Schedule 1 of the RMA, which provides for consequential changes arising from the submissions to be made where necessary.
273. The scale of these changes does not require a section 32AA evaluation because they are either minor changes to improve drafting and do not alter the general intent of the provision. I consider that the original s32 evaluation still applies.
274. I recommend that NFL-R1 and NFL-R9 are amended to make all buildings and structures within an ONF a non-complying activity.
275. The recommended amendments to NFL-R1 and NFL-R9 are set out in **Appendices 1 and 3**.
276. In terms of a section 32AA evaluation, the change of activity status for buildings and structures within an ONF is considered the most efficient and effective way to achieve the outcomes sought in NFL-O1 and NFL-P1. An ONF is a discrete feature, the values of which could be compromised by the placement of even small buildings or structures either on or immediately adjacent to the feature. ONF are considered to have less capacity to absorb such development than compared to an ONL. The benefits and costs of the change in status remain as set out in the Section 32 Report and are not otherwise influenced by the recommended change in activity status.

Rules NFL-R5 Earthworks, NFL-R12 Quarrying Mining and NFL-R13 Landfills

Submissions

277. FENZ (4.04) support NFL-R5 in part as it enables earthworks to be undertaken within areas of natural features and landscapes. FENZ seeks amendment to provide for maintenance, repair and creation of new firebreaks as this will help to reduce the risk of fire across the district.
278. Herman Frank (6.05) seeks that earthworks are a NC activity within ONF Overlays, for the same reasons as set out above in relation to the rules for buildings and structures. Mr Frank also seeks a reduction in the maximum permitted activity thresholds for earthworks down to 100m³ and 100m².
279. Mr Frank (6.08, 6.09) supports NFL-R12 and NFL-R13 and seeks that they be retained as notified. F&B (36.08, 36.09) similarly support the NC activity classification for these activities within ONF and ONL Overlays.
280. NZTA (15.17) supports NFL-R13 in part, seeking an amendment to provide a more permissive consenting pathway for landfill activities within an ONF or ONL when associated with the back filling of existing borrow pits or quarries. NZTA sets out that cut from roads or other suitable material needs to be deposited where there are appropriate locations available, which may be by backfilling of borrow pits or small quarries. NZTA seeks the rule be amended to provide an RDIS pathway for such activity.
281. Fed Farmers (27.25, 27.26) supports NFL-R5 in part, particularly the exceptions for activities supporting the maintenance and repair of essential farm infrastructure. However, they raise concerns that the notified PC23 rules differ from those circulated during prenotification

consultation. In particular, they note that whilst the volume limit has increased from the draft chapter, the area volume has not. Fed Farmers seek that the area limit is increased to 1000m². They also note that the time period over which the earthworks can occur has changed, with the draft chapter referring to 12 months, while the notified rule refers to 5 years. Fed Farmers seek amendment back to 12 months as per the draft, which they consider would be more in line with the other nearby District Plans of Selwyn and Timaru.

- 282. PB (29.06) opposes NFL-R5 on the basis that earthworks in the NESCF are managed by Regional Councils. The submitter seeks that the rule is amended to align with the NESCF.
- 283. Lisburn Farms Ltd (37.12) oppose NFL-R5 in part and is concerned that the 5- year period is too long and maximum volumes too low, especially given the size and scale of farming operations. They state the unnecessarily burdensome rule makes farm planning difficult and will present significant challenges in the event of unforeseen circumstances such as extreme weather events. The submitter seeks the 5-year timeframe is reduced to two years.
- 284. Both Grampians Station (52.15) and NZDF (54.02) support NFL-R5, as it recognises the need to the need to carry out minor earthworks within ONF and ONL.
- 285. Fed Farmers (27.30) opposes NFL-R12 and seeks that farm quarries are provided for in an ONL as a RDIS activity and notes that the impacts on the environment are very different from commercial enterprises. The submitter believes that matters of discretion should be limited to provide transparency and certainty for stakeholders. RDIS status offers a more predictable regulatory framework. Fed Farmers considers that under a NC status, decisions may appear arbitrary and inconsistent, leading to uncertainty for stakeholders.
- 286. Road Metals (35.08) submits that the NC activity status together with Rule GRUZ-R17 will make it difficult to source aggregate resource in close proximity to urban areas within Te Manahuna/the Mackenzie Basin without substantial transport distances. The submitter notes that ONL has not traditionally prevented quarrying activities in accordance with the Operative District Plan permitted activity rule. Road Metals seeks that NFL-12 be deleted.

Analysis

- 287. I recommend that the additional exception within NFL-R5 to provide for fire breaks sought by FENZ (4.04) be accepted in part. Te Manahuna/the Mackenzie District has been subject of various wildfires over recent years and the ability to adequately prepare and react is noted. However, rather than a blanket exemption, I consider that it should be restricted to earthworks undertaken under the direction of FENZ. Furthermore, I note that any such earthworks would still be required to meet the indigenous vegetation clearance rules set out in the EIB Chapter/PC18.
- 288. As already assessed above, the differentiation of ONF from the broader ONL has been considered by Ms Pfluger. Ms Pfluger considers that earthworks are not typically acceptable within ONF Overlay areas. I consider that this supports a NC status as sought by Herman Frank, which would more accurately reflect that such activity is only appropriate in limited circumstances and more effectively achieve NFL-O1. In terms of the reduction in earthworks volumes and areas sought, I am of the view that the standards as notified are appropriate within the ONL given the extent of Mackenzie District identified as such, namely Te Manahuna/the Mackenzie Basin. Therefore, I recommend that Herman Franks submission (6.05) is accepted in part.

289. The support (in part) for NFL-R5 as notified from Fed Farmers (27.25), Grampians Station (52.15) and NZDF (54.02) is noted. I recommend that these submissions are accepted in part given the changes recommended to this provision in response to other submissions. The 5 year timeframe set out in NFL-R5 equates to half the life of the District Plan. Such a long period also makes compliance and enforcement of the earthworks standards more difficult. I recommend that this timeframe is reduced to 12 months, which is a more appropriate timeframe to assess any adverse effects of earthworks and is also consistent with the approach taken in other recent district plan processes, as noted by Fed Farmers. On that basis, I recommend that the submissions from Lisburn Farms (37.12) and Fed Farmers (27.26) are accepted in part.
290. I recommend that the submission of PB (29.06) is rejected. The NESCF framework provides the opportunity for Council to have more stringent rules than the NESCF in specified sensitive areas, which include ONF and ONL (Regulation 6(2)(a)). Furthermore, the proposed rule relates to earthworks generally, and is not restricted to earthworks associated with commercial forestry. In my view the relief sought would have wider reaching consequences that wouldn't achieve the NFL-O1 or NFL-O2 or align with the supporting policies.
291. The support for NFL-R12 and NFL-R13 from Herman Frank (6.08, 6.09) and F&B (36.08, 36.09) is noted. This contrasts with the submissions from Fed Farmers and Road Metals seeking greater allowance for quarrying activity in ONL.
292. Farm quarries are provided for within the GRUZ (GRUZ-R17), however the size of the quarry provided for therein is not considered appropriate within the more sensitive ONL Overlay. The extent of the ONL Overlay within Te Manahuna/the Mackenzie Basin is such that in absence of any provision for farm quarries, aggregate either needs to be transported long distances or individual resource consents obtained. The provision for farm quarries has some merit, but needs to be tightly managed to ensure that ONL character and values are maintained.
293. This matter has been discussed with Ms Pfluger, and I therefore recommend that farm quarries of a maximum size of 1,500m² be provided as a RDIS activity in the ONL (not ONF), with matters of discretion including visual effects. The new definition of 'farm quarry' that I recommend being similar to that used in the recent Selwyn District Plan Review:
- "An open pit or excavation from which domestic quantities of soil, stone, gravel or mineral is extracted for farming activities on land associated with the farming property, including that which the farm quarry is situated. It does not include earthworks or the use of land and accessory buildings for offices, workshops, and car parking areas associated with the operation of the farm quarry".*
294. I therefore recommend that the Fed Farmers submission (27.30) is accepted. As a consequence, I recommend that submissions supporting NFL-R12 as notified are accepted in part, including Herman Frank (6.08) and F&B (36.08).
295. Whilst the same issues relating to transportation arise in relation to all development within the ONL, I do not consider that any change to the activity status of larger quarries for use of aggregate materials beyond the site boundary are appropriate in such a sensitive environment. I consider it is appropriate that non-farm quarries remain NC in ONL as this better reflects the NFL policy approach and is consistent with various other district plans. Therefore, I recommend that the Road Metals submission (35.08) is rejected.
296. The proposed amendment to provide the ability to backfill existing borrow pits or quarries as a RDIS activity is not recommended. Rehabilitation of quarries, which typically includes backfilling with appropriate clean fill material, is normally a matter of conditions imposed at the time a

quarry obtains resource consent. Such conditions require management plans and strict requirements around the nature of the fill material to reduce the potential for land contamination. In that context, I do not consider that a change to RDIS activity status is required. Those existing quarries are more than likely to be operating under existing resource consents that will manage the activity described by the submitter. I therefore recommend that the submission from NZTA (15.17) is rejected.

297. As no changes are recommended to NFL-R13, I recommend that the supporting submissions from Herman Frank (6.09) and F&B (36.09) are accepted.

Recommendations

298. I recommend, for the reasons given above, that NFL-R5 is amended to provide for the maintenance and repair of existing firebreaks, or the creation of new firebreaks under the direction of Fire & Emergency New Zealand.
299. I recommend, for the reasons given above, that NFL-R5 is amended to make all earthworks within an ONF Overlay a NC activity.
300. I recommend, for the reasons given above, that NFL-R5.2 is amended to reduce the timeframe that the earthworks standards apply from 5 years to 12 months.
301. I recommend, for the reasons given above, that NFL-R12 is amended to provide for Farm Quarries up to 1,500m² in area as an RDIS activity within the ONL only. With a consequential amendment made pursuant to Clause 10(2)(b), Schedule 1 of the RMA to include a new definition of Farm Quarry as set out above.
302. The recommended amendments are set out in **Appendices 1 and 3**.
303. In terms of a section 32AA evaluation, the change of activity status for earthworks within an ONF is considered the most efficient and effective way to achieve the outcomes sought in NFL-O1 and NFL-P1. An ONF is a discrete feature, the values of which could be compromised by inappropriate earthworks in close proximity. ONF are considered to have less capacity to absorb such development than compared to an ONL. Reducing the timeframe for earthworks makes the provision more effective and efficient from a plan implementation perspective. The provision for small farm quarries within the ONL addresses a need for aggregate to undertake primary production. The benefits and costs of the recommended changes remain as set out in the Section 32 Report.

NFL Standards (NFL-S1 to NFL-S5)

Submissions

304. TRoNT (25.13) supports NFL-S1 to S5 as they manage the effects on the natural character of the landscape and enable not only Kāi Tahu values, but all natural character values to be assessed on a case-by-case basis, where the activity does not meet the relevant standard.
305. Fed Farmers (27.31) opposes the 4m height limit set out in NFL-S1. They note that the recently notified Timaru and Waimakariri district plans have a limit of 5m in ONLs. The relief sought is to increase the maximum height to 5m, and that an exception be provided for grain silos to have a maximum height of 25m. This exemption is sought due to the unique nature and functionality of grain silos, requiring additional height for efficient storage and management of agricultural produce. This exception would enable grain silos to operate optimally within the rural landscape while aligning with the height regulations proposed by the Council for buildings within this zone.

By accommodating this exemption, the submitter considers that Council acknowledges the distinct needs of agricultural infrastructure, ensuring efficient and effective operations within the rural environment.

- 306. Lisburn Farms Ltd (37.14) similarly oppose the height limit and seeks that it be increased to 8m.
- 307. Road Metals (35.09) opposes NFL-S1 on the basis that the standard does not differentiate between zones of high and low visual vulnerability. The relief sought is an amendment of NFL-S1 so that it differentiates between zones of visual vulnerability, allowing more height where visual vulnerability is lower.
- 308. Fed Farmers (27.32) opposes the maximum building footprint of 50m² for any individual building within the ONL. Lisburn Farms (37.15) seeks that NFL-S2 is amended so as not to apply to small farm buildings as defined in the Operative District Plan.
- 309. Rooney Group (49.04) made submissions on NFL-S1 and NFL-S2, but these are assessed in the next section as they relate to a new Rule proposed by the submitter.
- 310. Simpson Family (16.29) support NFL-S3 in part, but seek that it only apply outside a Farm Base Area.
- 311. Herman Frank (6.10, 6.11) submits that buildings should not be allowed in an ONF generally, and that Standard NFL-S3 is excessive and seeks that the standards be reduced substantially.

Analysis

- 312. Many of the submissions lodged in relation to these standards appear to be based on the assumption that they apply throughout the ONL, i.e., including Te Manahuna/the Mackenzie Basin. These standards are only referenced in the first part of Rule NFL-R1, which manages Farm Buildings and Structures (excluding Residential Units) in the new ONL in the eastern part of the District, i.e., excluding Te Manahuna/the Mackenzie Basin.
- 313. The topography of the new ONL identified in the eastern part of the District is very different to that of the Te Manahuna/Mackenzie Basin. It is elevated and relatively steep, with very few existing buildings present. Consultation undertaken prior to notification identified only one residential unit within these new ONL areas. The likelihood of requiring grain silos in such areas is in my view very low, and where they are proposed, should require individual assessment through a resource consent process.
- 314. The ONL areas in the East Mackenzie have not been mapped for visual vulnerability, such mapping is only referred to in the rules applying to Te Manahuna/the Mackenzie Basin and is not required for those applying to the balance of the District. On that basis I recommend that the submission from Road Metals (35.09) is rejected.
- 315. I am of the view that the standards should be considered as a suite or package rather than individually. The submission from Herman Frank is of the view that Standard NFL-S3 relating to Building Coverage is excessive but considered together with the Standards applying to Building Footprint and Height, it is clear that only small buildings and structures are provided for as a permitted activity, which in my view is appropriate within an ONL Overlay. I recommend that the submissions from Herman Frank (6.11), Simpson Family (16.29), Fed Farmers (27.32) and Lisburn Farms (37.15) are rejected.
- 316. The matter of maximum building height has been considered by Ms Pfluger. Ms Pfluger notes that a 4m high building is difficult to achieve if a gabled roof is required (i.e., for snow loading in elevated ONL areas). Ms Pfluger accepts that an increase to 5m will still maintain ONL values.

On that basis I recommend that the Standard relating to height in NFL-S1.1 is increased to 5m. I recommend that the submissions from FED Farmers (27.31) and Lisburn Farms (37.14) be accepted in part.

317. The support of TRoNT (25.13) is noted and I recommend that their submission is accepted in part given the recommended change to the height standard.
318. The recommended changes to the building rules applying to ONF as assessed above have provided the relief sought in Herman Franks submission (6.10); on that basis I recommend that this submission is similarly accepted.

Recommendations

319. I recommend, for the reasons given above, that NFL-S1.1 is amended to increase the maximum permitted height to 5m.
320. The amendments recommended to NFL-S1 are set out in **Appendix 3**.
321. The scale of change does not require a section 32AA evaluation because it is considered to be minor and does not alter the general intent (to minimise visual prominence of buildings in ONLs), while better acknowledging functional requirements of buildings. Therefore, the original section 32 evaluation still applies.

NFL – New Rule

Submissions

322. Rooney Group (49.01, 49.02, 49.04) seeks a new policy, rules and matters of discretion to provide:
- a) A Policy recognising existing buildings within an ONL and providing for them to be extended. The submitter notes that Dry Creek Station within ONL 1 Tarahaoa has an existing dwelling located within the ONL which is understood to be the only existing dwelling within the eastern ONLs. Rooney Group considers that a similar provision to that provided in Te Manahuna/the Mackenzie Basin ONL should be provided in the Eastern part of the District.
 - b) A Rule to provide for the extension of existing buildings and associated new accessory buildings within ONLs outside of Te Manahuna/the Mackenzie Basin. The new rule should provide that any extension is no greater in height than the existing building and no greater than 50% of the original building footprint.
 - c) An exclusion from any activity under that new Rule from having to comply with NFL-S1 as this may be out of form with the existing building.

Analysis

323. In terms of a new policy and rule to provide for the extension of existing dwellings in the ONL, I am not satisfied that such provisions are justified in the context of what is likely the only dwelling located within the new ONL areas identified by the EMLS.
324. Part of the justification for such a rule is that a similar existing rule applies to Te Manahuna/the Mackenzie Basin. The only rule I am aware of in the Operative Plan is Rule 3.1.2.c 'Reflectivity', which sets out that the maximum reflectivity index of the exterior of any buildings shall be 40%; except those extensions increasing the floor area of farm buildings existing at 1 August 2009 by up to 50% may be clad in the same material and with the same finish as the existing building.

325. Therefore, this rule is limited to the consideration of reflectivity of farm buildings only (i.e., excluding residential units), and does not permit an extension of the building per se. I recommend that Rooney Group submissions (49.01, 49.02, 49.04) are rejected.

Recommendations

326. I recommend, for the reasons given above, that no new rule is included in the NFL chapter as sought by the submitter.

ONF, ONL & FMA Overlay Mapping

Submissions

327. The submission from Herman Frank (6.12) opposes the locations and extent of ONL, ONF and FMA based on the Eastern Mackenzie Landscape Study undertaken by Boffa Miskell Ltd. Herman Frank considers this assessment was undertaken in a limited timeframe and with limited input from local knowledge. As a result, the submitter considers that the extent of some of these areas does not reflect the actual situation. In his opinion some of the boundaries need to be adjusted to include additional areas, including (NB. more details are provided in the submission):

- a) Tengawai Cliffs west of Albury, a limestone scarp of about 6 – 7 km length, which the submitter considers this to be the most outstanding natural feature in the Eastern Mackenzie District (as shown in the yellow ONF outline extent in **Figure 1** below).

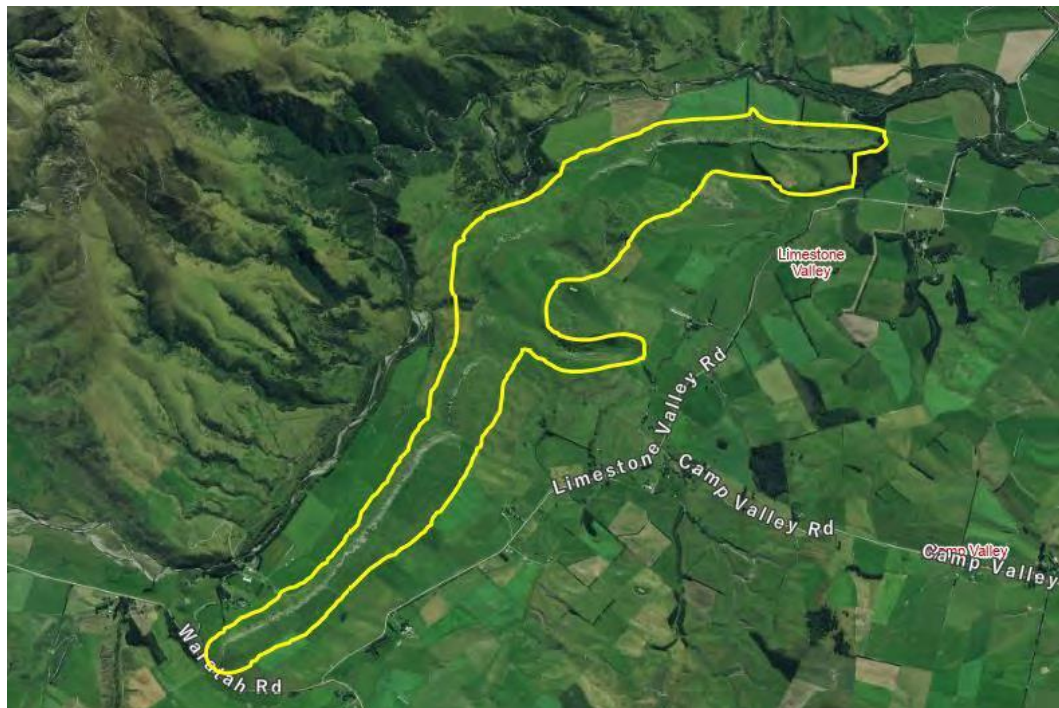


Figure 1: Tengawai Cliff ONF sought by Hermann Frank (6.12)

- b) Additional areas of ONF at Raincliff (as shown in red outline on **Figure 2** below). Blue shading indicates ONF notified in PC23.



Figure 2: Additional Raincliff ONF areas sought by Hermann Frank (6.12)

- c) An addition to the ONL on the Maukakūkuta/Two Thumb Range (see **Figure 3** below)⁴. The new boundary sought is shown by the red outline.



Figure 3: Two Thumb Range additional ONL sought by Hermann Frank (6.12)

⁴ The submission also included an additional topographical map annotated with areas of exposed limestone. This map was not referred to in the relief sought by the submitter and was provided for information purposes only.

- d) Addition to the FMA⁵ on the Albury Range (see **Figure 4** below). The new boundary sought is shown by the red outline.



Figure 4: Albury Range additional FMA sought by Hermann Frank (6.12)

328. PTHL and PVHL (14.08) and Simpson Family (16.02) have lodged general submissions in support of the ONL and FMA Overlays included in PC23 as notified and seek that they be retained. In particular PTHL and PVHL support the amendments to remove Te Manahuna/the Mackenzie Basin ONL from the Special Purpose Zones, including the Pūkaki Village Zone and Pūkaki Downs Tourist Zone, noting that these zone provisions currently include methods for managing the effects of development on landscape values and it is anticipated that such provisions would be carried forward into any redrafted provisions for development that occurs in these Special Zones (part of Stage 4 of the MDPR).
329. Simpson Family (16.04) seek that the ONL Overlay is removed from the Tekapo Helicopters site as it has been for the Special Purpose Airport Zones at Takapō/Tekapo, Pūkaki and Glentanner. The submitter considers this would recognise the consented nature of this site and its importance to the District.
330. Rodney Hurst (34.01) opposes the lines drawn across the District that define ONL and that any “new activities” that take place in these areas require resource consent. The submitter is of the view that most activities in these areas are of a primary production nature and even if not, they are ancillary to that. The submitter considers that the RMA consenting process is expensive and in turn is inhibitive to progressive enterprise and reinforces state control over freehold rights. Rodney Hurst considers that lines are not really necessary as aspect and climate dictate their own values on such ground.
331. The submissions from Lisburn Farms (37.16) and Matthew and Victora Simpson (39.01) oppose the ONL Overlays on their properties located at the head of the Hakataramea Valley.
332. Lisburn Farms oppose ONL 3 – taking in Te Tari-a-Te-Kaumira/Hunters Hills, Dalgety Range and Rollesby Range in the Eastern Mackenzie. Whilst the submitter agrees some landscapes in Te Manahuna/the Mackenzie District are worthy of ONL status; the Eastern and South-Eastern-most parts of the Dalgety Range that are south of Locharts Stream are currently farmed. Sheep

⁵ Please note the submitter refers to this as a VAL in accordance with the relief sought in other submissions lodged.

and cattle grazing and finishing occurs regularly over the lower land areas, and fences, shelterbelts and other land uses incidental to pastoral farming are prevalent and Lisburn Farms is of the view these should not be subject to additional constraints under the proposed ONL status.

333. Matthew and Victora Simpson oppose the proposed ONL classification on their property (Ranui) for reasons including (but not limited to):

- a) Their family have farmed Ranui for over 100 years.
- b) PC23 gives no recognition for freehold land and jeopardises property rights.
- c) 900m above sea level or 3,000 feet above sea level has always been the respected snow line and altitude fence line around the district. This is not respected and would be a practical and definitive landscape boundary that clearly indicates the ONL.
- d) The ONL boundary lines indicated in the notified PC23 shows a clear lack of understanding of this landscape.
- e) In the Hakataramea Valley is a concrete block hut consisting of three rooms and outbuildings which fall within the proposed ONL classification area also holding yards at the snowline fence 900m and a set of sheep yards with a woolshed. This area should be excluded from the ONL.
- f) The ONL boundary is not as definitive as the snowline fence, running at 900masl. The proposed ONL includes flat and rolling country starting at 680masl in the Hakataramea Valley. A practical boundary line requiring no additional fence line would make sense, rather than the indefinite ONL boundary currently proposed.
- g) The ONL classification of the lower land limits the ability to farm the property effectively.
- h) Resource consents can be costly and time consuming to the point where it is simply unaffordable. The consenting process for earth movement affecting pasture improvement for ONL, is a major issue.
- i) Concerned property value will decrease as well as borrowing capacity.
- j) The ONL classification is unjustified and inconsistent e.g., Te Tari-a-Te-Kaumira/Hunter Hills is captured as an ONL but the Albury Range is not.
- k) Hakataramea Valley Road gets very little traffic and is rarely used.
- l) The proposed ONL classification on the low and terrace country for the scenic vista attribute being of national significance is very weak reasoning for classification.
- m) The Ecological Report (attached to the submission) states that the site does not have values that warrant the area being recognised as a site of natural significance under the Mackenzie District Plan, this report included landscape attributes.
- n) The submitters have long term plans for fencing into smaller blocks to help control wilding conifers through livestock grazing. New tracking is also essential.
- o) The Dalgety Range, Rollesby Range and Te Tari-a-Te-Kaumira/Hunter Hills have been lumped in together in the EMLS as one landscape character area. This characterisation of landscape area is too broad.

334. Fraser Ross (53.01) submits the Tengawai Cliffs are an important feature within the Eastern Mackenzie District, which has been unfortunately overlooked in the landscape study. Mr Ross

has visited the area on several occasions and seen the impressive limestone rock formations and some of the critically endangered plants growing there (including endemic plant species which have a highly threatened status and are not found elsewhere, such as the Manahune limestone gentians). The Tengawai Cliffs also provide important habitats for native skinks and geckos of which at least two are classified as being “At Risk”. The submitter considers that the Tengawai Cliffs are most impressive and stand out for their special formations not seen in other areas of the District.

335. A number of landowners affected by the Hermann Frank (6.12) and Fraser Ross (53.01) submissions lodged further submissions opposing the relief sought therein, as set out in **Table 5** below.

Table 5: Further submissions from landowners affected by Hermann Frank and/or Fraser Ross submissions

Tengawai Cliff ONF	Andrew and Rachel McGregor (FS8, FS29, FS30)
	Ian Morrison (FS16, FS38)
	Andy McNab (FS27)
	Guy Sutherland (FS28)
Raincliff ONF	Glen Dararach Trust (FS36)
	Raincliff Station Ltd (FS37)
Two Thumb ONL Extension	Stephen Kerr (FS5)
	Kane & Marie Murdoch (FS32)
	David Giddings (FS33)
	Celia Devenish (FS34)
	George Giddings (FS35)
Albury Range FMA Extension	Ian Morrison (FS38)

Analysis

336. Ms Pfluger undertook more detailed assessment of the areas referred to in the submissions of Herman Frank and Fraser Ross on 28 February 2024 and 7 April 2024. The later including Ms Pfluger and myself going onto some of the affected landowner properties where requested (McNab, Sutherland, McGregor and Giddings properties). Ms Pfluger subsequently prepared the Memo attached as **Appendix 6**. This Memo considers that two additional ONF areas should be included in PC23 (at Tengawai Cliffs and Raincliff). These include prominent limestone cliffs, meeting the threshold to be classified as outstanding under section 6(b) of the RMA. However, Ms Pfluger is of the view that the sinkholes and less prominent backslope at Tengawai Cliffs, the lower limestone outcrops at Spur Road, and the outcrop that the Raincliff Homestead are located on should not be ONF. The additional areas of ONF now recommended by Ms Pfluger are therefore less than the relief sought in the submission from Hermann Frank. I therefore recommend that the additional ONF areas mapped by Ms Pfluger are included in PC23 (see **Appendix 5**).
337. Ms Pfluger has further considered the area on the Two Thumb Range sought to be added to the ONL. Ms Pfluger notes that this area was considered during the preparation of the EMLS, but not identified as an ONL due to the higher level of modification present. On 7 April we were able to access the Giddings property and drive to an elevated location to view the additional area sought by the Hermann Frank submission. Ms Pfluger now recommends a small extension to the ONL to include a limestone escarpment visible on topographical maps and aerial photos, and detectable from a short section of SH8. This extension takes the ONL boundary from the stream at the bottom of the valley to follow the ridgeline as shown in **Appendix 5**.

338. The area requested by Hermann Frank to be added to the FMA on the Albury Range is not readily visible from public roads. However, Ms Pfluger notes that on aerial photograph and landcover databases it appears that parts of the areas described in the submission contain extensive indigenous vegetation, in particular, the gullies in the lower reaches of Tramway stream, located above the Tengawai Gorge. That was able to be verified by the ability to view this area from an adjoining property during the site visits undertaken on 7 April 2024.
339. Ms Pfluger recommends a substantially smaller area than is sought by the submitter, which otherwise extends much further along the southern slopes of the Albury Range. Ms Pfluger considers that area has a noticeably higher level of modification to the land cover with predominantly improved pasture. In contrast, the two areas now recommended to be included within the FMA contain numerous incised gullies with native vegetation. The proposed additional areas are shown on the maps attached as **Appendix 5**.
340. On the basis of the above assessment, I recommend the submissions of Herman Frank (6.12) and Fraser Ross (53.01) are accepted in part, given the areas now recommended to be included as ONF/ONL or FMA are less than the relief sought in those submissions. Accordingly, I recommend that the further submissions referred to above are similarly accepted in part.
341. The support of PTHL and PVHL (14.08) and Simpson Family (16.02) is noted; and on the basis of the changes recommended above, I similarly recommend that these supporting submissions are accepted in part.
342. The Simpson Family (16.04) seek that the site occupied by Tekapo Helicopters on SH8 south of Takapō/Tekapo is removed from the ONL. This commercial helicopter landing area was established by way of resource consent. In my view, this is a very different situation to the Special Purpose Airport Zones. The situation under the Operative District Plan is that the ONL provisions are included in the Rural zone provisions (in Section 7). As the existing airports have a Special Purpose zoning, they are not, and were never subject to the landscape provisions introduced through PC13 (despite being mapped as ONL), as these provisions apply within the Rural Zone only. The shift of the PC13 provisions to the NFL Chapter, as required under the NP Standards, necessitated that the ONL Overlay was removed from the Special Purpose Zones in order to maintain the status quo. This is not the case for the site occupied by Tekapo Helicopters. In addition, the infrastructure in place on that site is relatively small and, in my view, does not justify any change to the current ONL status of that area. I recommend that this submission (16.04) is rejected.
343. The concerns expressed by Rodney Hurst (34.01) are noted. I visited Mr Hurst's property with Ms Pfluger during the drafting phase of PC23 as his property, which takes in part of the Two Thumb Range, includes an area identified as an ONL. The ONL boundary is based on technical advice and was amended from the draft version following the on-site visit. Elevation is a component of the criteria used to assess ONL values and I note that in many instances the ONL boundary follows close to the 900m contour. However, this is not the definitive characteristic of identifying ONL in Te Manahuna/the Mackenzie District. I recommend that Rodney Hurst's submission (34.01) is rejected as no further changes are being made to the ONL boundary on the submitter's property.
344. Individual site visits were also held with the representatives from Lisburn Farms (37.16) and Matthew and Victora Simpson (39.01), who each oppose the ONL on their property. As a result, changes were made to the ONL boundary from the initial draft PC23 document put out for public consultation. Ms Pfluger has further considered the matters raised in the above

submissions and concludes that none of the additional information provided has changed her view. Ms Pfluger recommends that the ONL remain as notified in PC23. I concur with that recommendation, and subsequently recommend that the above submissions (37.16) and (39.01) are rejected.

Recommendations

- 345. I recommend, for the reasons given above, that a new ONF 'Tengawai Cliffs' is included in PC23.
- 346. I recommend, for the reasons given above, that an additional ONF area is identified at Raincliff.
- 347. I recommend, for the reasons given above, that the Maukakūkuta/Two Thumb ONL area be extended east to include a limestone escarpment located immediately west of Point 793masl.
- 348. I recommend, for the reasons given above, that two areas be added to the FMA at the southern end of the Albury Range.
- 349. The amendments recommended to the mapping within the NFL Chapter are set out in **Appendix 5**.
- 350. In terms of s32AA, the above changes are more appropriate at achieving the purpose of the RMA and in particular the protection of ONF, ONL and FMA from inappropriate subdivision, use and development as set out in NFL-O1 and NFL-O3. This is because they ensure that areas identified through technical assessments as being outstanding or significant within the District are identified in the District Plan, and the NFL provisions applied to them. It is acknowledged that the identification of additional ONF, ONL and FMA comes at a cost to the affected landowner. These costs were addressed in the PC23 Section 32 Report and remain the same in the context of the additional areas now identified through consideration of the submissions received.

Farm Base Area Mapping

- 351. Farm Base Areas (FBA) are used within Te Manahuna/the Mackenzie Basin ONL to identify areas within landholdings where the rules provide for greater scale and intensity of development. FBA were mapped as part of PC13. However, the spatial extent of FBA varies between properties and does not always reflect the underlying size or use of the property. On that basis an opportunity was provided for landowners to seek changes to the FBA for inclusion in PC23. The correspondence sent out to all FBA landowners was clear that any amendment sought would need to be supported by specialist landscape and ecological assessment.
- 352. Whilst a number of responses were received, only one response from Grampians Station met Council's requirements; and FBA R14 was proposed to be amended through PC23. In addition, one new FBA was created, on Omahau Hill. The new FBA was required due to this property being incorporated into the Te Manahuna/Mackenzie Basin ONL as a result of the Western Mackenzie Landscape Study.
- 353. Despite this pre-notification process, a number of submissions were received seeking amendment, or further amendment, to FBA. This included submissions from landowners that had not otherwise engaged in the pre-notification consultation on this matter described above. Whilst being a PC13 matter that is not otherwise sought to be amended, the process set out above differentiates the consideration of FBA from those other PC13 provisions. On that basis these submissions are considered to be within the scope of PC23.

Submissions

354. Murray Valentine (11.01, 11.02, 11.03) seeks the inclusion of the area shown in red in Figure 1 of his submission as a new FBA on the planning maps. This area relates to Pūkaki Flats Central, which includes various farm infrastructure lawfully established by a suite of consents obtained since 2016. The submitter considers that a new FBA would better reflect the existing use of that area of Simons Pass Station.
355. Grampians Station (R14) was the only existing FBA amended prior to the notification of PC23. Grampians Station lodged a submission (32.01) seeking that the amended FBA as notified be amended further to include an additional area in the southwest corner (as identified in the submission). Grampians Station also lodged a separate submission (52.29) noting the revised FBA boundary better reflects the topography and existing development of the FBA for Grampians Station and seeking that it be retained as notified in PC23.
356. Lyons Webb (42.01) seeks that the existing FBA on Omahau Downs (R25) be altered to better reflect the development and potential future use. The submitter seeks the removal of some 12.53ha of land that is unable to be developed further due to limitations enforced by the encumbrance on the Record of Title in favour of Meridian (addressing hydro-inundation risk). Additional land is sought to be included within the FBA encompassing an existing residential unit built in the 1960's. The house is located close to the SH8 road boundary. The submission states that the southern corner of the FBA represents an area that has limited production benefit and is able to be developed with farm accessory buildings in the future. The proposed changes are shown on the plan attached to the submission. Expert landscape and ecological reports included with the submission support the proposed amendments.
357. Blue Lake (46.01) seek that the existing FBA for Guide Hill Station (R16) is amended to better reflect the development potential of the site, while securing the adjacent Site of Natural Significance (SONS). The area that is proposed to be removed from the site is 7.07ha and comprises two separate parts, 4.98ha that is adjacent to a kettlehole wetland, and a low-lying paddock of 2.09ha that is not considered to be suitable for further development. An extension is sought to extend the FBA boundary from the existing dwelling to the Braemar Road boundary, being an area of 5.2ha. The proposed changes are shown on the plan attached to the submission. Expert landscape and ecological reports included with the submission support the proposed amendments.
358. Wolds Station (50.09) is concerned that the existing provisions do not currently provide for applications to be made for new FBA, with the plan change process the only way to establish a new FBA. Wolds Station considers this process to be unduly onerous, and that a resource consent pathway should manage the creation of new FBA.

Analysis

359. The area sought to be included as a new FBA on Simons Pass Station was previously known as Node C, but is now referred to as Pūkaki Central. The area in question is shown below in **Figure 5**. The Existing Farm Base Area (R32) is also shown thereon (in black).



Figure 5: Proposed New Farm Base Area for Simons Pass Station (shown in red)

360. The proposed area includes various existing farm infrastructure. **Table 6** below is a summary of the consents held in relation to the farm development present in this area. I consider that the character of this area is aligned with that displayed in the existing FBA included in the District Plan and should similarly be identified as FBA so that any future farm development is directed to be clustered with that already existing on Simons Pass Station. I therefore recommend that Murray Valentine's submissions (11.01, 11.02, 11.03) are accepted.

Table 6: Existing relevant MDC resource consents applying to the proposed Farm Based Area at Simons Pass Station (Pūkaki Flats Central)

Consent Number	Activity Description	Decision Date
RM210120	To construct a fertiliser bunker	28 October 2021
RM200016	To construct a second Lodge for staff accommodation	12 June 2020
RM190201	To construct a workers accommodation building (the Lodge)	05 February 2020
RM19066	To construct additional two calf sheds at Pūkaki Central (and two at Mary Range)	17 July 2019
RM180088	Stock tracks in Node C.	11 July 2018
RM180060	Effluent pond (Node C).	1 May 2018
RM180002	Milk Tanker Track.	27 April 2018

RM170048	To construct farm buildings consisting of a feed pad, feed storage facilities and an effluent storage pond within Node C.	9 May 2017
RM170040	Workers quarters (In Node C)	9 May 2017
RM170039	Construct 3 calf sheds (in Node C)	21 April 2017
RM160045/RM160136	Hardstand and farm workshop building (Node C)	22 June 2016/ 29 September 2016
RM160044	Extend gravel quarry authorised by RM140082 to enable the extraction of an additional 45,000m ³ for construction of tracks, buildings and pipelines.	21 June 2016
RM160021	Earthworks for farm access road, 12,075m ³ volume and 2415m ² disturbed area.	20 April 2016
RM150053/ RM160177	To construct, operate and maintain a dairy milking shed and associated infrastructure (including earthworks) within Node C.	2 March 2016/ 29 November 2016

361. In assessing Grampians Station's request to include a further addition beyond the amendment made prior to notification of PC23, I have identified that the Grampians Station FBA boundary included on the EPlan mapping is incorrect. **Figure 6** below shows the nature of the change requested by Grampians Station prior to notification that was included in Appendix 7 to the Section 32 Report; with the red dashed line identifying the area that was to be mapped for inclusion in the EPlan as part of PC23.

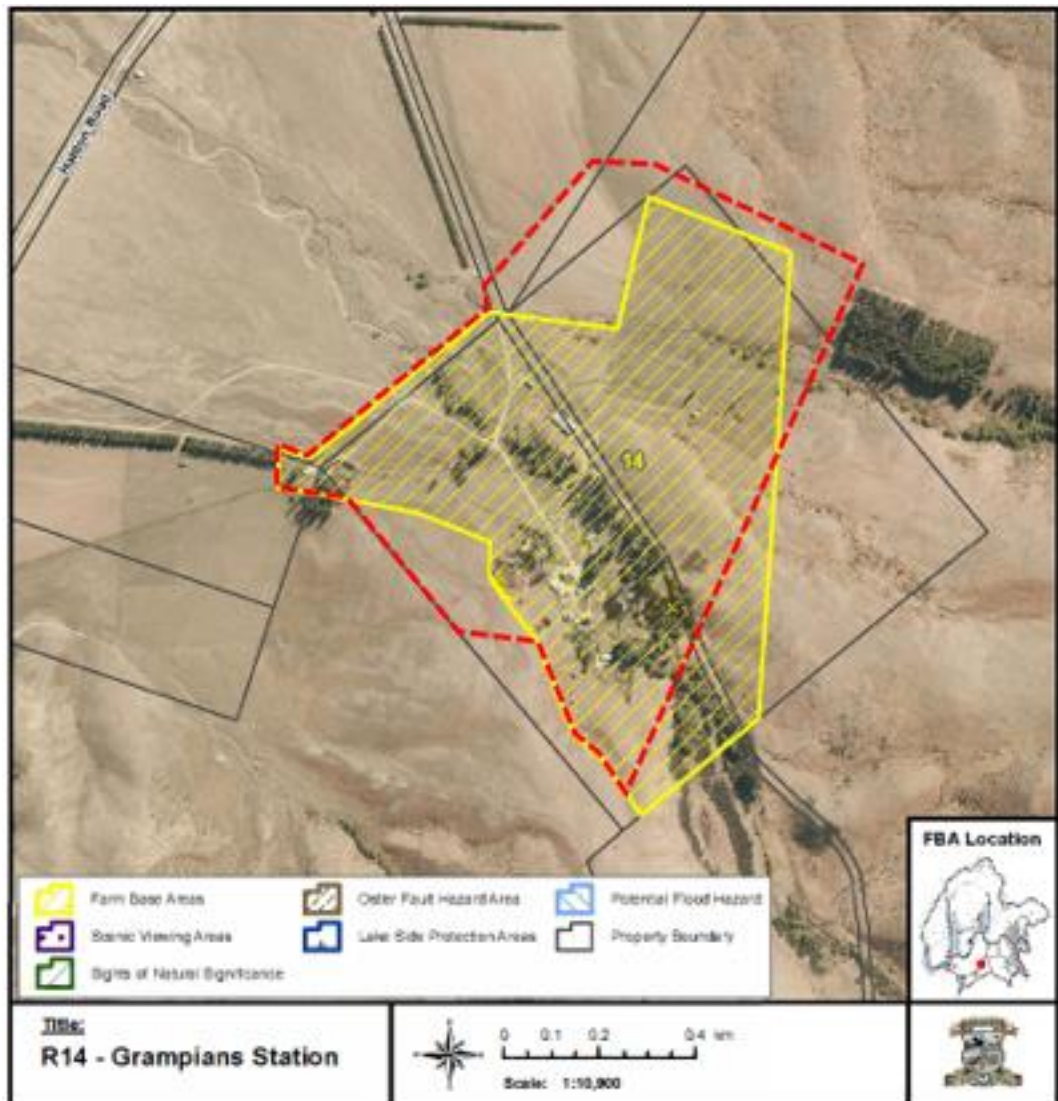


Figure 6: Grampians Station Operative Plan Farm Base Area (Yellow) and amendments to be included in PC23 (in Red)

362. An EPlan mapping error has meant that the Grampians Station FBA as notified includes additional land along the eastern boundary beyond that sought by Grampians Station; shown in **Figure 7** below (black outline). Notwithstanding, the mapping of this enlarged FBA is supported by two submissions from Grampians Station (32.01, 52.29).
363. Grampians Station submission (32.01) also seeks that this FBA is further extended to include the additional area shaded in red (as also indicated in **Figure 7**).

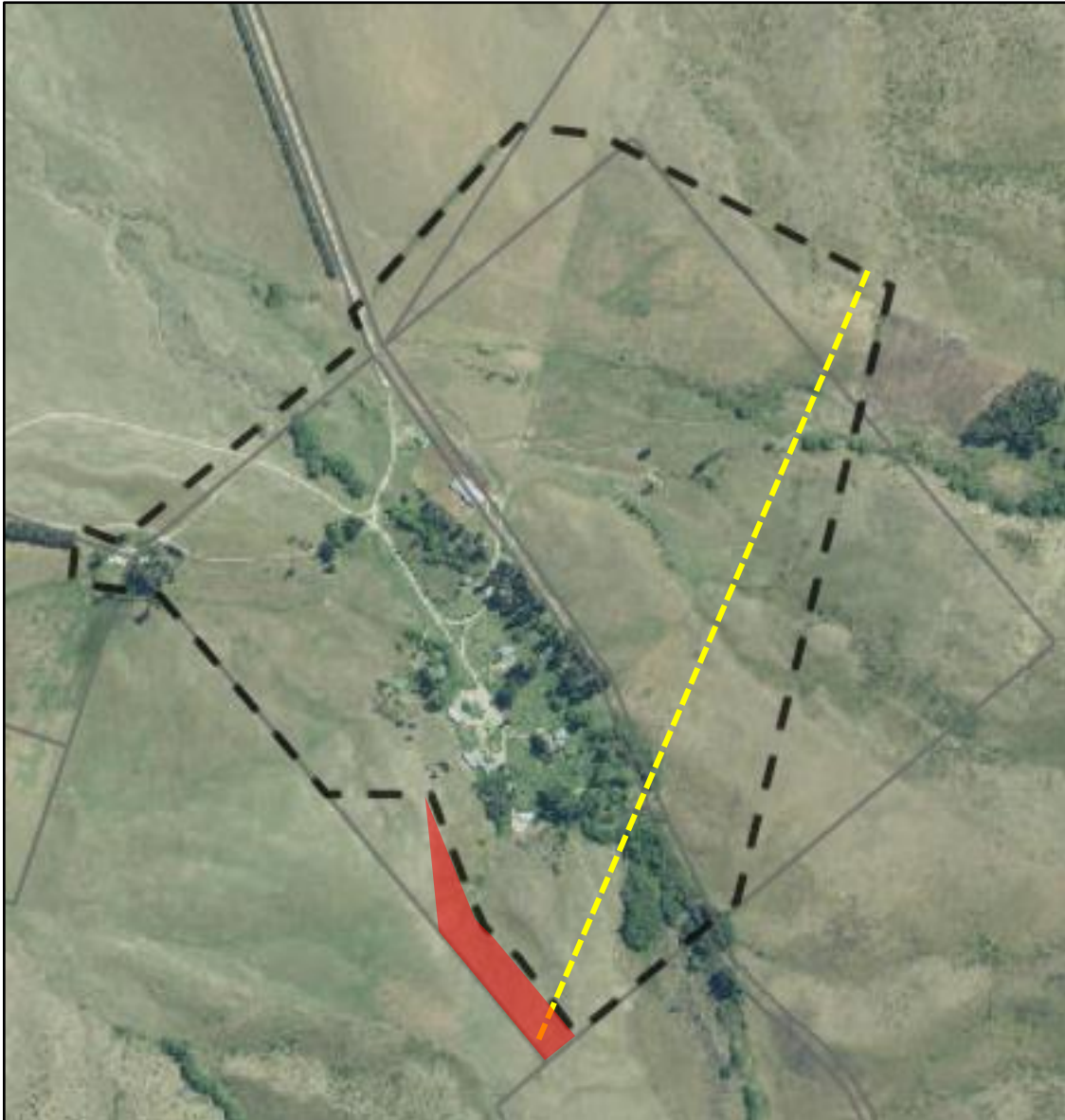


Figure 7: Grampians Station Farm Base Area as notified (in black) and proposed further extension (red shading)

364. The information provided to the Council by Grampians Station prior to notification of PC23 was clear that the change sought to the eastern boundary of FBA R14 would follow the existing Transpower Lines (shown as a yellow dashed line in **Figure 7** above). This change was to partly off-set the additional land to the north and southwest sought to be included in the FBA. Overall the intention was that the FBA increase in size from 67.5ha in the Operative Plan to 74.0ha in PC23. The EPlan planning maps currently indicate an FBA being some 87.3ha in size.
365. I recommend that the EPlan mapping error is rectified pursuant to Clause 16, so that the FBA eastern boundary follows the delineation of the Transpower Lines as was requested by Grampians Station prior to the notification of PC23. This has been communicated to the submitter and I understand they will clarify their position regarding this error prior to or at the hearing.
366. I also recommend that the additional area now sought in Grampians Station submission (32.01) is accepted in part. It is a small area of some 1.7ha to the northwest of the Transpower Lines

and largely follows an underlying cadastral boundary. Therefore, I recommend that Grampians Station other submission (52.29) is also accepted in part.

367. The change sought to the FBA at Omahau Downs has been assessed by Ms Pfluger (see **Appendix 6**), including a site visit along SH8 undertaken on 28/02/24. Ms Pfluger disagrees with the assessments included in the Lyons Webb submission (42.01). Ms Pfluger considers development in proximity to the SH8 would have adverse visual effects. Therefore, she does not support part of the addition sought to the FBA on eastern side, but does support removal of the FBA area on the western side. On that basis I recommend that the Lyon Webb submission (42.01) is accepted in part only.
368. The change sought to the FBA at Guide Hill Station by Blue Lake (46.01) has similarly been assessed by Ms Pfluger, including a site visit along Braemar Road on 28/02/24. Ms Pfluger disagrees with the assessments included in the submission. Ms Pfluger supports removal of Area 1 in proximity of wetland (see Figure 18 of WildLab Report included with Blue Lake submission). Removal of Area 2 is partially supported, with Ms Pfluger of the view that the more modified part should remain FBA. Addition of Area 3 is also only partially supported. Ms Pfluger notes the presence of the existing shelter along the road boundary, but still recommends a 100m setback from the Braemar Road boundary to maintain the hummocky landform between Braemar Road and potential buildings/structures. On that basis I recommend that the Blue Lake submission (46.01) is accepted in part only.
369. The ability to amend an FBA by way of resource consent is not provided for under the RMA. However, a resource consent can be made to establish a building outside an FBA and the operative rule framework provides for that. I recommend that the submission from Wolds Station (50.09) seeking a resource consent pathway to create a new FBA is rejected.

Recommendations

370. I recommend, for the reasons given above, that a new FBA on Simons Pass Station (Pūkaki Flats Central) be included in PC23.
371. I recommend, for the reasons given above, that the existing FBA on Grampians Station (R14), Omahau Downs (R25) and Guide Hill (R16) are amended.
372. The above amendments recommended to the FBA are set out in **Appendix 5**.
373. In terms of a section 32AA evaluation these are minor changes and do not alter the general intent of FBA as included in PC23. The new FBA and adjustments to boundaries of three existing FBA are considered the most efficient and effective way to achieve the outcomes sought in NFL-P2.1.b. The FBA identify either existing developed areas (as is the case for Simons Pass Station), or amend boundaries to include areas where there is greater capacity to absorb more intensive use and development.

11. General Rural Zone (GRUZ Chapter)

Overview Of Submissions

374. A total of 33 submissions were lodged on the General Rural Zone (GRUZ) Chapter raising some 195 individual submission points.
375. The key changes sought in submissions (which are discussed in more detail in the following sections of the report) relate to:

- a) Submissions from the energy and infrastructure sector seeking further clarification to make it clear that the rules included in the GRUZ Chapter do not apply to activities otherwise falling under the INF and REG Chapters;
- b) The relationship of the provisions in the GRUZ Chapter and how they interrelate with those in the EIB Chapter introduced through PC18;
- c) Amendments to the PC23 policy framework so that it does not prioritise primary production at the expense of landscape and biodiversity values.
- d) Amendments to the PC23 definitions and new definitions to make the provisions related to aircraft and helicopter movements; and airfields and helicopter landing areas work more effectively.
- e) Provision being made for workers accommodation.
- f) More permissive quarrying provisions.
- g) A change to the proposed density standards to reduce the minimum allotment size on which a residential unit can be established.
- h) A reduction in the number of wilding conifer species identified to be consistent with the Canterbury Regional Pest Management Strategy (CRPMP).

Entire GRUZ Chapter, Introduction and Relationship with Other Chapters

- 376. Submissions from Nova Energy (12.03, 12.04) and TRoNT (25.01, 25.16, 25.18) support the entire GRUZ Chapter, including definitions and abbreviations, and seek that the Chapter be retained as notified. NZHHA (51.04) supports the entire GRUZ Chapter, but only on the basis that the relief sought in its other submission points are accepted.
- 377. NZ Pork (26.07) supports the GRUZ Introduction in part, seeking it be amended to include specific reference to primary production activity including intensive primary production, research farming and associated facilities. NZ Pork considers it important that the Introduction recognises that these activities may have associated levels of noise, dust and odour; and that such effects should be both anticipated and tolerated within a rural environment.
- 378. Genesis Energy (40.05), Helios (8.02) and Meridian (44.09) seek that the Introduction and GRUZ-P2 each include reference to REG activities on the basis that such activities are predominantly located within the GRUZ. As set out in their submissions relating to the NATC and NFL Chapters, the submitters consider that clarification should also be provided to plan users that the provisions in the GRUZ Chapter do not apply to REG activities.
- 379. OWL (43.04) notes that the explanation of how rules for activities in the GRUZ interrelate with rules in other chapters is located within the *Notes to Plan Users* under the Rules section. They note this is inconsistent with similar explanations in other chapters, such as the Infrastructure Chapter, which is located in the Introduction. OWL considers that it would be beneficial to maintain a consistent approach across all chapters.
- 380. Wolds Station (50.08) considers that the description of the GRUZ character needs to be amended to reflect that there are many different land uses in the zone, including extensive areas of irrigation (not presently listed alongside open grasslands, pastoral farming, and forestry). The submitter is of the view that within the GRUZ it is important to ensure that farming is prioritised, and existing lawfully established activities are provided a pathway to continue unimpeded. They consider that farming is the lifeblood of the zone and is fundamental

to maintaining the sustainable management of the land and the rural community in Te Manahuna/the Mackenzie Basin.

Analysis

381. The approach taken for the MDP is consistent with that set out in the NP Standards; being that the REG Chapter is effectively standalone, with provisions across the remainder of the District Plan not applying, unless explicitly stated. This is discussed in some detail in the section 42A report relating to PC26. In my view the recommended wording therein is clear and no further clarification is needed in each of the remaining Chapters making up the Mackenzie District Plan (including GRUZ), as to do so would result in unnecessary repetition. Because the provisions in the GRUZ do not apply to REG activities, reference to these within the Introduction and GRUZ-P2 would conflict with the approach taken and result in confusion. Furthermore, I do not consider it appropriate to make specific reference to REG activities as an example of having an operational or a functional need to be located in the GRUZ. There are various other activities that could also claim to have an operational or functional need that are similarly not listed in the GRUZ Introduction. On that basis I recommend the submissions from Helios (8.02) Genesis (40.05), and Meridian (44.09) are rejected with respect to making changes to the Introduction of the GRUZ Chapter and GRUZ-P2, while noting that the changes recommended to PC26 will go some way to granting the relief sought.
382. For similar reasons I do not support the further text sought to be added to the Introduction by NZ Pork and Wolds Station. The Introduction already includes reference to a range of primary production activities, and the detail and the effects that certain activities may have on the environment are not, in my view, matters for the Introduction, but rather are to be assessed against the relevant rules. Some of those rules may not be covered by the GRUZ Chapter, but in other district wide chapters, such as earthworks and noise. On that basis I recommend that the submissions by NZ Pork (26.07) and Wolds Station (50.08) are rejected.
383. The commencement of the GRUZ Rules contains a brief note for District Plan users. This note relates only to rules, and the same text is included in the other zone chapters that were introduced through PC21. If this is shifted to the Introduction section as sought, it will then conflict with the established approach to zone chapters. This differs to the note recommended at the Introduction to the REG and INF chapters because those chapters apply district wide; and it relates not only to rules but in some cases all provisions within other chapters. I recommend that the OWL submission (43.04) is rejected, and this text remain at the commencement of the rules section as notified.
384. The submissions in support from Nova Energy (12.03, 12.04) and TRoNT (25.01, 25.16, 25.18) and NZHHA (51.04) are noted. Given the changes recommended as a result of other submissions, I recommend that these submissions are accepted in part.

Recommendation

385. I recommend, for the reasons given above, that the GRUZ Introduction is retained as notified.

GRUZ Objectives (GRUZ-O1, GRUZ-O2)

Submissions

386. NZAAA (2.14, 2.15), Aviation NZ (19.11, 19.12), PFO (24.24, 24.25) and Fed Farmers (27.01, 27.2) support GRUZ-O1 and GRUZ-O2 as they recognise activities that have a functional need within

- the zone and allow primary production and supporting activities without being compromised by reverse sensitivity effects. The submitters seek that these provisions are retained as notified.
387. NZTA (15.20), NZ Pork (26.08), Genesis (40.06), Lisburn Farms (37.02) and Meridian (44.10) all support GRUZ-O1 and seek that it be retained as notified.
 388. Simpson Family (16.06, 16.07) supports GRUZ-O1, and GRUZ-O2 on the basis that 'overall building density' is considered on a zone wide basis. They are of the view this would allow for the clustering of development in appropriate locations, thus maintaining an overall low density of built form.
 389. PB (29.08) supports GRUZ-O1, but seeks that additional wording is added to the effect of encouraging land use practices, such as plantation forestry, which mitigate the effects of climate change.
 390. Nic Zuppicich (3.01, 3.02) opposes both GRUZ-O1 and GRUZ-O2 as he considers the area of the 'The Reserve' more closely aligns with Rural Lifestyle or a Residential Zone than GRUZ.
 391. DOC (7.10) opposes GRUZ-O1 in that it should not prioritise primary production. DOC believes this should only occur on HPL. DOC seeks that the word "prioritises" is replaced with "provides for".
 392. FENZ (4.06) supports GRUZ-O2, in so far that it provides for activities and built form where there is a functional and operational need for these activities to be located within the GRUZ. FENZ seeks that GRUZ-O2 be retained as notified.
 393. TRoNT (25.17) notes that Ngāi Tahu have a sacred and spiritual connection to the natural values of the District and supports GRUZ-O2 on the basis it aims to protect the unique character of the rural environment.
 394. NZ Pork (26.09) supports GRUZ-O2 in part and suggests the objective would be better framed on supporting activities themselves, rather than managing the adverse effects of such. The submitter also suggests direct reference to the risk posed by incompatible sensitive activities within the GRUZ to primary production activities, in addition to reverse sensitivity effects.
 395. F&B (36.11) opposes GRUZ-O2 as the natural values of the GRUZ are not recognised within the description of the character of the zone. F&B considers that managing adverse effects and enabling activities on the basis of consistency with zone character is therefore problematic and creates conflicts with other chapters, such as NFL and EIB. F&B seeks that recognition of such values is added to GRUZ-O2 through management in a way that *"maintains and protects natural landscape character, features and indigenous biodiversity values"*.
 396. MoE (38.16) supports GRUZ-O2 and acknowledges that adverse effects of educational facilities, including their built form, should be managed within the GRUZ. MoE seeks that this objective be retained as notified.
 397. Lisburn Farms (37.03) opposes GRUZ-O2, seeking GRUZ-O2.4 be amended to better align it with GRUZ-P1.1 and GRUZ-P2.1; thereby enabling primary production and related activities to establish, innovate or diversify in the GRUZ.
 398. Genesis (40.07) and Meridian (44.11) both oppose GRUZ-O2 in part and consider that GRUZ-O2.4 (regarding reverse sensitivity) should also apply to other activities where they rely on the natural resources found only in a rural location. Notwithstanding each have sought slightly different wording in the relief sought.

Analysis

399. The submissions from Nic Zuppich (3.01, 3.02) oppose both GRUZ-O1 and GRUZ-O2, but the concerns raised therein primarily relate to GRUZ-S1 Density, and more specifically how it applies to existing titles within the areas known as 'The Reserve' north of Fairlie Township. That matter is assessed further below. On the basis that no changes are proposed to GRUZ-O1 and GRUZ-O2 as a result of these submissions, I recommend they are rejected.
400. The density standards are applied at the property level, so as to maintain a low overall density across the GRUZ. The only provision for 'clustering' applies within FBA, which are exclusively located within the Te Manahuna/Mackenzie Basin ONL. Public consultation did not identify the clustering of residential units in the Eastern Mackenzie as a priority, which may reflect the higher density standard provided for within SCA-13 and newly created Rural Lifestyle Zones. On that basis I recommend that Simpson Family submission (16.07) is rejected.
401. I do not support the request to add specific reference to forestry activity within GRUZ-O1. Forestry is included within the definition of primary production and none of the other forms of primary production are specifically referred to therein. I recommend that the PB submission (29.08) is rejected.
402. The submission from DOC considers it inappropriate that GRUZ-O1 "*prioritises*" primary production and seeks that it only be "*provided for*". Similarly, F&B (36.11) seeks that reference to "*natural landscape character features and indigenous biodiversity values*" are added to GRUZ-O2. I consider that these matters are more appropriately addressed in the specific district wide chapters (NATC, NFL and EIB). Other priorities are set out in those district wide chapters, and these ensure that primary production within the GRUZ is managed in a way that still achieves the objectives set out in those chapters. Just as residential zones prioritise residential development, in my view it is important that rural zones prioritise primary production. This does not 'override' the direction in other applicable district wide chapters. I also note that much of the support expressed in the submissions noted above is based on the GRUZ prioritising primary production. I recommend that the submissions from DOC (7.10) and F&B (36.11) are rejected.
403. The additional wording sought in GRUZ-O2.4 by NZ Pork (26.09) to include specific reference to '*incompatible and sensitive activities*' is, in my view, unnecessary. The definition of reverse sensitivity already includes reference to activities that "*may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity*". On that basis the relief sought would add repetition that is not required given the definition of reverse sensitivity. I recommend this submission is rejected.
404. The wording of GRUZ-O2.4 means that the concern around potential reverse sensitivity effects applies only to primary productions activities. Submitters have sought that the scope of reverse sensitivity concerns be expanded to also include "*other activities that are typically found in a rural environment*", or "*other activities where they rely on the natural resources found only in a rural environment*". I accept the point made, but do not think that the relief sought is the most appropriate in the context of the GRUZ rule framework arising from Objective GRUZ-O2.4. The rules refer to other activities that have either an operational or functional need to locate within a rural environment. I consider adding this wording to GRUZ-O2 to be more appropriate. Accordingly, I recommend that the submissions from Genesis (40.07) and Meridian (44.11) are accepted in part.
405. In my view the inclusion of the ability for primary production to "*establish or intensify in appropriate locations*" within GRUZ-O2.4 as sought by Lisburn Farms is not appropriate. In

many cases an activity seeking to intensify will trigger the need for a resource consent to be obtained. What is an appropriate location will be a matter for site specific assessment through any resultant consent process. In that context I consider the wording in the relief sought by the submitter to be inappropriate and recommend that the Lisburn Farms submission (37.03) is rejected.

406. The support of NZAAA (2.14), NZTA (15.20), Simpson Family (16.06), Aviation NZ (19.11), PFO (24.24), NZ Pork (26.08), Fed Farmers (27.01), Lisburn Farms (37.02), Genesis (40.06), and Meridian (44.10) to GRUZ-O1 as notified is noted and I recommend these submissions are accepted on the basis that no other changes are recommended to this provision.
407. The support from FENZ (4.06), NZAAA (2.15), Aviation NZ (19.12), PFO (24.25), TRoNT (25.17), Fed Farmers (27.2) and MoE (38.16) of GRUZ-O2 as notified is noted. I recommend these submissions are accepted in part on the basis of the other changes I recommend to this provision as a result of other submissions, as set out below.

Recommendation

408. I recommend, for the reasons given above, that GRUZ-O2.4 is amended to include reference to those other activities that have a functional or operational need to locate within the GRUZ.
409. The recommended amendments are set out in **Appendix 4**.
410. In terms of section 32AA, the recommended change recognises that activities other than primary production have a functional or operational need to locate within the General Rural Zone and that these should also be protected from reverse sensitivity effects. This is considered a more effective way of achieving the purpose of the RMA as there is often no alternative more suitable zoning for such activity.

Primary Production, Other Activities and Reverse Sensitivity (GRUZ-P1, GRUZ-P2 and GRUZ-P3)

Submissions

411. Fed Farmers (27.03, 27.04, 27.05) support policies GRUZ-P1 to P3 and seek that they be retained as notified. NZAAA (2.17, 2.18) supports GRUZ-P2 and GRUZ-P3 and seeks that these provisions are retained as notified. NZTA (15.21) supports GRUZ-P1 and seeks that it is retained as notified. MoE (38.17) supports GRUZ-P2 and seeks that it is retained as notified. Genesis (40.09), Meridian (44.13) and NZDF (54.03) support GRUZ-P3 and seek that it is retained as notified.
412. Transpower (13.03) supports GRUZ-P2 but opposes GRUZ-P3 (13.04) on the basis that it should also make reference to the operation, maintenance, upgrade and development of the National Grid. This is also included in the submission from OWL (43.05).
413. PFO (24.26, 24.27) supports both GRUZ-P1 and P2, but opposes GRUZ-P3 (24.28) as they consider that policy should also apply to the reverse sensitivity effects of non-primary production activities, rather than be limited to non-farm development.
414. NZAAA (2.16) and Aviation NZ (19.13) support GRUZ-P1 in part, seeking reference is added to also enabling activities that support primary production.
415. Simpson Family (16.08) and NZ Pork (26.10) support the intent of the policy but seek stronger recognition that the GRUZ is a working zone, noting that often there is a perception that the GRUZ is quiet, passive and to be enjoyed, rather than a place where significant activity can occur. The submitters seek to have this recognised by additional wording noting that primary

production activities that can produce noise, dust, odour and traffic that may be noticeable to residents and visitors.

- 416. Road Metals (35.01) supports the recognition of quarrying activity in GRUZ-P1 but seeks to have specific recognition of quarrying on Lot 2 Deposited Plan 487658, where it has previously occurred and continues to occur under the Operative District Plan (in which it was provided for as a permitted activity).
- 417. F&B (36.12) opposes GRUZ-P1 as in its view, the word 'enable' used therein is too directive, as there are other matters to be considered beyond maintaining the character of the zone, such as the protection of significant indigenous biodiversity and outstanding natural landscapes.
- 418. DOC (7.11) opposes GRUZ-P2 as it 'prioritises' primary production, they seek that the wording be amended to simply 'provides for'.
- 419. NZ Pork (26.11) opposes the enabling of recreation and tourism-based activities in the GRUZ on the basis that these are sensitive activities that could give rise to reverse sensitivity effects on established primary production activities. The submitter seeks that 'enabling' in GRUZ-P2.2 is amended to 'providing for'.
- 420. Simpson Family (16.09) supports GRUZ-P2 but would like to see greater recognition of a broader range of 'recreation and tourism activities', not just those based on farming experiences or conservation activities. The submitter considers that such activities should be related to 'experiencing the rural or natural environment' as per the definition of rural tourism activity. Similarly, Aviation NZ (19.14) seeks to have 'wildlife and game' added to the tourism experiences referred to therein, whilst Rooney Group (49.05) seek the addition of 'outdoor activities'.
- 421. Genesis (40.08) and Meridian (44.12) have lodged similar submissions opposing GRUZ-P2 on the basis that it should also recognise the importance of other activities where they rely on the natural resources found only in a rural location, as used in GRUZ-O1.
- 422. In terms of GRUZ-P3, Aviation NZ (19.15) supports the protection of primary production and supporting activities from reverse sensitivities but seeks additional wording to include those new activities that could occur as a result of PC23 on pre-existing businesses.
- 423. NZ Pork (26.12) similarly supports the policy to avoid reverse sensitivity (GRUZ-P3) but considers that activities giving rise to reverse sensitivity effects extend beyond residential activities, and the term 'non-farm development' is vague. The submitter seeks that the policy instead references 'sensitive activities', which is defined.

Analysis

- 424. GRUZ-P1 is titled 'Primary Production and Supporting Activities'; therefore, I consider it appropriate the policy itself makes reference to those supporting activities, and I recommend that the submissions from NZAAA (2.16) and Aviation NZ (19.13) are accepted.
- 425. I consider it appropriate that GRUZ-P1 use the word enable, as that better aligns with the purpose of the zone and reflects the wording used in GRUZ-O1. It is also consistent with the drafting approach used across other zone chapters, whereby an 'enabling' policy framework is applied in conjunction with a permitted activity status. I recommend that the submission from F&B (36.12) seeking reference to the protection of significant indigenous biodiversity and outstanding natural landscapes is rejected. These matters are set out in other district wide

chapters in some detail. Adding further reference to the GRUZ Chapter creates a potential risk of creating conflict with the more specific direction in those chapters.

426. Road Metals seeks a controlled activity status and any necessary overlay to be included for quarrying within the already disturbed area of Lot 2 DP 487658 east of Twizel Township. Road Metals sets out that *“these new provisions will ensure effects associated with quarrying activity on this Site are managed in a more comprehensive manner than existing use rights under the permitted activity rule of the operative MDP and provide for a rehabilitation management plan to be supplied to Council”*.
427. No map or definition of the spatial extent of any such new rule was included in the submission. Notwithstanding, it is assumed that this relates to the area of the existing quarry on the site immediately south of the Council’s wastewater treatment plant, as circled red in **Figure 8** below.



Figure 8: Location of existing quarry on Lot 2 DP 487658 operated by Road Metals Limited.

428. Rule 10.1.2 in the Operative District Plan permits extraction of gravel not exceeding 2,000m³ per hectare and 2 metres in depth in any continuous 5 year period (subject to not being located within stipulated sensitive areas). The nature of this rule means it is difficult to interpret, monitor and enforce. The submitter has not obtained either a Certificate of Compliance (section 139 RMA) or Existing Use Certificate (section 139A RMA) in relation to this existing quarry.
429. The underlying property is currently subject to a resource consent application for quarrying activity. One aspect yet to be resolved is whether that resource consent should include the area of existing quarry shown in **Figure 8** above. In the context of that on-going resource consent application and any uncertainty around the status of the existing quarry, the exception sought for quarrying on this site as a controlled activity is in my view inappropriate. I recommend that the Road Metals submission (35.01) is rejected.
430. The submissions noting that primary production activities can produce noise, dust, odour and traffic that may be noticeable to residents and visitors are noted. In the context of GRUZ-P1, I do not consider that such wording is required or adds anything to the interpretation of the

policy. I therefore recommend that the submissions from Simpson Family (16.08) and NZ Pork (26.10) are rejected.

431. The wording used in GRUZ-P2 to prioritise primary production is consistent with GRUZ-O1. On that basis I recommend that the submission from DOC (7.11) is rejected.
432. GRUZ-P2.2 currently refers to *“enabling recreation and tourism activities based on farming experiences or conservation activities”*. Various submissions seek to further clarify this by including a range of other activities. As noted in the submission from the Simpson Family (16.09), the definition of ‘Rural Tourism Activity’ includes experiencing *“farming or conservation activities and/or the rural or natural environment”*. The relief sought would therefore achieve greater consistency between the provisions, and also encapsulate the additions sought by Aviation NZ and Rooney Group. I recommend that the submission from the Simpson Family (16.09) is accepted, and those from Aviation NZ (19.14) and Rooney Group (49.05) are accepted in part.
433. I consider that the concern expressed by NZ Pork regarding GRUZ-P2 enabling these activities is mitigated by the rule framework. Any Rural Tourism Activity seeking to establish under GRUZ-R9 is subject to the standards requiring sensitive activity setbacks (GRUZ-S5 to S7). On that basis the ‘enabling’ referred to in GRUZ-P2 is qualified by the application of the rules. I consider the wording used is appropriate in that context and recommend that the submission from NZ Pork (26.11) is rejected.
434. In terms of the changes to GRUZ-P2 to recognise the importance of other activities where they rely on the natural resources found only in a rural location, I note the comments made above that the resultant rules refer to other activities that have either an operational or functional need to locate within a rural environment. I consider this wording to be more appropriate than including *“where they rely on the natural resources found only in a rural location”*. Accordingly, I recommend that the submissions from Genesis (40.08) and Meridian (44.12) are accepted in part.
435. GRUZ-P3 deals with reverse sensitivity effects. I note that the only submissions received in relation to the definition of that term were in support. Currently the policy refers to *“avoid reverse sensitivity effects of non-farm development and residential activity on lawfully established primary production activities...”*. I agree that the term ‘non-farm development’ is vague. However, I consider that the inclusion of the phrases *“non-farm development and residential activity”* and *“lawfully established”* therein is not required to make the policy work; and limiting the policy direction to these activities is not aligned with the outcomes sought in GRUZ-O2.4 (and in the REG and INF chapters). Therefore, I recommend that these phrases be deleted altogether and that the submissions from NZ Pork (26.12) and PFO (24.28) are accepted in part.
436. GRUZ-P3 is based on Policy 3B9 from the Operative District Plan, which includes reference to *“reverse sensitivity effects of non-farm development and residential activity on rural activities and activities such as power generation, transmission, infrastructure, state highways and the Tekapo Military Training Area”*.
437. In preparing PC23 and shifting to the NP Standards framework, some of those activities listed above were removed or amended. However, given that GRUZ-P3 includes reference to existing REG activity, I consider it appropriate to also refer to existing regionally significant infrastructure. For the avoidance of doubt, while REG activities and infrastructure are managed in their respective chapters, this policy is about managing effects of other activities in the GRUZ

on these. Because of this, including regionally significant infrastructure in the policy will assist in achieving INF-O3. On that basis I recommend that the submissions from Transpower (13.04) and OWL (43.05) are accepted in part.

438. I recommend that the submission from Aviation NZ (19.15) be rejected as existing use rights are dealt with under section 10 of the RMA, and do not otherwise require any specific reference in the District Plan.
439. The support for these provisions from Fed Farmers (27.03, 27.04, 27.05), NZAAA (2.17, 2.18), PFO (24.26, 24.27) Transpower (13.03), NZTA (15.21), MoE (38.17), Genesis (40.09), Meridian (44.13) and NZDF (54.03) is noted; and I recommend these submissions are accepted in part based on the other changes recommended.

Recommendations

440. I recommend, for the reasons given above, that GRUZ-P1 is amended to make reference to 'supporting activities' as is used in the title.
441. I recommend, for the reasons given above, that GRUZ-P2.1 is amended to include 'or otherwise has a functional or operational need to locate in the General Rural Zone'.
442. I recommend, for the reasons given above, that GRUZ-P2.2 is amended to also include 'and/or experiencing the natural environment'.
443. I recommend, for the reasons given above, that GRUZ-P3 is amended to delete reference to 'non-farm development and residential activity' and 'lawfully established' primary production activities.
444. I recommend, for the reasons given above, that GRUZ-P3 is amended to include reference to 'existing regionally significant infrastructure'.
445. The amendments recommended to these provisions are set out in **Appendix 4**.
446. The scale of change does not require a section 32AA evaluation because they are considered to be minor changes to improve drafting and in particular, achieve better alignment between various objectives, policies and rules. However, as they do not alter the general intent of the provisions, the original section 32 evaluation still applies.

Highly Productive Land (GRUZ-P4, GRUZ-P5, Definition of HPL and Mapping of HPL)

Submissions

447. PFO (24.29, 24.30), NZ Pork (26.13, 26.14) and Fed Farmers (27.06, 27.07) support these policies relating to the protection and recognition of existing activities on HPL.
448. Helios (8.01) opposes GRUZ-P4 on the basis that the NPSHPL is not about increasing or maximising the productive capacity of highly productive land, nor does it encourage opportunities that would seek to do this. Helios states that GRUZ-P4.2 is therefore inconsistent with the NPSHPL.
449. MoE (38.18) supports GRUZ-P4 in part, as they consider the direction to 'avoid' impacts on highly productive land does not align with the language of the objective 'allowing' activities where there is an operational need. The submitter seeks an amendment to the wording of the Policy, as follows:

"Maintain the productive capacity of highly productive land, by:

1. *Avoiding Where the irreversible loss of highly productive land can be mitigated from inappropriate subdivision, use or development...*

450. OWL (43.06) supports GRUZ-P4 and seeks that it is retained as notified. However, OWL (43.07) opposes GRUZ-P5 in part, as it considers that it is not clear whether the policy is directed at all existing activities or only primary production activities and activities supporting primary production. OWL understands the intention is the latter but considers that clarity is required as to the intended scope of this policy.
451. MFL (48.01) supports GRUZ-P5 and seeks that it is retained as notified.
452. Grampians Station (52.21) opposes GRUZ-P4 based on their objection to the classification of parts of the land farmed by Grampians Station Limited as HPL Class 3 (52.28). The land identified is high altitude dryland, primarily used for the grazing of stock. They consider the climatic extremes experienced in this region limits the ability to intensify and/or change land use. It is submitted that this land does not meet the definition of Class 3 HPL. Grampians Station note that the Government has stated its intention to remove the Class 3 category from the NPS entirely. If the land is not reclassified (in whole or in part) then the submitter is of the view that GRUZ-P4 needs to be extended to recognise that new activities are permitted where they are compatible with the continuation of existing farming uses. The relief sought is to amend the HPL Overlay and delete HPL as mapped over the submitter's property; and to add wording to GRUZ-P4.1 to provide for appropriate new compatible activities on HPL.
453. F&B (36.13) opposes GRUZ-P5 on the basis that the inclusion of 'upgrading' is inappropriate, as the submitter considers there are no limits on scale or intensity, or consideration of what activities may be appropriate. As such 'upgrading' could, in its view, include significant adverse effects that are not appropriate. F&B also note that 'maintenance' is only defined with respect to the Waitaki Power Scheme. The submitter considers that for certainty the District Plan should include a broader definition of the term maintenance, which limits maintenance activities to within the existing footprint of lawfully established activities.
454. Helios (8.04) and NZ Pork (26.01) oppose the definition of HPL in part and would prefer an amended wider definition that accommodates changes to Land Use Capability classes and mapping over time, in accordance with the process identified in the NPSHPL. The submission from Helios refers to the definition from the Proposed Combined Wairarapa District Plan, which encompasses more detail about the process:

"As shown in planning maps and has the same meaning as in the NPS-HPL (as set out below): means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)".

455. OWL (43.02) oppose the HPL Overlay as it shows the area of land beneath Lake Ōpūaha/Opuha within the NZLRI LUC Classes 1-3 (Land Resource Inventory). The submitter considers it is unclear what purpose this overlay would serve, as this area is already inundated by water.

Analysis

456. I do not consider that the terms used in GRUZ-P4 to be inconsistent with the NPSHPL as suggested by Helios. Clause 3.12(1)(b) of the NPSHPL states:

“encourage opportunities that maintain or increase the productive capacity of highly productive land, but only where those opportunities are not inconsistent with:

- (1) any matter of national importance under section 6 of the Act; or*
- (2) any environmental outcomes identified in accordance with the National Policy Statement for Freshwater Management 2020”.*

457. Helios are therefore incorrect when they state that the NPSHPL *“is not about increasing or maximising the productive capacity of highly productive land, or encouraging opportunities that would seek to do this”*. I recommend that this submission (8.01) is rejected.
458. The changes sought by MoE (38.18) do not provide a coherent rule framework, and I recommend that this submission is similarly rejected.
459. In response to the submission from Grampians Station (52.21), I do not consider it is necessary to add qualifying text to the end of GRUZ-P4 to recognise that the NPSHPL provides, in limited instances, for activities that might result in irreversible loss. In such circumstance the subdivision, use, or development is not considered to be “inappropriate”; and so wouldn’t be required to be avoided under GRUZ-P4. On that basis I recommend that this submission (52.21) be rejected.
460. Otherwise, I note that all other aspects of that submission relating to mapping and whether Class 3 land should be included as HPL are determined by the NPSHPL itself and are effectively beyond the scope of the District Plan. This is also the situation with regard to the opposition from OWL. The HPL mapping is something that can be considered under the NPSHPL when the regional council remaps the region. In the meantime, I recommend that the submissions by Grampians Station (52.28) and OWL (43.02) are rejected.
461. I do not consider that further description is required around what is meant by ‘upgrade’ as used in GRUZ-P5. It is clear that the wording used in GRUZ-P4 and GRUZ-P5 is to implement the NPSHPL. The term upgrade, in the context of the continuation of existing activities, is set out in Clause 3.11 of the NPSHPL. I do not consider that a new definition of the term maintenance is required; and recommend that the submission from F&B (36.13) is rejected.
462. In my view it is important that the District Plan include a definition of HPL, which is clearly defined in the NPSHPL itself. However, I do not consider that the definition included at the district plan level must set out that level of detail, and I prefer the simpler definition included in PC23, which I note is the same as used in the Partially Operative Selwyn District Plan. As a result, I recommend that the submissions from Helios (8.04) and NZ Pork (26.01) are rejected.
463. The support from PFO (24.29, 24.30), NZ Pork (26.13, 26.14), Fed Farmers (27.06, 27.07) and MFL (48.01) is noted; and I recommend that these submissions are accepted.

Recommendation

464. I recommend, for the reasons given above, that GRUZ-P4, GRUZ-P5, the definition of HPL and mapping of HPL are retained as notified.

Wilding Conifers (GRUZ-P7 and GRUZ-R21 and Wilding Conifers Species Definition)

Submissions

465. Simpson Family (16.10), MBWTT (17.07), Fed Farmers (27.09), OWL (43.09) and Grampians Station (52.22) support GRUZ-P7 and seek that it be retained as notified. OWL (43.14) supports

GRUZ-R21 and similarly seeks that it is retained as notified. PTHL and PVHL (14.01) support the intent of the definition of Wilding Conifer Species included in PC23.

466. EDS (20.07) submits that as this policy applies in addition to those in the NFL Overlay, and GRUZ-P7(2) may result in unintended consequences in Te Manahuna/the Mackenzie Basin ONL (and elsewhere). The submitters consider that intensification of land (via irrigation, cultivation, direct drilling etc.) is a land use that assists in containing or eradicating wilding conifers. Therefore, EDS states that GRUZ-P7(2) has the effect of promoting these activities in circumstances where they may be inappropriate. EDS seeks that GRUZ-P7.2 is deleted, or alternatively its application is limited to outside the Te Manahuna/Mackenzie Basin.
467. PFO (24.08, 24.31) considers that avoiding the planting of Douglas Fir is inconsistent with the NESCF and seeks that planting of Douglas Fir be maintained. Similarly, PB (29.01, 29.09, 29.11) submits that wilding conifer management is controlled via the NESCF at the establishment phase and places ongoing management requirements on landowners. Therefore, PB considers that any additional rules via PC23 are not required. In particular the submitter notes that *Pseudotsuga menziesii* (Douglas Fir) makes up a large portion of PB's estate and also has pockets of larch, as species mix, within areas of their forest estate.
468. F&B (36.14) submits that promoting land use activities that contain or eradicate wilding conifers is too broad. It considers that the policy should more correctly promote restoration of natural character and landscape that have been degraded through the establishment of wilding conifers.
469. In terms of GRUZ-R21, CRC (45.13) submits that the CRPMP prohibits the planting of any pest species. CRC notes that most of the wilding conifer species in the proposed definition are listed as pest species in the CRPMP, and considers that the planting of these species should be a Prohibited Activity. However, CRC notes that two of the species in the wilding conifer species list (Bishops Pine and Douglas Fir) are not listed as pest species in the CRPMP, so their planting could continue to be a non-complying activity.
470. Wolds Station (50.06) considers it inappropriate to introduce an avoid policy on the planting of wilding conifers (as per GRUZ-P7), which, when coupled with the non-complying activity status under GRUZ-R21, would essentially deem this a prohibited activity. The submitter notes that many existing shelterbelts in Te Manahuna/the Mackenzie Basin comprise these species. Whilst the submitter acknowledges that existing use rights would apply, in their view sound resource management practice would support this being codified in the plan, and where dead or diseased trees exist in current shelterbelts, considers that there needs to be a pathway for replacement.

Analysis

471. Several of the submissions opposing these provisions can be summarised as matters of potential inconsistency with the NESCF and the CRPMP. The Operative Plan contains similar rules relating to the planting of wilding conifers and given the extent of the problem and the matters sought to be introduced through PC23 to remove and manage wilding conifers, I recommend that these provisions are retained, albeit with some minor amendments. I consider the provisions to be necessary to address a known resource management issue.
472. Rather than retaining the planting of Douglas Fir and Bishops Pine as a NC activity and making the balance of the species PR as sought by CRC, I recommend that the definition of wilding conifers is amended to delete reference to Bishops Pine. Mr Young advises that Bishops Pine (*Pinus muricata*) is not a high-risk wilding spreading species (see **Appendix 7**). This change would

make the PC23 definition more consistent with the pest species included in the CRPMP; and may also go some way to addressing the concern set out in the submission from Wolds Station regarding existing shelterbelts consisting of species currently included as wilding conifers.

473. In terms of Douglas Fir *Pseudotsuga menziesii*, Mr Young notes that while it is a valuable timber species it should be included as a wilding species as it is a high-risk for spreading. Mr Young considers that it is one of the top five spread risk species within the Mackenzie Basin due to the characteristics of its very small and light seed and the prevalence of strong westerly winds. Mr Young disagrees with the submitters in terms of the measures set out in the NESCF, and considers the NESCF is not robust enough to manage the risk of extensive wilding spread from mature Douglas Fir forests. On that basis I recommend that the submissions from PFO (24.08, 24.31), PB (29.01, 29.09, 29.11) are accepted in part. The change to the definition is such that I recommend that the supporting submission from PTHL and PVHL (14.01) be accepted in part also.
474. In terms of the appropriate activity status to apply to the planting of wilding conifer species in GRUZ-R21, NC was chosen on the basis that there may be good resource management reasons to plant these species, such as for scientific research purposes (as set out in the PC23 Section 32 Report). The CRPMP is a regional plan, but it is promulgated under the Biosecurity Act rather than the RMA. Section 43AA of the RMA defines a regional plan as one that is prepared in accordance with Schedule 1 of the RMA. Therefore, regional pest management plans do not fit with this definition. On that basis I do not consider the CRPMP part of the RMA hierarchy where lower level plans must give effect to higher order planning documents.
475. In that context there must be merit based rationale for the proposed shift from NC to PR sought by the CRC. I note that the threshold for obtaining a NC activity status resource consent is very high. Therefore, given the reasoning set out in the PC23 Section 32 Report, I recommend that the activity status of GRUZ-R21 remain NC. On that basis I recommend that the submission from the CRC (45.13) is accepted in part only given the removal of Bishops Pine from the definition as discussed above.
476. The concerns expressed around the wording of GRUZ-P7 raised by EDS and F&B need to be considered in the context that this policy applies across the District, and not only Te Manahuna/the Mackenzie Basin ONL. Furthermore, the ONL is subject to a more specific policy framework set out in the NFL Chapter. The NFL policy and rule framework applies in addition to the broader policy included in the GRUZ Chapter. In my view, the natural character and landscape of Te Manahuna/the Mackenzie District will benefit from removal of wilding conifers and therefore assist in achieving the objectives of the NFL chapter. Furthermore, GRUZ-P7 is deliberately broad to encompass various land uses, not only those listed as a concern to EDS. In any case those specifically referred to in the EDS submission are further managed in the NFL Chapter provisions. Therefore, I recommend that the submissions from EDS (20.07) and F&B (36.14) are rejected.
477. I consider it inappropriate to codify any existing use rights in the District Plan; the content of a District Plan does not otherwise impact the existing use rights available under section 10 of the RMA. I recommend that the submission from Wolds Station (50.06) is rejected.
478. The support for GRUZ-P7 and GRUZ-R21 from Simpson Family (16.10), MBWTT (17.07), Fed Farmers (27.09), OWL (43.09, 43.14) and Grampians Station (52.22) is noted and accepted.

Recommendation

479. I recommend, for the reasons given above, that the definition of Wilding Conifer Species is amended to delete reference to *Pinus muricata* (Bishops Pine) as this is not listed as pest species in the CRPMP and Mr Young advises is not a high risk wilding spreading species.
480. The recommended amendments are set out in **Appendix 1**.
481. The scale of change does not require a section 32AA evaluation because it is a minor change to improve drafting, and to better align the provisions with the CRPMP. Therefore, the original section 32 evaluation still applies.

Aircraft and Helicopters (GRUZ-P8, GRUZ-P9, GRUZ-R15, GRUZ-R16 and Related Definitions)

Submissions

482. NZAAA (2.19), NZTA (15.22) and Fed Farmers (27.10) support GRUZ-P8 and seek that it be retained as notified.
483. Aviation NZ (19.16) supports GRUZ-P8 in part, but seeks that reference to personal use is deleted as it means the same as recreational. Aviation NZ also seeks the inclusion of commercial aviation activity as being permitted.
484. Simpson Family (16.11) supports GRUZ-P8 in part, noting that there is no policy framework for commercial recreational flights. They consider this could be addressed by simply removing the reference to 'non-commercial' and stating 'commercial'. They say if it is intended to limit the number of flights, on the assumption that non-commercial activities will generate less helicopter movements, then this would be more appropriately achieved through the rules.
485. NZDF (54.04, 54.05) supports both GRUZ-P8 and GRUZ-P9 in part, seeking that military use be added to GRUZ-P8 and that GRUZ-P9 make specific reference to GRUZ-SCHED1 when referring to those areas in the vicinity of the Special Purpose Zone subject to height controls.
486. NZTA (15.25) supports GRUZ-R16 as any large-scale aviation activity would likely be of a commercial nature, which would result in the activity being RDIS. NZTA supports that the associated matters of discretion, GRUZ-MD1, require the consideration of the activity on the safe and efficient operation of the road network. Fed Farmers (27.16), John Evans (30.01), Grampians Station (52.25) and NZDF (54.07) all support GRUZ-R15; with these submitters seeking that the Rule is retained as notified.
487. NZAAA (2.20) supports GRUZ-R15 in part, on the basis that they consider additional definitions of the terms used therein are required. However, they do seek that GRUZ-R15 is retained as notified if additional definitions are included in PC23. Simpson Family (16.14) similarly supports GRUZ-R15 but notes the lack of definition of what a 'movement' is.
488. Aviation NZ (19.17) supports GRUZ-R15 in part, seeking the addition of other activities to be included as permitted, including as listed below. Aviation NZ also seeks that the restriction of 4 aircraft and helicopter movements per day is deleted.
- Aerial Spotting
 - Asset management
 - Construction
 - Disaster relief work (after State emergency has ended)
 - Flight training

- Infrastructure repairs and development
- Science and Research
- Surveillance
- Survey operations
- Tourism
- Transportation of people
- TV and Film

489. OWL (23.43) seeks that resource consent monitoring is added to the list of permitted movements in GRUZ-R15.
490. Aviation NZ (19.18) supports GRUZ-R16 in part, questioning the setback distances set out therein and seeking that they be reduced to *“a distance that enables no more than the construction noise limits for the district to be achieved”* and *“setback from the road or state highway at a safe distance to not cause distraction to road users”*.
491. Simpson Family (16.15) supports GRUZ-R16, but questions the resulting NC activity status, which they consider should be DIS.
492. John Evans (30.02) opposes the setbacks included in GRUZ-R16.3 noting that the origins, justification and evidence for the numerical values of the listed setbacks are unclear, other than blanket attempts to *“avoid potential conflict with noise sensitive activities”*. Mr Evans considers that the perceived effects of aircraft activity depend on the location of the adjoining sensitive activity to take off/landing direction as well as aircraft type, for example a drone (as an aircraft) has a relatively low noise signature. He considers that it is unclear why the setback is 500m for helicopters and 1km for fixed wing. Mr Evans considers they should be treated the same with a 500m setback applied to both. Mr Evans also considers that GRUZ-R16 should make reference to the compliance with 55dBA Ldn as measured at the notional boundary of a noise sensitive activity. This is the standard used in NZS6805:1992 Airport Noise Management and Land Use Planning Standard, which recommends that new residential or other noise sensitive uses are prohibited when noise levels are greater than 55dBA Ldn. John Evans (30.03) supports GRUZ-R16.4.
493. NZAAA and Aviation NZ seek amendments to the definition of ‘Airfield’; as well as a suite of new definitions as set out below:

“Airfield (amended): means any area of land intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, excluding helicopters and rural airstrips. NZAAA (2.02); and

means any area of land intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, ~~excluding helicopters~~. Aviation NZ (19.01)

Agricultural Aviation Activities (new): means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA’s). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV’s). NZAAA (2.01)

Aircraft Movement (new): single flight operation (landing or departure) of any aircraft, excluding helicopters. NZAAA (2.03);

a single flight operation (landing or departure) of any aircraft. Aviation NZ (19.02)

Helicopter Movement (new): *A single helicopter flight operation (landing or departure) of any helicopter. Maintenance procedures are excluded. NZAAA (2.06);*

a single helicopter flight operation (landing or departure) of any helicopter including any maintenance required to conduct the operation. Aviation NZ (19.07)

Rural Airstrip (new): *means any defined area of land intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft in the rural area. NZAAA (2.09) and Aviation NZ (19.10)*

Temporary Helicopter Landing Area (new): *means any area of land, building or structure intended or designed to be used, whether wholly or partly, for commercial temporary helicopter movements. Aviation NZ (19.06)”.*

Analysis

494. I assess the appropriate definitions to be used in these provisions, before assessing the nature of the various provision changes sought.
495. GRUZ-P8 is titled ‘Aircraft Movements, Airfields and Helicopter Landing Areas’. However, within GRUZ-P8 and GRUZ-R15, aircraft and helicopter movements are referred to separately. The submitters rightfully note that there is no definition of what an aircraft (or helicopter) movement is. It is noted that GRUZ-R15 does not provide separate standards for aircraft versus helicopters, so it would be possible to define aircraft movements as applying to both as is suggested in the submission from Aviation NZ (19.02).
496. However, the nature of the movements of these aircraft are quite different, particularly when it relates to the manoeuvres close to ground surface that are within the jurisdiction of a district plan. On that basis I prefer that each of these is defined separately; with any definition of aircraft movement specifically excluding helicopters. I therefore recommend that the relief sought by NZAAA (2.03) is accepted and the submissions from Simpson Family (16.14) and Aviation NZ (19.02) accepted in part.
497. The proposed new definition of helicopter movement in the relief sought by Aviation NZ includes maintenance. In my view this is not a function of the movement and is a matter for the definition of ‘helicopter landing area’, which both submitters support (NZAAA, 2.05; Aviation NZ, 19.05). I therefore prefer the wording put forward by NZAAA and recommend that their submission (2.06) is accepted, and that of Aviation NZ (19.07) accepted in part.
498. NZAAA (2.02) seeks that reference to ‘rural airstrips’ is added to the definition of Airfields, whilst Aviation NZ (19.01) seeks that reference to helicopters is deleted. Airfields and Helicopter Landing Areas are treated differently in GRUZ-R16, so in my view need to be separately defined. I recommend that this aspect of the submission from Aviation NZ (19.01) is rejected. The use of the term ‘rural airstrips’ is not used in the PC23 as notified, furthermore, the submitters have not sought that the term be introduced into any of the relevant provisions (except for within the definition of ‘agricultural aviation activities’). I recommend that the submission from NZAAA (2.02) be rejected, along with those related submissions from NZAAA (2.09) and Aviation NZ (19.10) seeking the introduction of a definition of rural airstrip.

499. The proposed new definition of ‘agricultural aviation activities’ is not currently used in the PC23 provisions; and the submitter has not sought the introduction of this term into the applicable rule GRUZ-R15. However, I note that such a definition could be used to replace the permitted activities currently listed in GRUZ-R15.1.a, which includes those activities ancillary to “*Rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation*”. I recommend this is done as a consequential amendment arising from the submission seeking the introduction of this definition. Such relief would make PC23 more usable and be more specific about the aircraft and helicopter movements that are permitted under that rule. I recommend that this submission from NZAAA (2.01) is accepted in part, as the definition of agricultural aviation activities proposed does not specifically include frost mitigation, as currently included in GRUZ-R15.1.a.
500. I do not consider that resource consent monitoring is required to be included in that list and therefore recommend that the OWL submission (23.43) is rejected.
501. As with reference to rural airstrips, I do not consider there to be a need to include specific reference to Temporary Helicopter Landing Areas. The intent of GRUZ-R15 and GRUZ-R16 is that temporary or low levels of movements for any purpose are provided for (including where they originate from or land), with greater movements and the associated airfields and dedicated helicopter landing areas/heliports, particularly those of a commercial nature, requiring consent. On that basis I do not consider that rural airstrips and temporary helicopter landing areas are required to be defined in PC23. I consider these to be permitted until such time as the associated movements exceed the maximum permitted threshold set out in GRUZ-R15 and they require consent under GRUZ-R16. On that basis I recommend that the submissions from NZAAA (2.02) and Aviation NZ (19.06) are rejected.
502. I do not support the request from Aviation NZ (19.16) to delete reference in GRUZ-P8 to personal use on the basis that it means the same as recreational. I also do not support the inclusion of commercial activity into GRUZ-P8. As explained above, GRUZ-R15 and GRUZ-R16 deliberately only permit aircraft and helicopter movements of a low level, which is unlikely to include any commercial operations. I recommend that the submissions from Aviation NZ (19.16) and Simpson Family (16.11) seeking specific reference to commercial activity in GRUZ-P8 are rejected.
503. I recommend that the submission from NZDF (54.04) seeking that GRUZ-P8 make specific reference to military use is accepted, as this would be consistent with the permitted activities included in GRUZ-R15. I do not consider that reference to GRUZ-SCHED1 is necessary in GRUZ-P9 and recommend that this submission (54.05) is rejected.
504. The support for GRUZ-P8 from NZAAA (2.19), NZTA (15.22) and Fed Farmers (27.10) is noted, and I recommend these submissions are accepted in part, due to the minor change I have recommended above in response to the NZDF submission.
505. The support for GRUZ-R15 from NZAAA (2.20), NZTA (15.25), Aviation NZ (19.17), Fed Farmers (27.16), John Evans (30.01), Grampians Station (52.25) and NZDF (54.07) is noted and I recommend that these submissions are accepted in part based on the changes already discussed above.
506. Aside from the permitted movements ancillary to the activities listed therein, GRUZ-R15 provides for no more than four aircraft and helicopter movements per day from the same location. The changes recommended to the definition of aircraft and helicopter movement are such that this number can be doubled to account for the change made, i.e., a single helicopter

flight operation (landing or departure). In this regard I recommend that this aspect of the submission from Aviation NZ (19.17) is accepted in part. Otherwise, the list of activities sought to be added by the submitter describe commercial aviation activity that is not otherwise provided for.

507. I do not support the submission to amend the setback distances in GRUZ-R16 to refer to the construction noise limits. Construction noise limits are designed to provide for increased noise (from construction activity) on a temporary basis. An airfield and helicopter landing area (as defined) would not be temporary and potentially result in adverse nuisance and amenity effects for those living in close proximity. I am not aware of the application of the construction noise limits to other land use activity having been tested through the construction noise standard.
508. The setbacks within GRUZ-R16 differ between airfields and helicopter landing areas based on the nature of the flight paths. Helicopters are able to gain altitude at a greater rate whilst still remaining close to the take-off point (and vice versa); whilst an aircraft take-off typically travels a greater distance horizontally across the ground before reaching the ceiling where it is no longer under the jurisdiction of a district plan. For that reason, district plans have typically applied a greater setback to airfields than helicopter landing areas. In rural settings setbacks have also been favoured over application of NZS6805:1992 Airport Noise Management and Land Use Planning Standard, which requires detailed modelling to demonstrate compliance. In that regard I do not consider that option to be an effective or efficient way to achieve the objectives of the GRUZ. I recommend that the setbacks are retained and the submission from Aviation NZ (19.18) is rejected.
509. I do agree that the setback from State Highways should be reduced to 50m, consistent with that applying from other road boundaries. Therefore, I recommend that the submission of John Evans (30.02) is accepted in part; and his submission supporting GRUZ-R16.4 (30.03) accepted.
510. Non-compliance with GRUZ-R16.4 results in NC activity status. I agree this activity status is out of step with the resulting status from non-compliance with GRUZ-R15 (which is DIS). I recommend that the submission from Simpson Family (16.15) is accepted.

Recommendations

511. I recommend, for the reasons given above, that new definitions of the following terms be added to PC23:

Aircraft Movement: means a single flight operation (landing or departure) of any aircraft, excluding helicopters.

Helicopter Movement: means a single helicopter flight operation (landing or departure) of any helicopter. Maintenance procedures are excluded.

Agricultural Aviation Activities: means intermittent aircraft and helicopter movements for primary production activities, including stock management, frost management, topdressing, the application of fertiliser, agrichemicals, or vertebrate toxic agents; and conservation activities for biosecurity, or biodiversity purposes.

512. I recommend, for the reasons given above, that GRUZ-P8 make specific reference to military use as is provided for in GRUZ-R15.
513. I recommend, for the reasons given above, that GRUZ-R15.1.a is amended to replace the current wording with the new defined term 'agricultural aviation activities' as set out above.

514. I recommend, for the reasons given above, that GRUZ-R15.2 is amended to replace the current four aircraft and helicopter movements per day, with eight aircraft and helicopter movements per day.
515. I recommend, for the reasons given above, that GRUZ-R16.3 is amended to reduce the setback from a State Highway to 50m as for other public roads.
516. I recommend, for the reasons given above, that GRUZ-R16 is amended to make any non-compliance with GRUZ-R16.4 result in a DIS activity status as opposed to the NC as included in PC23 as notified.
517. The amendments recommended to the above provisions are set out in **Appendices 1 and 4**.
518. In terms of a section 32AA evaluation, the changes recommended above are considered a more efficient and effective way to achieve the outcomes sought in GRUZ-O1 and O2, as well as GRUZ-P8. The changes improve plan drafting and do not otherwise change the costs/benefits/risks from those set out in the original section 32 evaluation.

All GRUZ Rules, Standards and Matters of Discretion

Submissions

519. TRoNT (25.19, 25.20) supports Rules GRUZ-R1 to R22 and Standards GRUZ-S1 to S12; and seeks they be retained as notified.
520. DOC (7.12) opposes all GRUZ Rules, GRUZ Standards and Matters of Discretion on the basis that collectively they fail to recognise amenity values and do not address biodiversity values. The submitter is of the view that the reliance on PC18 in the MDPR is flawed as is not yet operative and cannot be relied upon. DOC seeks that either the rules are revised to effectively and consistently protect and provide for amenity values and biodiversity values. The submission does not provide wording to clarify what revisions are considered to be necessary.

Analysis

521. As set out in regard to the other Chapters above, the structure of the staged MDPR process is determined by the NP Standards. The NP Standards prescribe the structure for District Plans and requires (in Standard 7, clause 19) that all provisions relating to ecosystems and indigenous biodiversity are contained within a separate Ecosystems and Indigenous Biodiversity (EIB) Chapter.
522. Provisions relating to EIB were specifically dealt with by PC18. Changes to the provisions introduced by PC18 are not within the scope of PC23. These provisions apply district-wide and are included in Section 19 - Ecosystems and Biodiversity. Section 19 was incorporated into the District Plan following public notification of PC18 pursuant to Clause 10(5) of Schedule 1 of the RMA. While the PC18 provisions are the subject of an appeal, there is no opportunity for these provisions to be withdrawn under section 86B of the RMA. Therefore, I consider that the EIB provisions that have been introduced via PC18 can be relied upon. I consider the relief sought by DOC would inevitably result in the re-litigation the PC18 provisions via the PC23 process.
523. I recommend that DOC submission in this regard (7.12) is rejected.
524. The support from TRoNT is noted and I recommend their submissions (25.19, 25.20) are accepted in part given recommended changes to these provisions based on other submissions (which are set out in other sections of this report).

Recommendation

525. I recommend, for the reasons given above, that no specific changes are made to the GRUZ rules, GRUZ standards and matters of discretion arising from this submission.

GRUZ-R1 'The Establishment of a New, or Expansion of an Existing Primary Production Activity Not Otherwise Listed'

Submissions

526. DOC (7.13) opposes GRUZ-R1 as this rule would make any primary production activities not specifically covered by other rules a permitted activity. They consider that this would potentially allow activities with significant adverse effects to occur without any assessment or control (e.g. aquaculture). DOC seek that the status is changed to DIS.
527. Wolds Station (50.08) states that it is not clear whether the activity status for activities not otherwise listed is permitted (GRUZ-R1) or discretionary (under GRUZ-R22).
528. Fed Farmers (27.11) and Lisburn Farms (37.04) support GRUZ-R1 and seek that it be retained as notified.
529. NZ Pork (26.15) supports this provision in part, seeking that it includes maintenance, operation or upgrade as per the wording used in GRUZ-P5.

Analysis

530. GRUZ-R1 provides that any primary production activity, unless it is a particular type of primary production activity listed in another rule, is a permitted activity. Most district plans include a rule permitting primary production in the GRUZ. Particular types of primary production activity that may have adverse effects that require control, (for example, GRUZ-R17 Quarrying Activities) are already specifically identified in the rule framework. The nature of land based aquaculture is such that it would have to meet the standards relating to building coverage.
531. I recommend that the submission from DOC (7.13) is rejected. The submission from Wolds Station seeks clarification rather than a specific decision. On the basis that no changes are proposed, I recommend that submission (50.08) is similarly rejected.
532. The rule refers to new or expanding primary production activity. In my view expanding takes in upgrade, with maintenance and operation being covered under any existing activity. I recommend that the submission from NZ Pork (26.15) is rejected.
533. The support from Fed Farmers (27.11) and Lisburn Farms (37.04) is noted and I recommend that these submissions are accepted.

Recommendation

534. I recommend, for the reasons given above, that GRUZ-R1 is retained as notified.

Buildings, Structures and Relocated Buildings (GRUZ-R2, GRUZ-R3, GRUZ-R4, GRUZ-R5)

Submissions

535. FENZ (4.07) supports GRUZ-R1 to GRUZ-R4 as they are subject to GRUZ-S9 Water Supply for Firefighting; and seeks that they be retained as notified.
536. NZTA (15.23) supports GRUZ-R3 as it provides a maximum of one minor residential unit per site, in addition to a principal residential unit. NZTA seeks this rule be retained as notified.

537. NZ Pork (26.16, 26.18, 26.19) supports GRUZ-R2, GRUZ-R4 and GRUZ-R5, but does not support GRUZ-R3 (26.17) in that it alone is not considered sufficient to provide for workers accommodation. The submitter considers that PC23 has a lack of policy and rule structure for workers accommodation. NZ Pork (26.03) also opposes the definition of 'Minor Residential Unit' on the basis that it does not provide specific provision for workers accommodation.
538. Fed Farmers (27.12) and MoE (38.19) support GRUZ-R5 and seek that the rule is retained as notified.
539. MFL (48.02) opposes GRUZ-R3 on the basis that DIS status for non-compliance with standards R3.1 to R3.3 is too restrictive and considers this should be amended to RDIS.
540. NZHHA (51.03) supports GRUZ-R5 in part but seeks amendment to the heading of GRUZ-R4 by deleting the words "*relocated residential unit*" and replacing them with the more general "*relocated buildings*". The submitter notes this would provide for the relocation of second-hand buildings as a permitted activity with performance standards and criteria as already set out in the Rule, with Council retaining a degree of control through a building pre-inspection report.
541. NZDF (54.06) supports GRUZ-R5 in part, but considers that temporary buildings and structures should not be subject to the same standards as permanent buildings and structures. The submitter seeks an exception from the standards for temporary buildings and structures.

Analysis

542. The matters raised by submitters opposing these provisions are restricted to the lack of provisions for workers accommodation, increasing the range of buildings that can be relocated, and a change of status for non-compliance with GRUZ-R3.
543. A lack of provision for workers accommodation within Te Manahuna/the Mackenzie District was not a matter raised during the pre-notification consultation. Given the extent of the District included within a sensitive Overlay, the provision for intensive primary production requiring workers accommodation is largely restricted to the eastern part of the District. In that area a number of small towns and settlements are able to provide workers accommodation not otherwise able to be provided for on-site. Provision of workers accommodation within these small towns and settlements is considered to be a more efficient use of the existing housing stock and will assist with maintaining the economic wellbeing of the District. In that context, I do not consider there to be a particular need to provide for additional workers accommodation within the District as of right. However, a clearer consenting pathway in terms of policy direction within GRUZ-P2, and changes to the provision for minor residential units (as discussed further below) would, in my view, be a more efficient approach to address the provision of workers accommodation within Te Manahuna/the Mackenzie District. Therefore, I recommend that the submission from NZ Pork (26.17) is accepted in part.
544. GRUZ-R3 'Minor Residential Units' sets a DIS activity status for non-compliance with the matters set out in GRUZ-R3.1 to 3.3. These include that provision for minor residential units is tied to a residential unit being on the site (which is managed through a density standard – GRUZ-S1), a maximum built coverage (being 90m² + 40m² for a garage/carport), being located within 100m of the principal residential unit, and that there be only one minor residential unit per site. By comparison, the activity status arising from seeking to provide additional residential units beyond the Density Standard set out in GRUZ-S1 is NC.
545. Minor residential units can be used to provide for workers accommodation. Further to the discussion above, I recommend that the activity status for additional minor residential units is

changed to RDIS, with the matters of discretion including whether any additional unit is required for workers accommodation. On that basis I recommend that the submission from MFL (48.02) is accepted; and that of NZ Pork (26.17) regarding workers accommodation is accepted in part. However, I note that the submission from MFL (48.02) did not set out any matters of discretion arising from the RDIS activity status sought. I have therefore recommended that the matters of discretion in GRUZ-MD1 be applied, in addition to a matter of discretion relating to whether the additional unit is required for workers accommodation.

546. The definition of Minor Residential Unit is operative, but limited to the chapters introduced through PC21 chapters. Plan Changes 23, 24, 25, 26 and 27 propose to extend its application to the additional chapters introduced through these plan changes. It is also a compulsory definition from the NP Standards. I do not see any reason to have a separate definition of minor residential unit as it applies to the GRUZ Chapter in order to make specific provision for workers accommodation. Therefore, I recommend that the NZ Pork submission (26.03) is rejected and the definition remain as already included in the Operative District Plan, noting however that my other recommendations may go some way to addressing the underlying concern of the submitter.
547. GRUZ-R4 is restricted to the relocation of a residential unit or minor residential unit. On that basis relocation of any other building or structure would be DIS in terms of GRUZ-R22 'Activities not Otherwise Listed'. I agree with the submission from NZHHA that the scope of GRUZ-R4 should be widened to include all buildings and structures, noting that the rule framework in place is sufficient to ensure all such buildings are fit for purpose and will not result in adverse amenity or character effects in the GRUZ. I recommend that the submission from NZHHA (51.03) is accepted.
548. I note that NZHHA also seek that an equivalent rule to GRUZ-R4 be inserted into the RLZ. As part of that consideration (in PC25) it was recommended to substitute the words "*intended for use as a residential unit*" with "*used as a residential unit*". The reason being that "*intended for use*" is not certain and requires an element of subjective judgement. As a result, I recommend the same change is made to GRUZ-R4 as a consequential amendment to the accepting of NZHHA submissions (25.05, 25.06) relating to the RLZ in PC25. This will maintain consistency across the MDP.
549. Temporary buildings and structures are currently managed in Section 14 of the District Plan. None of the Stage 3 plan changes include a review of this section, which will form part of the Stage 4 topics in the MDPR. On that basis the submission by NZDF (54.06) is out of scope of this Stage of the MDPR and I recommend that it is rejected.
550. The support of NZTA (15.23), NZ Pork (26.16, 26.19), Fed Farmers (27.12) and MoE (38.19) is noted, and I recommend these submissions are accepted. Given the change recommend to GRUZ-R4, I recommend that the submissions in support from FENZ (4.07) and NZ Pork (26.18) are accepted in part.

Recommendations

551. I recommend, for the reasons given above, that GRUZ-P2 is amended to include recognition of the provision for workers accommodation where the scale and design maintains the character and amenity values of the surrounding area and the safety and efficiency of the roading network is maintained.

552. I recommend, for the reasons given above, that the status for any activity not meeting GRUZ-R3.1 to 3.3 is amended from DIS to RDIS, with new matters of discretion added to include those set out in GRUZ-MD1 and whether the unit is required for workers accommodation.
553. I recommend, for the reasons given above, that GRUZ-R4 is amended so that it applies to all relocated buildings and structures; and that the phrase *“intended for use as a residential unit”* is replaced with *“used as a residential unit”*. Consequential amendments are also required to the text in the body of the Rule.
554. The recommended amendments to GRUZ-R4 are set out in **Appendix 4**.
555. In terms of a section 32AA evaluation, the provision of a consenting pathway for workers accommodation is considered a more efficient and effective way to achieve the outcomes sought in GRUZ-O1, O2 and GRUZ-P1, noting that providing workers accommodation as a permitted activity could potentially compromise those outcomes.

Home Business, Rural Selling Place and Rural Industry (GRUZ-R6 to GRUZ-R8)

Submissions

556. NZ Pork (26.20, 26.21) oppose GRUZ-R6 and GRUZ-R8 in part on the basis that they are not subject to GRUZ-S5, the sensitive activity setback from Intensive Primary Production.
557. Fed Farmers (27.13, 27.14) support GRUZ-R7 and GRUZ-R8 and seeks that these are retained as notified.
558. Lisburn Farms (37.05) oppose GRUZ-R8 in part and seek that the provision for Rural Industry within an ONL be increased to an area of 150m².

Analysis

559. The application of GRUZ-S5 within the Rules for Home Business (GRUZ-R6) is supported; and I recommend that the corresponding NZ Pork submission is accepted (26.20). However, I do not consider that this setback should apply to Rural Industry (GRUZ-R8). The nature of that land use is that it is not considered to be particularly sensitive, or otherwise lead to potential reverse sensitivity effects on nearby intensive primary production activity. I recommend that NZ Pork submission (26.21) is rejected.
560. The provision for Rural Industry within an ONF or ONL Overlay has been deliberately kept small, to reflect the sensitivity of the overlay to the effects of commercial activity. On that basis I recommend that the provision remain unchanged, and the Lisburn Farms submission (37.05) is rejected.
561. The support for GRUZ-R7 and GRUZ-R8 from Fed Farmers (27.13, 27.14) is noted; and on the basis that these provisions are not recommended to be changed, I recommend that these submissions are accepted.

Recommendations

562. I recommend, for the reasons given above, that GRUZ-R6 is amended so that the Rule Standard GRUZ-S5 applies to any permitted Home Business activity under this rule.
563. The recommended amendment to GRUZ-R6 is set out in **Appendix 4**.
564. The scale of change does not require a section 32AA evaluation because it is a minor change, which does not alter the general intent of providing for activity within the General Rural Zone

where it does not otherwise result in reverse sensitivity effects. Therefore, the original section 32 evaluation still applies.

Rural Tourism, Residential Visitor Accommodation and Camping Grounds (GRUZ-R9 to GRUZ-R11)

Submissions

565. The Simpson Family (16.12) opposes GRUZ-R9 on the basis that this rule does not override the landscape and vegetation clearance rules elsewhere in the District Plan; and as a result many of these activities are unlikely to be permitted in any case. The submitter is also concerned that the definition of 'site' is quite limiting. However, they feel this may be remediated to some extent by limiting the rule to only apply outside FBA. Furthermore, the submitter considers that rule requirements 5 and 6 do not work together. If the total number of huts permitted per site is three and the number of overnight guests is 6 per site, then each hut can only have two guests. The Simpson Family considers that the permitted number of guests should be eight per hut. The Simpson Family (16.13) supports GRUZ-R11 and seeks that it be retained as notified.
566. NZ Pork (26.22, 26.23) support GRUZ-R9 and R10 in full and seek that they be retained as notified. However, NZ Pork (26.24) opposes GRUZ-R11, as it considers that the nature of camping means that more controls may be required on locations or appropriate mitigations to prevent reverse sensitivity effects on intensive primary production activities. The submitter seeks RDIS activity status with matters of discretion including the extent to which the activity may result in reverse sensitivity effects with surrounding land uses and options for avoiding, remedying or mitigating such adverse effects.
567. Grampians Station (52.23, 52.24) support both GRUZ-R9 and R10 and seeks that they be retained as notified.
568. Simpson Family (16.05) and Grampians Station (52.03) support the definition of Rural Tourism Activity and seek it be retained as notified. MoE (38.05) support the definition in part, seeking amendment to note that the guiding, training, education and instructing included therein is restricted to being related to tourism activities.

Analysis

569. Camping Grounds are permitted by GRUZ-R11 on the basis that the activity complies with GRUZ-S5, being the 'Sensitive Activity Setback from Intensive Primary Production'. The submitter has not explained how camping grounds being subject to this standard, which applies to all other sensitive activities, does not adequately address the concern. I recommend that this NZ Pork submission (26.24) is rejected.
570. The support from the Simpson Family (16.05) and Grampians Station (52.03) for the definition of Rural Tourism Activity is noted and I recommend these submissions are accepted. I do not consider that the amendment sought by MoE (38.05) is required; and on that basis recommend that this submission is rejected.
571. The changes to GRUZ-R9 'Rural Tourism' suggested by the Simpson Family would provide for up to 24 persons to be accommodated. In my view this scale of activity represents visitor accommodation and goes beyond what would typically be described as rural tourism activity. I also note that this rule applies in the GRUZ, so whether the activity is located in an FBA is irrelevant, with the NFL Chapter provisions also applying. I recommend that the Simpson Family submission (16.12) is rejected.

572. The support from NZ Pork (26.22, 26.23) and Grampians Station (52.23, 52.24) for GRUZ-R9 and R10 is noted; and I recommend that these submissions are accepted.

Recommendation

573. I recommend, for the reasons given above, that GRUZ-R9, GRUZ-R10 and GRUZ-R11 are retained as notified.

Conservation Activity (GRUZ-R12)

Submissions

574. Submissions from DOC (7.14), Fed Farmers (27.15), Road Metals (35.02) support the rule for conservation activity and seek that it be retained as notified. OWL (43.10) supports the rule on the basis that 'conservation activity' is defined.
575. NZ Pork (26.25) seeks that any permitted activity under this rule include compliance with GRUZ-S5.
576. As already addressed above, NZAAA (2.04), DOC (7.02) and Aviation NZ (19.04) support the definition of Conservation Activity included in PC23 and seek that it be retained.

Analysis

577. I do not consider that a conservation activity as defined in PC23 is particularly sensitive, or likely to lead to reverse sensitivity effects on intensive primary production. I recommend that the submission from NZ Pork (26.25) is rejected.
578. As a definition of 'conservation activity' was included in PC23, I recommend that the submission from OWL (43.10) is rejected, albeit I consider that their concern is already addressed.
579. The support from DOC (7.14), Fed Farmers (27.15) and Road Metals (35.02) is noted; and I recommend that these submissions are accepted.

Recommendation

580. I recommend, for the reasons given above, that GRUZ-R12 is retained as notified.

Commercial Forest and Woodlots and Shelterbelts (GRUZ-R13 and GRUZ-R14)

Submissions

581. Submissions from PFO (24.32) and PB (29.10) oppose GRUZ-R13 and seek amendments so that it accords with the NESCF setback provisions. This would mean the setback for trees from a residential unit or principal building is reduced from 50m to 40m, and the boundary setback for trees is reduced from 15m to 10m.
582. NZTA (15.24) supports GRUZ-R14 as it manages potential effects from trees within shelterbelts, which ensures that they do not shade paved public roads between the hours of 1000 and 1400 on the shortest day of the year and seeks that it be retained as notified. Lisburn Farms (37.06) similarly supports GRUZ-R14 and seeks it be retained as notified.
583. OWL (43.11) opposes GRUZ-R14 noting the significant effects of such activities on water yield and water quality. However, it considers GRUZ-R13.4 should be extended to include the Lake Ōpūaha/Opuha catchment, given the role that the Ōpūaha/Opuha Dam has in storing and releasing water from that catchment for community water supply and irrigation schemes, and for renewable energy generation at the Ōpūaha/Opuha Hydro-electric power station. The

submitter notes that these are all considered regionally significant infrastructure activities under the CRPS, and for the latter, nationally significant under the NPSREG.

- 584. PFO (24.09) submits that the definition of 'Woodlot' should not include carbon sink forests, as carbon forests are now covered under the NESCF as exotic continuous-cover forests. A "woodlot" may be a planted forest of less than 1 ha.
- 585. The definition of the term 'Shelterbelt' included in PC23 resulted in submissions from a number of parties. PFO (24.07) and CRC (45.05) note that the definition including a maximum width of 15m does not align with the provisions of the NESCF, which covers only plantings more than 30m wide. As the definition of a woodlot does not include trees planted for shelter, the 15m maximum width would mean that no controls are in place for shelterbelts between 15 and 30m wide.
- 586. Lisburn Farms (37.01) is concerned that the definition restricts its ability to plant shelterbelts in areas which don't fall within the current categories listed in the definition but are necessary to its farming operations. Wolds Station (50.03) similarly opposes any restriction on the purpose of shelter and seek that the Operative District Plan definition be used in PC23.
- 587. Grampians Station (52.04) support the definition of shelterbelt and seeks that it be retained as notified.

Analysis

- 588. The draft version of PC23 put out for comment included the setbacks now requested by PFO and PB. The introduction of the NESCF immediately prior to the notification of PC23 meant that some changes were made from the draft. Those changes included increasing the setbacks in GRUZ-R13 to make them consistent with the setbacks applying for residential activities seeking to establish in proximity of commercial forestry as set out in GRUZ-S7.
- 589. This was done on the basis that Regulation 6(4A) of the NESCF sets out that afforestation (planting) rules in a district plan can be more stringent than those included within the NESCF itself. In my view the proposed rules relate to planting and ensure consistency between the standards that applying to both foresters and adjoining landowners in terms of reciprocal setbacks. I therefore recommend that the submissions from PFO (24.32) and PB (29.10) are rejected.
- 590. GRUZ-R13.4 makes reference to the Downlands Water Supply with the intake on the Te Ana a Wai/Tengawai River and the Timaru Urban Catchment on the Pureora/Pareora River. These are potable drinking water supplies, including for that Timaru. The rule is carried over from the Operative District Plan. I also note the purpose of that rule is not related to managing effects of activity on water yield in the catchment. Provisions relating to 'flow sensitive catchments', fall under the jurisdiction of regional councils. I recommend that the submission of OWL (43.11) is rejected.
- 591. The support from NZTA (15.24) and Lisburn Farms (37.06) of GRUZ-R14 as notified is noted and I recommend that these submissions are accepted.
- 592. The definition of 'Woodlot' requires minor amendment to be consistent with the updated NESCF, which now includes carbon sink forestry not covered under the previous NESPF. I recommend that the definition of 'Woodlot' be amended to remove reference to forests planted for carbon sequestration. Accordingly, I recommend that the submission from PFO (24.09) is accepted.

593. The definition of ‘Shelterbelt’ requires amendment to allow a maximum width of 30m to accord with the NESCF. I recommend that amendment occur and the submission of PFO (24.07) and CRC (45.05) accepted. I agree with the submission that seeks to remove restriction on the purpose of shelterbelts, as why a shelterbelt is planted is not the concern. I recommend that the submissions from Lisburn Farms (37.01) and Wolds Station (50.03) are accepted. As Grampians Station (52.04) support the definition of shelterbelt, I recommend their submission is accepted in part.

Recommendations

594. I recommend, for the reasons given above, that the definition of ‘Woodlot’ is amended to remain consistent with the NESCF, by removing the reference to trees planted as a carbon sink.
595. I recommend, for the reasons given above, that the definition of ‘Shelterbelt’ is amended to remain consistent with the NESCF, by increasing the maximum average width to 30m and removing the restrictions on the purpose of shelterbelts.
596. The amendments recommended are set out in **Appendix 1**.
597. The scale of change does not require a section 32AA evaluation because they consist of minor changes to align PC23 with the NESCF where appropriate.

Quarrying Activities and Landfill (GRUZ-R17 and GRUZ-R20)

Submissions

598. No specific submissions were received in relation to GRUZ-R20 ‘Landfill’ (noting that this rule is subject to the general submission affecting all rules received from DOC (7.12)).
599. Fed Farmers (27.17) supports GRUZ-R17 as notified and seeks that it be retained.
600. Road Metals (35.03) opposes GRUZ-R17 as they say the provision as worded has very limited use and will be ineffective, as it can only provide for very small volumes for onsite use, on large sites. Road Metals notes that the Operative District Plan provision (Rule 10.1.2) permitted extraction of gravel not exceeding 2000m³ per hectare and 2 metres depth in any continuous period of 5 years (subject to standards). The submitter considers that such a rule would be more appropriate in that it still does not provide for processing activities, and that any such quarrying would still be subject to rules such as those contained within the EIB Chapter/PC18. The submitter acknowledges that provision should be made for rehabilitation of such sites, on the basis that they are to be left for greater than a 12 month period without any extraction occurring.
601. Road Metals (35.06) also seeks to add a new CON activity rule in recognition of quarrying activity on Lot 2 Deposited Plan 487658, where quarrying has previously occurred and continues to occur under the operative District Plan (where it was provided for as a permitted activity).
602. Rooney Group (49.06) notes that GRUZ-R17 does not extend to the ancillary quarrying activities associated with the extraction of aggregate from the beds of rivers where those ancillary activities occur outside of the bed of the river such as stockpiling of aggregate. The submitter seeks that provision be included for *“Stockpiling of aggregate that has been extracted from an adjacent riverbed”*.

Analysis

603. PC23 deliberately moves away from the rules contained in the Operative District Plan related to quarrying. In speaking with Council consent staff, those rules were considered to be difficult

to monitor and incentivised large sprawling quarries that only took aggregate to a depth of 2m. The proposed framework increases the size to 5,000m² per site to provide for the on-farm supply and use of aggregate. Non-compliance with the standards results in RDIS status, which was chosen to provide a less onerous consenting pathway for all commercial quarry proposals. I consider that having to obtain resource consent for a commercial quarry is an acceptable planning outcome and reflects that this land use activity has a range of adverse effects which justify closer consideration and control through a consenting process. I therefore recommend that the submission from Road Metals (35.03) is rejected.

- 604. As already referred to above in the context of the policy framework, I do not agree with any new rule to recognise existing quarrying activity on Lot 2 Deposited Plan 487658. That land is currently subject to a resource consent application for quarrying activity and therefore the new rule sought is, in my view, inappropriate. I recommend that the Road Metals submission (35.06) is rejected.
- 605. I do not see merit in making the change sought by Rooney Group. Storage of material forms part of the definition of 'quarrying activity'. On that basis should the stockpiling as described in the submission meet all the other standards set out in GRUZ-R17, it would be a permitted activity. As set out above, any stockpiling on adjacent land relating to commercial extraction of aggregate from an adjacent riverbed should in my view be required to obtain a resource consent under section 9 of the RMA from the territorial authority. I therefore recommend that the submission from Rooney Group (49.06) be rejected.
- 606. The support of Fed Farmers is noted, and as I have not recommended changes in response to other submissions, I recommend that their submission (27.17) is accepted.

Recommendation

- 607. I recommend, for the reasons given above, that GRUZ-R17 and GRUZ-R20 are retained as notified.

Community Facilities, Intensive Primary Production and Activities Not Otherwise Listed (GRUZ-R18, GRUZ-R19 and GRUZ-R22)

Submissions

- 608. No specific submissions were received in relation to GRUZ-R22 'Activities Not Otherwise Listed' (but noting again that this rule is subject to the general submission affecting all rules received from DOC (7.12)).
- 609. FENZ (4.08) supports GRUZ-R18 in part and seeks a new rule relating specifically to 'Emergency Service Facilities'. FENZ note that new fire stations may be necessary in order to continue to achieve emergency response time commitments where development occurs, and populations change. The FENZ submission notes that they are not a requiring authority under section 166 of the RMA, and therefore do not currently have the ability to designate land for the purposes of fire stations. FENZ considers that a new rule should be provided for as a PER activity within the GRUZ to better provide for health and safety of the community.
- 610. NZ Pork (26.26) supports GRUZ-R18 in full and seeks that it be retained as notified. NZ Pork (26.27) opposes GRUZ-R19 on the basis that the resulting activity status does not give effect to GRUZ-O1, GRUZ-O2 or GRUZ-P1, all which recognise the importance of enabling primary production activities (including intensive primary production) within the GRUZ. It states that intensive primary production has a functional and operational need to operate within the GRUZ.

NZ Pork states that the environmental effects from intensive primary production should not exceed those of other farming activities and are characteristic of the rural environment; and note that air and contaminate discharge related effects are managed through the regional planning frameworks and duplication of consenting and assessment at a district plan is not efficient or effective.

611. OWL (43.13) opposes GRUZ-R19 and GRUZ-S5 noting that none of the permitted activity conditions for intensive primary production or the standards for activities in the GRUZ require a suitable setback from waterways. OWL considers this is appropriate and necessary to protect water quality, particularly Lake Ōpūaha/Opuha's water quality, which is required by CRC resource consent conditions. OWL requests a 300m setback from sensitive activities under GRUZ-S5 be extended to also apply to surface waterways.

Analysis

612. Emergency service facilities, like other community facilities, can result in a level of environmental effect beyond what is typically anticipated. Fire stations in particular can have adverse effects in terms of structure height (hose drying), 24-hour operation and resulting noise and amenity disturbance. It is for those reasons that community facilities have been made a RDIS activity throughout the GRUZ. In my view a PER activity status for a subset of community facilities, given their potential level of adverse effects, is inappropriate and I recommend that FENZ submission (4.08) is rejected.
613. I agree with submission of NZ Pork (26.27) and recommend that the activity status of intensive primary production meeting the requirements set out in GRUZ-R19.1 to R19.3 should be RDIS. In my view the matters which the District Plan should be managing to implement GRUZ-P1 are well enough known to focus the resource consent process on specific matters, and a wider discretion is not needed to achieve the outcomes sought in the GRUZ policy framework set out in GRUZ-O1, GRUZ-O2 and GRUZ-P1.
614. I also agree with the submitter that the primary concern with intensive primary production activities is the potential for adverse amenity effects on neighbouring existing sensitive activities. These can be managed by a RDIS status, where the matters of discretion are limited to methods to avoid, remedy or mitigate potential adverse effects on neighbouring sensitive activities. The matters of discretion sought in the NZ Pork submission are as follows:
- a) The effect on amenity from any discharge of odour or dust;
 - b) The location of the paddock, building, structure or impervious area housing stock;
 - c) The design of the building housing stock;
 - d) The location and design of the wastewater treatment system; and
 - e) Any mitigation proposed to reduce the effect or dispersion of odour or dust.
615. I note that these appear to be the same as those included in the Partially Operative Selwyn District Plan. I agree that these are appropriate and recommend that the submission of NZ Pork (26.27) is accepted.
616. The OWL submission reflects matters that are either addressed through the NATC Chapter, or are otherwise a matter for the CRC in terms of maintaining water quality. I recommend that this OWL submission (43.13) is rejected.
617. The support of NZ Pork (26.26) to GRUZ-R18 is noted and I recommend that submission is accepted.

Recommendations

618. I recommend, for the reasons given above, that GRUZ-R19 is amended to make intensive primary production a RDIS activity, with the Matters of Discretion being those listed above, and the activity status when compliance is not achieved with GRUZ-R19.1 to R19.3 being amended from NC to DIS.
619. The recommended amendments to GRUZ-R19 are set out in **Appendix 4**.
620. In terms of section 32AA, these amended provisions are considered to be a more effective and efficient way of implementing the policy framework of the GRUZ Chapter. The effects of intensive primary production activities are well known and, on that basis, there is little risk of amending the activity status of such activity from DIS to RDIS.

Standards (GRUZ-S1 to GRUZ-S12)

Submissions

621. FENZ (4.09, 4.10, 4.11) opposes GRUZ-S2, S3 and S4 and seeks amendments to provide specific exclusions for emergency service facilities. FENZ (4.12) supports GRUZ-R9 and seeks that it be retained as notified.
622. NZTA (15.26) supports GRUZ-S1 and seeks that it be retained as notified. NZTA (15.27) supports GRUZ-S2 in part, being concerned the standard does not recognise that structures and buildings associated with regionally significant infrastructure outside of a designation cannot meet these setback requirements. NZTA seeks an exclusion be provided within the standard when the building or structure is associated with regionally significant infrastructure and has an operational need or functional need to locate within the setback.
623. Nic Zuppich (3.03) opposes GRUZ-S1 and the proposed 4ha minimum density applying throughout the GRUZ. The submitter's property is located within an area known as 'The Reserve' where existing current lot sizes are all well under this standard. The submitter has water supply and waste-water connections available. The submitter considers the area of the Reserve to be more aligned with the Rural Lifestyle zoning as it resembles Nixons Road area, which is being rezoned to Rural Lifestyle (PC25). The submitter notes that on the Fairlie-Tekapo Highway from number 27 to 71 the properties are all well under the proposed 4ha, with the average property size being just over 5,000m². Properties in this area are also utilised as lifestyle/residential property and not used for primary production. Similar concerns are raised by Michael Donnelly (10.01) who owns two adjacent titles in this area; and Chris & Rachael Pudney (18.01).
624. Lisburn Farms (37.07) opposes GRUZ-S1 and is concerned that the 200ha standard within an ONL is unattainable, emphasised by the already limited available area that can be built on due to the rugged, steep topography and accessibility issues. The submitter seeks that the standard is reduced to 100ha. Similarly, the submitter seeks that the GRUZ standard be reduced from 100ha to 40ha (37.08).
625. OWL (43.15) opposes GRUZ-S1 on the basis that the terminology used in GRUZ-S1.5.c. is inconsistent with that used in GRUZ-S1.6. OWL seeks that GRUZ-S1.5.c is amended to refer to "net site area".
626. MFL (48.03, 48.04, 48.05) opposes the GRUZ minimum net site area of 100ha in GRUZ-S1, the resultant NC activity status where compliance is not achieved, and that the standard does not make provision for subdivision consents issued before PC23 is made operative.

627. Wolds Station (50.08) supports GRUZ-S1 in part where it provides for a site that existed on 1 November 2023 to establish a residential unit, subject to compliance with other plan rules. However, the submitter considers there should be no minimum area requirement relating to such pre-existing Titles, and notes that some existing sites will be less than this.
628. Mitch Taylor (55.01) opposes GRUZ-S2 and considers that a dwelling/residential unit should be able to be built closer than 100m from a State Highway.
629. NZ Pork (26.28) supports GRUZ-S3 in part but seeks relief from the building coverage rules for mobile pig shelters. They also support GRUZ-S5 in part (26.29), noting that clarification is needed as to where the setback distance is measured from in relation to the sensitive activity. NZ Pork also oppose the RDIS status when compliance not achieved; and seeks this be amended to NC to avoid adverse effects from sensitive activities on primary production activities.
630. MFL (48.06) opposes GRUZ-S5 as they consider the proposed 300m setback is too restrictive and 150m is considered to be more appropriate.
631. Road Metals (35.07) supports GRUZ-S6 in part but considers the 500m setback for quarries without blasting to be excessive. Road Metals notes that setback standards in planning documents around the country commonly range from 200m to 500m, depending often on whether a quarry involves blasting, in which case the 500m standard is typically used. Road Metals submits that the processing of aggregates would typically not require more than a 200m setback particularly for the size of quarries likely to be envisaged in Te Manahuna/the Mackenzie District.
632. PFO (24.33) supports GRUZ-S7 and seeks that it be retained as notified. PB (29.12) also supports GRUZ-S7 in part on the basis it seeks to retain an increased setback requirement for new or alteration of existing residential units. However, PB do seek amendment to include accessory buildings and other permanent and non-permanent structures; as well as to amend the matters of discretion to include the risk of fire and provision for firefighting.
633. Fed Farmers (27.18) opposes GRUZ-S12.2, noting that the staff numbers standard applies to GRUZ-R6 to R8, which covers home business, rural selling place and rural industry. It notes that a home business and rural selling place has a maximum area of 100m², whereas rural industry can be up to 200m² in the GRUZ. As a rural industry is likely to be more labour intensive than a home business or rural selling place, Fed Farmers considers it appropriate that provision is made for greater staff. Also, these staff may not be at the premises all day but visiting rural properties, e.g., farm machinery repair technicians.
634. Wolds Station (50.08) submits it is not appropriate to constrain activities to employing a maximum of two non-resident full time equivalent staff to qualify as being a permitted activity, noting that obtaining staff in Te Manahuna/the Mackenzie Basin is very challenging.

Analysis

635. On the basis that emergency service facilities are not permitted (as already addressed above), I do not consider that the specific exemptions relating to such activity within the Standards are required. I recommend that the FENZ submissions (4.09, 4.10, 4.11) are rejected.
636. The support of NZTA (15.26) to GRUZ-S1 is noted and I recommend is accepted. In terms of the need for an exemption for the building setback for regionally significant infrastructure, this is a matter for the INF Chapter with the rules contained in the GRUZ chapter not applying. On that basis I recommend that this submission (15.27) is rejected.

637. The properties located at 'The Reserve' were considered for re-zoning to Rural Lifestyle through the Fairlie Spatial Plan process undertaken preceding the MDPR process. This area was discounted for such a zoning based on servicing and potential flood risk from the Opihi River, particularly that area east of SH8. The general area in question is shown on **Figure 9** below. It is noted that the submissions are not definitive in the spatial extent of the relief sought, i.e., whether it applies to only the submitters properties, or the entire 'Reserve' area (which was not mapped or otherwise described in any particular detail). On that basis I recommend that any relief provided by way of decision is restricted to the submitters' properties only.



Figure 9: The submitter properties located west of SH8.

638. Ms Pfluger has assessed this area in terms of the potential impacts of further development on amenity and rural character. Ms Pfluger considers the existing rural landscape character of the Reserve area and along SH8 (as far north as Opihi St) already displays rural residential development on relatively small sections. While sprawl along the SH8 is to be discouraged, Ms Pfluger is of the view that existing development rights could be maintained on these sections without further adverse effects on the rural character in this area.
639. Based on the potential flooding concerns related to the properties east of SH8, it is considered that any ability to build on existing titles should be limited to those properties west of SH8. The Pudney submission refers to 52 North Street, which is located on the north east side of SH8, where flooding is a known issue and was one of the primary reasons why this area was discounted for future growth potential during the Fairlie Spatial Plan process. On that basis I recommend that this submission (18.01) is rejected.
640. The remaining submissions received requesting the ability to establish residential units on existing Titles, are located to the west of SH8, being:

- a. Zuppich (3.03) 49 Fairlie Tekapo Road, Fairlie 7925
 - b. Donnelly (10.01) 53 Fairlie Tekapo Road, Fairlie 7925
641. The location of these properties is indicated in red outline on **Figure 9** above.
642. Advice on the ability to service these sites has been sought from the Council's Manager - Engineering (Mr Ashley McLachlan). Mr MacLachlan has advised that the sites do have access to sufficient reticulated water supply, and that there is a wastewater line in close proximity, but that it is likely to be of insufficient size to service the additional residential units. Mr MacLachlan refers to pipe sizing, stormwater management and development contributions being dealt with as part of a subsequent consent process. In this circumstance of the two submitters properties it is noted that the Record of Title exist and that no further subdivision is required. I understand that the Building Consent process is not best suited to addressing these concerns. I note that suitable access from SH8 is also a further matter of interest to NZTA best dealt with through a resource consent process. Overall, I recommend that the Zuppich (3.03) and Donnelly (10.01) submissions are also rejected so that any future development of these sites is considered through an appropriate resource consent (land use) process to address the matters referred to above.
643. Various submitters seek amendments to the density standards contained in GRUZ-S1. Ms Pfluger has assessed the nature of these submissions and considers that to protect the openness and vastness of large-scale Eastern Mackenzie landscapes outside the Fairlie Basin area (identified as SCA-13) a 100ha minimum density is appropriate, with 200ha in ONL. I note that the 200ha ONF and ONL standard is consistent with that applied to Te Manahuna/the Mackenzie Basin ONL in the Operative District Plan. I recommend that the submissions from Lisburn Farms (37.07, 37.08) and MFL (48.03, 48.04) seeking changes to these standards are rejected.
644. I agree with the submission from OWL (43.15) that the standards set out in GRUZ-S1.5.c. should correctly refer to "net site area". I recommend that this OWL submission (43.15) is accepted.
645. MFL (48.05) seeks that the standard makes provision for unimplemented subdivision consents issued before PC23 becomes operative. I note this would only apply to consents issued outside Te Manahuna/the Mackenzie Basin ONL, as there has been no change to the density standard in that area. Whilst the number of existing subdivision consents to be captured by such additional wording is likely to be low, I recommend that such an exemption is included as this avoids triggering the need for an additional land use consent after a subdivision consent has been issued. However, to be consistent with the intent of the existing provisions, in my view the minimum area limit for when non-compliance with density becomes non-complying, of 10ha (for GRUZ) and 4ha (within SCA-13), should still apply. On that basis I recommend that MFL's submission (48.05) is accepted in part.
646. The minimum standards applying to existing Titles are important to maintain a bottom line and provide for the ability for Council to assess the amenity and character effects of building on sites much less than the density standards that otherwise apply. I recommend that the submission from Wolds Station (50.08) seeking no minimum area for existing Titles is rejected.
647. The standard for a setback from an SH is 10m, not 100m as suggested in the submission of Mitch Taylor (55.01). I therefore recommend that this submission is rejected as no change is proposed.
648. The only submission received in relation to GRUZ-S3 was from NZ Pork (26.28), which seeks relief from the building coverage rules for mobile pig shelters. Intensive Primary Production

requires consent (under GRUZ-R19), on that basis there is in my view little to be gained from including the relief sought, as any mobile pig shelters would require resource consent in any case. I recommend that the submission from NZ Pork (26.28) is rejected.

649. GRUZ-S5 refers to the sensitive activity setback from intensive primary production. MFL seeks that the 300m setback therein is reduced to 150m. I note that a 300m setback is favoured by the industry and appears in various other district plans in order to meet the policy to avoid reverse sensitivity effects (GRUZ-P3). In my view a reduction to 150m would not give effect to that policy outcome in all instances. I recommend that the 300m setback is retained and the submission from MFL (48.06) is rejected.
650. NZ Pork seeks that any non-compliance with this setback result in NC activity status (as opposed to RDIS). I note that in response to a submission from NZ Pork the activity status associated with GRUZ-R19 is recommended to be changed to RDIS (from DIS). In my view it would seem appropriate that the same activity status apply to residential activity seeking to establish in close proximity to intensive primary production. In terms of seeking clarification of where the setback distance is measured from, I do not consider this to be necessary. Measurement would typically be taken from the outside extent of the building or structure associated with the sensitive activity. This is the only means to ensure that the sensitivity activity is beyond the setback. I note that GRUZ-S5 already contains an explanation of how the setback is measured from the intensive primary production activity, in my view further explanation should not be required. I recommend that the NZ Pork submission (26.29) is rejected.
651. The concerns set out in the submission from Road Metals appear to be suggesting that this setback applies to quarries seeking to establish. GRUZ-S6 is a sensitive activity setback for activities seeking to establish in proximity of any lawfully established quarry. The provision does not apply in reverse, with new quarries being subject to GRUZ-R17. I recommend that this Road Metals submission (35.07) is rejected.
652. The purpose of the sensitive activity setback for commercial forestry is to prevent reverse sensitivity effects and also to reduce the risk of fire. However, I do not consider that such a risk is posed in relation to accessory buildings and other permanent and non-permanent structures. I also do not consider it necessary to add a matter of discretion to include provision for firefighting. I note that the other forestry company submitter (PFO) supports this provision and seeks it be retained as notified. I recommend that PFO submission (24.33) is accepted and that from PB (29.12) is rejected.
653. The staff numbers set out in GRUZ-S12.2 already acknowledge that Rural Industry is likely to have more staff, but also guides such activity to locate within SCA 13 (Eastern Plains) where it is more in line with the amenity and character of the GRUZ. I do not consider that Rural Industry of a larger scale should be encouraged to locate in areas with a more open and spacious rural character beyond SCA-13. Such an outcome would conflict with the policy outcomes sought by GRUZ-O2 and GRUZ-P2. Therefore, I recommend that the submissions from Fed Farmers (27.18) and Wolds Station (50.08) are rejected.

Recommendations

654. I recommend, for the reasons given above, that GRUZ-S1.3 and GRUZ-S1.5 are amended to also include sites which are the subject of a subdivision consent approved by the Mackenzie District Council before Plan Change 23 becoming fully operative.

655. I recommend, for the reasons given above, that GRUZ-S1.5 is amended to refer to net site area. With the same consequential change made to GRUZ-S1.3 under Clause 10(2)(b) of the RMA.
656. The amendments recommended to GRUZ-S1 are set out in **Appendix 4**.
657. The scale of change does not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore original s32 evaluation still applies.

Matters of Discretion (GRUZ-MD1)

Submissions

658. NZTA (15.28) and TRoNT (25.21) support the GRUZ matters of discretion and seek that they be retained as notified.
659. OWL (43.16) opposes GRUZ-MD1 and seeks they be extended to include “*the functional needs and operational needs of the activity*”. OWL notes that definitions for the terms ‘function need’ and ‘operational need’ are proposed as part of PC26 (which it supports).

Analysis

660. GRUZ-MD1 is referred to in the following rules where the permitted standards are not complied with:
- a) GRUZ-R6 Home Business
 - b) GRUZ-R7 Rural Selling Place
 - c) GRUZ-R9 Rural Tourism Activity
 - d) GRUZ-R10 Residential Visitor Accommodation
 - e) GRUZ-R16 Airfields and Helicopter Landing Areas
 - f) GRUZ-R18 Community Facilities
661. The context of each of these activity types means that reference to the functional needs and operational needs of the activity to establish within the GRUZ would be an appropriate way to achieve the objectives, taking into account their efficiency and effectiveness at doing so. I recommend that OWL submission (43.16) is accepted.

Recommendations

662. I recommend, for the reasons given above, that GRUZ-MD1 is amended to include reference to the functional and operational needs for the activity to establish in the GRUZ.
663. The recommended amendment to GRUZ-MD1 is set out in **Appendix 4**.
664. The scale of change does not require a section 32AA evaluation because it is a minor change to improve drafting and otherwise is an efficient and effective way to implement the GRUZ Objectives and Policies.

New Rules (Not Otherwise Addressed Above)

Submissions

665. MoE (38.20) seeks a new rule for ‘Educational Facilities’ as a PER activity. MoE notes this outcome aligns with GRUZ-02, GRUZ-P2 and GRUZ-P4 which enables educational activities, providing there is an operational need. The submission states that MoE may have an operational need to locate educational assets within the GRUZ.

666. The submitter proposes that any new educational facility would be required to comply with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, and GRUZ-S7. The matters of discretion would include: the matters of discretion of any infringed standard; the extent to which adverse effects on adjoining properties beyond the zone and the wider environment are mitigated; and the extent to which all activities are adequately serviced.

Analysis

667. The GRUZ rules do not provide for educational facilities. Therefore, any such facility seeking to establish in the GRUZ is a DIS activity (under the catch all rule for 'Activities Not Otherwise Listed' - GRUZ-R22). I disagree with the MoE submission that a PER activity status aligns with GRUZ-O2, GRUZ-P2 and GRUZ-P4 (which I note refers to HPL). I do not consider that the policy framework 'enables' educational facilities. A PER activity status would not allow assessment to ensure the character and amenity values of the GRUZ are maintained. I consider it important that any proposed educational facility in the GRUZ is assessed on a case-by-case basis to ensure the character and amenity outcomes sought for the zone are achieved. For this reason, I do not support a PER activity status and consider that a RDIS activity status would be more appropriate. This is also consistent with how educational facilities are treated in the Rural Lifestyle and Large Lot Residential Zones, providing a consistent approach across rural and lower density urban zonings. Notwithstanding, in my view the greater spatial extent of the GRUZ when compared to those other zones means that the likelihood of educational facilities having an operational or functional need to establish is greater within the GRUZ.
668. I consider it appropriate that the standards to apply to educational facilities, as well as the matters of discretion, are the same as those applying to community facilities as set out in GRUZ-R18. On that basis I recommend that GRUZ-R18 is amended to read 'Community Facilities and Educational Facilities'. This means I recommend that MoE submission (38.20) is accepted in part.
669. The District Plan already includes a definition of the term educational facility consistent with that set out in the NP Standards. While the application of the term is currently limited to the residential, commercial and mixed use and general industrial zones, it is proposed to extend the application of the term where it is used in the chapters introduced through Plan Changes 23, 24, 25, 26 and 27. As such, reference in the GRUZ framework to educational facilities would apply the defined term to the GRUZ Chapter and no further change is required.

Recommendations

670. I recommend, for the reasons given above, that GRUZ-R18 is amended to also refer to 'Educational Facilities'.
671. The recommended amendment to GRUZ-R18 is set out in **Appendix 4**.
672. In terms of a section 32AA evaluation, the inclusion of 'educational facilities' as a RDIS activity within the GRUZ is considered to be a more efficient and effective way to achieve the outcomes sought in GRUZ-O2 and GRUZ-P2. The effects of educational facilities are well known and understood, therefore it is more effective to include an RDIS status than rely on GRUZ-R22, resulting in a DIS activity status. The similarities in effects mean the costs/benefits/risks of the provisions are largely the same as those for community facilities as set out in the Section 32 Report.

12. PREC3 - Takamana/Lake Alexandrina Hut Settlements Precinct

Overview of Submissions

673. A total of 4 submitters made some 19 individual submission points relating to the proposed introduction of a Precinct to manage the on-going maintenance and development of the existing Takamana/Lake Alexandrina Hut Settlements. The proposed Precinct would cover three distinct areas on the shores of Takamana/Lake Alexandrina.
674. A submission from LAOHHS (28.04) supported the entire Precinct 'Chapter' and sought to retain the inclusion of the PREC3 Chapter as part of PC23. Notwithstanding, LAOHHS lodged various other submission points seeking changes to the provisions relating to PREC3. On that basis, I recommend that this submission is accepted in part.

PREC3 Introduction

Submissions

675. LAOHHS (28.05) submit that PREC3 is broadly contained within a single cadastral parcel (RES 4512). However, within that land parcel specific hut lease sites are defined by the Cowan & Holmes survey plan, Plan Ref 2140, dated 1976 (and included in Figure 2 of the LAOHHS submission). The submitter considers that including reference to 'Fishermen's Hut Sites Lake Alexandrina' in the introduction, and advice notes within the provisions, will better enable the implementation of the provisions which relate to sites, roads and boundaries.

Analysis

676. The LAOHHS (28.05) submission appears to overlook that PREC3 covers three distinct areas of hut settlements. In that context I do not consider the Introduction is the appropriate place to refer to the Cowan & Holmes survey plan, as it relates only to the huts located at the area known as the 'Outlet'. On that basis I recommend that this submission is accepted in part, as the reference to the Cowan & Holmes survey plan is more appropriate within the provisions themselves, as assessed further below.

Recommendation

677. I recommend, for the reasons given above, that the PREC3 Introduction is retained as notified.

Mapping

Submissions

678. LAOHHS (28.01, 28.02, 28.03) considers that the PREC3 boundary should be extended to reflect the blue lines shown in **Figure 10** below (Source LAOHHS submission). The submitter is of the view that this alteration to the PREC3 boundary better reflects the existing land use and infrastructure, rather than just the cadastral boundary, and will include the access to PREC3 from the Outlet Stream bridge, the internal access road including that on adjacent land, and the lake shore area (front row access). These areas are said to be critical to the fabric and functioning of the huts settlement.



Figure 10: Extension sought to PREC3 boundary at the 'Outlet', shown in blue outline.

Analysis

679. As noted above, the submission by LAOHHS (28.05) requests that the implementation of PREC3 provisions is guided by the Cowan & Holmes survey plan, Plan Ref 2140, which defines the specific hut lease sites. I note that the Cowan & Holmes survey plan takes in only the cadastral land parcel included as PREC3 in PC23 as notified.
680. The areas sought to be included in an enlarged PREC3 area to the north and east are public conservation land under the control of DOC (reference DOC Maps). The strip of land to the west between the identified PREC3 area and the bed of Takamana/Lake Alexandrina appears to be gazetted Crown Land. In any case, the enlarged areas sought to be included in PREC3 are not considered to be critical to the fabric and functioning of the huts, and in my view are not locations where the Council would otherwise approve any further hut development as it is likely to be contrary to the policy framework relating to ONL and LPA. I recommend that those submissions by LAOHHS (28.01, 28.02, 28.03, 28.05) be rejected.

Recommendation

681. I recommend, for the reasons given above, that the mapping of PREC3 be retained as notified.

Rule (PREC3-R1) and Standards (PREC3-S1 to PREC3-S8)

Submissions

682. TRoNT (25.24) supports PREC-R1 noting that Kāi Tahu have a sacred and spiritual connection to the highly natural values of the district. Ngāi Rūnaka supports provisions that protect the intrinsic landscape views while providing for the economic wellbeing of the district.
683. LAOHHS (28.09) supports PREC3-R1 in part, on the basis that they consider it is not clear whether this rule applies to extensions and alterations of existing buildings and structures and/or new buildings and structures.
684. In terms of the Standards referred to in PREC-R1, LAOHHS makes a series of submissions generally seeking that the bulk and location standards are made more lenient, as follows:

Submission Point	Provision	Change Sought
28.10	PREC3-S1	Amend to refer to 'Maximum Coverage of Buildings and Structures' as opposed to 'Maximum Floor Area'. Refer to outdoor living spaces in the exclusions. Increase maximum coverage from 60m ² to 120m ² .
28.12	PREC3-S3	Delete the reference to 'shape' in the title.
28.13	PREC3-S4	Delete requirement for minimum distance between building and structures of 4m.
28.15	PREC3-S6	Amend PREC3-S6(3) so that no fencing and/or hedges shall be used to demarcate individual site boundaries, except where that fencing is provided for by PREC3-S6(4).
28.16	PREC3-S7	Amend PREC3-S7 by deleting reference to an approved on-site composting wastewater disposal system.
28.17	PREC3-S8	Amend PREC3-S8 to provide an exception for building or structure located within a public road reserve, "where necessary for the operation, maintenance or upgrade of the road".

685. A submission from the CRC (45.14) notes that unlike other plan sections, provision PREC3-S7 does not mention the need for a Regional Council consent for wastewater disposal.
686. The LAOHHS submission (28.11, 28.14) supports PREC3-S2 and PREC3-S5.

Analysis

687. In terms of the wording used for the title of PREC3-R1 (being Buildings and Structures), this is so that it applies to both extensions and alterations of existing buildings and structures and any new buildings and structures proposed. In my view this is clear, and I do not recommend any changes to the title. I recommend that LAOHHS submission (28.09) is accepted in part, given that I recommend the inclusion of an advice note relating to the cadastral plan, albeit I recommend alternate wording.
688. This submission point also sought a further advice note, being:
- "In addition, the existing built environment and situation of individual site circumstances will be taken into account to enable a practical approach when huts are undergoing requests for extensions and alterations, so hut holders' rights are not diminished. This only applying to the precinct".*
689. In my view the inclusion of such an advice note is not appropriate in a regulatory planning document and I recommend that this aspect of the LAOHHS submission (28.09) is rejected.

690. The inclusion of PREC3 within PC23 was based on transferring the Hut Design Guidelines, prepared in 1999 in conjunction with the Hut owners, into a district planning framework. This allows the Council to assess resource consents in a more consistent way and reduce the dependence on existing use rights, which, given the nature of the hut settlement development, are often difficult to prove. The standards included in those Hut Guidelines formed the basis of the proposed Rule and Standard framework included in PC23. This approach was considered to be more efficient than the current process, which required a NC resource consent application for any works given the location within the ONL and LPA.
691. The inclusion of PREC3 also facilitated the consequential removal of the PREC3 areas from both Te Manahuna/the Mackenzie Basin ONL and Lakeside Protection Area (LPA) Overlays. These changes further removed a major consenting hurdle for hut owners when seeking resource consent for any new building or structure, or alteration/addition to any building or structure.
692. The amendments now sought to PREC-S1 and PREC3-S4 by LAOHHS represent a significant shift in approach, and rather than implementing the existing Hut Guidelines seek to enable a greater scale of development than anticipated under the Operative Plan, or that which the Council sought to facilitate through this PC23 process. In my view, a doubling in the size of the huts as of right, and providing an exception for outdoor living spaces, would lead to a corresponding increase in built form and ultimately lead to a change in character which would be inconsistent with PREC3-O1 and would have adverse effects on the adjacent ONL and LPA Overlays, compromising the outcomes sought for those overlays. On that basis, I recommend that the corresponding LAOHHS submissions (28.10 (part), 28.13) are rejected.
693. In terms of the minor changes sought to PREC3-S1 and S3 in terms of the title, I consider that these better reflect the nature of the standard contained therein and I recommend these are accepted (28.10 (part) and 28.12).
694. Submission 28.15 notes a discrepancy in the standards applying to fencing in PREC3-S6. The relief sought by LAOHHS seeks to add an exception to PREC3-S6.3 where fencing is otherwise provided by PREC3-S6.4. I recommend this submission is accepted in part as I consider that PREC3-S6.4 should also be amended to refer specifically to PREC3 boundary fencing. This consequential change is recommended pursuant to Clause 10(2)(b), Schedule 1 of the RMA.
695. PREC3-S7 relates to wastewater disposal. PREC3 is in a highly sensitive area and on-site wastewater treatment and disposal is typically not favoured by Runanga. That is reflected in the current Hut Guidelines, which require holdings tanks or an on-site composting system. Both LAOHHS (28.16) and CRC (45.14) have submitted on this Standard. I prefer the relief sought in the CRC submission, which I recommend is accepted; and accordingly recommend the LAOHHS submission is accepted in part. I note that this proposed wording makes the 'Note to Plan Users' relating to PREC3-S7 at the commencement of the Rules redundant. Therefore, I recommend this is deleted as a Clause 10(2)(b) consequential change.
696. Finally, the LAOHHS submission (28.17) notes there are no public roads through the areas identified as PREC3; and otherwise seeks some exceptions to the Standard where necessary for the operation, maintenance or upgrade. On the basis that there are no public roads within PREC3, and therefore the rules applying to the operation, maintenance and upgrading of roads provided for under TRAN-R1 would not apply, I recommend that this submission is accepted. I also agree the implementation of the Rule and accompanying Standards would benefit from reference to the cadastral plan attached to the LAOHHS submission and recommend that this submission point is accepted (28.09). I consider that consequential amendments pursuant to

Clause 10(2)(b) are required to better reflect the legal situation by deleting the words “public” and “reserve” when referencing the roads within PREC3.

697. The support of TRoNT (25.24) to the Rule and Standards framework is noted, given the changes recommended in response to the other submissions made by LAOHHS and CRC, I recommend this submission is accepted in part.

Recommendations

698. I recommend, for the reasons given above, that an Advice Note is added to PREC3-R1 referring to the cadastral plan attached to the submission, and that that plan is incorporated into PC23 as a new PREC3-SCHED1.
699. I recommend, for the reasons given above, that the title of PREC3-S1 is amended to read “Maximum Coverage of Buildings and Structures” as opposed to “Floor Area”; that the reference to “Shape” is deleted from the title of PREC3-S3; that PREC3-S6.3 is amended to include an exception for fencing provided by PREC3-S6.4; that PREC3-S6.4 is amended to refer specifically to PREC3 boundary fencing; that PREC3-S7 is amended to refer to a wastewater system approved by the Canterbury Regional Council; and that PREC3-S8 is amended to provide an exception for works within a road.
700. I recommend, for the reasons given above, that a Clause 10(2)(b) consequential change is made to the ‘Note for Plan Users’ at the commencement of the Rules section, by deleting reference ‘for consent to be obtained from the Canterbury Regional Council where necessary’.
701. The recommended amendments are set out in **Appendix 4**.
702. The scale of change does not require a section 32AA evaluation because they relate to minor changes to improve drafting that do not alter the general intent and therefore original s32 evaluation still applies.

13. Definitions (Not Otherwise Addressed Above)

Submissions

703. CRC (45.04) submits that PC23 does not contain a definition of mining; their submission point (45.06) also seeks the addition of a reference to note that the definition of wetland included in PC23 comes from the NP Standards (as is the case for other definitions coming from the NP Standards).
704. NZTA (15.02) seek that the definition of ‘sensitive activity’ is amended to include hospital, healthcare facilities and elderly person housing/complexes, as well as marae and places of worship. It states that the former are included in the CRPS definition of noise sensitive activities, and places of worship and marae are generally susceptible to noise and should be included.
705. NZ Pork (26.06) similarly opposes the definition of ‘sensitivity activity’ seeking it be amended to cover other activities they say are equally sensitive to the effects of rural production, e.g., Home business, Rural tourism activity, Residential visitor accommodation, Conservation activity, Camping grounds, Conference facilities, Healthcare facilities.
706. MoE (38.06) supports the definition of sensitive activity, particularly the inclusion of ‘educational facility’ therein.

Analysis

707. A definition of mining is included in PC23 and is the same as that set out in section 2 of the Crown Minerals Act 1991. As no change is required, I recommend that CRC submission (45.04) is rejected.
708. With respect to the definition of 'sensitive activity', I note that the definition already includes 'community facilities', with the definition of the latter already encompassing places of worship. Marae would also fall within the definition of 'community facilities', as they comprise land and buildings used by members of the public for cultural purposes (and in many cases are also used for safety and welfare purposes as well, for example during civil defence emergencies). Therefore, I consider that specific reference to places of worship and marae do not need to be added as they are also encompassed by the notified definition.
709. The application of the term sensitive activity is greater than simply to address reverse sensitivity from intensive primary production, and includes matters such as noise for example. Furthermore, where such activities are considered to potentially give rise to reverse sensitivity effects on intensive primary production they are subject to GRUZ-S5 'Sensitive Activity Setback from Intensive Primary Production'. In that context I do not consider that the change sought to the definition of sensitive activity by NZ Pork is required.
710. I recommend that change is made to the definition of wetland to include reference that it is a definition taken from the NP Standards. I recommend that CRC submission (45.06) is accepted.
711. I recommend that the submissions from NZTA (15.02) and NZ Pork (26.06) are rejected; and the supporting submission from MoE (38.06) be accepted.

Recommendation

712. I recommend, for the reasons given above, that the definitions of mining activity and sensitive activity are retained; and that reference to NP Standards is included after the definition of 'wetland'.
713. The recommended amendment is set out in **Appendix 1**.
714. The scale of change does not require a section 32AA evaluation because it is a minor change to improve drafting and retain consistency.

14. Miscellaneous Mapping

Submission

715. OWL (43.01) opposes the GRUZ planning maps as they extend the GRUZ over the area comprising Lake Ōpūaha/Opuha. OWL state it is unclear what purpose this proposed zoning serves as the underlying land is inundated with water. In OWL's view, the zoning of this area creates confusion for some activities, e.g., land use activities affecting the bed of the Lake, which are within the jurisdiction of regional councils, not the MDC. OWL considers that the Introduction section of the GRUZ Chapter does not allude to waterbodies being incorporated within the GRUZ, or how that relates to the 'purpose' of the GRUZ. OWL seeks that the GRUZ is deleted from Lake Ōpūaha/Opuha.

Analysis

716. The treatment of Lake Ōpūaha/Opuha on the planning maps is the same as the other Lakes within the District, which are all shown as being within the GRUZ where they lie within the

district boundary. The District Plan also includes 'Activities on the Surface of Water' as a district wide matter under the NP Standards. Therefore, I consider it is appropriate that a zoning is applied to Lakes, as is proposed through application of GRUZ in PC23.

Recommendation

717. I recommend, for the reasons given above, that the planning maps are retained, and that Lake Ōpūaha/Opuha remain within the GRUZ.