

Before the Independent Hearing Panel  
Appointed by the Timaru District Council

Under Schedule 1 of the Resource Management Act 1991 (**RMA**)

In the matter of Submissions on the Proposed Timaru District Plan

Between **Various**

Submitters

And **Timaru District Council**

Respondent

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**Council Officers' Response to Minute 53**

24 February 2026

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**Council's solicitors:**

Michael Garbett | Jen Vella

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz | jen.vella@al.nz

**anderson  
lloyd.**

## Introduction

1. This document contains the Council's response to Minute 53, which directed that the Council undertake a general technical review of the Decision Reports and Provisions, as well as identifying specific matters to be responded to.
2. This response has primarily been prepared by Liz White, with input from other s42A Report officers, Council staff, and legal counsel, where requested.
3. The response is set out in the following tables:
  - a. Table 1 – Identifies where edits are suggested to the Draft Decision provisions and the reasons for those suggested changes;
  - b. Table 2 – Contains responses to the specific matters identified in Minute 53;
  - c. Table 3 - Provides a summary of where changes have been made to 'Notes' as directed in Minute 53; and
  - d. Table 4 – Includes comments on the Draft Decision, where potential errors, correction or matters requiring clarification have been identified.
4. A full suite of provisions is also attached to this response, which provides tracked changes additional to the Panel decision. The changes have been distinguished from those of the Panel's (which remain shown in **green**) as follows:
  - a. Minor suggested changes arising from Panel edits, or other matters that have been picked up since the Reply Version are shown using **blue** highlighting. These are changes considered to fall under Schedule 1, Clause 16(2);
  - b. A recommended new definition which was inadvertently left out of the Reply Version, is shown using **purple** highlighting;
  - c. Suggested edits arising from a review undertaken by Ms Hall at Aoraki Environmental Consultancy Ltd, which relate to submission point 185.5 from Te Rūnanga o Ngāi Tahu (seeking that a full check of the te reo Māori used in the plan is undertaken by a suitably qualified person with understanding of the Kāi Tahu dialect) and are shown using **yellow** highlighting; and
  - d. Suggested edits responding to the specific matters identified in Minute 53, are shown using **red** highlighting. Recommended edits set out in Table 1 and Table 4 are also shown using **red** highlighting.

**Table 1 – Suggested Edits to Provisions**

Chapter	Provision	Comment
09 - Definitions	'BAT ROOST TREE' definition	In the joint witness statement (JWS) between Liz Williams (planner for DOC) and Liz White (Section 42A Officer for the Council), dated 17 June 2025, drafting was agreed for a rule in the Light Chapter, along with a related definition of 'bat roost tree' to support the rule drafting. The submitter has queried whether the omission of the definition in the Panel's decision was intentional, or in error. The Council has reviewed this, and notes that the additional recommended definition was inadvertently left out of the Reply Version of provisions. The omission is therefore considered to be an error. On this basis, the definition recommended in the JWS has been included in the Technical Review version of provisions and marked with purple highlight.
	'TEMPORARY EVENT' definition	The draft provisions delete reference to 'social' occasions. This deletion is not consistent with the decision recorded in Part 6 at paragraphs [212], [213](a) and [214]. It also results in an internal inconsistency in the definition whereby if this is deleted, then the additional exemption added by the Panel relating to a 'private' social occasion is not required, because this deletion would mean that it does not cover any type of social occasion in any case.  To correct this, it is suggested that "or social" in the first line of the definition is NOT deleted.
17 - SD	Introduction	To improve grammar, it is suggested that the addition be amended as follows:  <i>give effect to relevant higher order documents such as <u>NPSs</u> <del>national policy statements</del> and the <u>CRPS</u> <del>and takinge into account the Iwi Management Plan of Kāti Huirapa</del> <del>Canterbury Regional Policy Statement</del></i>
	SD-O5.5	To reflect the change from "lands" to "land", the following change is suggested:  <i>Māori <del>reserve lands</del> <del>are</del> <u>is</u> able to be used by Kāti Huirapa for <del>their</del> <del>its</del> intended purposes;...</i>
	SD-O5.6	To align with the change made in clause 7., the following change is suggested:  <i>where it can be undertaken safely, Kāti Huirapa <del>are</del> <u>is</u> able to carry out customary and cultural activities in accordance with tikanga tikaka;</i>
27 – SASM	SASM-R3	The Council understands that the intention of retaining SASM-R3 is to provide a "signpost" to direct plan users to ECO-R1. From a plan usability point of view however, it is unclear how retention of the rule is intended to work in practice, given that it creates a second rule applying to indigenous vegetation clearance within SASMs, but which has no 'substance' and is essentially a cross-reference to ECO-R1.  It also introduces an approach to cross-referencing that is not employed elsewhere in the PDP. For example: <ul style="list-style-type: none"> <li>- In the Introduction of the Coastal Environment (CE) Chapter, a paragraph is included stating where provisions in other chapters manage activities in the Coastal Environment Area Overlay, including mention of the clearance of indigenous biodiversity being addressed in the Ecosystems and Indigenous Biodiversity (ECO) Chapter. A rule for clearance of indigenous biodiversity is not included in the CE Chapter. (Other chapters referenced in the same way include the Natural Features and Landscapes and SASM chapters).</li> <li>- In the Introduction of the Natural Character (NATC) Chapter, a sentence is included stating that provisions related to the preservation of the natural character of the coastal environment are included in the CE Chapter. No rules pertaining to the coastal environment are included in the NATC Chapter.</li> </ul>

		<ul style="list-style-type: none"> <li>- The Introduction to the Earthworks Chapter outlines where the impact of earthworks in sensitive areas is managed in other chapters. The specific rules for earthworks in these areas are then included in each relevant chapter, and not repeated in the Earthworks Chapter.</li> <li>- In the Introduction of the Temporary Activities Chapter, a sentence is included setting out that temporary activities occurring on the surface of water are managed by provisions in the Activities on the Surface of Water, rather than this being set out in a rule in the Temporary Activities Chapter.</li> </ul> <p>As the intention appears to be to assist navigation, it is suggested that this is better addressed in the Introduction section, rather than being listed as a 'Rule' within the SASM chapter.</p> <p>For example: "<del>Indigenous vegetation clearance within any SASM is managed in the ECO chapter</del>".</p> <p>If the rule is retained, reference should be added in the left-hand column to wāhi tūpuna, as ECO-R1 equally applies in this overlay.</p>
	SASM-R5 – Rule Title	There is text shown in the rule title as having been recommended by Council officers (i.e. underlined), and then deleted through the decision by the Panel (i.e. also struck through and highlighted in green) - " <del>Where this rule applies within an Outstanding Natural Landscape or Outstanding Natural Feature/Visual Amenity Landscape Overlay, NFL-R10 applies and prevails over this rule</del> ". However, the wording shown was not recommended in the s42A Report or Final Reply. It is therefore suggested that the wording is simply removed.
	SASM-R5.2	The Council is similarly concerned with including this clause within the rule which essentially results in a second rule applying to mining and quarrying activities within ONLs and VALs, but the rule included has no 'substance' and is essentially a cross-reference. As the intention appears to be to assist navigation, it is suggested that a note is instead included in SASM-R5.1 as follows:  " <del>Note: For mining and quarrying within an ONL or VAL overlay, NFL-R10 applies.</del> "
33 – SUB	SUB-S1	The additional clause added needs to be removed from SUB-S1.1 (which applies to the General Residential Zone) and shifted into SUB-S1.4 (which applies to the Rural Lifestyle Zone), because the decision is for the area in question to be to be zoned Rural Lifestyle not General Residential.  References in Section 7.3.2, para [400](e) to SUB-S1 in the report (and other references to this standard) would also require updating to refer to the correct clause.
36 – EW	EW-R1	The Council consider that the drafting addition to EW-R1 (addition in h. of the Rule Title) is unclear (" <del>or in relation to any area standard earthworks will be subject to a building consent</del> ") and as such, will be difficult to administer. It is also not clear from the decision (Part 7; Section 3.6.1, para [179]) if the Panel's intent is to exempt these earthworks from the rule completely (as per Ms Tait's evidence), or if intent is to exclude them only from needing to comply with EW-S1. If the latter, a different drafting approach would be required, e.g. the exemption from EW-S1 would sit in PER-1, not in rule title.  If the intent is to exempt these earthworks from the rule completely (as per Ms Tait's evidence), then the suggested drafting, using the Panel's wording as a base, is:  <del>within the building footprint, or within 2m of the outer edge of, a building that has building consent</del> <del>or in relation to any area standard earthworks will be subject to a building consent</del> and that complies with EW-S3. This exemption does not apply to

		<p><b>earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site.</b></p> <p>The Council has discussed this matter with the submitter who agrees that the current drafting does not work, and has advised that the Council's suggested redrafting above would align with the intent of Ms Tait's evidence.</p>
41 – NOISE	NOISE-S3	<p>For consistency and clarity, the following drafting is suggested for how the Panel's addition is incorporated into clause 1 of this standard:</p> <p>1. <i>Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building or room that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more, must be designed, constructed and maintained to achieve</i></p> <p><b>a</b> <i>a minimum external to internal noise reduction for habitable rooms of not less than 35 dB Dtr,2m,nT,w + Ctr; <del>or</del> <del>Or</del></i></p> <p><b>b</b> <i>internal design sound levels of 35dB Laeq (1hr)</i></p> <p>Note that further comment on the intention behind the addition and whether further changes are required is also set out Table 3 below.</p>
52 – LFRZ	LFRZ-R11	<p>This rule applies a restricted discretionary status to buildings and structures in the zone. However, the Panel edits include deletion of the matters of discretion specified in the rule. If these are deleted, then no matters are specified for buildings and structures that meet the requirements set out in RDIS-R1, RDIS-R2 and RDIS-R3, despite the activity status being restricted discretionary. It is therefore unclear how the activity would be assessed. As such, the Council considers the matters of discretion must be retained.</p> <p>Where compliance is not achieved with RDIS-1 (requiring that building or structure is associated with or ancillary to a permitted activity), the rule states that the activity status applying is the same as the activity the building or structure is associated with or ancillary to. As the activity status will therefore vary depending on the activity associated with any specific building or structure, it does not work for the matters of discretion to be listed in this part of the rule as shown in the Panel edits, and they should be removed.</p>

**Table 2 – Minute 53 Directions**

Component	Directions	Council Officer Response
<p>Activity Statuses and the notation of corresponding standards</p>	<p><i>Throughout the Plan rules we note that for Permitted Activity Status the standard is consistently labelled as PER-1, PER-2, PER-3....</i></p> <p><i>However, in some instances for controlled/restricted discretionary/ discretionary status the standards are also expressed as PER-1. We consider this may be a drafting error because in our review the majority are expressed as CON-1, RDIS-1 or DIS-1...</i></p> <p><i>For some examples see GRZ-R12 (formerly R11), GRZ-R13 (formerly R12), MRZ-14, GRUZ-R23.</i></p> <p><i>We direct that the Council review all standards in the plan rules across all chapters to check consistency in expression. The Panel seeks the technical review to standardise terminology to improve clarity, consistency, and ease of implementation across the plan.</i></p>	<p>The notation used for standards throughout the PDP has been checked, and updates have been made where required to ensure such standards correspond with the relevant activity status. This has resulted in the following changes being included in the Technical Review version of provisions:</p> <ul style="list-style-type: none"> <li>• TRAN-R10 – The matters listed in RDIS-1 have been shifted into the rule title as they describe what the rule applies to, rather than being a requirement that determines the activity status.</li> <li>• SUB-R2 – The additional “Where” and “RDIS-1” have been removed as they are superfluous (and the way this was drafted is inconsistent with the drafting approach otherwise taken).</li> <li>• CE-R6.2 - The additional “Where” and “RDIS-1” have been removed as they are superfluous (as RDIS-1 simply restates where the rule applies, which is already addressed in the left-hand column).</li> <li>• GRZ-R12; GRZ-R13; MRZ-R14, SETZ-R1.2: corrected to reflect activity status.</li> <li>• SETZ-R4: CON-1 has been removed as it requires compliance with PER-4, but a separate part of the rule already addresses this.</li> </ul> <p>It is noted that the Panel also referred to GRUZ-R23, but there is not considered to be an issue with this rule.</p>
<p>Chapter 12 - NPS and NZCPS</p>	<p><i>Check and update references as required in accordance with recent Government changes to national direction.</i></p>	<p>Recommended changes in response to recent Government changes to national direction is included in the Technical Review version of provisions and marked with <b>red</b> highlight.</p>
<p>Chapter 13 - NES</p>	<p><i>Check and update references as required in accordance with recent Government changes to national direction.</i></p>	<p>Recommended changes in response to recent Government changes to national direction is included in the Technical Review version of provisions and marked with <b>red</b> highlight.</p>
<p>SD-05 Mana Whenua</p>	<p><i>Check SD-O5(ii) - should this be 'waterbodies' (Sch 1 cl 16)</i></p>	<p>It is assumed that this is referring to Clause 2. For consistency with the stem, and given 'waterbody environments' is not used elsewhere in the PDP, it is considered appropriate to make an amendment under clause 16(2) to refer to the health of waterbodies in this clause.</p> <p>This change is included in the Technical Review version of provisions.</p>

<p>Plan-wide use of Notes</p>	<p><i>We have noted that throughout the Area Specific and District-wide chapters the provisions include “Notes” in the Activity Status columns.</i></p> <p><i>These notes sometimes appear to be guidance to direct a plan user to a relevant rule (for example: GRZ-R2 Note: For residential unit(s) within PREC1 Old North General Precinct, see PREC1-R1).</i></p> <p><i>However, the majority of cases appear to be more akin to a regulation that must be applied (for example: GRZ-R4 Note: Any associated building and structure must be constructed in accordance with GRZ-R9).</i></p> <p><i>In at least one place, a Note has been used to preclude public notification, for example (GRZ-R12 Note: Any application for this activity is precluded from being limited or publicly notified).</i></p> <p><i>Other notes are included to exclude the application of the associated rule from applying, for example (MRZ-R11 Note: This rule does not apply if the fence is required under the Health and Safety at Work Act 2015).</i></p> <p><i>Some are used to direct what material must be provided in a consent application, for example (GRZ-R26 Note: Pursuant to section 88 of the RMA, any application made under this provision must contain a rehabilitation plan and an accidental discovery protocol).</i></p> <p><i>The Panel has determined that if the content of a note is intended to act as a regulation, it should be embedded within the rule rather than as a note.</i></p> <p><i>The Panel directs Council to undertake a systematic review of notes within rules across the Plan and provide drafting changes to ensure that notes that are intended to apply as a regulation are embedded within the relevant rule.</i></p>	<p>Table 3 below summarises where notes have been amended and the reasons for those amendments. The specific changes recommended in response to the Panels’ direction are included in the Technical Review version of provisions and marked with <b>red</b> highlight.</p> <p>Other notes which have not been changed reflect the Council’s views that these are guidance notes that assist plan users but which do not alter the effect of the rule (including the application of other rules that may be referred to). This includes, in the Definitions Chapter, that a ‘Note’ has been used to indicate when a definition is a subset of another definition. As this does not alter the meaning of either definition, these notes have not been amended.</p>
<p>Chapter 56 GIZ</p>	<p><i>GIZ-S2.4 Figure X. Scale is difficult to read. Can this please be cross referenced to an appendix at larger scale.</i></p> <p><i>GIZ-S6.2 Figure 20. Scale is difficult to read. Can this please be cross referenced to an appendix at larger scale.</i></p>	<p>These amended figures are included in the Technical Review version of provisions.</p>

Chapter 62 DEV1	<i>Figure 21 - Plan to be updated to remove stormwater management area located west of Road 1.</i>	This change is included in the Technical Review version of provisions.
Chapter 27 SASM	<p><i>The Panel notes that SASM-R1.3 PER-2 specifically provides for rock weirs (relating to Wāhi tapu overlays) as distinct from SASM-R1.1. PER-1 (relating to Wāhi tūpuna, wāhi taoka and wai taoka overlays).</i></p> <p><i>The Panel directs the Council to review these rules and advise the following:</i></p> <ol style="list-style-type: none"> <li><i>1. Is the inclusion/exclusion of rock weirs a deliberate drafting approach?</i></li> <li><i>2. Will the rules work as intended?</i></li> </ol> <p><i>Provide reasons as appropriate.</i></p>	<ol style="list-style-type: none"> <li>1. The intention of the s42A Officer was for the earthworks for the purposes specified to be the same across both clauses. For this consistency to be achieved, it is therefore suggested that rock weirs are added to SASM-R1.3 PER-2. This change is included in the Technical Review version of provisions and marked with <b>red</b> highlight.</li> <li>2. The intention of these clauses is to permit earthworks which disturb ground that has previously been disturbed by the listed items. The Council has not identified any reason why the current drafting of these clauses will not work as intended.</li> </ol>
Part 2 General Approach Section	<i>Figure 1 – Example of Rule Note is to be amended to remove references to ‘precedence’ or ‘prevail’ and replace with ‘applies instead of’.</i>	The amended figure is included in the Technical Review version of provisions.
Part 2 General Approach Section	<i>Figure 2, Step 2 is to be amended to read “Locate relevant District-wide matters chapters (e.g. Infrastructure and Energy) features and overlays (e.g. National Grid Lines)</i>	The amended figure is included in the Technical Review version of provisions.
SCHED-8 & SCHED-9	<i>The Option 2 drafting promoted by Ms Pull is to be given effect by inserting cross references to SASM in SCHED8 (ONL) and SCHED9 (ONF) as detailed in Ms White’s Interim s42A Reply.</i>	These changes are included in the Technical Review version of provisions.
EI Application of Provisions	<p><i>The Panel has determined a new administrative policy is required in the EI Chapter (EI-P6) that sets up a direction as to weighting in the event of conflicting provisions between the EI Chapter and the zone chapters.</i></p> <p><i>The Panel directs the Council to review this Policy to check whether any technical inconsistency may arise in the implementation of this new policy with other provisions.</i></p>	<p>The Council notes that the EI Chapter provisions already outline how the zone-based objectives and policies are to be considered. For example:</p> <ul style="list-style-type: none"> <li>- EI-P2.1.c.i. – <i>managing the height, bulk and location of all infrastructure, <b>taking into account</b> the role, function, character and identified qualities of the underlying zone</i> (emphasis added.)</li> <li>- EI-P4.1.a – Enable amateur radio configurations within the rural zones, residential zones, and commercial and mixed-use zones, General Industrial Zone, Māori Purpose Zone and Port Zone, where: they are of a size and scale <b>that is compatible with</b> the character and qualities of the zone.</li> <li>- EI-P4.2a. – <i>Only allow amateur radio configurations within the Open Space Zone, Sport and Active Recreation Zone or any other zones not identified in EI-P4(1) where it can be demonstrated that: <b>they are</b></i></li> </ul>

		<p><b>compatible with the character and amenity values of the zone</b> (emphasis added.)</p> <ul style="list-style-type: none"> <li>- EI-P5.2.a. - <i>providing for new, or upgrades that are more than minor to, the National Grid; while in urban environments, <b>minimising adverse effects on urban amenity</b> and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities</i> (emphasis added.)</li> </ul> <p>As such, the Council considers that there is some potential for inconsistency with the other policies in the EI Chapter with the inclusion of EI-P6. However, the risk of significant inconsistency occurring is considered to be minimal, and in any case could be worked through by a decision maker. On balance, (and in the absence of the Introduction explaining the relationships (as per the Panel decision in Part 5, para 86)), the new policy EI-P6 is considered to provide additional certainty on the relationship between the EI Chapter and the zone-based chapters which outweighs any inconsistency.</p>
<p>Height reference points for measuring height</p>	<p><i>The Panel has determined through its decision on ECAN [183.4], that for all height related provisions, the reference point from which height is measured is to be stated within the rule text itself, rather than in a note to the rule. As part of the technical review please ensure that all height references points are addressed within the relevant rules, rather than notes.</i></p> <p><i>The Panel has identified that the District Plan contains multiple formulations of the reference point for height, including but not limited to:</i></p> <ul style="list-style-type: none"> <li>• “ground level”</li> <li>• “existing ground level”</li> <li>• “existing ground level prior to any works commencing”</li> </ul> <p><i>Accordingly, the Panel directs Council to undertake a systematic review of height reference points within the Plan to confirm that any variation is intentional, meaningful, and necessary.</i></p> <p><i>Where different terminology conveys a distinct and purposeful outcome distinctions are appropriate. However, where no such purpose exists, the Panel seeks the technical review standardise terminology to improve clarity, consistency, and ease of implementation across the plan.</i></p> <p><i>For illustrative purposes Appendix 2 identifies a non-comprehensive list of rules illustrating differences in how height is treated.</i></p>	<p>Where a reference point has been included in a note, this has been shifted into the rule.</p> <p>Where a reference point has not been stated in the rule, one has been added.</p> <p>The Council has not been able to identify the reason for the variation to the reference point, in terms of the use of “ground level”, “existing ground level” and “existing ground level prior to any works commencing”. The ODP relates to the “pre-development” ground level, but in practise it has been difficult to administer this, in terms of what constitutes a “development” (e.g. is it the ground level prior to a subdivision being undertaken, or that existing at the time a building consent is lodged.) The Council considers that use of “existing ground level prior to any works commencing” may create the same issue, and prefer application of “existing ground level”. This will mean that the reference point is the ground level existing when a building, structure, or other item to which the rule applies is proposed. This will avoid additional height being achieved by raising the ground level. On this basis, the provisions have been amended to refer to “existing ground level”. There are some exceptions to this, where in the context of the rule (e.g. LIGHT-S1.4, MRZ-S9.2.b, SETZ-S8, GIZ-S5, GIZ-S6.1.3, GIZ-S6.2.3, MPZ-S3) reference to “ground level” is more suitable.</p> <p>These changes are included in the Technical Review version of provisions and marked with <span style="background-color: red; color: red;">red</span> highlight.</p>

		<p>For completeness it is noted that:</p> <ul style="list-style-type: none"><li>- there are also some provisions which specify a different reference point e.g. height above a building, or above a runway etc, which have not been altered because these are considered to be deliberate measurement points, intended to be distinct from measuring from ground level.</li><li>- "<i>height for network utility structure</i>" is a separate definition, and the reference point for this is specified within the definition itself ("<i>when measured from ground level or the top of a plinth or foundation, if there is one</i>"). As such, the rules using this definition have not been amended (except in relation to shifting or deleting any 'notes' relating to the height measurement, including notes that conflict with the definition.)</li></ul>
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**Table 3 – Changes to ‘Notes’**

Chapter	Comment
11 – Glossary	“Note” has been removed where it is stated that for the purposes of implementing the PDP, Kāti Huirapa includes Te Rūnanga o Ngāi Tahu. This is because it is considered to form part of the interpretation of the term and its use in the PDP.
19 – EI	<p>EI-R6: Reference to having to reinstate in accordance with the specified Code of Practice is considered to amount to a ‘requirement’, so this has been added as a further permitted activity condition, with a corresponding activity status added in the right-hand column for non-compliance with this.</p> <p>EI-R24.2: “Note” removed as this effectively applies an exception for connections permitted under EI-R21; however this exemption is already included in the Rule Title for EI-R24.</p> <p>EI-R26: The exclusion of the rule to specified activities that was listed as a note has been moved to the Rule Title.</p> <p>EI-S1: The notes in this standard are considered to be exclusions and therefore have been amended to be referred to as such.</p>
21 – TRAN	<p>TRAN-S2 (Table 8): “Note” removed as the matters listed are considered to include requirements.</p> <p>TRAN-S7: The note relating to how fractional loading spaces are to be included in the calculation is considered to be a regulation and has therefore been shifted into the standard itself.</p> <p>TRAN-S9: The notes pertaining to Figures 7 &amp; 8 are considered to form part of the requirements relating to compliance with these figures and have therefore been shifted into Clause 2.</p> <p>TRAN-S13: The intent of the note was an advisory one, to alert plan users that a different rule applies for roads with speed limits of 70km/hr and above, otherwise plan users may not have been aware of this additional rule. It has been reworded to achieve this, rather than reading as a requirement within TRAN-S13 itself.</p> <p>TRAN-S20: “Note” removed as the text is considered to provide direction on how the table is to be applied, and therefore forms part of the requirements.</p>
23 – NH	<p>NH-R1: Note 2 is intended to be advisory, and rather than being a strict requirement, outlines what best practice AEP assessments include. It has therefore been reworded to provide guidance on how these assessments are done, rather than being drafted as an explicit direction about what must be undertaken.</p> <p>NH-R8.4: Note removed as while it is written as a requirement, it is not clear how supplying information to CRC relates to the application of the rule in the PDP, and is considered to relate more to the process between the two councils.</p>
30 – NF	NFL-R8: Although not included as a ‘Note’, the text in the rule has been shifted to the Rule title, for consistency.
33 – SUB	<p>SUB-R5.4: Note removed as while it is written as a requirement, it is not clear how supplying information to CRC relates to the application of the rule in the PDP, and is considered to relate more to the process between the two councils.</p> <p>SUB-S3.1: Note 1, relating to documentation has been removed, as the clauses referred to already require ‘evidence’ to be provided, so the note is superfluous. Note 2 has been reframed so that it is more clearly advisory.</p>

	SUB-S3.2 and SUB-S3.3: The notes have been shifted into the standards themselves as they provide exclusions from the standards.
36 – EW	EW-S2: “Note” removed as the text is considered to outline an exemption from the standard, and therefore is intended as part of the regulation. EW-S5: A minor change has been made to ensure the note (alerting plan users to the applicability of another rule) is drafted to be consistent with other similar notes.
40 - LIGHT	LIGHT-S1: The note has been shifted into Clause 2 of the standard as it is considered to form part of the requirements of this clause.
41 - NOISE	NOISE-R9: The note has been shifted into PER-2 of the rule as it is considered to form part of the requirements of this clause. It is noted that PER-3 already sets out the applicable time period, so no changes are required to this clause as a consequence of removing the note. It has also been confirmed with the Port that the application of PER-1 (which refers to NZS 6809:1999) does not rely on the District Plan definition of nighttime, so there is no need to shift the note into this clause either.
43 – SIGN	SIGN-R2, SIGN-R3, SIGN-R4.1, SIGN-R4.2, SIGN-R4.3: As these notes detail what matters of discretion are to be applied, they have been shifted into the matters of discretion.
44 – TEMP	TEMP-R4, TEMP-R6: “Note” removed, as it outlines what rules do not otherwise apply to the activities managed under these rules. It is therefore considered to amount to a regulation, rather than being advisory.
45 – GRZ	GRZ-R11: The note has been shifted to the rule title as it details an exemption from the rule.
46 – MRZ	MRZ-R11: The note has been shifted to the rule title as it details an exemption from the rule.
47 – GRUZ	The note has been deleted, as while drafted as a requirement, as a note it currently has no legal effect. If the note were to be shifted into the rule and made a specific requirement, this would necessitate an activity status being specified for instances where the information is not provided. The sufficiency of information provided with the application is considered to be best addressed (and is able to be addressed) through the s92 process, rather than through a change in activity status. It is also noted that there is no equivalent requirement in other rules managing mining and quarrying, so removal of the note ensures consistency across plan provisions.
48 – RLZ	RLZ-R18: The note in the rule title has been redrafted to form part of the Rule Title, for consistency with the drafting style otherwise used, and reflecting that it outlines an exclusion about what the rule applies to.
49 – SETZ	SETZ-O1, SETZ-O2, SETZ-P1, SETZ-P3 and SETZ-P4: The note has been shifted into the titles of these provisions as it details an exclusion.
56 – GIZ	GIZ-R1: The notes referring to the applicability of GIZ-R2 and GIZ-R4 have been removed. This is because the exclusion already sits in the rule title (“ <i>Excluding any industrial ancillary activities and offensive trades</i> ”) and therefore the additional reference to this in the rule itself is not considered to be necessary and results in duplication.
58 - OSZ	OSZ-O2: The note has been shifted into the title of this provision as it details an exclusion.
84 – APP7	In two instances, “Note” has been removed to reflect that the text which follows forms part of the requirements set out.
87 – APP10	Clause 7: “Note” removed as the text is considered to form part of the requirements.

100 – SCHED11 101 – SCHED12	The notes pertaining to consultation with Runanga have been edited to be clearer that consultation is expected, without being written as a “requirement”. It is not considered workable to include an explicit requirement within the schedule, given the way the schedule links to the rule framework. It has also been reframed to make it clearer that the purpose of the consultation is to understand where public access/esplanade provisions might not be appropriate in the circumstances due to adverse effects on wai tapu values.
Various	<p>There are several notes within activity-based rules, relating to buildings and structures. These are intended to be explanatory, and alert plan users that a separate rule applies to any building or structure (i.e. built form is managed separately to the activity itself). These notes have been amended so that they are drafted as ‘alerts’.</p> <p>This applies to: NFL-R6, GRZ-R1, GRZ-R4, GRZ-R7, GRZ-R8, MRZ-R1, MRZ-R4, MRZ-R12, GRUZ-R1, GRUZ-R2, GRUZ-R3, GRUZ-R4, GRZ-R5, GRUZ-R6, GRUZ-R10, GRUZ-R11, GRUZ-R12, GRUZ-R18, GRUZ-R21, GRUZ-R22, GRUZ-R23, GRUZ-R24, GRUZ-R25, RLZ-R1, RLZ-R2, RLZ-R4, RLZ-R5, RLZ-R10, RLZ-R11, RLZ-R12, RLZ-R13, SETZ-R1.1, SETZ-R2, SETZ-R3, SETZ-R4.1, SETZ-R5, SETZ-R6, SETZ-R7.2, SETZ-R8.1, SETZ-R8.2, SETZ-R11.1, SETZ-R11.2, SETZ-R12.1, SETZ-R12.2, SETZ-R14.1, SETZ-R14.2, SETZ-R15.2, NCZ-R1, NCZ-R2, LCZ-R1, LCZ-R2, LFRZ-R1, LFRZ-R2, LFRZ-R3, LFRZ-R4, LFRZ-R5.1, LFRZ-R5.2, LFRZ-R6.1, LFRZ-R6.2, LFRZ-R7, LFRZ-R8, LFRZ-R9, LFRZ-R10, MUZ-R1, MUZ-R2, MUZ-R3, MUZ-R4, MUZ-R5, MUZ-R6, MUZ-R7, MUZ-R8.1, MUZ-R8.2, TCZ-R1, TCZ-R2, TCZ-R3, TCZ-R4, TCZ-R5, TCZ-R9, TCZ-R10, CCZ-R1, CCZ-R2, CCZ-R3, CCZ-R4, CCZ-R5, CCZ-R11, NOSZ-R1, NOSZ-R2, NOSZ-R4, OSZ-R1, OSZ-R2, OSZ-R3.1, OSZ-R3.2, OSZ-R4, OSZ-R5, OSZ-R6, OSZ-R8, OSZ-R9, SARZ-R1, SARZ-R2, SARZ-R3, SARZ-R4, SARZ-R6, SARZ-R9.1, SARZ-R9.2.</p>
Various	There are some “notes” that specify where an application under the rule is precluded from limited or public notification. In these instances, the “Note” has been removed from these statements as they are considered to apply as a regulation.

**Table 4 – Comments on Draft Decision**

Part	Section / Para	Note						
3	Section 3.10	The Panel may wish to correct references to the submitter (i.e. change those instances of "Bidwell" to "Bidwill")						
4	Para [32]	Should the reference to "SCHED9 (ECO)" instead refer to "SCHED9 (ONF)"?						
6	Para [148](a)	The paragraph does not appear to accurately reflect the EW rules and how they relate to the s42A Officer recommendations for SASM-R1. The permitted volume in SASM-R1.1 (as recommended) would intentionally apply within the specified SASMs to primary production and ancillary rural earthworks (whereas under the EW chapter, no volume limits would apply to these activities). The position is correctly set out in para [152]. This could also be expressed more clearly in para [153](b), for example by saying " <i>aligning the 2000m<sup>2</sup> cap for "other activities" in EW-S1 in GRUZ and RLZ, in the wāhi tūpuna and wāhi taoka overlays</i> "						
	Paras [148](c) & [159]	Should the references to MDZ be to MRZ?						
	Para [250]	This paragraph indicates that the Panel decision is to retain the notified application of SASM-R8 (now R7) to shelterbelts, however this is not reflected in App 3; nor in the s32AA assessment in 3.17.2.						
7	Section 5.3; paras [274] – [276]	<p>Is the addition to NOISE-S3.1 Clause 1 intended to apply only to road and rail noise, as this is inferred in paras [274] and [275]? Currently, the Panel drafting would equally provide the option to the LFRZ, TCZ, CCZ and near frost fans; but there does not appear to be an explicit discussion on that being the intention (and the Council queries whether there is scope in the submissions for this wider change in approach).</p> <p>If the intention is for it to apply to only to road and rail noise, this following drafting is recommended:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th style="width: 35%;">NOISE-S3</th> <th style="width: 40%;">Acoustic insulation</th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><b>1.</b> <b>Within 40m of a State Highway with a posted speed limit of 50 km/hr or less</b></p> <p><b>Within 80m of a State Highway with a posted speed limit greater than 50 km/hr</b></p> <p><b>Within 40m/100m of a railway line</b></p> <p><b>Large Format Retail Zone</b></p> <p><b>Town Centre Zone</b></p> </td> <td style="vertical-align: top;"> <p>1. Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building or room that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more, must be designed, constructed and maintained to achieve:</p> <p style="background-color: #f2dede;">a. a minimum external to internal noise reduction for habitable rooms of not less than 35 dB <math>D_{tr,2m,nT,w} + C_{tr,QoI}</math></p> <p style="background-color: #f2dede;">b. where in relation to a State Highway or railway line, internal design sound levels of 35dB <math>L_{Aeq}(1hr)</math></p> <p>2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with:</p> </td> <td style="vertical-align: top;"> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and</li> <li>2. any legal instrument proposed; and</li> <li>3. mitigation of noise achieved through other means; and</li> </ol> </td> </tr> </tbody> </table>	NOISE-S3	Acoustic insulation		<p><b>1.</b> <b>Within 40m of a State Highway with a posted speed limit of 50 km/hr or less</b></p> <p><b>Within 80m of a State Highway with a posted speed limit greater than 50 km/hr</b></p> <p><b>Within 40m/100m of a railway line</b></p> <p><b>Large Format Retail Zone</b></p> <p><b>Town Centre Zone</b></p>	<p>1. Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building or room that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more, must be designed, constructed and maintained to achieve:</p> <p style="background-color: #f2dede;">a. a minimum external to internal noise reduction for habitable rooms of not less than 35 dB <math>D_{tr,2m,nT,w} + C_{tr,QoI}</math></p> <p style="background-color: #f2dede;">b. where in relation to a State Highway or railway line, internal design sound levels of 35dB <math>L_{Aeq}(1hr)</math></p> <p>2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with:</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and</li> <li>2. any legal instrument proposed; and</li> <li>3. mitigation of noise achieved through other means; and</li> </ol>
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<p><b>City Centre Zone</b></p> <p><b>General Rural Zone within between 100m and 300m of any frost fan (including any frost fan for which a resource or building consent has been issued)</b></p>	<p>a. Table 25 — Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation; or</p> <p>b. an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard.</p> <p><i>Note: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.</i></p>	<p>4. the amenity of present and future residents of the site.</p>
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A further alternate would be to split NOISE-S3 into three sub-clauses, as follows:

NOISE-S3	Acoustic insulation	
<p>1.</p> <p><b>Within 40m of a State Highway with a posted speed limit of 50 km/hr or less</b></p> <p><b>Within 80m of a State Highway with a posted speed limit greater than 50 km/hr</b></p> <p><b>Within 40m/100m of a railway line</b></p> <p><b>Large Format Retail Zone</b></p> <p><b>Town Centre Zone</b></p> <p><b>City Centre Zone</b></p> <p><b>General Rural Zone within between 100m and 300m of any frost fan (including any frost fan for which a resource or building consent has been issued)</b></p>	<p>1. Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building or room that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more, must be designed, constructed and maintained to achieve:</p> <p>a. a minimum external to internal noise reduction for habitable rooms of not less than <math>35 \text{ dB } D_{tr,2m,nT,w} + C_{tr}</math></p> <p>b. internal design sound levels of <math>35 \text{ dB } L_{Aeq}(1hr)</math></p> <p>2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with:</p> <p>a. Table 25 — Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation; or</p> <p>b. an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard.</p> <p><i>Note: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.</i></p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and</li> <li>2. any legal instrument proposed; and</li> <li>3. mitigation of noise achieved through other means; and</li> <li>4. the amenity of present and future residents of the site.</li> </ol>

		<p><b>12.</b>  <del>Within 40m of a State Highway with a posted speed limit of 50 km/hr or less</del></p> <p><del>Within 80m of a State Highway with a posted speed limit greater than 50 km/hr</del></p> <p><del>Within 40m/100m of a railway line</del></p> <p><b>Large Format Retail Zone</b></p> <p><b>Town Centre Zone</b></p> <p><b>City Centre Zone</b></p> <p><b>General Rural Zone within between 100m and 300m of any frost fan (including any frost fan for which a resource or building consent has been issued)</b></p> <p><b>23.</b>  <b>General Residential zZone within 20m of the boundary with an General Industrial zZone</b></p> <p>...</p>	<p>1. Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building or room that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more, must be designed, constructed and maintained to achieve a minimum external to internal noise reduction for habitable rooms of not less than 35 dB <math>D_{tr,2m,nT,w} + C_{tr}</math></p> <p>2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with:</p> <ol style="list-style-type: none"> <li>Table 25 — Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation; or</li> <li>an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard.</li> </ol> <p><i>Note: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.</i></p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>effects on the ability of existing or permitted activities to operate or establish without undue constraint; and</li> <li>any legal instrument proposed; and</li> <li>mitigation of noise achieved through other means; and</li> <li>the amenity of present and future residents of the site.</li> </ol>
10	Para [288]	The submitter has advised the Council that the size of the land referred to as the “Burdon land” in this paragraph is incorrect. The land area is 8.8717 hectares (not 2.4 hectares as stated).		
Appendix 2	Change ID 28	The submitter has advised the Council that there is grammatical error in the ‘Description’ column (“ <i>replace the erosion overly <b>be create</b> a layer using...</i> ” (emphasis added.)) It is acknowledged that this was in the ‘Final Reply – Appendix A – 105. List of mapping changes’ which was provided to the Panel. However, the Council agrees with the submitter that this could cause confusion and should be amended, as follows: <i>Replace the erosion overl<b>ay</b> by creating a layer using the revised PTDP erosion line and the RECP Erosion line and only cover the area that is <b>landward</b> of the RECP line but <b>seaward</b> of the PTDP line.</i>		
	Change ID 48	The submitter has advised the Council that the map used to identify the area for proposed new SNA998 is incorrect (noting that it was also incorrect in the ‘Final Reply – Appendix A – 105. List of mapping changes’ which was provided to the Panel). The wider area was not proposed by the submitter and would therefore be outside scope of the submission and be inconsistent with the Stakeholder Site Rehabilitation Agreement		

that the submission was based on. The correct map, taken from the submission, is set out below, and should replace that used in Appendix 10, with the blue area being the extent of the SNA.

