

**BEFORE THE HEARINGS PANEL
AT TIMARU**

IN THE MATTER of the Resource Management Act
1991 ("**the Act**")

AND

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of the hearing of submissions on The
Proposed Timaru District Plan

Hearing Stream B: Rural

STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON

FOR HORTICULTURE NEW ZEALAND

5 JULY 2024

CONTENTS

SUMMARY STATEMENT	3
QUALIFICATIONS AND EXPERIENCE	4
SCOPE OF EVIDENCE.....	4
REVERSE SENSITIVITY AND SENSITIVE ACTIVITIES	5
SHELTERBELTS.....	11
ARTIFICIAL CROP PROTECTION STRUCTURES	12
RULE GRUZ-R19 SEASONAL WORKERS' ACCOMMODATION	15
RULE GRUZ-R20 PERMANENT WORKERS' ACCOMMODATION.....	15
APPENDIX 1 – PROPOSED AMENDMENTS TO PLAN CHANGE PROVISIONS.....	18
APPENDIX 2 – PARTIALLY OPERATIVE SELWYN DISTRICT PLAN.....	24
APPENDIX 3 – WHANGAREI DISTRICT PLAN	25

SUMMARY STATEMENT

1. This planning evidence addresses the Horticulture New Zealand ("**HortNZ**") submission on the Timaru District Council's ("**TDC**") s42A Report response to the submissions on the Proposed Timaru District Plan ("**PDP**"), Hearing Stream B: Rural.
2. The submissions cover a number of provisions, but I have been asked to provide planning evidence on the topics: reverse sensitivity and sensitive activities, shelterbelts, artificial crop protection structures, seasonal and permanent workers accommodation.
3. My suggested amendments to the provisions of the PDP as they relate to those topics are included by provision, in Appendix 1.
4. I support the recognition in the proposed plan of the need to protect primary production from reverse-sensitivity effects in the GRUZ. However, amendments are needed to ensure a clear, consistent and effective approach to managing reverse-sensitivity.
5. In particular, I recommend that if the activity status remains permitted for sensitive activities, then GRUZ-S4(2) should be amended such that it applies a 20m setback to a new building for a sensitive activity *and* to the establishment of a sensitive activity within an existing residential unit.
6. I considered a 30m reciprocal setback for new shelterbelts and new residential units would in my opinion assist with addressing the amenity concern and align with the fire risk approach such that the recession plane rule is likely to be redundant.
7. I agree with the s42A report writer and the evidence of HortNZ that artificial crop protection structures are necessary to enable primary production activities. However, amendments are needed to the rule structure to enable the benefits that primary production brings and respond to the area of sensitivity around residential units that exist in the environment.
8. In my view, worker's accommodation should be provided for in the GRUZ as recommended in the s42A report to support primary production and achieve the outcomes sought by the proposed plan.

QUALIFICATIONS AND EXPERIENCE

9. My full name is Vance Andrew Hodgson. I am a director of HPC Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 20 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.
10. I have worked in the public sector, where I was employed in student, assistant, and senior policy planning roles by the Franklin District Council. I have provided resource management consultancy services to various district and regional councils. The scope of work for the public sector has been broad, covering plan change processes, submissions to national standards/regulations/policy statements and regulatory matters, mediation, and appeals.
11. In private practice I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment. I have provided independent resource management advice to HortNZ on policy matters across New Zealand since 2012.
12. While these are not proceedings in the Environment Court, I consider the Environment Court's Code of Conduct for Expert Witnesses relevant, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

13. This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the Section 42A Report, prepared by Timaru District Council for Hearing Stream B: Rural.

14. The submissions focused on the provisions for the rural zones and seek to ensure the provisions enable and support the ongoing primary production activities of horticulture and supporting activities in the district, recognising existing activities and making provision for growth and land use change.
15. I did not prepare the submissions for HortNZ but have been asked to present planning evidence on the following matters:
- Reverse Sensitivity and Sensitive Activities
 - Shelterbelts
 - Artificial Crop Protection Structures
 - Seasonal and Permanent Workers Accommodation
16. I note for the panel that I have also been asked to prepare planning evidence for the New Zealand Pork Industry Board on overlapping submissions concerning reverse sensitivity and sensitive activities and permanent workers accommodation. There is therefore some repetition across the two statements of evidence on these matters.
17. My evidence includes recommended amendments to the plan change provisions where appropriate. Appendix 1 includes a list of my suggested amendments to the plan change by provision order for ease of reference.
18. For the submissions of HortNZ, I rely on the evidence provided by Sarah Cameron, the Senior Policy Advisor for HortNZ.

REVERSE SENSITIVITY AND SENSITIVE ACTIVITIES

Defining a 'Sensitive Activity'

19. Sensitive activity is defined in the PDP as follows:

means:

1. *Residential activities;*
2. *Education facilities and preschools;*
3. *Guest & visitor accommodation;*
4. *Health care facilities which include accommodation for overnight care;*
5. *Hospitals;*

6. Marae (*building* only); or

7. *Place of assembly*.

except that:

a. subclause f. above is not applicable in relation to electronic transmission.

b. subclause g. above is not applicable in relation to *noise* or electronic transmission.

20. Where interpretation is important in understanding the outcome sought by an objective or policy and in determining the activity status of a rule, the definition must be clear. The PDP definition accords with my experience with activities that can be sensitive to the effects of primary production.

GRUZ-R7 Educational Facilities

GRUZ-R8 Supported Residential Care Activity

GRUZ-R9 Residential Visitor Accommodation

21. Rules GRUZ-R7, GRUZ-R8 and GRUZ-R9 provide a permitted activity pathway for defined sensitive activities¹ where minimum standards are met.

22. All activities require that the activity to be contained within and ancillary to the use of, an existing principal residential unit. In addition, particular standards apply as follows:

- A permitted education facility must be for childcare or home schooling with a maximum number of children of six excluding those that live onsite.
- A permitted supported residential care activity must have a maximum occupancy not exceeding six residents, not including any staff.
- A permitted residential visitor accommodation has a maximum occupancy of six guests per night.

23. Both HortNZ² and NZPork³ sought a change in activity status for these activities on the basis that they are potentially sensitive to the effects of primary production and best

¹ Proposed Timaru District Plan. s42A Report: Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions: Paragraphs 220-225

² 245.125, 245.126, 247.127

³ 247.26, 247.27, 247.28

managed through a consent process (restricted discretionary).

24. I do not take the same comfort as the s42A report writer⁴ who is of the opinion that the introduction of these activities within the existing principal residential unit will not increase the sensitivity of the activity to the effects of primary production to such an extent that it would warrant the need for a consent application.
25. If primary production is to be protected from sensitive activities (GRUZ-03) or indeed the effects of reverse sensitivity as per the change recommended by the s42 report writer to this objective⁵, then it is my opinion that these defined sensitive activities should be subject to greater controls.
26. The expectations of those undertaking or enjoying these activities might conflict with primary production. In the case of parents looking at rural based educational options this might conflict with the smells, sights, noise and vehicle movements of primary production. The same conflict is possible between supported residential care activity and residential visitor accommodation that might have looked to leverage from a perception of rural character and amenity that might be quite different from the reality of the GRUZ, which has a purpose set out in GRUZ-O1 that aligns with the zone name and description prescribed in the Zone Framework Standards of the National Planning Standards⁶.
27. The controls on the maximum number of participants for each activity, is a useful method but still brings a gathering of people (children and parents, those needing care and visitors) into an existing dwelling that might be adjacent an existing farm and create new or compound conflict and complaints.
28. Physical separation from key primary production activities is an additional method that can be used and aligns with GRUZ-P5. It is a method applied through GRUZ-S4 to other permitted sensitive activities including new residential units. It is also

⁴ Proposed Timaru District Plan. s42A Report: Rural Zones: Paragraph 10.19.3. 0.20.3. 10.21.4

⁵ Proposed Timaru District Plan. s42A Report: Rural Zones: Paragraph 10.4.18

⁶ *General Rural Zone: Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.* Ministry for the Environment. November 2019.
National Planning Standards Table 13: Zone names and descriptions

applied through GRUZ-S5 to new intensive primary production activities and new farm effluent disposal areas.

29. The s42A author recommendation is that if the Hearing Panel did consider the separation of these activities and primary production was required, a better approach would be to require them to meet permitted standard GRUZ-S5 to ensure they are setback from intensive primary production activities, farm effluent disposal areas, and a lawfully established quarries or mines.
30. I agree with the recommendation but assume the reference should be to GRUZ-S4 Setbacks for Sensitive Activities.
31. I do not consider the sensitivity of these activities would be similar to that of a residential activity. As previously expressed, I consider these activities could potentially bring children and parents, those needing care and visitors, with different amenity expectations into the rural environment than those of existing residents that might otherwise accept primary production as part of the character and amenity of this environment.
32. If GRUZ-S4 is applied to these activities, then the following standards would apply to the change of land use of the existing residential unit:
 1. No new sensitive activity may be established within 500m from:
 - a. the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and
 - b. an existing farm effluent disposal area; and
 - c. a lawfully established quarry or mine.
 2. No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;
 3. No new building for a sensitive activity may be erected within 20m of an existing shelter belt.
33. My preference is as per the HortNZ and NZPork submissions that these activities have a restricted discretionary status with

matters of discussion covering reverse sensitivity, cumulative effects and mitigations that might be provided to address the effect. E.g.

The potential for reverse sensitivity effects to arise on primary production in the surrounding environment, including any cumulative reverse sensitivity effects arising due to the establishment of additional sensitive activities and any mitigations;

34. However, if GRUZ-S4 is applied as a permitted activity standard I note that while GRUZ-S4(1) is helpful in the context of intensive primary production, GRUZ-S4(2) is not applicable as it applies to new buildings and not existing residential units within which these activities are required to establish.
35. If the activity status is to remain permitted for sensitive activities, it is my recommendation that consideration is given to amending the setback standards of GRUZ-S4(2) such that it applies to a new building for a sensitive activity *and* to the establishment of a sensitive activity in an existing residential unit.
36. As proposed, GRUZ-S4(2) is nuanced to apply a 10m boundary setback for new buildings for sensitive activities on sites existing prior to 22 September 2022 and a 20m setback for those created after that date.
37. The submission of HortNZ [245.130] seeks that this is amended such that a 20m setback applies to all sites. I support that submission and recommend GRUZ-S4(2) is amended to capture the above as follows:

GRUZ-S4

2. No new building for a sensitive activity may be erected, and no new sensitive activity may be established in an existing residential unit, within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;"

38. Setbacks are a blunt but effective method and I appreciate that where setbacks change through plan reviews there can be an effect on the land use and development aspirations of landowners. However, the setback of concern here is in

regard to separating activities that can and do conflict and it is not clear to me why it is appropriate to nuance the setback if 20m is determined to be the most effective distance. I note this is not the style of GRUZ-S4(1) which applies a setback for new sensitive activities from intensive primary production and other activities, with no site date qualifiers.

39. I consider the amendments I propose would provide greater clarity as to how reverse sensitivity effects on primary production activities are to be managed, enabling the efficient use and development of the GRUZ as required by Section 7(b). In addition, these amendments assist in enabling maintenance and enhancement the amenity of sensitive activities as required by Section 7(c) of the RMA. The amendments assist with achieving the purpose of the zone as express through GRUZ-O1, protecting primary production from reverse sensitivity effects as express through GRUZ-O3, and the amenity outcomes sought for sensitive activities as they exist and are able to assimilate into the environment described in GRUZ-O2(2) *being a working environment of mostly utilitarian buildings and structures and machinery where primary production generates noise, odour, light overspill and traffic, often on a cyclic and seasonable basis.*

GRUZ-R11 Recreation activities

40. The submission of HortNZ [245.114] and NZPork [247.29] also sought a restricted discretionary activity status for recreational activities (GRUZ-R11) on the basis this is also an activity sensitive to the effects of primary production. I note this is not a sensitive activity by definition.
41. Where it involves organised sports, the setbacks prescribed in GRUZ-S4 are a permitted activity performance standard. This highlights the sensitivity of the activity, irrespective of it falling outside of the definition.
42. The s42A recommendation is to amend GRUZ-R11 to enable as a permitted activity, commercial recreational activities that are undertaken outdoors and involve less than 15 people.
43. These activities have a permitted activity status where they meet the following definition:

means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of

organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not.

44. I see this activity an uneasy fit in the rural zones and an area where conflict with primary production is likely. Those conflicts extend to animal welfare, biosecurity, safety, noise, fires, fireworks, people, traffic. This is an activity that could introduce people into the rural environment seeking active or passive recreational enjoyment and that expectation could clash with a primary production activity.
45. Applying a sensitive activity setback provides a layer of control but in this case only for organised sports. As per other defined sensitive activities discuss above, I consider the activity should be subject to consenting where the appropriateness of the activity could be considered on its merits and where conditions of consent might need to be imposed to manage effects.
46. My review of the GRUZ objective and policy suite is that it does not fall to support a permitted activity status for all recreational activities with the definition proposed. The focus is on ensuring primary production activities are enabled and not limited or constrained by other activities. A recreational activity adjoining primary production could have that affect.
47. If the permitted activity status is to remain it is my opinion that the broad suite of setbacks prescribed in GRUZ-S4 should apply to all recreation activities (and as proposed to be amended in this evidence).

SHELTERBELTS

48. The GRUZ provisions relating to shelterbelts (as recommended in the s42A report) are:

A new s42A proposed policy:

- GRUZ-P11 Wildfire risk

Control the location of woodlots and shelterbelts to reduce the wildfire risk to neighbouring residential properties

A new s42A proposed rule:

- GRUZ-R15 Shelterbelts and woodlots

PER-3 Any shelterbelt or woodlot shall be setback 30m from any residential unit or other principal building on an adjoining property

Proposed Rule

- *GRUZ-S4 Setbacks for sensitive activities*

3. No new building for a sensitive activity may be erected within 20m of an existing shelter belt.

49. The rules are structured such that a shelterbelt is required to be 30m from any residential unit to address fire risk but there appears no equivalent standard for new residential units. GRUZ-S4 (3) addressing an amenity concern, not fire risk.
50. It would seem appropriate that the setback is consistent and that the more precautionary 30m is adopted.
51. I was not involved in the proposed Selwyn District Plan proceedings, but HortNZ was. I understand from that decision that a similar inconsistency arose. The Partially Operative Selwyn District Plan (Appeals) version includes a GRUZ rule requiring a 30m setback of shelterbelts and woodlots from any residential unit on an adjoining property and a 30m setback from internal boundaries of any new residential unit. (refer attachment) for both fire risk and reverse sensitivity/amenity purposes. In my opinion a better planning response.
52. The submission of HortNZ [245.118] opposed the recession plane standard of GRUZ-R15. As described in the evidence from HortNZ, this is likely to impact on existing shelterbelts, planted specifically to support the primary production activity. I assume existing use rights would not apply if those existing shelterbelts grew into an encroachment.
53. As with the Selwyn District approach, a 30m reciprocal setback for new shelterbelts and new residential units would in my opinion assist with addressing the amenity concern and align with the fire risk approach such that the recession plane rule is likely to be redundant.

ARTIFICIAL CROP PROTECTION STRUCTURES

54. The submission of HortNZ [245.120, 245.6], supported a permitted activity rule structure for Artificial Crop Protection

Structures but highlighted structural issues with the rule structure.

55. The s42A report⁷ has helpfully considered the submission and provided useful recommendations.
56. Firstly, the recommendation is to amend GRUZ-18 PER2 to apply a control to ensure dark green or black cloth is used for all vertical faces within 20m of the boundary of the site. I understand this to be a useful mitigation to address potential effects of white cloth and a mechanism used in other plans.
57. Secondly the recommendation is to delete GRUZ-18 PER4 that applied a 100m horizontal limit on artificial crop protection structures. I agree with the s42A report writer and the evidence of HortNZ that artificial crop protection structures are necessary to achieve GRUZ-O1 and GRUZ-P1, which enable primary production activities. I also expect that intermittent breaks in these structures to meet the standard would not change the outcome.
58. A recent consent order⁸ for appeals between HortNZ and the Waikato District Council concerning artificial crop protection structures under the Proposed Waikato District Plan provides an agreed position for artificial crop protection structures that requires no setback unless boarding a residential unit.
59. Similar issues to those raised here were addressed in terms of how best to manage the interface between artificial crop protection structures and established residential units. The agreed outcome, which I support, was a nuanced setback as follows:

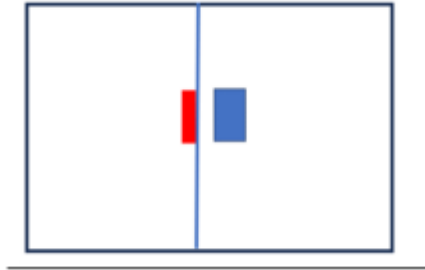
Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.

Advice note: To clarify the application of GRUZ-SX(1)(c) the below diagram shows the applicant site on the left,

⁷ Proposed Timaru District Plan. s42A Report: Rural Zones: Paragraph 10.28.4-10.28.7

⁸ <https://environmentcourt.govt.nz/assets/Documents/Publications/2024-NZEnvC-063-Horticulture-New-Zealand-v-Waikato-District-Council.pdf>

and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary.



60. The section 32AA evaluation sets out the following statement in regard to the package of changes:

- *They ensure the use of Artificial Crop Protection (ACP) Structures which is integral to the productive use of land for growing crops and which are not uncommon or unanticipated in rural environments. Enablement of these structures also facilitates the productive use of highly productive land and helps to give effect to the NPS-HPL;*
- *The requirement to use recessive colours on the cloth assists in mitigating visual effects;*
- *The economic benefits of the use of ACP Structures outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves; and*
- *They are the most effective method as they avoid adding further complications to the complexity of rule GRUZ-S12 with a series of exemptions and additional internal boundary ACP Structures clauses.*

61. In my opinion these findings are also relevant to the Timaru situation. The tailored rule enables primary production and the benefits that brings and responds to the area of sensitivity around for residential units that exist in the environment.

62. The evidence of HortNZ identifies that in Timaru the typical height of artificial crop protection structures is 5-6m. The proposed rule uses 4m as a threshold which does not appear

to relate to the activity. I recommend a maximum height of 6m within the 5m setback is also included in the rule structure. The Whangarei District Plan uses this approach, reflective of the typical height of artificial crop protection structures in that district. Refer attachment.

RULE GRUZ-R19 SEASONAL WORKERS' ACCOMMODATION

- 63. Policy GRUZ-P9 and Rule GRUZ-R19 provides for seasonal worker accommodation.
- 64. The submissions of HortNZ [245.24, 245.31, 245.103, 245.121] generally supported these provisions but sought a definition of post-harvest facility be included to assist with plan interpretation and that the site area thresholds be lowered.
- 65. The s42A recommendation is to include a definition of post-harvest facility and I support that recommendation to assist with plan interpretation.
- 66. The request to lower the site size thresholds is recommended to be rejected. I concur with the s42 report writer that the framework enables the consideration of seasonal workers accommodation on sites smaller than 40ha where PER-1(1)-(3) can be achieved and a consenting pathway is available for non-compliance.
- 67. I understand that retaining multiple pathways is important for the horticultural sector. It has been my experience assisting applicants in other districts that multiple scenarios can arise. For example, it is common for growers to own multiple sites that form a growing operation, and it may be more efficient and effective to have the seasonal workers accommodation on a site not containing an existing dwelling. Site size can be irrelevant in a growing system that operates across multiple parcels such that orchards and cropping occurs across boundaries and properties can often be individually less than 20ha in area.
- 68. I support the rule proposed and recommendation of the s42 report writer.

RULE GRUZ-R20 PERMANENT WORKERS' ACCOMMODATION

- 69. Policy GRUZ-P9 and Rule GRUZ-R20 provides for permanent worker accommodation.

70. Both NZPork [247.30] and HortNZ [245.122] supported these provisions but raised concern with the site area thresholds.
71. The s42A recommendation is to lower the threshold from 80ha to 40ha. I support the recommendation and also note that the framework enables the consideration of workers accommodation on sites smaller than 40ha via a consenting pathway.
72. Addressing the issue of need, I refer to the industry evidence of both NZPork and HortNZ that show this is an ancillary activity that typically supports primary production. A 40ha unit size brings the threshold more closely to the site sizes used to support pig farming and likely closer to some horticultural units
73. For the pig farming sector, the need largely relates to the volume of work and animal husbandry requirements. Having workers live onsite ensures 24hour availability of staff, minimises the animal welfare risks, and inefficiency associated with an employee living offsite. As is the case with many farm workers situations, it is reasonable to expect there may be an associated household of partners and children.
74. For the horticultural sector, the need can vary from permanent to seasonal employee requirements and a range of accommodation styles. Workers can live offsite but there are production efficiencies and advantages in providing accommodation on the site of production activity.
75. The PDP is a plan for current and future land use with GRUZ-O1 clearly establishing the important place for primary production and those activities that directly support primary production in the district's future. This is a worthy objective.
76. I note there are drivers for change that support a transition within the primary production sector to improve efficiency, sustainability, and the drive to lower emissions. This trend is occurring internationally as consumers across the world demand higher requirements in areas like sustainability, climate change, food traceability and animal welfare practices.
77. I understand from information provided by NZPork, that pig farming is potentially an option in mixed farming systems for farmers wanting to reduce their biogenic methane emissions without losing production.

78. I understand from HortNZ that diversification to horticulture presents an opportunity to reduce emissions while increasing food production and that the drivers and conditions for growth in Horticulture exist in the district. In my opinion achieving GRUZ-O1 and providing flexibility for land use change, leads to a need to ensure district plans methods support all aspects of the primary production systems and supporting activities. Workers' accommodation is a necessary supporting activity.
79. The provision for workers' accommodation has the potential to undermine the residential density standards set in the plan change if that accommodation is not used for intended purpose or becomes surplus to requirements and is subdivided and sold as a principal residential unit. This could then effectively introduce more sensitive activities into the rural environment and not achieve the purpose of the Act or the objectives of the rural zone.
80. In the PDP, the rules and assessment are structured to avoid this outcome and I support the provisions.

APPENDIX 1 – PROPOSED AMENDMENTS TO PLAN CHANGE PROVISIONS

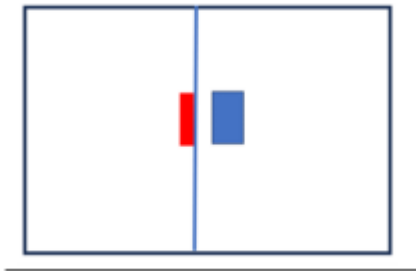
The provisions in the Timaru District Plan are shown in **green text** with amendments as recommended in the S42A Report are shown in **strikeout** and **blue italics**. Amendments recommended in this evidence are shown with deleted text is shown as strikeout and new text as underlined in black.

Provision	Proposed Plan including amendments in S42A Report	As Recommended in this Evidence
GRUZ-R7 Educational facilities	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>The activity is undertaken within, and ancillary to the use of, an existing principal residential unit; and</p> <p>PER-2</p> <p>The education facility is for a childcare service, or home schooling; and</p> <p>PER-3</p> <p>The maximum number of children attending at any one time is six, excluding any children who live there.; <u>and</u></p> <p><u>PER-4</u></p> <p><u>All the Standards of this chapter are complied with</u></p>	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>The activity is undertaken within, and ancillary to the use of, an existing principal residential unit; and</p> <p>PER-2</p> <p>The education facility is for a childcare service, or home schooling; and</p> <p>PER-3</p> <p>The maximum number of children attending at any one time is six, excluding any children who live there; <u>and</u></p> <p><u>PER-4</u></p> <p><u>All the Standards of this chapter are complied with</u> <u>and</u></p> <p><u>PER-5</u></p> <p><u>The education facility complies with GRUZ-S4.</u></p>
GRUZ-R8 Supported residential care activity	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>The supported residential care activity is within, and ancillary to the use of, an existing principal residential unit; and</p>	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>The supported residential care activity is within, and ancillary to the use of, an existing principal residential unit; and</p>

	<p>PER-2 The maximum occupancy does not exceed six residents, not including any staff.</p>	<p>PER-2 The maximum occupancy does not exceed six residents, not including any staff. <u>and</u></p> <p><u>PER-3</u> <u>The supported residential care activity complies with GRUZ-S4.</u></p>
GRUZ-R9 Residential visitor accommodation	<p>Activity status: Permitted Where</p> <p>PER-1 The visitor accommodation is contained within, and ancillary to the use of, an existing principal residential unit; and</p> <p>PER-2 The maximum occupancy is six guests per night.</p>	<p>Activity status: Permitted Where</p> <p>PER-1 The visitor accommodation is contained within, and ancillary to the use of, an existing principal residential unit; and</p> <p>PER-2 The maximum occupancy is six guests per night. <u>and</u></p> <p><u>PER-3</u> <u>The visitor accommodation complies with GRUZ-S4.</u></p>
GRUZ-R11 Recreation activities	<p>Activity status: Permitted Where</p> <p>PER-1 The activity is not operated as a commercial activity; and</p> <p><u>PER-1A</u> <u>Notwithstanding PER-1 above, any commercial recreation activity that is undertaken outdoors and involves less than 15 people</u></p> <p>PER-2 Any organised sports comply with GRUZS4, 'sensitive</p>	<p>Activity status: Permitted Where</p> <p>PER-1 The activity is not operated as a commercial activity; and</p> <p><u>PER-1A</u> <u>Notwithstanding PER-1 above, any commercial recreation activity that is undertaken outdoors and involves less than 15 people</u></p> <p>PER-2 Any organised sports <u>Recreation activities</u> comply with <u>GRUZ-S4</u>, 'sensitive</p>

	<p>activity' in this standard should be read as 'organised sports'.; and</p> <p>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</p>	<p>activity' in this standard should be read as 'organised sports'.; and</p> <p>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</p>
GRUZ-R15 Shelterbelts <u>and</u> <u>woodlots</u>	<p>Activity status: Permitted Where:</p> <p>PER-1 The height of any <u>shelterbelt trees</u> located within 100m of a residential unit on an adjoining site are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the residential unit; and</p> <p>PER-2 <u>Shelterbelt Trees</u> are not in such a position that they cause icing of a road as a result of shading the road between 10am and 2 pm on the shortest day.</p> <p>PER-3 <u>Any shelterbelt or woodlot shall be setback 30m from any residential unit or other principal building on an adjoining property.</u></p>	<p>Activity status: Permitted Where:</p> <p>PER-1 The height of any shelterbelt trees located within 100m of a residential unit on an adjoining site are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the residential unit; and</p> <p>PER-2 <u>Shelterbelt Trees</u> are not in such a position that they cause icing of a road as a result of shading the road between 10am and 2 pm on the shortest day.</p> <p>PER-3 <u>Any shelterbelt or woodlot shall be setback 30m from any residential unit or other principal building on an adjoining property.</u></p> <p>PER-4 <u>Any new residential unit or other principal building on an adjoining property shall be setback 30m from any shelterbelt or woodlot.</u></p>
GRUZ-R18	<p>Activity status: Permitted Where:</p> <p>PER-1 The structure(s) are open at the side; or</p>	<p>Activity status: Permitted Where:</p> <p>PER-1 The structure(s) are open at the side; or</p>

	<p>PER-2 Dark green or black cloth is used for all vertical faces <u>located within 20m of the boundary of the site and</u></p> <p>PER-3 The structure meets the following setback: 1. For structure(s) less than 4m high, the structure(s) are setback a distance of: a. 10m from road boundaries; b. 20m from road boundaries that are a national, regional or district arterial road; c. 15m from a non-road boundary of a site in different ownership; and 2. For structure(s) greater than 4m in height, then the horizontal setback distance between the boundary and the structure should increase a further 5m than that stated above for every 2m increase in height; and</p> <p><u>PER-4</u> <u>The structure(s) are collectively no longer than 100m (measured parallel to any common boundary with a site in different ownership).</u></p>	<p>PER-2 Dark green or black cloth is used for all vertical faces <u>located within 20m of the boundary of the site and</u></p> <p>PER-3 The structure meets the following setback: 1. For structure(s) less than 4m high, the structure(s) are setback a distance of: a. 10m from road boundaries; b. 20m from road boundaries that are a national, regional or district arterial road; c. 15m from a non-road boundary of a site in different ownership; and 2. For structure(s) greater than 4m in height, then the horizontal setback distance between the boundary and the structure should increase a further 5m than that stated above for every 2m increase in height; and</p> <p><u>Where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit and a maximum height of 6m.</u></p> <p><u>Advice note: To clarify the application of GRUZ-R18(3) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary.</u></p>
--	--	---

		 <p>PER-4 The structure(s) are collectively no longer than 100m (measured parallel to any common boundary with a site in different ownership).</p> <p><u>PER-4</u></p>
GRUZ-S4 Setbacks for Sensitive Activities	<p>1. No new sensitive activity may be established within 500m from:</p> <ul style="list-style-type: none"> a. the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and b. an existing farm effluent disposal area; and c. a lawfully established quarry or mine. <p>2. No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;</p> <p>3. No new building for a sensitive activity may be erected within 20m of an existing shelter belt.</p>	<p>1. No new sensitive activity may be established within 500m from:</p> <ul style="list-style-type: none"> a. the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and b. an existing farm effluent disposal area; and c. a lawfully established quarry or mine. <p>2. No new building for a sensitive activity may be erected, <u>and no new sensitive activity may be established in an existing residential unit, within 20m from any other site boundary in a different ownership where a primary production activity is being conducted,</u> unless the site existed prior to 22 September 2022, in which case a 10m setback applies;"</p> <p>3. No new building for a sensitive</p>

	<p><u>4. No new sensitive activity may be established within xxm from the boundary of any area used for the discharge of industrial trade waste at Fonterra Clandeboye site.</u></p> <p>Except that these setbacks do not apply to a new sensitive activity being established within the same site on which a lawfully established: intensive primary production activity; effluent disposal; quarry or mine; is located.</p> <p>Note: The Canterbury Regional Council regulates the discharge of contaminants into air from animal effluent in the Canterbury Air Regional Plan.</p>	<p>activity may be erected within 20m of an existing shelter belt.</p> <p><u>4. No new sensitive activity may be established within xxm from the boundary of any area used for the discharge of industrial trade waste at Fonterra Clandeboye site.</u></p> <p>Except that these setbacks do not apply to a new sensitive activity being established within the same site on which a lawfully established: intensive primary production activity; effluent disposal; quarry or mine; is located.</p> <p>Note: The Canterbury Regional Council regulates the discharge of contaminants into air from animal effluent in the Canterbury Air Regional Plan.</p>
--	---	--

APPENDIX 2 – PARTIALLY OPERATIVE SELWYN DISTRICT PLAN

NH-REQ7Wildfire Setbacks

GRUZ

1. Any new woodlot or shelterbelt shall comply with the following separation distances, measured from the outside extent of the canopy:

a. 30m from any residential unit or other principal building on an adjoining property; and

b. 30m from any zone that is not a rural zone; and

c. 5m from any adjoining legally established accessway to a residential unit or other principal building.

Activity status when compliance not achieved:

2. When compliance with any of NH-REQ7.1. is not achieved: RDIS

Matters for discretion:

3. The exercise of discretion in relation to NH-REQ7.2. is restricted to the following matters:

a. NH-MAT5.A Wildfire

Notification:

4. Any application arising from NH-REQ7.2. shall not be subject to public notification.

GRUZ-REQ4Structure Setbacks

GRUZ (excluding PREC11)

1. All structures, excluding public amenity structures, shall comply with the minimum setbacks listed in GRUZ-TABLE1 - Structure Setbacks.

Activity status when compliance not achieved:

2. When compliance with GRUZ-REQ4.1 is not achieved: RDIS

Matters for discretion:

3. The exercise of discretion in relation to GRUZ-REQ4.2 is restricted to the following matters:

a. GRUZ-MAT3 Internal Boundary Setback

b. GRUZ-MAT4 Road boundary Setback

c. NH-MAT5 Wildfire

4. New or expanding residential units and minor residential units shall be set back from the trunk line of plantation forestry by at least 40m.

Activity status when compliance not achieved:

5. When compliance with GRUZ-REQ4.4 is not achieved: NC

GRUZ-TABLE1Structure Setbacks

Structure type	Internal boundary	Road boundary with State Highway or arterial road	Road boundary with other road
Any other structure excluding irrigators, pump sheds, stock fences, fences less than 2m in height, stock water troughs, and flag poles	5m	10m	10m
Artificial crop protection structures and crop support structures less than 6m in height where green or black cloth is used on any vertical faces	3m	5m	5m
Residential units Seasonal worker accommodation	30m	20m	10m
Any accessory building	5m	10m, excluding PREC12 20m in PREC12	10m
Any other building	5m	20m	10m

APPENDIX 3 – WHANGAREI DISTRICT PLAN

RPROZ-R12 Crop Support Structures or Artificial Crop Protection Structures

Activity Status: Permitted

Where:

1. The maximum structure height is 10m above ground level.
2. The structure is set back at least:
 - a. 1m from all site boundaries.
 - b. 27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary