

**LAND SERVICES
GROUP LTD**

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Form 34

Notice of appeal to Environment Court

To the Registrar
Environment Court
Christchurch

I, Bruce William Speirs, appeal a decision (*or part of a decision*) on the following matter:
The Timaru Proposed District Plan

I received notice of the decision on 19 March 2026.
The decision was made by Timaru District Council.

I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

1. The decision (*or part of the decision*) that I am appealing is:
The definition of the NATIONAL GRID SUBDIVISION CORRIDOR

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition in the proposed district plan to be in line with Policy 10 of the National Policy Statement that Territorial Authorities should seek to prevent development and activities that may endanger people or property by being too close to transmission lines.

Such advice on the endangerment of people or property is included in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electrical (Hazards from Tress) Regulations 2003.

The inclusion of the widths set out in the current definition appear to be an attempt to advantage Transpower NZ Ltd to acquire private property rights from some of the district's land owner's and ratepayer's, without a corresponding requirement to pay compensation for those private property rights, as required by the Public Works Act.

I seek the following relief:

To amend the NATIONAL GRID SUBDIVISION CORRIDOR definition to read: 'As set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.'

2. The decision (or part of the decision) that I am appealing is:
The definition of the NATIONAL GRID YARD

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition in the proposed district plan to be in line with Policy 10 of the National Policy Statement that Territorial Authorities should seek to prevent development and activities that may endanger people or property by being too close to transmission lines.

Such advice on the endangerment of people or property is included in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electrical (Hazards from Tress) Regulations 2003.

The inclusion of the widths set out in the current definition appear to be an attempt to advantage Transpower NZ Ltd to acquire private property rights from some of the district's land owner's and ratepayer's, without a corresponding requirement to pay compensation for those private property rights, as required by the Public Works Act.

I seek the following relief:

To amend the NATIONAL GRID YARD definition to read: 'As set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.'

3. The decision (or part of the decision) that I am appealing is:
The definition of PERSONAL SERVICES

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition to remove a list of personal services. By listing certain services covered by the definition, a view that all other services are excluded from the definition could be implied.

I seek the following relief:

That the services listed be removed, or that the word 'etcetera' be added to the list.

4. The decision (or part of the decision) that I am appealing is:
The definition of RIPARIAN MARGIN

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition to include a diagram of a river without a flood plain. There are many rivers that do not have a flood plain, but are located in gullies, and the diagram currently included in the definition is not sufficient to cover these situations.

I seek the following relief:

That an additional diagram of a river without a flood plain be included in the definition.

5. The decision (or part of the decision) that I am appealing is:
The definition of SENSITIVE ENVIRONMENT

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition in 2. a. to specify which edge of the Riparian Margin is being referred to, that is, the water edge or the landward edge of the Riparian Margin.

I seek the following relief:

That the word 'waters' be added before the word 'edge' in section 2.a. of the definition.

6. The decision (*or part of the decision*) that I am appealing is:
The definition of UNDERMINE

The reasons for the appeal are as follows:

The Timaru District Council declined to amend the definition, which without context is open to too much opinion, and is therefore not a definition in the strict sense.

I seek the following relief:

Remove the definition from the Plan.

7. The decision (*or part of the decision*) that I am appealing is:
SUB-R3

The reasons for the appeal are as follows:

In including additional subdivision rules as part of the submission and decision process, the Timaru District Council failed to amend this rule to take account of those additional rules, making many subdivisions under SUB-R4 - SUB-R14 Non-complying.

I seek the following relief:

That SUB-R3 read 'Subdivision not listed in SUB-R1 - SUB-R2 and SUB-R4 - SUB-R14.'

8. The decision (*or part of the decision*) that I am appealing is:
SUB-S1, 3 General Rural Zone, minimum net site area of 40 ha.

The reasons for the appeal are as follows:

The Timaru District Council failed to amend this standard to take account of allotment area requirements for highly productive soils, as required by HPL-P2, 4. It is noted that the National Policy Statement for Highly Productive Soils does not support a minimum site area for highly productive soils on subdivision, but appropriate matters for consideration for setting such areas may include whether the land is irrigated or not, topography, and adjoining and surrounding land use.

In addition, the National Policy Statement for Highly Productive Soils does not concern itself with soils not listed as highly productive, and by implication, these soils do not require such intensive management as the highly productive soils. In this light there can be no justification for a blanket minimum site area of 40 ha within the zone, and a more nuanced approach is appropriate when setting minimum allotment areas.

I seek the following relief:

That the Timaru District Council undertake appropriate research to determine more realistic subdivision allotment area requirements firstly for highly productive soils, and secondly for soils not listed as highly productive.

9. The decision (*or part of the decision*) that I am appealing is:
GRZ-R11, PER-1, height of fencing

The reasons for the appeal are as follows:

The amended rule still does not take adequate account of the safety or privacy of land owner's.

I seek the following relief:

That PER-1 read 'Any fence within 2m of a boundary shared with a public reserve, walkway or cycleway is no higher than 1.8m above ground level.'

10. The decision (or part of the decision) that I am appealing is:
GRZ-S9

The reasons for the appeal are as follows:

It is inappropriate for council to specify the type of landscaping on private property, it only being appropriate to specify that an area be available for landscaping.

I seek the following relief:

That the standard read 'At least 30% of the site shall be landscaped.'

11. The decision (or part of the decision) that I am appealing is:
MRZ-R11, PER-1, height of fencing

The reasons for the appeal are as follows:

The amended rule still does not take adequate account of the safety or privacy of land owner's.

I seek the following relief:

That PER-1 read 'Any fence within 2m of a boundary shared with a public reserve, walkway or cycleway is no higher than 1.8m above ground level.'

12. The decision (or part of the decision) that I am appealing is:
MRZ-S6

The reasons for the appeal are as follows:

It is inappropriate for council to specify the type of landscaping on private property, it only being appropriate to specify that an area be available for landscaping.

I seek the following relief:

That the standard read 'At least 25% of the site shall be landscaped.'

13. The decision (or part of the decision) that I am appealing is:
GRUZ-R1, PER-3

The reasons for the appeal are as follows:

The Timaru District Council failed to amend this rule in line with submission that the rule should apply to all zones, not just the Maori Purpose Zone.

I seek the following relief:

That the words 'located in the Maori Purpose Zone' be omitted.

I attach the following documents* to this notice:

- (a) a copy of the relevant decision (or part of the decision):
- (b) a list of names and addresses of persons to be served with a copy of this notice:
- (c) any other documents necessary for an adequate understanding of the appeal.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach copies of these documents to copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained on request from the appellant.

BWSpeirs
.....
Signature of appellant

16-4-26
.....
Date

Address for service of appellant:
P O Box 611, Timaru, 7940
Telephone: 03 684 6645
Email: lsgl@xtra.co.nz

Copy of relevant part of decisions;

NATIONAL GRID SUBDIVISION CORRIDOR

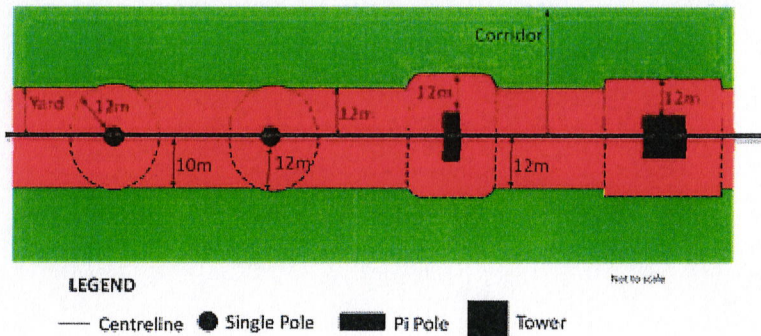
means, as depicted in Diagram 1, the area measured either side of the centre line of any above ground electricity transmission line as follows:

- a. 14m of a 110kV transmission line on single poles;
- b. 16m of a 110kV transmission line on pi poles;
- c. 32m of a 110kV transmission line on towers (including tubular steel towers where these replace steel lattice towers);
- d. 37m of a 220kV transmission line (including tubular steel towers where these replace steel lattice towers);
- e. 39m metres of a 350kV transmission line (including tubular steel towers where these replace steel lattice towers).

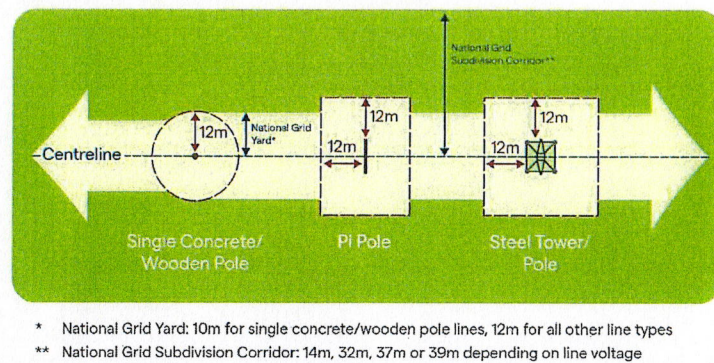
The measurement of setback distances from National Grid transmission lines shall be undertaken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: ~~€~~The National Grid Subdivision Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Diagram 1 – National Grid Yard and National Grid Subdivision Corridor



Replace diagram with the following:⁶⁹



* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types
** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage

NATIONAL GRID YARD

means, as depicted in Diagram 1:

- a. the area located within 10m of either side of the centreline of an above ground 110kV electricity transmission line on single poles;

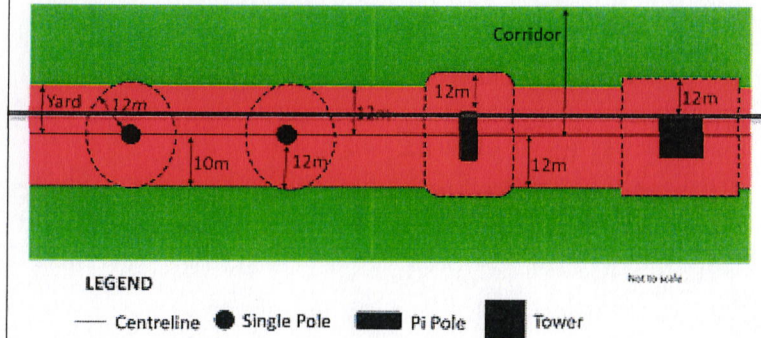
⁶⁹ Transpower [159.10]

- b. the area located within 12m either side of the centreline of an above ground transmission line on pi-poles or towers that is 110kV or greater (including tubular steel towers where these replace steel lattice towers).⁷⁰
- c. the area located within 12m in any direction from the outer visible edge of an electricity transmission pole or tower foundation, associated with a line which is 110kV or greater.

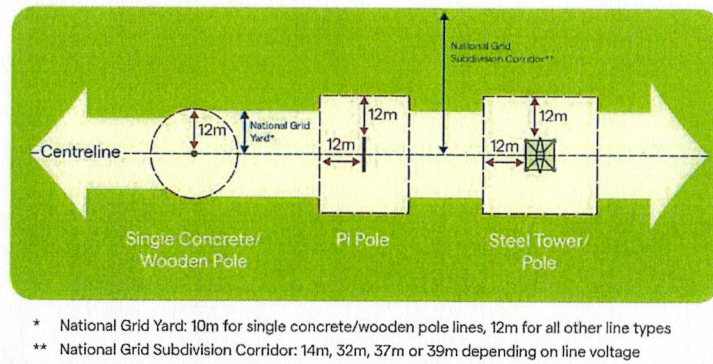
The measurement of setback distances from National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: ~~the~~ The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Diagram 1 – National Grid Yard and National Grid Subdivision Corridor



Replace diagram with the following:⁷¹



NATURAL DEFENCES

Natural defences include dunes, beaches, estuaries, wetlands, intertidal areas, coastal vegetation, natural ponding areas and water-body margins. It excludes artificial water races and drainage infrastructure such as swales and stormwater management areas.⁷²

⁷⁰ Transpower [159.11]

⁷¹ Transpower [159.11]

⁷² Dir. General Conservation [166.109]

PERMANENT AIRSTRIP OR HELICOPTER LANDING SITE	It means any defined area of land intended or designed to be used, whether wholly or partly, used for the landing or departure of aircraft. ⁹³
PERMANENT WORKERS ACCOMODATION	means a residential unit for the purpose of accommodating a permanent full time worker(s) of a primary production activity, and their family.
PERSONAL SERVICES	means an activity which provides individual service to people and includes hairdressers, beauticians and photographers.
PERSONAL SERVICES	means a commercial activity which provides individual service to people and includes hairdressers, beauticians and photographers. ⁹⁴
PLACE OF ASSEMBLY	means land and buildings used for gathering of people, including cinemas, theatres, concert venues, conference and private function facilities, arts and cultural centres, places of worship, community centres and halls.
PLANTATION FORESTRY	It has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017. ⁹⁵ means a forest deliberately established for commercial purposes, being— a. at least 1=ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. includes all associated forestry infrastructure; but c. does not include— i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30-m; or ii. forest species in urban areas; or iii. nurseries and seed orchards; or iv. trees grown for fruit or nuts; or v. long-term ecological restoration planting of forest species; or vi. willows and poplars space planted for soil conservation purposes
PLAYGROUND EQUIPMENT	means equipment designed for recreation and play, including, but not limited to, swings, slides, seesaws and merry go rounds.
POLE IN RELATION TO INFRASTRUCTURE AND THE ENERGY AND INFRASTRUCTURE CHAPTER ⁹⁶	in relation to <u>the</u> Energy and infrastructure <u>Chapter</u> , means a non-lattice ⁹⁷ structure that supports conductors, lines, cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guywires.
PORT ACTIVITY	means the use of land, buildings and structures for: a. cargo handling, including the loading, unloading, storage, processing and transit of cargo; b. passenger handling, including the loading, unloading and transit of passengers;

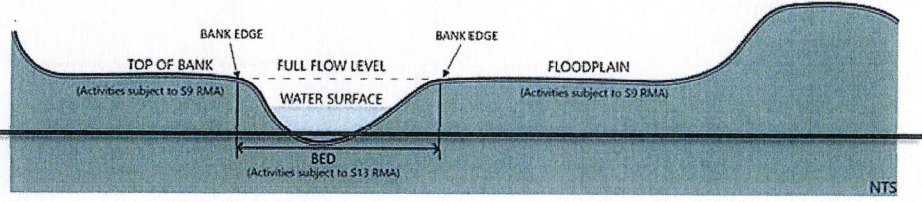
⁹³ Evans, J [45.1], McAuley, S [57.1], Aubrey, L [59.1], Station Air [61.1], Pemberton, S [64.1], Cessna 180/185 Group et al [201.1], Coldicott, J. M. [118.1], Coldicott, G [254.1]

⁹⁴ Clause 10(2)(b) relating to Redwood Group [228.1]

⁹⁵ Correction of a minor error as outlined within RMA Schedule 1, Section 16(2)

⁹⁶ [Schedule 1, cl16\(2\)](#)

⁹⁷ The Telcos [176.15, 208.15, 209.15 and 210.15]

RESIDENTIAL VISITOR ACCOMMODATION	means the use of a residential unit for temporary accommodation advertised for a tariff to paying guests that is secondary and incidental to the use of the residential unit as a permanent residence.
RETAIL ACTIVITY	means any activity that involves the display or offer for sale or hire to the public of goods, merchandise or equipment and any ancillary work rooms. It includes general retail, large format retail, and trade and yard based retail, but excludes service stations.
RETICULATED STORMWATER NETWORK	means a network of pipes, swales, drains, kerbs and channels owned or operated by a network utility operator that collects stormwater within areas used or proposed to be used for urban-residential, commercial or industrial and rural lifestyle purposes and conveys that stormwater to any device, wetland, retention or detention pond or infiltration basin for the treatment of stormwater, prior to a discharge to land, groundwater or surface water. It excludes any rural land drainage system that has been constructed for the primary purpose of collection, conveyance or discharge of land drainage water, or any natural waterbody.
RETIREMENT VILLAGE	means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.
REVERSE SENSITIVITY	means the potential for the operation of an existing lawfully established, approved (whether by consent or designation) or permitted activity, or a permitted or authorised activity activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing <u>that</u> activity. ¹¹²
RIPARIAN MARGIN	<p>means land that is within:</p> <ol style="list-style-type: none"> a. 10m of the bank edge of a river that is up to 3m wide (and is not listed in (c) below); and/or b. 20m of the bank edge of a river that is greater than 3m wide (and is not listed in (c) below); and/or c. 100m of the bank edges of the Rangitata; Ōpihi; and Ōrāri Rivers; and/or; d. 50m of any wetland. <p>The bank edge is illustrated by the following figure¹¹³</p> 

¹¹² Alliance Group [173.9], Silver Fern Farms [172.10], KiwiRail [187.13]

¹¹³ Speirs, B [66.6]

	means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility.
SENSITIVE ACTIVITY	means: <ul style="list-style-type: none"> a. Residential activities; b. Education facilities and preschools; c. Guest & and¹¹⁸ Visitor accommodation; d. Hhealth care facilities which include accommodation for overnight care; e. Hospitals; f. Marae (building only); or g. Place of assembly. except that: <ul style="list-style-type: none"> 1. subclause f. ¹¹⁹ above is not applicable in relation to electronicelectricity¹²⁰ transmission. 2. subclause g. ¹²¹ above is not applicable in relation to noise or electronicelectricity¹²² transmission.
SENSITIVE ENVIRONMENT	means <ul style="list-style-type: none"> 1. areas within the following overlays identified on the Planning map: <ul style="list-style-type: none"> a. Coastal Environment; and b. Coastal High Natural Character Areas; and c. Drinking Water Protection Area; and d. Heritage Item; and e. Heritage Item extent <u>Setting</u>¹²³; and f. Outstanding Natural Features; and g. Outstanding Natural Landscapes; and h. Sites and aAreas of Significance to Māori; and i. Significant Natural Areas; and j. Visual Amenity Landscapes; and k. Earthquake Fault Awareness Area; and l. High Hazard Areas; and m. Flood Assessment Area; and n. Seawater Inundation Overlay; and o. Within 250m from Mmajor Hazard Facilities; and p. <u>Long-Tailed Bat Habitat Protection Area Overlay</u>; and¹²⁴ 2. the below areas: <ul style="list-style-type: none"> a. The area within 100m from the edge of a Riparian Margin; and b. The area within 100m from the edge of a Wetland Area; and c. High Hazard Areas identified in a Flood <u>Assessment Certificate</u> issued under NH-S1.
SENSITIVE LOCATIONS	means: <ul style="list-style-type: none"> 1. Areas within the following Overlays identified on the Planning map, but <u>excluding the Port Zone PORTZ</u>: <ul style="list-style-type: none"> a. An the Earthquake Fault Awareness Overlay; and b. A High Hazard Area Overlay; and

¹¹⁸ Transpower [159.20] and Hort NZ [245.25]

¹¹⁹ MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

¹²⁰ Transpower [159.20] and correction of minor error as per Schedule 1, Clause 16(2) RMA

¹²¹ MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

¹²² Transpower [159.20] and correction of minor error as per Schedule 1, Clause 16(2) RMA

¹²³ Heritage NZ [144.5]

¹²⁴ Dir. General Conservation [166.11]

TRADE SUPPLIER	<p><u>M</u>means a retail activity that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, which fall into the following categories:</p> <ol style="list-style-type: none"> automotive and marine suppliers; building suppliers; catering equipment suppliers; farming and agricultural suppliers; garden and patio suppliers; hire premises (except hire or loan of books, video, DVD and other home entertainment items); industrial clothing and safety equipment suppliers; landscape suppliers; and office furniture, equipment and systems suppliers.
TRANSMISSION LINE	<p><u>T</u>ransmission line has the same meaning as in the National Environment Standards for <u>Electricity Transmission Activities</u> ELECTRICITY TRANSMISSION ACTIVITIES 2009, which means <u>means</u>¹⁵¹:</p> <ol style="list-style-type: none"> the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but does not include an electricity substation.
UNACCEPTABLE RISK [IN RELATION TO HAZARDOUS SUBSTANCES] ¹⁵²	<p><u>I</u>n relation to major hazard facilities, means exposure of sensitive activities (including residential <u>units dwelling</u>) to an individual fatality risk level exceeding 1×10^{-6} per year (one in a million).¹⁵³</p>
UNDERMINE	<p>means lessen the effectiveness, power, or ability of, especially gradually or insidiously.</p>
UPGRADING / UPGRADE	<p><u>M</u>means the replacement, renewal or improvement of infrastructure that results in an increase in carrying capacity <u>and size</u>,¹⁵⁴ <u>and may include replacement and renewal</u>,¹⁵⁵ but excludes repair and maintenance.</p>
URBAN AREA	<p>means towns with a population of 1,000 or more. In the Timaru District, it includes Timaru, Pleasant Point, Temuka and Geraldine as shown on the <u>District</u>¹⁵⁶ Planning Map.</p>
URBAN DEVELOPMENT	<p><i>has the same meaning as in section 9 of the Urban Development Act 2020 which includes:</i></p> <ol style="list-style-type: none"> <i>development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing;</i>

¹⁵¹ Transpower [159.23]

¹⁵² Schedule 1, cl16(2)

¹⁵³ Bruce Speirs [66.9]

¹⁵⁴ The Telcos [176.25, 208.25, 209.25, 210.25]

¹⁵⁵ Transpower [159.24], The Telcos [176.25, 208.25, 209.25, 210.25] and BP Oil, et al [196.15]

¹⁵⁶ Schedule 1, cl16(2)

	<p>11. the suitability of any future development that would be enabled as a result of the subdivision; and</p> <p>12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; <u>and</u>⁴⁶</p> <p>13. measures to manage adverse effects.</p>	
SUB-R3 Subdivision not listed in SUB-R1 and SUB-R2		
<p>All zones</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 SUB-S2 = <u>to</u> SUB-S⁹⁷⁴⁷ are complied with; and</p> <p>RDIS-2 SUB-S1 is complied with.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 	<p>Activity status when compliance not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion listed in RDIS-1; and 2. the matters of discretion of any infringed standard. <p>Activity status when compliance not achieved with RDIS-2: Non-complying</p>

⁴⁶ Clause 16(2), Schedule 1 of the RMA

⁴⁷ Panel Decision Report Part 5, Section 6.6

	<ol style="list-style-type: none"> 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: <ol style="list-style-type: none"> a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and 11. the suitability of any future development that would be enabled as a result of the subdivision; and 12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; <u>and</u>⁴⁸ 13. measures to manage adverse effects; <u>and</u> 14. <u>the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works.</u>⁴⁹ 	
SUB-R4	Subdivision of land within and the National Grid Subdivision Corridor⁵⁰	
<u>All Zzones</u>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u> <u>All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities); and</u></p>	<u>Activity status when compliance not achieved: Non-complying</u>

⁴⁸ Clause 16(2), Schedule 1 of the RMA

⁴⁹ ECan [183.104]

⁵⁰ Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

	<p>RDIS-2 <u>Existing vehicle access way to National Grid assets is maintained.</u></p> <p><u>Matters over which of discretion are is restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and</u> 2. <u>the location of any future building platform as it relates to the National Grid Yard; and</u> 3. <u>the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and</u> 4. <u>the nature and location of any vegetation to be planted in the vicinity of the National Grid; and</u> 5. <u>the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and</u> 6. <u>the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and</u> 7. <u>the outcome of any consultation with the owner and operator of the National Grid.</u> 	
SUB-R5	Subdivision and within Natural Hazards overlays⁵¹	
<p>1 Flood Assessment Area Overlay outside the Port Zone⁵²</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 <u>A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH-S1; and</u></p> <p>RDIS-2</p>	<p>Activity status when compliance not achieved with RDIS-2: Not applicable if located within an urban zoned area Restricted Discretionary</p> <p>Where:</p> <p>RDIS-3 <u>The subdivision is within an urban zoned area.</u>⁵⁵</p>

⁵¹ Speirs, B [66.45]

⁵² Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

⁵⁵ ECan [183.47]

	<p><u>The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.</u>⁵³</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flow path(s); and</u> 2. <u>the provision for any overland flow paths to remain or the provision of secondary flow paths; and</u> 3. <u>any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u> 4. <u>any increased flood risk for people, property, or public spaces; and</u> 5. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 6. <u>the extent to which it will require new or upgraded public natural hazard mitigation works; and</u> 7. <u>any increase in reliance on emergency services; and</u> 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the Zone, and the views of mana whenua, if provided.</u>⁵⁴ 	<p><u>non-complying if located outside of an urban-zoned area</u></p> <p><u>Activity status where compliance not achieved with RDIS-1 or RDIS-3: Non-complying</u></p>
<p><u>4A2</u>⁵⁶ <u>Flood Assessment Area Overlay within the Port Zone</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

⁵³ ECan [183.47]

⁵⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

⁵⁶ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

<p><u>Sea Water Inundation Overlay within the Port Zone</u></p> <p><u>Coastal Erosion Overlay within the Port Zone</u></p> <p>⁵⁷</p>	<ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, in relation to natural hazards; and</u> 2. <u>any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 5. <u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>any increase in reliance on emergency services; and</u> 7. <u>the matters set out in NH-P11 and CE-P15.</u>⁵⁸ 	
<p><u>23 Liquefaction Awareness Areas</u>⁵⁹ <u>Overlay</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the appropriateness of the site for development; and</u> 2. <u>the liquefaction category that applies to the site and the level of risk to property and Regionally Significant Infrastructure; and</u> 3. <u>whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and</u> 4. <u>the appropriateness of the techniques proposed for remediation and mitigation of the effects of any liquefaction hazard identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional; and</u> 5. <u>the extent to which the siting and layout of the proposal is appropriate.</u> 	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

⁵⁷ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

⁵⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁵⁹ Technical correction, Minute 55

<p>34 <u>Earthquake Fault (Subdivision) Awareness Areas Overlay</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u> <u>RDIS-1</u> The subdivision design ensures that any future building or structure will be located at least 20m metres away from any detailed area of fault or fold deformation.</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and</u> 2. <u>the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard.</u> <p><i>Note: The investigation report is also to be supplied to CRC Canterbury Regional Council.</i></p>	<p><u>Activity status when compliance not achieved: Discretionary</u></p>
<p>45 <u>Coastal Erosion Overlay outside the Port Zone⁶⁰</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u> <u>RDIS-1</u> A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay.</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the proposal results in an increased risk of economic, social or environmental harm; and</u> 2. <u>whether the proposal includes hazard mitigation; and</u> 3. <u>the extent to which future building or structure has a functional need or operational need for its location; and</u> 4. <u>the extent of any positive benefits that will result from the proposal; and</u> 5. <u>the extent to which the proposal creates natural hazard risks on adjacent properties; and</u> 6. <u>the location of any proposed building that will accommodate a natural hazard sensitive building, including the level of certainty of the projected future</u> 	<p><u>Activity status when compliance not achieved: Non-complying</u></p>

⁶⁰ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

	<p>shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.⁶¹</p>	
<u>High Hazard Area Overlay</u>	<u>Activity status: Non-complying</u>	<u>Activity status when compliance not achieved: Not applicable</u> ⁶²
SUB-R126	<u>Subdivision and within the Coastal Environment</u> ⁶³	
<u>1 Coastal Environment Area Overlay</u>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u> The site is not located within the Coastal High Natural Character Area Overlay.</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9⁶⁴, and CE-P11; and the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects. 	<p><u>Activity status when compliance not achieved: Not applicable Discretionary</u></p> <p><u>Note:</u> Where a resource consent is required as a <u>Discretionary activity under RDIS-1</u>,⁶⁵ future building platforms must be indicated in the application and will be registered on the <u>Certificate Record of Titles</u> of resulting new allotments.</p>
<u>Sea Water Inundation Overlay</u>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> the extent to which the proposal results in an increased risk of economic, social or environmental harm; whether the proposal includes natural hazard mitigation; the extent to which future building or structure has a functional need or operational need for its location; and the extent of any positive benefits that will result from the proposal; and 	<u>Activity status when compliance not achieved: Not applicable</u>

⁶¹ ECan [183.109]

⁶² Kāinga Ora [229.39]

⁶³ Speirs, B [66.53]

⁶⁴ Clause 16(2) to address a policy omission

⁶⁵ Clause 16(2) for clarity

	<p>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</p> <p>6. the location of any proposed building that will accommodate a natural hazard sensitive activity.</p>	
<p>3 Coastal High Natural Character Area Overlay</p>	<p>Activity status: Discretionary</p> <p><i>Note: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</i></p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>4 Coastal Erosion Overlay</p>	<p>Activity status: Non-complying</p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>SUB-R137 Subdivision of and highly productive land Versatile Soil⁶⁶</p>		
<p>All zones</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposed subdivision and the layout of allotments will result in fragmentation of highly productive land versatile soils; and 2. the extent to which the size and shape of any proposed allotments will allow for any highly productive land versatile soils to continue to be used for non-intensive primary production; and 3. the extent to which the subdivision achieves the requirements of the NPSHPL. 	<p>Activity status when compliance not achieved: Not applicable</p>
<p>SUB-R148 Subdivision not connected to a community sewage wastewater treatment⁶⁷ system, except that this shall not apply to boundary adjustments where no additional lots are created⁶⁸ and Drinking Water Protection⁶⁹</p>		
<p>Drinking Water Protection Area - for a Community Drinking</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1</p>	<p>Activity status when compliance not achieved: Not Applicable</p>

⁶⁶ Clause 10(2)(b) Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

⁶⁷ TDC [41.42]

⁶⁸ Rooney, et al [174.61, 191.61, 249.61, 250.61, 251.61, 252.61]

⁶⁹ Speirs, B [66.54]

<p><u>Water Supply</u></p> <p><u>Drinking Water Protection Area - within 50m from a private drinking water supply</u></p>	<p>The subdivision is connected to a community wastewater treatment system.⁷⁰</p> <p><u>Matters of control discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and</u> 2. <u>the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and</u> 3. <u>risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.</u>
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SUB-R69	<u>Subdivision of land containing a Historic Heritage Item⁷¹</u>	
<u>All Zones</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R710	<u>Subdivision of land within a Historic Heritage Area⁷²</u>	
<u>Historic Heritage Areas</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R811	<u>Subdivision and Sites and Areas of Significance to Māori⁷³</u>	
<u>Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R912	<u>Subdivision and Significant Natural Areas⁷⁴</u>	
<u>Sites containing a Significant Natural Area</u>	<u>Activity Status: Discretionary</u>	<u>Activity status when compliance not achieved: Not Applicable</u>

⁷⁰ Milward Finlay Lobb [60.29], Bruce Speirs [66.29], TDC [41.2]

⁷¹ Speirs, B [66.46]

⁷² Speirs, B [66.47]

⁷³ Speirs, B [66.48]

⁷⁴ Speirs, B [66.49]

SUB-R1013 Subdivision within a and Riparian Margin⁷⁵		
<u>All zones except the General Rural Zone and Rural Lifestyle Zones</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
SUB-R1114 Subdivision (excluding boundary adjustments)⁷⁶ and Natural Features and Landscapes⁷⁷		
<u>Outstanding Natural Features NE Overlay</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not applicable</u>
<u>Outstanding Natural Landscapes NL Overlay</u>		
<u>Visual Amenity Landscapes AL Overlay</u>		

Standards	
SUB-S1 Allotment sizes and dimensions	
1 General Residential Zone	<p>1. Allotments must have a minimum net site area of 450m² in area; and</p> <p>2. Allotments must have a minimum dimension that can accommodate a circle with a 15m diameter, clear of any vehicle access, surface water-body or boundary setback; and</p> <p>3. Within the Gleniti Low Density Residential Specific Control Area, allotments must have a minimum net site area of 700m² in area; and</p> <p>4. Within PREC1 - Old North General Residential Precinct, allotments must have a minimum net site area of 1,500m² in area; and</p> <p>5. 1.5ha in the Raukapuka North Specific Control Area where the access is not onto State Highway 79.⁷⁸</p> <p>Except that:</p> <p>5.6.⁷⁹ Clauses 1 and 2 above do not apply to allotments created around an existing residential unit, in which case there is no minimum net site area or dimensions requirements.</p>

⁷⁵ Speirs, B [66.50]

⁷⁶ Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52.

⁷⁷ Speirs, B [66.51]

⁷⁸ Panel Decision Report, Part 10, Section 7.3.2 and technical correction, Minute 55

⁷⁹ Renumbered as a result of technical correction to move Clause 5 above to S1.4, Clause 16(2), Schedule 1 of the RMA

<p>2 Medium Density Residential Zone</p>	<p>1. Allotments must have a minimum net site area of 300m² in area; and 2. No more than one allotment that is more than 500m² in net site area; and 3. Allotments must have a⁸⁰ dimensions that can accommodate a circle with a minimum 13m diameter, clear of any vehicle access, surface water-body or boundary setback.</p> <p>Except that</p> <p>4. No minimum net site area or dimension applies to allotments created: a. around <u>an</u> existing residential unit; or b. a proposed residential unit <u>that</u> is part of a combined land use and subdivision consent application, or does not require a land use consent⁸¹.</p>		
<p>3 General Rural Zone</p>	<p>1. Allotments must have a minimum net site area of 40ha in area.</p>		
<p>4 Rural Lifestyle Zone</p>	<p>If no development area plan-DAP⁸² is required, allotments must have a net site area no less than:</p> <ol style="list-style-type: none"> 1. 5,000m² sqm for Lots 1 and 2 DP 444786; 2. 2ha in the 2ha Allotment Size eSpecific eControl eArea; 3. 10ha in the 10ha Allotment Size eSpecific eControl eArea; and 4. in any other areas, 5,000m² if there is a sewer connection to each residential allotment, otherwise 2ha; and 5. <u>1.5ha in the Raukapuka North Specific Control Area where the access is not onto State Highway 79.</u>⁸³ 		
<p>5 Development Areas</p>	<p>1. As specified in the relevant Development eArea eChapter.</p>		
<p>6 General Industrial Zone</p>	<p>1. Allotments must have <u>legal access to</u>⁸⁴ a minimum road frontage width of 7m.</p>		
<p>SUB-S2 Stormwater treatment, catchment and disposal</p>			
<p>All zones</p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>1. Stormwater management must be provided in accordance with the Sstormwater Sstandards in the⁸⁵ Stormwater mManagement eChapter; and</p> <p>2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any relevant matters of discretion for non-compliance with the Sstormwater Sstandards in the Stormwater mManagement eChapter; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; and⁸⁶ </td> </tr> </table>	<p>1. Stormwater management must be provided in accordance with the Sstormwater Sstandards in the⁸⁵ Stormwater mManagement eChapter; and</p> <p>2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any relevant matters of discretion for non-compliance with the Sstormwater Sstandards in the Stormwater mManagement eChapter; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; and⁸⁶
<p>1. Stormwater management must be provided in accordance with the Sstormwater Sstandards in the⁸⁵ Stormwater mManagement eChapter; and</p> <p>2. Allotments must be connected to a reticulated stormwater network where: a. a conveyance structure that forms part of a reticulated stormwater network passes</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. any relevant matters of discretion for non-compliance with the Sstormwater Sstandards in the Stormwater mManagement eChapter; and 2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; and⁸⁶ 		

⁸⁰ Clause 16(2), Schedule 1 of the RMA

⁸¹ BGD [167.17]

⁸² ~~Schedule 1, cl16(2)~~

⁸³ Panel Decision Report, Part 10, Section 7.3.2 and technical correction, Minute 55

⁸⁴ RHL [174.54], Rooney, GJH [191.54], RGL [249.54], RFL [250.54], REL [251.54] and TDL [252.54]

⁸⁵ ~~Schedule 1, cl16(2)~~

⁸⁶ Clause 16(2), Schedule 1 of the RMA

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

VERSATILE SOIL HIGHLY PRODUCTIVE LAND

Introduction

~~Versatile soils are~~ Highly productive land is¹ an important natural resource within the District. Sustainable management under the RMA includes managing the use, development, and protection of natural resources in a way that sustains the potential of these resources to meet the needs of future generations and safeguards the life-supporting capacity of soil.

This chapter provides provisions for managing subdivision, land use and development within the areas of the District that meet the definition of highly productive land² ~~Versatile Soils Overlay~~, to ensure that the ongoing ability to use the land productively for land based³ primary production (except intensive primary production)⁴ is not compromised. ~~The focus within this chapter is on non-intensive primary production, as intensive primary production activities may compromise the productive potential of the soil.~~⁵

Objectives

HPLVS-O1 Protection of ~~versatile soils~~ highly productive land⁶

~~Versatile soils~~ Highly productive land⁷ remains⁸ available for ~~non-intensive land-based~~⁹ primary production and are is¹⁰ protected from inappropriate subdivision, use and development.

Policies

HPLVS -P1 Identification of ~~versatile soils~~ highly productive land

~~Identify~~ Recognise land in the General Rural Zone and the Rural Lifestyle Zone classified as Class 1 or 2 under the land use capability classification system as versatile soil as highly productive land if it meets the definition of highly productive land.¹¹

HPLVS -P2 Maintaining availability of ~~versatile soils~~ highly productive land

Maintain the availability of highly productive land ~~versatile soils~~ for ~~non-intensive~~ land-based¹² primary production within the Versatile Soils Overlay¹³ by:

1. limiting areas covered by buildings or other impervious surfaces; and
2. encouraging opportunities that maintain or increase the productive capacity of highly productive land, such as¹⁴ land use practices that reduce the potential for erosion; and

¹ Hort NZ [245.62]

² Hort NZ [245.62]

³ NZ Pork [247.10]

⁴ NZ Pork [247.10]

⁵ NZ Pork [247.10]

⁶ Hort NZ [245.62]

⁷ Hort NZ [245.62]

⁸ Consequential amendment to Hort NZ [245.62]

⁹ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁰ Consequential amendment to Hort NZ [245.62]

¹¹ Hort NZ [245.62]

¹² NZ Pork [247.11] and Silver Fern Farms [172.69]

¹³ Hort NZ [245.62]

¹⁴ Fonterra [165.80]

3. requiring earthworks be undertaken in a manner that restores the productive¹⁵ properties of the soil to the levels they were prior to the earthworks being undertaken; and
- ~~4.~~ ensuring any subdivision results in allotment sizes which retain the productive capacity for ~~non-intensive land-based~~¹⁶ primary production; and
- ~~5.~~ only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where:
 - ~~a.~~ the activity is necessary to support non-intensive primary production; or
 - ~~b.~~ or
 - ~~c.~~ it is provided for by VS-P3
5. prioritising the use of highly productive land for land-based primary production over other uses; and¹⁷
6. avoiding inappropriate subdivision, use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022 (NPSHPL).¹⁸

HPLVS -P3 **Expansion of urban areas**

Avoid the expansion of urban areas into areas of highly productive land the Versatile Soils Overlay unless a it is demonstrated through a Future Development Area plan process that:

- ~~1.~~ there is a shortage of capacity within existing urban area to meet projected demand; and
- ~~2.~~ the irreversible loss of versatile soils for non-intensive primary production is outweighed by the wider public benefits of the proposal; and
- ~~3.~~ alternative locations and options, including intensification of existing urban areas, to meet the required demand, are less feasible.
1. the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the District; and
2. there are no other reasonably practicable and feasible options for providing the required development capacity; and
3. the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values; and
4. the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.¹⁹

Except that this policy does not apply to urban rezoning of LUC 3 land.²⁰

HPLVS -P4 **Rural Lifestyle Zone expansion**

Avoid the expansion of the Rural Lifestyle Zone into the Versatile Soils Overlay areas of highly productive land.²¹

HPLVS -P5 **Existing activities**

Enable the maintenance, operation or upgrade of any existing activities on highly productive land, while minimising the loss of highly productive land.²²

Rules

¹⁵ Silver Fern Farms [172.71]

¹⁶ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁷ Fonterra [165.80]

¹⁸ Fonterra [165.80]

¹⁹ Fonterra [165.80]

²⁰ Panel Decision Report Part 7, Section 9.3.2

²¹ Hort NZ [245.62]

²² Hort NZ [245.62]

GRZ-R9 Buildings and structures (excluding fences) not otherwise listed²⁰		
General Residential Zone	Activity status: Permitted Where: PER-1 The building or structure is associated with or ancillary to a permitted activity; and PER-2 All the standards of this chapter are complied with.	Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
		Activity status when compliance not achieved with PER-1: The same status as the activity the building or structure is associated with or ancillary to.
GRZ-R9A10 Full or partial demolition of buildings or structures²¹		
General Residential Zone	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
GRZ-R4011 Fences (excluding those required under the Health and Safety at Work Act 2015)		
General Residential Zone	Activity status: Permitted Where: PER-1 Any fence within 2m of a site's road boundary or a boundary shared with a public reserve, walkway or cycleway is: 1. no higher than 1.2m above ground level; or 2. no higher than 1.8m above ground level where at least 45% of the fence is visually permeable; and ²² PER-2 Any fence within 2m of a site's boundary, other than road boundary or a boundary shared with a public reserve, walkway or cycleway, is no higher than 2m above ground level.	Activity status when compliance not achieved: Discretionary
	<p>Note: This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.</p>	

²⁰ Schedule 1, cl16(2)

²¹ NZHHA [184.2]

²² Karton and Hollamby Group [31.2], Dale, S and A [54.5], MFL [60.34], Speirs, B [66.31], Rooney Holdings [174.77], Rooney, GJH [191.77], Rooney Group [249.77], Rooney Farms [250.77], Rooney Earthmoving [251.77], TDL [252.77]

GRZ-S8		Outdoor living space	
General Residential Zone	<p>1. <u>Except where 2. below applies, each residential unit must have an exclusive outdoor living space:</u></p> <ol style="list-style-type: none"> of at least 50m² at ground level with a minimum dimension of 5m; and that is directly accessible from the residential unit; and is located to the north, west or east of the residential unit. <p>2. <u>Each residential unit located entirely above ground floor level must have an exclusive outdoor living space in the form of a balcony, patio or terrace:</u></p> <ol style="list-style-type: none"> of at least 12m², with a minimum dimension of 1.8m, where the residential unit has two or more bedrooms; or 8m², with a minimum dimension of 1.8m, where the residential unit is a one-bedroom or studio unit; that is directly accessible from the residential unit; and is located to the north, west or east of the residential unit.³⁸ 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> provision of sufficient outdoor living space <u>which reflects the anticipated occupancy of the residential unit associated dwelling</u>³⁹; and accessibility and convenience for residents; alternative provision of outdoor living space, which is in close enough proximity to meet residents' needs; and the need to retain mature on-site vegetation. 	
GRZ-S9		Landscaping	
General Residential Zone	At least 30% of the site shall be planted in grass, trees, shrubs or other vegetation.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> compatibility with the character of the area; and balance between built form and open space; and <u>streetscape amenity.</u>⁴⁰ 	
GRZ-S10		Heavy vehicle storage	
General Residential Zone	There must be no more than one heavy vehicle stored on a site in association with a permitted activity.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> noise; and any impact on the visual amenity of the surrounding area. 	
GRZ-S11		Home business	
General Residential Zone	<ol style="list-style-type: none"> There must be no more than one full-time equivalent person engaged in the home business who resides off-site; and All manufacturing, altering, repairing, dismantling or processing of any materials or articles associated with an 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> scale, intensity and character of business; and hours of operation; and traffic generation; and 	

³⁸ Kāinga Ora [229.82]³⁹ Kāinga Ora [229.82]⁴⁰ Kāinga Ora [229.83]

MRZ-R9	Buildings and structures (excluding fences) not otherwise listed in this chapter²⁰	
Medium Density Residential Zone	Activity status: Permitted	Activity status when compliance not achieved with PER-1: The same status as the activity the building or structure is associated with or ancillary to.
	Where: PER- 1 The building or structure is associated with or ancillary to a permitted activity; and PER-2 All the standards of this chapter are complied with.	Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of Discretion are restricted to: 1. the matters of discretion of any infringed standard.
MRZ-R9A10	Full or partial demolition of buildings or structures²¹	
Medium Density Residential Zone	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
MRZ-R4011	Fences (excluding those required under the Health and Safety at Work Act 2015)	
Medium Density Residential Zone	Activity status: Permitted	Activity status when compliance not achieved: Discretionary
	Where: PER-1 Any fence within 2m of a site's road boundary or a boundary shared with a public reserve, walkway or cycleway is: <ol style="list-style-type: none"> 1. no higher than 1.2m above ground level;²² or 2. no higher than 1.8m above ground level where at least 450% of the fence is visually permeable; and²³ PER-2 Any fence within 2m of a site's boundary, other than road boundary or a boundary shared with a public reserve, walkway or cycleway, is no higher than 2m above ground level. Note: This rule does not apply if the fence is required under the Health and Safety at Work Act 2015.	

²⁰ Schedule 1, cl16(2)

²¹ NZHHA [184.2]

²² Kāinga Ora [229.101]

²³ Karton and Hollamby Group [31.5], Dale, S and A [54.9], MFL [60.38], Speirs, B [66.34], Rooney Holdings [174.80], Rooney, GJH [191.80], Rooney Group [249.80], Rooney Farms [250.80], Rooney Earthmoving [251.80], TDL [252.80]

	<p><u>a one-bedroom or studio unit</u>;³⁴ and</p> <ol style="list-style-type: none"> which is located on the north, west or east side of the residential unit; and which is readily accessible from the common living space of the residential unit. <p><i>Note: This standard does not apply to residential units in a retirement village.</i>³⁵</p>	
MRZ-S4	Service and storage spaces	
Medium Density Residential Zone	<ol style="list-style-type: none"> Each residential unit must have an outdoor or indoor service space of at least 3m² with a minimum dimension of 1.5m available for use for the storage of waste and recycling bins. The required spaces can be provided either individually or within a communal space <u>at ground floor level</u>³⁷ for multiple <u>residential</u> units. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> provision of useable service and storage space; and accessibility and convenience for residents.
MRZ-S5	Building coverage	
Medium Density Residential Zone	The building coverage of the net site area ³⁸ of any site must not exceed 50%.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> compatibility with the amenity <u>values</u> and character of the area; and visual dominance on adjacent properties; and the scale of buildings.
MRZ-S6	Landscaping	
Medium Density Residential Zone	At least 25% of the site shall be planted in grass, trees, shrubs or other vegetation.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> compatibility with the character of the area; and balance between built form and open space; and location and design of landscaped areas; <u>and</u> <u>streetscape amenity</u>.³⁹
MRZ-S7	Heavy vehicle storage	
Medium Density Residential Zone	There must be no more than one heavy vehicle stored on a site in association with a permitted activity.	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> noise; and any impact on the visual amenity of the surrounding area.

³⁴ RVA [230.16]³⁵ Kāinga Ora [229.108]³⁷ Kāinga Ora [229.109]³⁸ ECan [183.1]³⁹ Kāinga Ora [229.111]

GRUZ-P8 Residential activities (not including workers accommodation listed in GRUZ-P9)

Provide for residential activities in the General Rural Zone where:

1. fragmentation of rural land for non-primary production activities is avoided; and
2. the character and qualities of the General Rural Zone are maintained; and
3. the requirements of GRUZ-P5 are met; and
4. any minor residential unit is ancillary and subordinate to the site’s principal residential unit.

GRUZ-P9 Workers accommodation

Provide for permanent workers accommodation and seasonal workers accommodation to support primary production where:

1. the site has an area of at¹⁵ least 40ha hectares for permanent workers accommodation, or 20ha for seasonal workers accommodation; or
2. on smaller sites where it can be demonstrated that it is required to meet the needs of the site’s primary production activity; and
3. measures are put in place to ensure the workers accommodation cannot be subdivided off or sold separately to the site; and
4. the necessary infrastructure is provided and adverse effects on adjoining sites are minimised; and
5. the requirements of GRUZ-P5 are met, except for seasonal workers accommodation.

GRUZ-P10 Conservation activities

Enable a range of conservation activities where the character and qualities of the General Rural Zone are maintained.

GRUZ-P11 Wildfire risk

Control the location of woodlots and shelterbelts to reduce the wildfire risk to neighbouring residential properties¹⁶

**~~PREC3-~~ Waihi School Precinct
P1**

Recognise and provide for educational facilities in the ~~PREC3 -~~ Waihi School Precinct.¹⁷

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

GRUZ-R1	Primary production and intensive primary production, not otherwise listed in this chapter	
General Rural Zone	Activity status: Permitted	Activity status where compliance not achieved with PER-3: Restricted Discretionary
	Where: PER-1	

¹⁵ Clause 16(2) RMA

¹⁶ TDC [42.46]

¹⁷ Waihi School [236.1, 236.2]

	<p>The activity does not include any offensive trade; and</p> <p>PER-2 GRUZ-S5 is complied with; and</p> <p>PER-3 For grazing of stock within 50m of a residential unit under different ownership located in the Māori Purpose Zone, permanent ground cover of no less than 90% must be maintained, except during crop renewal or resowing; and</p> <p>PER-4 For milking sheds and buildings used to house or feed stock are located at least: <ol style="list-style-type: none"> 1. 200m from any land in the Māori Purpose Zone, Settlement Zone and Residential Zones; and 2. 100m from the notional boundary of an existing sensitive activity on a separate site under different ownership.¹⁸ <p>The setbacks within PER-4 do not apply to movable pig shelters, including farrowing huts 10m² in area and less than 2m in height.¹⁹</p> <p>Note: GRZ-R13 applies to any associated buildings and structures must be constructed in accordance with GRZ-R13.</p> </p>	<p>1. the ability to manage grazing practices to ensure amenity effects on adjoining neighbours are minimised.</p> <p>Activity status where compliance not achieved with PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effect on adjoining properties; and 2. mitigation measures. <p>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</p>
GRUZ-R2	Pig production for domestic self-subsistence home use	
<p>-General Rural Zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The pigs are for the subsistence of the people residing on the site and are not sold to anyone not residing on the site; and</p> <p>PER-2 There is is^{are}²⁰ no more than six pigs located on the site and the pigs are setback a minimum distance of 25m from a building</p>	<p>Activity status where compliance not achieved: Discretionary</p>

¹⁸ Keen et al [46.3]
¹⁹ NZ Pork [247.31]
²⁰ Clause 16(2) RMA

List of names and addresses of persons served with a copy of this notice;

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