Proposed Timaru District Plan

Section 42A Report: Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities

Report on submissions and further submissions

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Date: 24 March 2025

Contents

Appendices

1. List of Submitters and Further Submitters Addressed in this Report:

Original Submitters

Submitter Ref	Submitter Name	Abbreviation
18	Go Media Ltd	Go Media
31	Karton and Hollamby Group Ltd T/A Stonewood Homes South Canterbury Ltd	Karton and Hollamby Group
47	ANSTAR Limited	ANSTAR
48	Jet Boating New Zealand	Jet Boating
54	Steve Dale and Anthony Dale	Dale, S and A
60	Milward Finlay Lobb	MFL
72	Lee Anne Burdon	Burdon, L A
89	Dairy Holdings Limited	Dairy Holdings
100	David and Judith Moore	Moore, D and J
105	Peel Forest Estate	Peel Forest
107	Lineage Logistics New Zealand Limited	Lineage Logistics
113	Kerry and James McArthur	McArthur, K and J
114	Heritage New Zealand Pouhere Taonga	Heritage NZ
117	Tash Prodanov	Prodanov, T
131	Fire and Emergency New Zealand	FENZ
134	New Zealand Motor Caravan Association	NZMCA
135	South Canterbury Car Club Inc	South Cant. Car Club
140	Southern Proteins Limited	Southern Proteins
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
151	New Zealand Defence Force	NZDF
159	Transpower New Zealand Ltd	Transpower
161	Fi Glass Products	Fi Glass
165	Fonterra Limited	Fonterra
168	Hilton Haulage Limited Partnership	Hilton Haulage
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
174	Rooney Holdings Limited	Rooney Holdings
175	PrimePort Limited	PrimePort
176	Connexa Limited	Connexa
179	Barkers Fruit Processors Limited	Barkers
181	Opuha Water Limited	OWL
182	Federated Farmers of New Zealand Inc.	Federated Farmers
183	Environment Canterbury / Canterbury Regional Council	ECan
184	House Movers Section of the New Zealand Heavy Haulage Association Inc	NZHHA
186	Timaru District Holdings Ltd	TDHL
187	KiwiRail Holdings Limited	KiwiRail
188	Out of Home Media Association of Aotearoa	Out of Home Media
190	North Meadows 2021 Limited and Thompson Engineering (2002) Limited	North Meadows
191	GJH Rooney	Rooney, GJH
196	BP Oil, Mobil Oil NZ Ltd, Z Energy	BP Oil et al
199	Griff Simpson Family Trust	Griff Simpson Family
208	Spark New Zealand Trading Ltd	Spark
209	Chorus New Zealand Ltd	Chorus

Submitter Ref	Submitter Name	Abbreviation
210	Vodafone New Zealand Ltd / One.NZ	Vodafone
229	Kāinga Ora - Homes and Communities	Kāinga Ora
233	Red Sky Holdings	Red Sky
241	J R Livestock Limited	J R Livestock
242	Woolworths New Zealand Limited	Woolworths
245	Horticulture NZ	Hort NZ
247	NZ Pork Industry Board	NZ Pork
248	White Water Properties Limited	White Water
249	Rooney Group Ltd	Rooney Group
250	Rooney Farms Ltd	Rooney Farms
251	Rooney Earthmoving Limited	Rooney Earthmoving
252	Timaru Developments Ltd	TDL

Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
18	Go Media Ltd	Go Media
20	Terrence John O'Neill and Aileen Kathryn O'Neill, C and F Trustees 2006 Ltd	O'Neill et al
27	Holly Renee Singline and RSM Trust Limited	Singline and RSM Trust
31	Karton and Hollamby Group Ltd T/A Stonewood Homes South Canterbury Ltd	Karton and Hollamby Group
33	Ford, Pyke, Andrews Talbot, Wilkins & Proudfoot, Craig, Mackenzie	Ford et al
51	OSA Properties Ltd	OSA
54	Steve Dale and Anthony Dale	Dale, S and A
60	Milward Finlay Lobb	MFL
89	Dairy Holdings Limited	Dairy Holdings
132	New Zealand Agricultural Aviation Association	NZAAA
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
152	Radio New Zealand	Radio NZ
156	Royal Forest and Bird Protection Society	Forest and Bird
159	Transpower New Zealand Ltd	Transpower
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
175	PrimePort Limited	PrimePort
181	Opuha Water Limited	OWL
182	Federated Farmers of New Zealand Inc.	Federated Farmers
185	Te Rūnanga o Ngāi Tahu	Te Rūnanga o Ngāi Tahu
188	Out of Home Media Association of Aotearoa	Out of Home Media
229	Kainga Ora - Homes and Communities	Kainga Ora
245	Horticulture NZ	Hort NZ
252	Timaru Developments Ltd	TDL
261	Davis Ogilvie (Aoraki) Limited	Davis Ogilvie
265	New Zealand Helicopter Association	NZHA
274	South Pacific Sera Limited	South Pacific Sera
278	Rooney Group Limited, Rooney Holdings Ltd, Rooney Earthmoving Ltd and Rooney Farms Ltd	Rooney Group et al

2. Abbreviations Used in this Report:

Abbreviation	Full Text
ADP	Accidental Discovery Protocol
ASW chapter	Activities on the Surface of Water chapter
Council	Timaru District Council
CLWRP	Canterbury Land and Water Regional Plan
CMUZ	Commercial and Mixed Use Zones
CRPS	Canterbury Regional Policy Statement
DOC	Department of Conservation
EI chapter	Energy and Infrastructure chapter
ESTA	Emergency Services Training Activity
EW chapter	Earthworks chapter
FCA	Freedom Camping Act 2011
GRZ	General Residential Zone
GIZ	General Industrial Zone
MRZ	Medium Density Residential Zone
HH chapter	Historic Heritage chapter
NES	National Environmental Standard
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NOSZ	Natural Open Space Zone
NP Standards	National Planning Standards
ODP	Operative Timaru District Plan
OSZ and SARZ	Open Space Zones and Sport and Active Recreation Zones
PDP	Proposed Timaru District Plan
PORTZ	Port Zone
RELO chapter	Relocated Buildings and Shipping Containers chapter
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
RSI	Regionally Significant Infrastructure
SASM chapter	Sites and Areas Significant to Māori chapter
SIGN chapter	Signs chapter
TCD Manual	New Zealand Transport Traffic Control Devices Manual 2008
TEMP chapter	Temporary activities chapter
TRAN chapter	Transport chapter

3. Introduction

3.1 Experience and Qualifications

3.1.1 My full name is Rachael Lorraine Willox.

3.1.2 I am a Senior Policy Planner at Timaru District Council. I hold a Master of Planning and a Bachelor of Arts from Otago University. I am an intermediate member of the New Zealand Planning Institute.

3.1.3 I have over eight years' planning experience working in local government. My experience includes processing and reviewing resource consent applications and preparation and reporting on plan changes as part of the Mackenzie District Plan Review (PC21 and PC27). I was not involved in the preparation of the Proposed Timaru District Plan (the PDP) or the associated s32 reports.

3.1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3.2 Purpose and Scope of this Report

3.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received in relation to the Earthworks (EW), Relocated Buildings and Shipping Containers (RELO), Signs (SIGN) and Temporary Activities (TEMP) chapters and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.

3.2.2 This report is prepared under s42A of the RMA and covers:

- the EW, RELO, SIGN and TEMP chapters;
- APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol (ADP); and
- associated definitions and related provisions.

3.2.3 This report considers the submissions and further submissions that were received in relation to the EW, RELO, SIGNS and TEMP chapters. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial

amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.

3.2.4 The analysis and recommendations for the SIGN chapter have been informed by Transportation Advice prepared by Mr. Logan Copland, Principal Transportation Planner and Ms. Jeanette Ward, Technical Director at Abley Consultants Limited. The Transportation Advice is based on the opinions of both Mr. Copland and Ms. Ward. I have therefore used the term 'Abley Limited' when referring to their advice.

3.2.5 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

3.3 Procedural Matters

3.3.1 At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

3.3.2 In reviewing the EW, RELO, SIGNS and TEMP provisions I note that all four chapters include advice notes, some of which, based on Ms. Whites response to Minute 19 in Hearing D, I consider would be more appropriate to include within the relevant rule as opposed to an advice note. However, I have not recommended amendments to these advice notes as part of this s42A report as it is my understanding that Council are undertaking a review of all advice notes as part of the sweep up hearing (Hearing H) as a consequence of the matter being raised in Hearing D.

4. Topic Overview

4.1 Summary of Relevant Provisions of the PDP

4.1.1 This report relates to provisions associated with the EW, RELO, SIGNS and TEMP chapters. This section of the report provides a brief summary of each topic.

Earthworks

4.1.2 The Operative District Plan (ODP) includes limited controls to manage earthworks. Provisions managing earthworks are generally reserved to earthworks within or adjacent to significant waterbodies and/or earthworks above 900m in altitude (within the Rural Zones), within areas of significant indigenous vegetation and significant habitats of indigenous fauna and earthworks within the electricity transmission line buffer corridor. There is no earthworks chapter, volume or cut and fill limits (except the Rural 4A Zone). There are also limited controls for subdivisional earthworks.

4.1.3 The objective of the EW chapter in the PDP is to facilitate earthworks while ensuring the effects of earthworks are avoided or mitigated. The EW chapter, as notified, contains five

policies. EW-P1 recognises the benefits and necessity of earthworks; EW-P2, EW-P4 and EW-P5 provide direction to manage the effects of earthworks on amenity values, regionally significant infrastructure (RSI) and land stability; and EW-P3 requires the Accidental Discovery Protocol (ADP) to be followed to avoid/mitigate adverse effects on sensitive material. The EW chapter contains one rule which, permits earthworks in all zones where the earthworks standards are complied with, and the commitment form requiring compliance with the ADP in APP4 has been completed. The standards in the EW chapter seek to manage the area of earthworks, the depth/height of earthworks, setbacks from boundaries, rehabilitation and reinstatement works and earthworks in proximity to electricity distribution lines. Where the standards are not met all earthworks, are assessed as a restricted discretionary activity. Earthworks in sensitive environments and flood assessment areas are managed by more targeted provisions in the relevant district wide chapters.

4.1.4 To avoid duplication with other legislation and consenting requirements for activities which, service a development or the community and could otherwise be carried out without a resource consent, various activities are excluded from the earthworks rule. This includes, but is not limited to, earthworks for infrastructure permitted in the EIT chapters, earthworks for natural hazard mitigation works undertaken by Timaru District Council or the Canterbury Regional Council and earthworks within the building footprint, or within 2m of the outer edge of a building that has building consent.

Relocated Buildings and Shipping Containers

4.1.5 Relocated buildings and shipping containers in the ODP are managed by General Rule 6.14. In all zones, except Industrial Zones (where no controls are in place) relocated buildings and shipping containers are a controlled activity subject to complying with the performance standards for the underlying zone and the General Rules. All relocated buildings and shipping containers are also required to comply with the performance standards which, require the foundations of any building/container to be completed and the exterior of any building/container to be renovated within six months of the date the building/container is located onto a site. A bond or guarantee for the value of the work is also required. Councils matters of control are limited to the visual appearance or screening of the building/container and the location of the building/container within the site.

4.1.6 The objective of the RELO chapter in the PDP is to enable the use of relocated buildings and shipping containers while, ensuring they have minimal adverse effects on the character and visual amenity values of the surrounding environment. The RELO chapter contains three policies. RELO-P1 enables relocated buildings/containers in the GIZ and PORTZ; RELO-P2 enables shipping containers in other zones where they are not visible or they are positioned in a location that does not dominant the streetscape and they do not adversely affect the character and amenity values of the surrounding area; and RELO-P3 provides for relocated buildings in other zones where they are consistent with the character and amenity values of the area and any reinstatement works are limited in duration. Consistent with ODP all relocated buildings and shipping containers in the GIZ and PORTZ are a permitted activity

without controls. In all other zones, relocated buildings and shipping containers (which met the criteria) are a controlled activity (RELO-R1.1 and RELO-R2.2). The controls for relocated buildings require landowners to enter a contract with a licensed building practitioner that confirms that within 12 months of the building being relocated to the site that the building will be permanently sited on foundations and that any damage to the exterior of the building will be repaired to a tradesman like manner. The controls for shipping containers require all containers to be not visible from the road or to be located more than 20m from the road boundary, for the total area of shipping containers on a site to not exceed $20m^2$ or $20m^2$ per 10ha and for there to be no stacking of shipping containers. Where the above controls are not met, all relocated buildings and shipping containers are to be assessed as a restricted discretionary activity. The intent of the provisions, as outlined in the s32 report, is to minimise adverse visual amenity effects and to be more permissive of small-scale containers.

Signs

4.1.7 Signs in the ODP are managed by General Rule 6.15. In all zones signs are generally a permitted activity if they comply with sign performance standards for the underlying zone and advertise activities, services, events and/or goods occurring at the site. Where a sign does not meet the permitted activity status parameters, all signs are assessed as a discretionary activity. There are no limits on the number, area or height of signs in the commercial and industrial zones in the ODP. All signs, however, must comply with the hight and recession plan requirements in the underlying zone and the traffic safety controls. In all other zones there is a limit of one sign per road frontage and maximum area controls. All signs must also comply with the height and height in relation to boundary controls of the underlying zone, the traffic safety controls and illuminance levels. The ODP also includes additional performance standards for signs on state highways and signs advertising a brothel. The sign chapter in the ODP also includes more permissive controls for traffic signs, signs showing road names or street numbers, temporary signs, and signs for a public purpose.

4.1.8 The purpose of the SIGN chapter in the PDP is to enable signs in all zones (recognising their social, cultural and economic benefits), while maintaining character and amenity values and traffic safety. The SIGN chapter contains four policies. SIGN-P1 enables signs in all zones but requires signs to be compatible with the purpose, character and qualities of underlying zone and (if applicable) the building on which, the sign is located. SIGN-P1 also requires signs to not contribute to visual clutter or cumulative effects. SIGN-P2 manages effects on traffic safety by requiring signs to be designed and located to not compromise the safe use of any road. SIGN-P3 avoids off-site signs in all zones unless it can be demonstrated that it will not establish a precedent, or cumulative effects and it meets the criteria in SIGN-P1 and SIGN-P2. SIGN-P4 provides for off-site signs in limited circumstances in the OSRZ.

4.1.9 The SIGN chapter contains four rules. SIGN-R1 enables official signs in all zones as a permitted activity without controls. SIGN-R2 and SIGN-R3 provide for temporary, real estate and development signs and SIGN-R4 contains the rules for all signs not otherwise listed. In all zones signs are generally permitted under SIGN-R4 provided they comply with the SIGN

Standards, the height in relation to boundary requirements of the underlying zone and they are not a moving or flashing sign or an off-site sign. All off-site signs (including digital billboards) in accordance with SIGN-P3 are a non-complying activity. The standards in the SIGN chapter manage traffic safety, illuminated, moving, flashing and digital signs, the height and area of signs, the number of signs and the content of signs. Where the standards are not met all signs are to be assessed as a restricted discretionary activity.

Temporary Activities

4.1.10 Temporary buildings and activities in the ODP are managed by General Rule 6.10. In all zones temporary buildings ancillary to a building, or other construction, project are a permitted activity provided no temporary building exceeds 50m^2 or the recessions planes requirements. All buildings are also required to remains on site no longer than 12-months or the duration of the project. Temporary activities in the form of carnivals, bazaars, markets, auctions, displays, rallies, shows, gymkhanas, dog trials, ploughing matches and other recreational activities, public meetings and associated car parking, are also a permitted activity provided no activity remains on site longer than seven days (except temporary military training activity which, can occur up to 31 days) and no site is used for more than two activities per year. All buildings and/or structures are required to comply with the height and recession plan requirements for the underlying zone, no direct vehicle access to the site shall be obtained from a state highway and no excavation shall be carried out. All activities managed in General Rule 6.10 shall also comply with the Performance Standards for the underlying zone and the other General Rules.

4.1.11 The TEMP chapter in the PDP contains objectives, policies and rules to manage the effects of temporary activities in all zones and applies to temporary activities where the rules in the TEMP Chapter are more lenient than the underlying zone rules. I interpret this to mean that where the rules in the underlying zone rules are more restrictive the rules in the TEMP Chapter apply. Unless otherwise specified, the District Wide Chapters in Part 2 also apply to activities managed in the TEMP chapter. The temporary activities and events managed in the TEMP chapter include temporary buildings and structures ancillary to construction work (TEMP-R1); temporary military training activities (TEMP-R2); temporary events such as carnivals, fairs, markets, auctions and emergency service training activities (TEMP-R3); housing recovery temporary accommodation on private and public land (TEMP-R4 and TEMP-R5); and temporary motorsport events (TEMP-R6). The intent of the provisions, as outlined in the objectives and policies, is to provide for such activities (where they met the criteria) recognising their social, economic, cultural and environment benefits while ensuring they are for a limited duration, do not permanently alter the environment, are compatible with the surrounding environment, and do not cause significant adverse effects.

4.2 Background to Relevant Provisions

4.2.1 As with other chapters of the PDP, the review of the EW, RELO, SIGNS and TEMP chapters went through a typical plan development process, which involved identification of issues; community consultation via a discussion document (November 2016); development of draft

provisions; community feedback on these via a draft Plan; and incorporation of updates responding to comments reflected in the notified PDP.

5. Overview of Submission and Further Submissions

5.1.1 The full list of submission points addressed in this report are set out in **Appendix 2**. Overall, there were:

- 82 original submissions on the EW chapter and 50 further submissions;
- 45 original submissions on the RELO chapter and 22 further submissions;
- 88 original submissions on the SIGN chapter and 31 further submissions;
- 28 original submissions on the TEMP chapter and 10 further submissions.

5.1.2 The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the 'Analysis and Evaluation of Submissions' section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS
EW Provisions		
EW-R1	The exclusions do not capture all activities	Requests include: - an additional exclusion for network operators of RSI undertaking earthworks required for natural hazard mitigation works - an additional exclusion for underground fuel storage systems managed in the NESCS - an additional exclusion for earthworks required to achieve the minimum floor levels specified in a Flood Risk Certificate
Accidental Discovery Protocol	Requirement to submit a form prior to commencement of earthworks	Concerns include: - providing notice is impractical - requirement conflicts with Archaeological Authority process
EW-S1	The thresholds as notified are too low to facilitate subdivision and land use activities	Requests include: - earthworks in the SRIZ should be unlimited - a maximum volume of earthworks should be included - earthworks associated with implementing a subdivision consent prior to s224(c) certification should be excluded

		- increases to the maximum area thresholds in particular zones
EW-S2 and EW-S3	Standards are too restrictive	Concerns include: - the thresholds are too restrictive to facilitate development in the PORTZ - the setback for earthworks is onerous
EW-S5	EW-S5 is not appropriate	Concerns include: - EW-S5 duplicates EW-R28 - the 12m setback is restrictive - there is no policy direction supporting the inclusion of 66kV electricity distribution lines
RELO Provisions		
Relocated Buildings	The provisions for relocated buildings are overly restrictive	Requests includes: - relocated buildings are enabled in the GRUZ - relocated buildings are permitted in all zones where they meet the rule requirements - relocated buildings are permitted in all residential zones - relocated buildings purposely constructed off-site for the purpose of being moved to a site should be permitted - the contractual requirements in RELO-R1.2 are removed
Shipping containers	The provisions for shipping containers are overly restrictive	Concerns include: - the requirement for shipping containers to be entirely unseen is restrictive - the controlled activity status for shipping containers where the meet the rule requirements is overly restrictive - the maximum area of shipping containers does not allow for 40ft containers to be used as baches or replacement huts
SIGN Provisions		
Off-Site Signs	The approach to off-site signs including digital billboards and third-party signage is overly restrictive	Concerns include: - the s32 report for signs fails to provide an adequate planning assessment to support the non-complying activity status

		- the non-complying activity status for off-site signs will not deliver on many of the Strategic Directions or CMUZ objectives and policies - there is no effects-based reason to single out off-site signs particularly in the CMUZ, GIZ and PORTZ
SIGN-S1	The traffic safety standards are too lenient or restrictive	Requests include: - SIGN-S1.3 applies to all signs visible from a road - additional standards are included in SIGN-S1 such as sight distances or a maximum number of words/elements - SIGN Table 27 and Table 28 are updated to replicate the New Zealand Traffic Control Devices Manual - the minimum separation distances between signs are removed
SIGN-S2	The standards for illuminated, moving, flashing and digital signs are too restrictive	Requests include: - the minimum dwell time is reduced - the maximum illumination levels are increased - the 100m setback from intersections is removed - the consent trigger for digital signs on state highways is removed
SIGN-S3 and SIGN-S4	The maximum area and height controls for signs in the CMUZ, GIZ and PORTZ are too restrictive	Concerns include: - the maximum area and height controls are too low for effective commercial advertising signs - the thresholds as notified include no provision for double sided signs or signs in a "V" format
TEMP Provisions		
Freedom Camping Act 2011	Freedom camping is managed by the Freedom Camping Act 2011	Requests include: - an exemption for freedom camping, as defined in s5 of the Freedom Camping Act 2011 is included in the PDP - a definition for freedom camping is included in the PDP
Emergency Services Training	Emergency Services Training are not explicitly provided for in the TEMP Chapter	Requests include: - a new definition and rule are included in the PDP to explicitly provide for

		emergency services training activities
TEMP provisions	TEMP provisions are too restrictive	Concerns include: - TEMP-R2 does not meet the NZDF operational requirements - TEMP-R3 is too restrictive of community markets and does not provide for temporary activities in the OSRZ - TEMP-R6 is too restrictive of motorsport activities

6. Relevant Statutory Provisions

6.1.1 The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

6.1.2 In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

7. Statutory Instruments

7.1.1 The s32 reports for the EW, RELO, SIGNS and TEMP chapters set out the statutory requirements and relevant planning context for these topics. Given the relatively straightforward nature of these topics, I have not repeated the relevant provisions from the higher order planning framework.

8. Analysis and Evaluation of Submissions

8.1 Approach to Analysis

8.1.1 The analysis undertaken in this report addresses the submissions received on the EW, RELO, SIGNS and TEMP chapters in separate sections. Within each section submission points are analysed on a provision-by-provision basis, in the order of objectives, policies, rules and standards. Where provisions are interrelated, these have been assessed together. In addition, where a matter has been raised by a submitter or submitters that is relevant to more than one provision but stems from the same concern the analysis of submissions addresses these matters on a topic basis.

8.1.2 The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points.
- Recommendations, including any amendments to plan provisions and the related assessment under s32AA.

8.1.3 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.

8.1.4 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

8.1.5 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.

- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

8.1.6 Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1] in a primary submission, support the submission of Federated Farmers [182] and seek the same relief. Discussion of the Federated Farmers [182] submission points and recommendations in relation to these therefore apply to that of Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1].

8.2 Provisions where no Change Sought

8.2.1 The following provisions included within the EW, RELO, SIGNS and TEMP chapters were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a cl 16(2) or cl 10(2b) change is recommended):

- EW Introduction[1]
- EW-P2
- EW-P3
- EW-P4 Infrastructure[2]
- RELO Introduction
- RELO-O1
- RELO-P3
- SIGN Introduction[3]
- SIGN-O1[4]
- SIGN-P4
- SIGN-R1[5]
- SIGN-R2
- SIGN-R3
- SIGN-S7
- TEMP-O1[6]
- TEMP-P1[7]

[1] Connexa [176.86], Spark [208.86], Chorus [209.86], Vodafone [210.86] and NZ Pork [247.17]
[2] Waka Kotahi [143.105], Transpower [159.88], OWL [181.73], ECan [183.135], KiwiRail [187.73] and BP Oil et al [196.76]
[3] Out of Home Media [188.2]
[4] Go Media [18.1], ANSTAR [47.4], Fi Glass [61.1], Fonterra [165.117], Out of Home Media [188.3], Griff Simpson Family [199.1] and Red Sky [233.1]
[5] Waka Kotahi [143.124], Transpower [159.90] and Fonterra [165.119]
[6] Jet Boating [48.16], FENZ [131.15] and NZDF [151.3]
[7] Jet Boating [48.17] and NZDF [151.4]

- TEMP-P3
- TEMP-P4
- TEMP Note[8]
- TEMP-R4
- TEMP-R5

9. Earthworks

9.1 General

9.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Federated Farmers	182.173, 182.174, 182.75
ECan	183.1, 183.4
Hort NZ	245.76

Submissions

9.1.2 Federated Farmers supports the EW chapter objectives [182.173], policies [182.174] and rules [182.75] and seeks that they are retained as notified, or wording of similar effect.

9.1.3 ECan [183.1] is concerned that various rules, in the PDP, use variable terminology to define floor areas of buildings, often with the term undefined. It is therefore, unclear what is being measured. The submitter considers that it is necessary to review all references to size of buildings in the PDP and consider whether a clear definition is required. Ecan [183.1] suggests linking development to either the 'building footprint' or 'gross floor area', which are defined in the NP Standards, and then create exclusions from those terms within the rules if necessary.

9.1.4 ECan [183.4] is concerned that within the PDP, references to 'height' of buildings or structures do not make reference to where height is measured from. ECan [183.4] seeks that all references to the height of buildings and/or structures, across the PDP, is reviewed to ensure that height is measured from ground level.

9.1.5 Hort NZ [245.76] seeks an approach, in the PDP, to provide for 'day to day' ancillary rural earthworks. In their view, ancillary rural earthworks are integral to productive land use in the GRUZ.

[8] NZDF [151.6] and Transpower [159.91]

Analysis

9.1.6 The submission points from Federated Farmers [182.173, 182.174 and 182.175] in general support of the EW chapter objectives, policies, and rules are noted.

9.1.7 Regarding the submission points from ECan [183.1 and 183.4], the EW chapter does not manage the 'area' of buildings and/or structures. The 'area' of earthworks in EW-S1 (Areas) is also not confined to buildings and/or structures. I therefore do not consider that the concern raised by ECan [183.4] arises in relation to the EW chapter. I therefore recommend that the general submission point from ECan [183.1], in respect of the EW chapter, be rejected.

9.1.8 The EW chapter does not manage the 'height' of buildings and/or structures. However, in considering the submission from ECan [183.4], I consider that the depth/height of earthworks should also be measured from ground level. I therefore recommend amendments to EW-S3 (Setbacks) and EW-S5 (Earthworks in proximity to transmission lines) to make it clear that the depth/height of earthwork is measured from ground level. I note that this is consistent with EW-S2 (Excavation and filling) which, specifies that earthworks shall not exceed a maximum depth/height of 1.5m below or above ground level. I therefore recommend the general submission point from ECan [183.4] in the context of the EW chapter, be accepted.

9.1.9 Hort NZ, following the close of submissions, has confirmed that no amendments to the EW chapter are sought to provide for day-to-day ancillary rural earthworks as specified in submission point 245.76. Their submission points on the EW chapter are confined to the matters raised in their Submission Table (pages 43-44). No amendments to the EW Chapter are therefore recommended in relation to this submission point. I therefore recommend that Hort NZ [245.76] be rejected.

Conclusions and Recommendations

9.1.10 I recommend, for the reasons given above, that EW-S3 and EW-S5 are amended to make it clear that the depth/height of earthworks is measured from ground level. The recommended amendments are set out in **Appendix 1.**

9.1.11 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

9.2 EW-O1 Earthworks activity

9.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Dairy Holdings	89.12

Waka Kotahi	143.103
Alliance Group	173.97
Hort NZ	245.77

Submissions

9.2.2 Dairy Holdings [89.12], Alliance Group [173.97], and Hort NZ [254.77] support EW-O1 and seek that the objective is retained as notified.

9.2.3 Waka Kotahi [143.103] supports EW-O1 as it recognises the necessity of earthworks for subdivision, land use and development. However, Waka Kotahi [143.103] suggests that earthworks to facilitate RSI be explicitly provided for in the objective. In their view, EI-O2 (Adverse effects of RSI) and EI-P2 (Managing adverse effects of RSI and other infrastructure) do not make specific reference to earthworks required for infrastructure, necessitating reference to RSI in EW-O1. Furthermore, EW-P1 (Benefits and necessity) recognises the benefits and necessity of earthworks for the provision of utilities which, in their view, further necessitates reference to RSI in EW-O1.

Analysis

9.2.4 EW-O1, in my opinion, already captures earthworks for RSI by facilitating earthworks for subdivision, and the use and development of land. EW-R1, as notified, also does not distinguish between RSI and other infrastructure. I note that all infrastructure identified, as permitted in the EI and TRAN chapters of the PDP (and as recommended by Mr. Andrew Willis as the Section 42A Officer for the EIT chapters restricted discretionary) are excluded from the EW provisions (EW-R1.c). Furthermore, where a resource consent application for earthworks associated with RSI is sought, the objectives and policies in the EIT chapters, in my opinion, will apply even if they do not specifically refer to earthworks. I therefore recommend that the submission point from Waka Kotahi [143.103] be rejected.

9.2.5 For simplicity and to improve the clarity of EW-O1, I recommend Clause 16(2) amendments to EW-O1. I therefore recommend the submission points from Dairy Holdings [89.12], Alliance Group [173.97], and Hort NZ [254.77] seeking that EW-O1 be retained as notified be accepted in part.

Conclusions and Recommendations

9.2.6 I recommend for, for the reasons given above, that EW-O1 is amended as follows:

EW-O1 Earthworks ~~activity~~
Earthworks facilitate subdivision, and the use and development of ~~the District's~~ land ~~resource~~, while ensuring ~~that its~~ adverse effects on the surrounding environment area avoided or mitigated.

9.2.7 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

9.3 EW-P1 Benefits and necessity

9.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.104
Alliance Group	173.98
ECan	183.134
KiwiRail	187.72
BP Oil et al	196.75
Hort NZ	245.78

Submissions

9.3.2 Waka Kotahi [143.104], Alliance Group [173.89], KiwiRail [187.72], BP Oil et al [196.75] and Hort NZ [254.78] support EW-P1 and seek that the policy is retained as notified.

9.3.3 ECan [183.134] generally supports EW-P1, particularly the recognition of natural hazard mitigation works. However, ECan [183.134] seeks an amendment to the definition of 'natural hazard mitigation works' to encompass 'flood and erosion protection works' and drainage works. If this is not accepted, ECan [183.134] seek amendments to EW-P1 to capture 'flood protection works' and drainage works to provide greater clarity/certainty to plan users.

Analysis

9.3.4 Mr. Willis, in his analysis of the NH chapter provisions, has recommended that the definition of 'natural hazard mitigation works' is amended as follows:

means structures and associated engineering works to prevent or control the impacts of natural hazards and includes both soft engineering natural hazard mitigation and hard engineering natural hazard mitigation, <u>retaining walls, stop banks and flood protection works</u>. Retaining walls not required for a hazard mitigation purpose are excluded from this definition. Raised building floor levels and raised land which are required to be raised to meet the requirements of a flood assessment certificate are excluded from this definition.

9.3.5 The submission from ECan [183.134], in my view, in relation to 'flood protection works' has therefore been addressed by Mr. Willis. I am unclear if the recommendation from Mr. Willis addresses ECan's [183.134] concerns regarding drainage works. However, I do not recommend changes to EW-P1 to incorporate such works as, in my view, it is unclear what the submitter classifies as 'drainage works' and what amendments (if any) are needed. I therefore recommend that the submission point from ECan [183.134] in support of EW-P1 (if amendments are made to the 'natural hazard mitigation works' definition) be accepted in part.

9.3.6 For the avoidance of doubt, I recommend minor amendments to EW-P1 to ensure the policy uses the '<u>network</u> utilities' (emphasis added) and 'natural hazard mitigation <u>works</u>' (emphasis added) definitions. I also recommend EW-P1 makes it clear that earthworks for the provision of network utilities and natural hazard mitigation works are included as

earthworks for the 'subdivision, use and development of land'. I consider these changes to minor changes pursuant to Clause 16(2) of the RMA.

9.3.7 I therefore recommend that the submission points from Waka Kotahi [143.104], Alliance Group [173.89], KiwiRail [187.72], BP Oil et al [196.75] and Hort NZ [254.78] seeking that EW-P1 be retained as notified, be accepted in part.

Conclusions and Recommendations

9.3.8 I recommend, for the reasons given above, that EW-P1 is amended as follows:

EW-P1 Benefits and necessity
Recognise the benefits and necessity of earthworks for the subdivision, use and development of land, <u>including earthworks for</u> the provision of <u>network</u> utilities, and natural hazard mitigation <u>works</u>.

9.3.9 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

9.4 EW-P5 Land Stability

9.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Silver Fern Farms	172.96
Alliance Group	173.99

Submissions

9.4.2 Silver Fern Farms [172.96] and Alliance Group [173.99] consider EW-P5 to be overly restrictive, as it does not recognise that land stability is an inherent part of earthworks design, and ask that EW-P5 is amended as follows:

EW-P5 Land stability
Only allow earthworks on steeper slopes in proximity to boundaries where ~~they will not impact~~ <u>potential adverse effects</u> on land stability <u>are avoided or mitigated</u>.

Analysis

9.4.3 I agree with Silver Fern Farms [172.96] and Alliance Group [173.99] that EW-P5, as notified, is relatively restrictive. It does not include a qualifier and therefore captures any potential impacts on land stability, even if the effects of those impacts are positive or no more than minor. I therefore agree with Silver Fern Farms [172.96] and Alliance Group [173.99] that it is appropriate for EW-P5 to refer to 'adverse effects'. In my opinion, the term 'adverse effects', is also appropriate from a consistency perspective as it is used throughout the EW chapter including EW-O1, EW-P2, EW-P3 and EW-P4.

9.4.4 I also agree with Silver Fern Farms [172.96] and Alliance Group [173.99] that EW-P5 should only allow earthworks on steeper slopes and in proximity to boundaries where adverse effects on land stability are avoided or mitigated. This aligns with the direction in EW-O1. However, to avoid any ambiguity when and where avoidance and/or mitigation is required and to align with the direction in NH-P7 (Slope stability and subsidence risk), I recommend that EW-P5 is amended to require significant adverse effects (i.e., risks) on land stability to be avoided and other adverse effects to be appropriately mitigated. I note that EW-P5 is implemented through EW-S2 and EW-S3.

9.4.5 For completeness, the definition of 'effect' already includes past, present or future effects; any potential effect of high probability; and any potential effect of low probability which has a high potential impact which, in my view, would include land stability effects. I therefore do not consider it necessary for EW-P5 to refer to 'potential' adverse effects as sought by the submitters.

9.4.6 Having regard to the above, I recommend the submission points from Silver Fern Farms [172.96] and Alliance Group [173.99] be accepted in part.

Conclusions and Recommendations

9.4.7 I recommend that EW-P5 is amended as follows:

EW-P5 Land stability
Only allow earthworks on steeper slopes and in proximity to boundaries where ~~they will not impact~~ <u>significant adverse effects</u> on land stability <u>are avoided and other adverse effects are appropriately mitigated</u>.

9.4.8 In terms of Section 32AA, the proposed amendments, in my view, will remain effective at achieving EW-O1, while being more efficient by including an 'adverse' qualifier and by making it clear that adverse effects (if not significant) can be appropriately mitigated. The recommended amendments, in my view, also align with the policy direction in NH-P7.

9.5 EW-R1 Earthworks and APP4 Form Confirming Commitment to Adhering to an Accidental Discovery Protocol

9.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Heritage NZ	114.37
Hilton Haulage	168.37
Road Metals	169.33
Fulton Hogan	170.33
Rooney Holdings	174.59, 174.98
Southern Proteins	140.18
Waka Kotahi	143.106
NZDF	151.10, 151.11
OWL	181.74

ECan	183.136
KiwiRail	187.74
North Meadows	190.12
Rooney, GJH	191.59, 191.98
BP Oil et al	196.77
JR Livestock	241.34
Hort NZ	245.76
Rooney Group	249.59, 249.98
Rooney Farms	250.59, 250.98
Rooney Earthmoving	251.59, 251.98
TDL	252.59, 252.98

Submissions

9.5.2 Road Metals [169.33], Fulton Hogan [170.33], Waka Kotahi [143.106], KiwiRail [187.74] and JR Livestock [241.34] support EW-R1 and seek that the rule is retained as notified.

9.5.3 OWL [181.74] supports the exclusion for earthworks for infrastructure permitted in the EIT chapters of the PDP (EW-R1.c) and the exclusion of earthworks for the maintenance of existing drains and ponds (EW-R1.d). However, OWL [181.74] request amendments to EW-R1.e to exclude network operators of RSI undertaking earthworks required for natural hazard mitigation works in accordance with their submissions to ECO-R2 and NH-R3 and to give recognition to the importance of RSI in the District.

9.5.4 ECan [183.136] supports EW-R1 but seeks an amendment to the definition of 'natural hazard mitigation works' to encompass 'flood and erosion protection works' and drainage works. If this is not accepted, ECan seek amendments to EW-R1 to capture 'flood protection works' and drainage works to provide greater clarity/certainty to plan users.

9.5.5 BP Oil et al [196.77] support the overall approach to EW-R1 and exclusions (b), (c) and (g). However, BP Oil et al [196.77] request an additional exclusion for earthworks undertaken in relation to the removal or replacement of underground fuel storage systems (regardless of whether consent is required under the NESCS), noting that this activity is specifically addressed in the NESCS and should not be duplicated in the District Plan. The submitter acknowledges that this may be the intention of the Rue Note (at least in part) and seeks clarity in this regard.

9.5.6 Hilton Haulage [168.37], Southern Proteins [140.18] and North Meadows [190.12] seek an additional exclusion in EW-R1 to provide for earthworks required to achieve the minimum floor levels specified in a Flood Risk Certificate, as required by NH-S1.

9.5.7 Heritage NZ [114.37] seek an amendment to PER-2 to only require ADP where an Archaeological Authority has not already been issued by Heritage NZ, as follows:

PER-2
Unless an Archaeological Authority has been issued by Heritage New Zealand Pouhere Taonga, the Accidental Discovery Protocol commitment form contained within APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, prior to the commencement of any earthworks.

9.5.8 NZDF [151.10 and 151.11] support EW-R1 but seek the deletion of APP4 and PER-2 as, in their view, direction on accidental discovery is already provided for by the advice note in the EW chapter. The submitter also considers that PER-2 does not help protect archaeological sites as no site-specific investigation is required and considers that it will create an administrative burden for both the community and Council.

9.5.9 Rooney Holdings [174.98], Rooney, GJH [191.98], Rooney Group [249.98], Rooney Earthmoving [251.98], Rooney Farms [250.98] and TDL [252.98] oppose the methodology of achieving accidental discovery by requiring a "commitment form" to be completed in accordance with APP4. The submitters support the principle of accidental discovery but consider the contractual requirements to be unnecessary and therefore seek for APP4 to be removed. Rooney Holdings [174.59], Rooney, GJH [191.59], Rooney Group [249.59], Rooney Earthmoving [251.59], Rooney Farms [250.59] and TDL [252.59] also ask that PER-2 is amended to remove the requirement to provide two weeks' notice as they consider the two-week notice period to be onerous.

Analysis

9.5.10 Mr. Willis, in his analysis of the NH chapter provisions, has recommended that OWL submission [184.154] to include network operators of RSI undertaking earthworks for 'natural hazard mitigation works' in areas subject to flooding (NH-R3) is rejected. In his view, a permitted activity status for network utility operators is not appropriate as network utility operators do not have the same statutory responsibilities and public accountability. There are also potential risks from poorly constructed mitigation works. For the same reasons, I do not agree with OWL [181.74] that EW-R1.e should exclude network operators of RSI undertaking earthworks required for natural hazard mitigation works outside those areas managed in NH-R3. I therefore recommend that the submission point from OWL [181.74] be accepted in part, noting their support for exclusions (c) and (d). As per Mr. Willis analysis, I would revisit this recommendation if evidence were provided demonstrating that such activity is sufficiently managed via a regional plan, policy or bylaw.

9.5.11 As discussed above, Mr. Willis, in his analysis of the NH chapter provisions, has recommended that the definition of 'natural hazard mitigation works' is amended to include '*retaining walls, stop banks and flood protection works*'. Amendments to EW-R1 to capture 'flood protection works', in my view, are therefore not required. I also do not recommend any changes to EW-R1 to incorporate drainage works as, in my view, it is unclear what the submitter classifies as 'drainage works' and what amendments (if any) are needed. I therefore recommend that the submission point from ECan [183.136] in support of EW-R1 (if amendments are made to the definition of 'natural hazard mitigation works') be accepted in part.

9.5.12 I do not agree with BP Oil et al [196.77], that the removal or replacement of underground fuel storage systems that require consent under the NESCS, should be excluded from EW-R1. The purpose of the NESCS is to ensure land affected by contaminates in soil is appropriately managed to protect human health and to make land safe for human use. The

NESCS does not manage the environmental effects that EW-R1 and the EW standards are intending to manage such as, land stability, dust and visual amenity effects. In my view, it is therefore not appropriate for the removal or replacement of underground fuel storage systems, not classified as permitted in the NESCS, to be excluded from EW-R1. I therefore recommend that the submission point from BP Oil et al [196.77] be accepted in part, noting their support for exclusions (b), (c) and (g).

9.5.13 For clarification purposes, the Rule Note permitting 'activities not listed in the rules', in my opinion, does not intend to permit those earthwork activities excluded from EW-R1. If this were the case, the EW Chapter would be essentially redundant as all earthworks would either be excluded from EW-R1 or permitted under the Rule Note. The Rule Note, in my opinion, also does not work in the context of the EW Chapter as all earthwork activities are covered by EW-R1. To avoid any ambiguity, I therefore recommend that the Rule Note is amended as follows:

Note: *~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter.~~ For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine which rules apply to any activity and the status of that activity, are provided in Part 1, HPW – How the Plan Works – General Approach.*

9.5.14 I consider the above change to be a minor change pursuant to Clause 16(2) of the RMA.

9.5.15 I do not agree with Hilton Haulage [168.37], Southern Proteins [140.18] and North Meadows [190.12] that earthworks required to achieve the minimum floor levels specified in a Flood Risk Certificate should be excluded from EW-R1. In my opinion, it is appropriate for EW-R1 to apply to such works in order to achieve the EW chapter objective and policy direction. The earthworks provisions in the NH chapter do not manage the depth/height of earthworks, earthworks on a slope, earthworks in proximity to boundaries or electricity distribution lines or require reinstatement or rehabilitation. The NH provisions also do require the ADP to be followed. It is also my understanding that Mr. Willis has recommend that the maximum area controls in the NH chapter be removed. I therefore recommend that the submission points from Hilton Haulage [168.37], Southern Proteins [140.18] and North Meadows [190.12] be rejected.

9.5.16 In considering the submission points from Hilton Haulage [168.37], Southern Proteins [140.18] and North Meadows [190.12], I note that the EW Introduction lists the chapters that contain more targeted earthwork provisions and that the 'Flood Assessment Areas' are absent from that list. I therefore recommend that the EW Introduction is amended to make it clear that earthworks within a 'Flood Assessment Area' are also manged by targeted earthworks provisions in the NH chapter. I consider this change to be a minor change pursuant to Clause 16(2) of the RMA.

9.5.17 In relation to EW-R1 (PER-2), Ms. White, in her analysis of the SASM chapter, has recommended that the elements within APP4 that constitute a form are removed. In her opinion, it is administratively inefficient to require a form to be filled out for a large range of

earthworks activities, that are otherwise permitted, noting that the form simply formalises a commitment to adhere to the ADP and is in effect no different from simply requiring compliance with the protocol. Ms. White also agrees with Heritage NZ that ADP should only apply where an Archaeological Authority has not already been issued by Heritage NZ. As a result, in her analysis of the SASM chapter, Ms. White has recommended that EW-R1 (PER-2) is amended as follows:

"Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks shall be undertaken in accordance with t~~T~~he Accidental Discovery Protocol ~~commitment form,~~ contained within APP4 – ~~Form confirming a commitment to adhering to an~~ Accidental Discovery Protocol~~, has been completed and submitted to Council, prior to the commencement of any earthworks.~~"

9.5.18 I support the recommendations from Ms. White for the same reasons. I therefore recommend that the submission point from Heritage NZ [114.37] be accepted in part.

9.5.19 The submission points from the NZDF [151.10 and 151.11] in relation to PER-2 and APP4, in my view, have largely been addressed by the recommendations of Ms. White. For completeness, I agree with the NZDF [151.10] that the Advice Note in the EW chapter also covers the ADP, which is now recommended, by Ms. White, to be contained in APP4. I therefore recommend that the Advice Note in the EW chapter is amended to simply refer plan users to APP4. I also recommend that the Advice Note is shifted to the EW Introduction. In my opinion, it is appropriate for the advice note to be retained in the EW Chapter to inform plan users of their obligations regarding accidental discovery, noting EW-R1 excludes various activities from complying with PER-2 (APP4). I consider this change to be a Clause 16(2) amendment. I therefore recommend the submission points from the NZDF [151.10 and 151.11] be accepted in part.

9.5.20 The submission points from Rooney Holdings [174.98], Rooney, GJH [191.98], Rooney Group [249.98], Rooney Earthmoving [251.98], Rooney Farms [250.98] and TDL [252.98] opposing APP4 and the requirement to adhere to the ADP, in my view, have been addressed by Ms. White. I therefore recommend that these submission points be accepted. I note that neither EW-R1 or APP4, as notified, stipulate a two week notice period. I therefore recommend the submission points from Rooney Holdings [174.59], Rooney, GJH [191.59], Rooney Group [249.59], Rooney Earthmoving [251.59], Rooney Farms [250.59] and TDL [252.59] requesting that the two week notice period is removed, be accepted in part.

9.5.21 Having regard to the above, I recommend the submission points from Road Metals [169.33], Fulton Hogan [170.33], Waka Kotahi [143.106], KiwiRail [187.74] and JR Livestock [241.34] in support of EW-R1 be accepted in part, with amendments made to EW-R1 in response to other submission points.

Conclusions and Recommendations

9.5.22 I recommend, for the reasons given above, that the EW Introduction is amended as follows:

…The impact of earthworks on sensitive areas is dealt with in other chapters. This includes Significant Natural Areas, Outstanding Natural Landscapes or Features, High Naturalness Water Bodies, Visual Amenity Landscapes, Flood Assessment Areas, the Coastal Environment, Sites and Areas of Significance to Māori, Heritage Items or Settings, and infrastructure.

In addition, to the District Plan provisions, consent may also be required for earthworks under Regional Plan provisions and/or National Environment Standards.

In the event that an unidentified archaeological site or wāhi tapu site is located during any earthworks, all earthworks must follow the Accidental Discovery Protocol contained in APP4 – Accidental Discovery Protocol.

9.5.23 I recommend, for the reasons given above, that EW-R1 (PER-2) is amended, as per Ms. Whites's recommendation as follows:

PER-2
Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks shall be undertaken in accordance with t~~T~~he Accidental Discovery Protocol ~~commitment form,~~ contained within APP4 ~~– Form confirming a commitment to adhering to an~~ Accidental Discovery Protocol~~, has been completed and submitted to Council, prior to the commencement of any earthworks.~~

9.5.24 I recommend, for the reasons given above, that APP4 is amended to remove the elements within it that constitute a form, as per Ms. White's recommendation.

9.5.25 I recommend, for the reasons given above, that the Advice Note relating to the Accidental Discovery Protocol in the EW chapter is removed.

9.5.26 The recommended amendments are set out in full in **Appendix 1**.

9.5.27 In terms of Section 32AA, I consider the recommended amendments to be more efficient by removing the requirement to fill in a form committing to the Accidental Discovery Protocol; by removing duplication between the Advice Note and APP4; and by making it clear that earthworks within a 'Flood Assessment Area' are also managed by more targeted provisions in the NH chapter. The recommended amendments, in my view, will also be more effective at informing plan users of their obligations in the event that an unidentified archaeological site or wāhi tapu site is located when undertaking earthworks excluded from EW-R1.

9.6 EW-S1 Areas

9.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Karton and Hollamby Group	31.1
Dale, S and A	54.1
MFL	60.28
Fonterra	165.95

Dairy Holdings	89.13
Lineage Logistics	107.12
Silver Fern Farms	172.97, 172.98
Alliance Group	173.100
Rooney Holdings	174.60
Federated Farmers	182.176
Rooney, GJH	191.60
BP Oil et al	196.78
JR Livestock	241.34
Hort NZ	245.79
White Water	248.5, 248.6
Rooney Group	249.60
Rooney Farms	250.60
Rooney Earthmoving	251.60
TDL	252.60

Submissions

9.6.2 Dairy Holdings [89.13], Silver Fern Farms [172.98], Alliance Group [173.100], BP Oil et al [196.78], JR Livestock [241.34] and Hort NZ [245.79] support EW-S1, in respect of their particular interests, and seek that the standard is retained as notified.

9.6.3 Fonterra [165.95] seeks amendments to EW-S1.1 to impose no limit on earthworks within the Strategic Rural Industry Zone (SRIZ), as part of their zone request of the Clandeboye site. In their view, earthworks in the SRIZ should be unlimited given the scale and isolation of the Clandeboye site and that any effects of earthworks, in their view, are already managed by the regional council.

9.6.4 Silver Fern Farms [172.97] supports EW-S1 as they consider it appropriate to apply minimal controls on earthworks in the GRUZ where earthworks are associated with primary production activity. However, Silver Fern Farms [172.97] request an amendment to EW-S1 to include a maximum volume of earthworks. The submitter considers that EW-S1, as notified, does not include a maximum volume and seeks clarification on whether the maximum volume is unlimited. If the maximum volume is unlimited, Silver Fern Farms [172.97] ask for this to be made clear in EW chapter.

9.6.5 Rooney Holdings [174.60], Rooney, GJH [191.60], Rooney Group [249.60], Rooney Earthmoving [251.60], Rooney Farms [250.60] and TDL [252.60] oppose EW-S1.2 applying to earthworks in the GRZ and MRZ and request amendments to the standard to exclude earthworks associated with implementing a subdivision consent prior to s224(c) certification. The submitters highlight that such control has not been exerted under the ODP and, in their view, most greenfield subdivisions would be unable to comply with the 250m^2 as notified.

9.6.6 White Water [248.5 and 248.6] also request that bulk earthworks associated with engineering works for the development of greenfield land in the GRUZ is excluded from the 2,000m^2 per site or that a more appropriate standard is included for such earthworks in EW-S1. If a more appropriate standard is included, White Water [248.5] ask that the activity

status, where the maximum area of earthworks is not met, is changed from restricted discretionary to controlled.

9.6.7 Five submitters seek amendments to EW-S1 to increase the maximum area of earthworks in particular zones. Karton and Hollamby Group [31.1] seek that the maximum area of earthworks in the GRZ and MRZ is increased from 250m^2, as notified, to at least 350-400m^2 per site. Dale, S and A [54.1] and MFL [60.28] seek that the maximum area in the GRZ and MRZ is increased to 500m^2. Alternatively, amendments are sought to EW-S1 to increase the maximum area of earthworks for larger sections in the GRZ and MRZ.

9.6.8 Lineage Logistics [107.12] seek that the maximum area in the PORTZ is increased from 2,000m^2 to 5,000m^2. Lineage Logistics [107.12] also request that the activity status, where EW-S1.3 is not met, is changed from restricted discretionary to controlled with the matters of control limited to dust nuisance, sedimentation, land instability, erosion and contamination effects.

9.6.9 Federated Farmers [182.176] seek an increase to the maximum area thresholds in the GRUZ to allow 5,000m^3 in volume and 2,500m^2 in area per site as, in their view, higher thresholds will place less constraint on farmers.

Analysis

9.6.10 EW-S1, as notified, sets the maximum area of earthworks permitted per site and does not intend to manage the maximum volume of earthworks. The maximum volume of earthworks is instead managed via the other EW Standards. EW-S2.1 (Excavation and filling), sets in all zones a maximum depth/height of earthworks of 1.5m. The maximum volume of earthworks per site, at a basic level, can therefore be determined by multiplying the maximum area of earthworks in EW-S1 by the maximum depth/height of earthworks in EW-S2. In the GRUZ, for example, the maximum volume of earthworks (excluding earthworks for primary production activities permitted in the zone and ancillary rural earthworks) is 3,000m^3 (2,000m^2 x 1.5m). I note the maximum volume of earthworks is also dependent on the slope gradient (EW-2.2), whether the earthworks are for a building or structure authorised by a building consent (EW-S2 Note) and whether the earthworks are in proximity to any site boundary (EW-S3) or electricity distribution lines (EW-S4). EW-R1 and EW-S1 also include exemptions which, influence the maximum volume of earthworks per site. Most notably, there are no area thresholds for ancillary rural earthworks[9] and primary production identified as a permitted activity in the GRUZ or RLZ. I therefore do not support the submission from Silver Fern Farms [172.97] to include a maximum volume of earthworks in

[9] Ancillary rural earthworks in the PDP are defined as any earthworks associated with the maintenance and construction of facilities associated with ~~farming~~ primary production activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).

EW-S1. I therefore recommend the submission point from Silver Fern Farms [172.97] be rejected.

9.6.11 Regarding the maximum area thresholds, I note that the thresholds, as notified, only apply to earthworks that are not already excluded from EW-R1. EW-R1 excludes earthworks for various activities, including earthworks for infrastructure permitted in the EI and TRAN chapters (and as recommend by Mr. Willis restricted discretionary activities).[10] EW-R1 also excludes earthworks within the building footprint or within 2m of the outer edge of a building that has building consent and complies with EW-S3. In addition, EW-S1, as notified, excludes earthworks for primary production activities permitted in the GRUZ and RLZ and ancillary rural earthworks. The definition of 'earthworks' also excludes the disturbance of land for gardening, cultivation, and the installation of fence posts. The application of EW-S1, in my opinion, is therefore limited to earthworks for activities such as level building platforms and/or sites at the time of subdivision, for buildings that do not hold a building consent, retaining walls and/or structures not required for the structural support of principal buildings, and new land transport infrastructure outside existing road and rail corridors. The area thresholds in EW-S1, in my opinion, are therefore reasonable to facilitate most land use activities anticipated in the GRZ, MRZ and GRUZ. I therefore recommend that the submission points requesting increases to the maximum area thresholds from Karton and Hollamby Group [31.1], Dale, S and A [54.1], MFL [60.28] and Federated Farmers [182.176] be rejected.

9.6.12 Based on the above exclusions, I do not agree with Lineage Logistics [107.12] that the area of earthworks in the PORTZ should be increased to 5,000m^2. I also do not support a controlled activity status where the thresholds in EW-S1 are not met as controlled land use consents must be granted resource consent under the RMA. Controlled land use consents are also precluded from public and/or limited notification except in special circumstances. In my view, there may be circumstances where it is necessary to decline, or notify, an application for resource consent to achieve the objective and policy direction. EW-P5 (as recommended), for example, makes it clear that significant adverse effects on land stability are to be avoided. A restricted discretionary activity status for earthworks that do not comply with permitted thresholds is also consistent with the approach applied in other district plans in Canterbury. This includes the Partially Operative Selwyn District Plan, the Proposed Waimakariri District Plan and the Mackenzie District Plan. I therefore I recommend the submission from Linage Logistics [107.12] be rejected.

9.6.13 I agree with Rooney Holdings [174.60], Rooney, GJH [191.60], Rooney Group [249.60], Rooney Earthmoving [251.60], Rooney Farms [250.60], and TDL [252.60] that most large-scale subdivisions in the GRZ and MRZ would be unable to comply with the 250m^2 as notified (even with the exclusions in EW-R1). A restricted discretionary land use consent would therefore be required at the time of subdivision consent. However, in my opinion, it is

[10] This includes, but is not limited to, earthworks for: the maintenance and repair or removal of infrastructure [EI-R1], new underground infrastructure (EI-R3), water, wastewater and stormwater connections (EI-R23), new three water systems (EI-R26), vehicle accessways (TRAN-R3), vehicle parking areas (TRAN-R6) and private ways (TRAN-R28).

appropriate for the matters of the discretion in EW-S1 to be assessed where earthworks associated with subdivision exceed the thresholds in EW-S1 to ensure the objective and policy direction in the EW chapter is met. I therefore do not recommend a blanket exemption for earthworks associated with subdivision as sought by the submitters. I am also hesitant to increase the maximum area of earthworks to facilitate subdivisional earthworks in these zones, as any increase to the maximum area would also increase the area of earthworks for land use activities and, in my view, would contrary to the objective and policy direction.

9.6.14 One option I have considered is including an exemption for subdivisional earthworks in EW-S1 (or EW-R1) but requiring the effects of earthworks to be assessed at the time of subdivision as part of the subdivision consent application through additional matters of control/discretion in SUB-R1, SUB-R2 and SUB-R3. I note that this approach is consistent with the Proposed Queenstown Lakes District Plan, which excludes earthworks associated with subdivision from the area, volume and cut and fill limits in the EW chapter but requires all applications for subdivision consent to be considered against the earthworks matters of discretion/assessment matters at the time of subdivision. However, this approach would require various amendments to the EW and SUB chapters and would not necessarily align with the NP Standards which, require all provisions managing 'earthworks' to be located in the EW chapter. This approach would also be less efficient for small-scale subdivision in all zones as all earthworks associated with subdivision would need to be assessed, even if the area thresholds in EW-S1 were met, or the earthworks were excluded from EW-R1. I therefore recommend that PDP approach is retained and the submission points from Rooney Holdings [174.60], Rooney, GJH [191.60], Rooney Group [249.60], Rooney Earthmoving [251.60], Rooney Farms [250.60], and TDL [252.60] be rejected. For the reasons given above, I also recommend the submission points from White Water [248.5 and 248.6] in relation to subdivision in the GRUZ be rejected.

9.6.15 Regarding the submission from Fonterra [165.95], I understand that since the submission was lodged Fonterra is now seeking a specific Clandeboye Manufacturing Zone as a special purpose zone and there is also an option for this to be a precinct in the GIZ. If a new Clandeboye Manufacturing Zone is created, then I consider it appropriate for the zone to be included in EW-S1. However, in order to achieve the objective and policy direction I do not agree with Fonterra [165.95] that the area of earthworks, at the Clandeboye site, should be unlimited. In my opinion, the 2,000m^2 applying to the GIZ combined with the earthwork's exclusions in EW-R1, are reasonable to facilitate most activities anticipated in the zone. I also note that earthworks managed in the CLWRP relate to functions of the regional council (as set out in s30 of the RMA) and do not relate to the functions of territorial authorities (as set out in s31 of the RMA). Most notably, regional councils are focused on the effects of earthworks on natural resources such as waterbodies, whereas the district plan is focused on amenity and nuisance type effects. As such, I do not agree with Fonterra [165.95] that any significant earthworks will already be managed by a regional council resource consent as provisions in the CLWRP do not manage the effects of earthworks that the PDP is seeking to manage. Accordingly, I recommend the submission from Fonterra [165.95] be accepted

in part and that the Clandeboye Manufacturing Zone is included in EW-S1.3 (if created). I note that this does not alter the drafting intent.

9.6.16 I note that Ms. White, in her analysis of the SASM provisions, has recommend amendments to EW-S1.2 and EW-S2.2 to include additional matters of discretion for earthworks located within a wāhi tūpuna, wāhi taoka or wāhi tapu overlay. I support the recommendations of Ms. White and have included these amendments in **Appendix 1**.

9.6.17 Having regard to the above, I recommend the submission points from Dairy Holdings [89.13], Silver Fern Farms [172.98], Alliance Group [173.100], BP Oil et al [196.78], JR Livestock [241.34] and Hort NZ [245.79] in support of EW-S1 be accepted.

Conclusions and Recommendations

9.6.18 I recommend, for the reasons given above, that the Clandeboye Manufacturing Zone (if created) is included in EW-S1.3.

9.6.19 The recommended amendments are set out in full in **Appendix 1**.

9.6.20 The scale of the change, in my view, does not require a Section 32AA evaluation because it is a minor consequential change (of creating a new zone) and does not alter the drafting intent.

9.7 EW-S2 Excavation and filling and EW-S3 Setbacks

9.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Dale, S and A	54.2, 54.3
Lineage Logistics	107.13, 107.14
Kāinga Ora	229.54

Submissions

9.7.2 Lineage Logistics [107.13 and 107.14] considers EW-S2 and EW-S3 to be inappropriate to facilitate development in the PORTZ and requests an exemption for the PORTZ in both standards. Alternatively, Lineage Logistics [107.13 and 107.14] seeks amendments to EW-S2 and EW-S3 to include more appropriate controls to facilitate development in the PORTZ.

9.7.3 Dale, S and A [54.2] raises concerns with the 'Note' in EW-S2 and seeks clarification on how building consents for earthworks on subdivisions can be issued prior to records of title being released.

9.7.4 Dale, S and A [54.3] considers the 1.5m minimum boundary setback for retaining in EW-S3 will result in excessive loss of usable build space for medium density development and smaller sections and seeks an exemption for any earthworks where a building consent has been issued to conduct the earthworks.

9.7.5 Kāinga Ora [229.54] opposes EW-S3 as they believe the standard will place unnecessary consent requirements on relatively minor earthworks. The submitter therefore seeks for EW-S3 to be deleted.

Analysis

9.7.6 The Note in EW-S2, as notified, stipulates that a cut or fill height up to 2.5m measured vertically does not need to meet EW-S2 where it is retained by a building or structure authorised by a building consent (which must be obtained prior to earthworks commencing). Dale, S and A [54.2] raise concerns with the 'Note' and seek clarification on how building consents for earthworks on subdivisions can be issued prior to records of title being released. I have discussed this matter with the Building Department who have confirmed that in the absence of s224c certification, building consents are still issued for new allotment(s) via the underlying Record of Title (i.e., the parent lot). No amendments to EW-S2 are therefore recommended in response to this submission point. Nevertheless, the analysis above is anticipated to address the submitters concerns.

9.7.7 I do not agree with Lineage Logistics [107.13] that the PORTZ should be excluded from EW-S2 or that amendments to EW-S2 are needed to facilitate earthworks activities in the PORTZ. In my opinion, the exemption in the Note (earthworks retained by a building and/or structure authorised by a building consent) coupled with the exclusions in EW-R1 are reasonable to facilitate most activities anticipated in the zone. The submitter has also provided no evidence to support an increased depth/height of earthworks in the PORTZ. In my opinion, it is also appropriate for fill in the PORTZ to be cleanfill material and for earthworks to be managed on a slope to achieve EW-O1, EW-P2 and EW-P5. I therefore recommend that the submission point from Linage Logistics [107.13] in respect of EW-S2 is be rejected.

9.7.8 EW-S3, as notified, requires earthworks to be setback 1.5m from a boundary if the earthworks exceed 0.5m in depth and/or height. The purpose of the standard is to manage adverse effects on directly adjoining properties with the matters of discretion restricted to sedimentation and land stability effects and the impacts on outlook and privacy. In my opinion, EW-S3 is intended to give effect to EW-P2 and EW-P5.

9.7.9 The Building Act 2004 controls stability issues (including slippage and inundation) in respect of new buildings and structures. However, having discussed it with the Building Department it is my understanding, that the Building Act 2004 only assesses the stability of buildings and/or building works (as defined in the Building Act 2004). Land stability effects over a boundary, under the Building Act 2004, are also only assessed where the works have the potential to affect an existing surcharge such as, a building, tree and/or driveway. Having discussed it with the Building Department, earthworks that exceed 0.5m within 1.5m of a property also have the potential to impact on the stability of an adjoining property and can affect their ability to build. I therefore do not agree with Dale S and A [54.3] that an exemption should be included in EW-S3 for buildings and/or structures where a building

consent has been issued. I therefore recommend the submission point from Dale, S and A [54.3] be rejected.

9.7.10 Based on the above, I do not agree with Linage Logistics [107.14] that the PORTZ should be excluded from EW-S3 or Kāinga Ora [229.54] that EW-S3 should be deleted. In my view, it is appropriate to manage excavation and filling in proximity to site boundaries in all zones where they exceed 0.5m in depth to ensure adverse land stability effects on adjoining properties are avoided or mitigated (consistent with the recommended amendments to EW-P5). In my view, it is also appropriate to manage visual amenity effects from cut faces and/or retaining structures, in all zones. Standards managing excavation and filling in proximity to site boundaries where the depth exceeds 0.5m are also not uncommon in district plans in Canterbury. I note that the Partially Operative Selwyn District Plan, the Proposed Waimakariri District Plan and Mackenzie District Plan include similar standards. I therefore recommend the submission points from Linage Logistics [107.14] and Kāinga Ora [229.54] be rejected.

Conclusions and Recommendations

9.7.11 I recommend no amendments to EW-S2 and EW-S3 in relation to the above submission points.

9.8 EW-S4 Rehabilitation and reinstatement

9.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Dale, S and A	54.4

Submissions

9.8.2 Dale, S and A [54.4] consider the 12-month time limit to be too restrictive for large scale developments and note that the size of the project, weather events and labour shortages all impact on the length of time required to complete a development. Dale, S and A [54.4] therefore request an amendment to EW-S4 to allow a longer time period for large scale projects.

Analysis

9.8.3 EW-S4, as notified, requires land disturbed as a result of earthworks to be rehabilitated or reinstated within 12 months of the earthworks commencing on the site or on completion of the earthworks (whichever is the lesser). The purpose of the standard is to manage adverse effects associated with delays in rehabilitation/reinstatement, including visual amenity effects and nuisance effects such as dust. While I agree with Dale, S and A [54.4] that the 12 month time period may not be achievable for larger scale developments, in my view, where a development is expected to take over 12 months to complete it is appropriate for the matters of discretion in EW-S4 to be assessed in order to achieve the objective and policy

direction in EW-O1 and EW-P2. Furthermore, the 12-month time limit for rehabilitation/reinstatement is consistent with other district plans in Canterbury including the Partially Operative Selwyn District Plan and Mackenzie District Plan. I therefore recommend the submission point from Dale, S and A [54.4] be rejected.

Conclusions and Recommendations

9.8.4 I recommend, for the reasons given above, that EW-S4 is retained as notified.

9.9 EW-S5 Earthworks in proximity of the National Grid

9.9.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.89
Federated Farmers	182.177
Hort NZ	245.80

Submissions

9.9.2 Transpower [159.89] considers that EW-S5, as notified, duplicates EI-R28 (Earthworks and land disturbance in the National Grid Yard). Transpower [159.89] therefore request that this duplication is removed by deleting EW-S5 and by referring plan users to EI-R28.

9.9.3 Federated Farmers [182.177] supports EW-S5 but considers the 12m setback in EW-S5.2 to be restrictive. Federated Farmers [182.177] therefore seek for the minimum setback to be reduced to 8m.

9.9.4 Hort NZ [254.80] supports the exclusion for cultivation in EW-S5 and the requirements relating to the National Grid. However, Hort NZ [254.80] seek that the requirements in relation to 66kV electricity distribution lines are removed. In their view, there is no policy framework supporting their inclusion.

Analysis

9.9.5 While I acknowledge that there is stronger policy direction in the PDP and NPSET in relation to the National Grid, the National Grid and the electricity transmission network are both identified as RSI in the CRPS. Mr. Willis, in his analysis of the EIT chapters (Hearing E), has also recommended that the electricity transmission network is included in the definition of RSI. I therefore do not agree with Hort NZ [254.80] that there is no policy framework to support the inclusion of 66kV electricity distribution lines in PDP. EW-P4 (Infrastructrue), for example, is clear that all RSI is to be protected from the adverse effects of earthworks. EI-P3 (Adverse effects on RSI) also seeks for incompatible activities to be appropriately located to ensure they do not constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any RSI or lifeline utility.

9.9.6 Additionally, the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (the Code) contains restrictions on excavation in relation to both the National Grid and other electricity distribution lines and does not distinguish between 66kV and 110kv lines. The purpose of the Code, and the excavation setbacks, is to protect persons, property and equipment from harm or damage from electric hazards; to ensure any excavation does not compromise the structural integrity of the overhead electric line; and to ensure the support structure can be accessed for inspection and maintenance. I therefore recommend the submission point from Hort NZ [254.80] be rejected.

9.9.7 I agree with Transpower [159.89] that there is potential overlap between EW-S5 and EI-R28 in respect of the National Grid, with both the rule and standard containing similar but slightly different earthwork controls. However, it is my understanding that EW-S5 and EI-R28 are intended to manage earthworks in proximity to different electricity distribution lines. I therefore do not agree with Transpower [159.89] that EW-S5 should be deleted in its entirety.

9.9.8 EI-R28 applies to any earthworks within the National Grid Yard which is defined in the PDP as follows:

a. the area of land located within 10m of either side of the centreline of an above ground 110kV electricity line on single poles;
b. the area within 12m either side of the centreline of an above ground transmission line on pi-poles or towers that is 110kV or greater; and
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.

9.9.9 EW-S5, applies to any earthworks in proximity to other assets used or owned by Transpower that form part of the National Grid but are outside the National Grid Yard, including designated transmission lines less than 110kV. EW-S5, also applies to other 66kV electricity distribution lines not owned or operated by Transpower.

9.9.10 Based on the above, I recommend amendments to EW-S5 to ensure the standard only applies to earthworks in proximity to 66kV electricity distribution lines and does not capture earthworks within the National Grid Yard. I also recommend that a note for plan users is included in EW-S5 to make it clear that any earthworks undertaken within the National Grid Yard are to be assessed in EI-R28. I therefore recommend the submission from Transpower [159.89] be accepted in part.

9.9.11 The above recommendations are anticipated to alleviate the concerns of Federated Farmers [182.177] as the 12m setback in EW-S5 only applies to National Grid support structures and does not apply to 66kV transmission lines. I also note that Mr. Willis, in his analysis of the EIT provisions, has recommended that EI-R28 is amended to permit earthworks within the National Grid Yard, where earthworks or land disturbance is no greater than 300mm deep within 6 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole. I therefore recommend the submission point from Federated Farmers [182.177] be accepted in part.

Conclusions and Recommendations

9.9.12 I recommend, for the reasons given above, that EW-S5 is amended as follows:

Earthworks, in proximity of ~~the National Grid and/or~~ a 66kV electricity distribution line, excluding earthworks for:

a. a network utility as part of an electricity transmission activity; or
b. agricultural or domestic cultivation; or
c. the repair, sealing or resealing of a road, footpath, driveway or farm track.

1. *~~Any earthworks must not exceed a depth or fill of 300mm within a distance measured 12m from the outer visible edge of any National Grid support structure; or~~*
2. *Earthworks ~~within 12 metres of the centre line of a 110kV or a 220KV National Grid transmission line or~~ within 10m of the centre line of a 66kV transmission line must:*
   a. *be no deeper or higher than 300mm below or above ground level[11] within 6m of a foundation of a transmission line support structure; and*
   b. *be no deeper than 3m below ground level[12] when:*
      i. ~~between 6 and 12 metres from the foundation of a 110kV or a 220kV National Grid transmission line support structure; or~~
      ii. *between 6 and 10 metres from the foundation of a 66kV transmission line support structure; and*
      iii. *not result in a reduction in the ground conductor clearing distances below what is required by Table 4 in NZECP34:2001, unless the requirements of Clause 2.2.3 of NZECP34:2001 are met.*

Note: *Earthworks and land disturbance within the National Grid Yard are assessed in EI-R28.*

9.9.13 The recommended amendments are set out in full **Appendix 1**.

9.9.14 In terms of Section 32AA, the recommended amendments, in my view, are more effective at achieving the drafting intent and will improve plan efficiency by removing duplication between EW-S5 and EI-R28.

10. Relocated Buildings and Shipping Containers

10.1 General

10.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Burdon, L A	72.4
ECan	183.1, 183.4

Submissions

10.1.2 Burdon, L A [72.4] seeks that Council enforce the Performance Standards for relocated buildings and shipping containers in the ODP. The submitter is concerned that there has been

[11] ECan [183.4]
[12] ECan [183.4]

an increase in the number of shipping containers in the District and considers that they are having a degrading effect on the landscape.

10.1.3 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined. It could therefore be unclear what is being measured. The submitter considers that it is necessary to review all references to size of buildings in the PDP and consider whether a clear definition is required. Ecan [183.1] suggests linking development to either the 'building footprint' or 'gross floor area', which are defined in the NP Standards, and then create exclusions from those terms within the rules if necessary.

10.1.4 ECan [183.4] is concerned that within the PDP, references to 'height' of buildings or structures do not make reference to where height is measured from. ECan [183.4] seeks that all references to the height of buildings and/or structures, across the PDP, is reviewed to ensure that height is measured from ground level.

Analysis

10.1.5 The submission from Burdon, L A [72.4] is noted. Compliance and enforcement of the ODP is however, outside the scope of the PDP.

10.1.6 Regarding the submission points from ECan [183.1 and 183.4], RELO-R2 (CON-2), as notified, limits the total 'area' of shipping containers on a site. In considering the submission from ECan [183.1] I consider that it would be more appropriate for RELO-R2 (CON-2) to be amended to refer to the 'gross floor area' to avoid any ambiguity. I therefore recommend the general submission point from ECAN [183.1] be accepted in the context of the RELO chapter.

10.1.7 RELO-R1 and RELO-R2 do not control the maximum height of relocated buildings and shipping containers. I therefore do not consider that the concern raised by ECan [183.4] arises in relation to the RELO chapter. I therefore recommend the general submission point from ECan [183.4], in respect of the RELO chapter, be rejected.

Conclusions and Recommendations

10.1.8 I recommend, for the reasons given above, that RELO-R2.2 (CON-2) is amended to refer to the 'gross floor area' of shipping containers. The recommended amendments are set out in the analysis of RELO-R2 below and **Appendix 1**.

10.1.9 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

10.2 Definitions – Relocated building

10.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Heritage NZ	114.7

Submissions

10.2.2 Heritage NZ [114.7] is concerned that the definition of 'relocated building', as notified, does not cover the relocation of buildings within a site despite the PDP referring to the relocation of historic heritage items within or beyond their heritage setting (HH-P6). For consistency and to avoid confusion, Heritage NZ [114.7] therefore seeks amendments to the definition of 'relocated building' as follows:

"means any building that is relocated, in whole or in part, from one site to another site, or repositioned within its own site, but excludes…"

Analysis

10.2.3 The relocation of heritage items (including buildings) within or outside a heritage setting are managed by provisions in the HH chapter (HH-P6 and HH-R8) and, in my view, are not intended to be managed by provisions in the RELO chapter. The provisions in the HH chapter do not explicitly refer to 'relocated buildings' and, in my view, have been purposely drafted to avoid the use of this definition. To my understanding, the definition of 'relocated building' has also been purposely drafted to only apply to buildings being relocated from one site to another and does not capture the relocation of buildings within a site. The reason for this is the relocation of buildings within a site already form part of the existing environment and are therefore anticipated to have minimal effects on the character and visual amenity of the surrounding area (consistent with RELO-O1). I therefore do not agree with Heritage NZ [114.7] that the definition of 'relocated building' should be amended to apply to buildings being repositioned within a site as, in my view, this does not reflect the drafting intent. It would also impose controls on buildings that are already anticipated to meet the objective and policy direction.

10.2.4 However, in considering the submission from Heritage NZ [114.7] I recommend amendments to the definition of 'relocated building' to exclude the relocation of heritage buildings listed in SCHD3. I also recommend the RELO chapter Introduction is amended to make it clear that the relocation of heritage buildings is managed by provisions in the HH Chapter. I note that HH-P6 provides direction that the physical condition of any heritage item being relocated is to be enhanced. HH-R6 (as a discretionary activity) also allows conditions of consent to be imposed to ensure any reinstatement works/enhancements to a heritage item/building are undertaken in a timely manner which, is consistent with the direction in RELO-P3.

10.2.5 Having regard to the above, I recommend the submission point from Heritage New Zealand [114.7] be accepted in part.

Conclusions and Recommendations

10.2.6 I recommend, for the reasons given above, that the definition of relocated building is amended as follows:

"means any building that is relocated, in whole or in part, from one site to another site, but excludes:

a. shipping containers; and
b. new buildings specifically constructed for relocation to another site; and
c. non-motorised caravans~~.~~; and
d. heritage buildings listed in SCHED3 – Schedule of Historic Heritage Items."

10.2.7 I recommend, for the reasons given above, that the RELO chapter Introduction is amended as follows:

…For these reasons, this chapter manages the relocation of buildings and shipping containers as a specific land use activity.

The relocation of heritage buildings listed in SCHED3 – Schedule of Historic Heritage Items is managed by provisions in the Historic Heritage chapter.

10.2.8 The recommended amendments are as set out in **Appendix 1**.

10.2.9 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

10.3 RELO-P1 Relocated buildings and shipping containers in General Industrial Zone

10.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hilton Haulage	168.4
Silver Fern Farms	172.107
Alliance Group	173.109
Rooney Holdings	174.73
PrimePort	175.71
Barkers	179.24
TDHL	186.40
Rooney, GJH	191.73
Rooney Group	249.73
Rooney Farms	250.73
Rooney Earthmoving	251.73
TDL	252.73

Submissions

10.3.2 Hilton Haulage [168.4], Silver Fern Farms [172.107], Alliance Group [173.109], PrimePort [175.71], Barkers [179.24], and TDHL [186.40] support RELO-P1 and seek that the policy is retained as notified.

10.3.3 Rooney Holdings [174.73], Rooney, GJH [191.73], Rooney Group [249.73], Rooney Farms [250.73], Rooney Earthmoving [251.73] and TDL [252.73] seek amendments to RELO-P1 to enable the use of relocated buildings and shipping containers in the GRUZ (without controls). In their view, they are widely used within the zone.

Analysis

10.3.4 While the GRUZ is categorised as a working environment of mostly utilitarian buildings and structures (GRUZ-O2.2), the PDP anticipates higher levels of amenity around sensitive activities and zone boundaries (GRUZ-O2.3). In my opinion, it is therefore appropriate for relocated buildings and shipping containers in the GRUZ to be manged on a case-by-case basis to minimise adverse effects on the character and visual amenity values of the surrounding area. I therefore recommend the submissions points from Rooney Holdings [174.73], Rooney, GJH [191.73], Rooney Group [249.73], Rooney Farms [250.73], Rooney Earthmoving [251.73] and TDL [252.73] in relation to RELO-P1 be rejected. Nevertheless, the analysis of RELO-R1 below is anticipated to address the submitters concerns as I recommend that relocated buildings are permitted in all zones subject to appropriate controls.

10.3.5 In reviewing RELO-P1, I recommend that the title of the policy is amended to include the PORTZ and that a capital letter is used in the policy when referring to the GIZ. I consider these changes to be minor amendments pursuant to Clause 16(2) of the RMA. I therefore recommend the submission points from Hilton Haulage [168.4], Silver Fern Farms [172.107], Alliance Group [173.109], PrimePort [175.71], Barkers [179.24], and TDHL [186.40] seeking that RELO-P1 be retained as notified be accepted in part.

Conclusions and Recommendations

10.3.6 I recommend, for the reasons given above, that RELO-P1 is amended as follows:

RELO-P1 Relocated buildings and shipping containers in <u>the</u> General Industrial Zone <u>and Port Zone</u>
Enable the relocation of buildings and shipping containers in the General Industrial ~~z~~<u>Z</u>one and Port Zone.

10.3.7 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

10.4 RELO-R1 Placement of a relocated building

10.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hilton Haulage	168.5
Road Metals	169.36
Fulton Hogan	170.38
Silver Fern Farms	172.108

Alliance Group	173.110
PrimePort	175.72
Barkers	179.25
NZHHA	184.1
TDHL	186.41
Kāinga Ora	229.61

Submissions

10.4.2 Hilton Haulage [168.5], Silver Fern Farms [172.108], Alliance Group [173.110], PrimePort [175.72], Barkers [179.25], and TDHL [186.41] support RELO-R1 and seek that the rule is retained as notified.

10.4.3 NZHHA [184.1] seek amendments to RELO-R1 to permit relocated buildings in all zones where:

a. the building, including its intended use, is provided for as a permitted activity in the underlying zone and the built form performance standards are complied with;
b. any relocated building intended to be used as a dwelling must have previously been, designed, built and used as a dwelling;
c. a building pre-inspection report shall accompany the application for building consent. The report is to identify all reinstatement works that are to be completed to the exterior of the building. The report also needs to include a certification by the property owner that the reinstatement works will be completed within 12 months;
d. the building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site; and
e. all other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

10.4.4 NZHHA [184.1] considers the controlled activity status, as notified, to be overly restrictive, and highlight that other district councils, such as New Plymouth District Council, have provided for relocated buildings as permitted activities with performance standards/rule requirements. NZHHA [184.1] also refer to the Environment Court Decision *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* that held that there was no real difference in effect and amenity values between the construction of a new dwelling and the relocation of a second hand-dwelling, subject to appropriate standards.

10.4.5 NZHHA [184.1] supports the requirement of a pre-inspection report and have developed a template which, some councils have adopted (or adapted). To motivate building owners to progress the reinstatement of a relocated building NZHHA [184.1] also promote a two-month time period for the installation of a relocated building onto permanent foundations. Where the permitted activity standards are not met NZHHA [184.1] support a restricted discretionary activity status.

10.4.6 Kāinga Ora [229.61] seeks a new rule in the RELO chapter that permits relocated buildings in all residential zones where the permitted activity standards for the underlying zone are met.

In their view, residential buildings designed to be relocated (i.e., constructed to standard off-site for the purpose of being moved to a site) should be a permitted activity.

10.4.7 Road Metals [169.36] and Fulton Hogan [170.38] seek amendments to RELO-R1 to remove the requirement for applicants to enter into a contract with a licensed building practitioner. The submitters highlight that companies may have a licensed building practitioner in house and may be able to undertake the works as envisioned by the rule without entering a contract.

Analysis

10.4.8 All relocated buildings in the PDP require resource consent as a controlled activity excluding relocated buildings in the GIZ and PORTZ where they are permitted. The reason for this, as outlined in the s32 report, is to manage adverse visual amenity effects associated with the appearance of a relocated building before the foundation and exterior renovation works are completed. However, in considering the submission from NZHHA [184.1] I accept that a less onerous consenting pathway can be provided for relocated buildings in all zones while achieving the objective and policy direction in underlying zones and the RELO chapter. The rule requirements suggested by NZHHA [184.1], for example, require all exterior reinstatement works to be completed within 12 months of a building being relocated to a site and for a relocated building to be located on foundations within two months of the building being relocated to the site (consistent with the drafting intent). Relocating and re-using buildings, in my view, should also be ultimately encouraged as it is an efficient use of physical resources.

10.4.9 However, amendments are recommended to the wording suggested by NZHHA [184.1] to ensure the rule requirements apply to all relocated buildings (not just relocated dwellings) and to align with the Timaru District Council drafting approach. Additional rule requirements are also recommended to make it clear that all reinstatement works are to be completed within 12 months of the relocated building being located on the site and written confirmation is to be supplied to Council once the reinstatement works have been completed. Furthermore, I recommend that the permitted activity status is retained in the GIZ and PORTZ, without controls, as this is supported by other submitters, is consistent with the ODP approach and aligns with the objective and policy direction in RELO-O1 and RELO-P1.

10.4.10 I do not consider a rule requirement requiring compliance with the underlying zone rules and standards to be necessary. Compliance with the underlying zone rules and standards, in my view, is already required under the *Part 3 – Area-Specific Matters – Zone Chapters*. However, to avoid any ambiguity, I recommend that the Rule Note in the RELO Chapter is amended as follows:

Note: ~~*Activities not listed in the rules of this chapter are classified as a permitted under this chapter.*~~ *The underlying zone rules and standards in Part 3 – Area Specific Matters – Zone Chapters apply to relocated buildings and shipping containers. The provisions of Part 2 – District-wide Matters Chapters also apply to relocated buildings and shipping containers.*

~~*Consent may be required by rules in more than one chapter in the 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.*

10.4.11 If the Hearing Panel considers it more appropriate for a rule requirement to be included in RELO-R2.2, requiring compliance with the underlying zone rules and standards, I am comfortable with this approach provided consequential amendments are made to RELO-R1.1, RELO-R2.1 and RELO-R2.2. I note additional matters of discretion will also be required.

10.4.12 Having regard to the above, I recommend the submission point from NZHHA [184.1] be accepted in part.

10.4.13 The recommended amendments to RELO-R1, in my view, are anticipated to address the concerns of Kāinga Ora [229.61]. I recommend relocated buildings are permitted in all zones, including the residential zones, subject to appropriate controls. I note that the definition of 'relocated building' already excludes new buildings specifically constructed for relocation to another site as sought by the submitter. I therefore recommend the submission from Kāinga Ora [229.61] be accepted in part.

10.4.14 The recommended amendments to RELO-R1, in my view, are anticipated to address the concerns of Road Metals [169.36] and Fulton Hogan [170.38]. I recommend that the contractual requirements in CON-1 are removed. Applicants will instead need to submit a reinstatement report with any application for building consent which identifies all reinstatement works that are to be completed to the exterior of the building. The report shall include certification by the property owner that the reinstatement works will be completed within a 12-month period from the date the relocated building is being moved to the site. If the Hearing Panel do not accept the recommended amendments to RELO-R1 I agree with Road Metals [169.36] and Fulton Hogan [170.38] that the contractual arrangements in CON-1 should be removed. In my opinion, provided certification is supplied from a licensed building practitioner, that the requirements in CON-1 will be achieved, it is not necessary for Council to be privy to any contractual arrangements. I therefore recommend the submissions points from Road Metals [169.36] and Fulton Hogan [170.38] be accepted in part.

10.4.15 As I am recommending amendments to RELO-R1 in response to other submission points, I recommend the submission points from Hilton Haulage [168.4], Silver Fern Farms [172.107], Alliance Group [173.109], PrimePort [175.71], Barkers [179.24], and TDHL [186.40] seeking RELO-R1 be retained as notified, be accepted in part.

Conclusions and Recommendations

10.4.16 I recommend, for the reasons given above, that RELO-R1 is amended as follows:

RELO-R1	**Placement of a relocated building**	
1	**Activity Status: Permitted**	**Activity status where compliance not achieved: Not applicable**

General Industrial Zone **Port Zone**		
2 **All zones except the General Industrial Zone and Port Zone**	**Activity Status: ~~Controlled~~ Permitted** **Where:** **PER-1** The relocated building is designed and built for its intended purpose. **PER-2** A reinstatement works report prepared by a licensed building practitioner accompanies the application for building consent. The report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification by the property owner that the reinstatement works will be completed within a 12 month period from the date the relocated building is being moved to the site. **PER-3** The relocated building shall be located on permanent foundations approved by building consent, no later than two months of the building being moved to the site. **PER-4** All reinstatement works must be undertaken in accordance with the reinstatement work report within a 12 month period in accordance with PER-2. **PER-5** Once all reinstatement works have been completed written confirmation is supplied to Council. ~~**CON-1**~~ ~~The applicant has entered into a contract with a Licensed Building Practitioner that confirms that within twelve months of the building being located on the site:~~ ~~1. the building will be permanently sited on foundations; and~~ ~~2. any damage to the exterior of the relocated building will be repaired to a tradesman's like manner.~~ ~~**Matters of control are reserved to:**~~ ~~1. The exterior appearance and materials of the building; and;~~	**Activity status where compliance is not achieved: Restricted Discretionary** **The matters of discretion are restricted to:** 1. the timeframe to permanently site the building on foundations and to repair any damage to the exterior of the building; and 2. the quantum and details of a bank bond to guarantee the building is permanently located on foundations and any damage to the exterior is completed; and 3. the exterior appearance and materials of the building.

	~~2. Method and timing of notification to council to monitor the consent.~~ ***Note:*** *This rule does not apply if the building is a temporary activity provided for in TEMP - Temporary Activity Chapter.*	

10.4.17 I recommend, for the reasons given above, that the Rule Note is amended as follows:

Note: *~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter.~~ The underlying zone rules and standards in Part 3 – Area Specific Matters – Zone Chapters apply to relocated buildings and shipping containers. The provisions of Part 2 – District-wide Matters Chapters also apply to relocated buildings and shipping containers. ~~Consent may be required by rules in more than one chapter in the 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.*

10.4.18 The recommend amendments are set out in full in **Appendix 1.**

10.4.19 In terms of Section 32AA, the recommended amendments, in my view, will better enable the use of relocated buildings in all zones by reclassifying the activity status of relocated buildings from controlled to permitted, while remaining effective at achieving the amenity outcomes sought in underlying zones and the objective and policy direction in the RELO chapter. The amendments to the Rule Note, in my opinion, will also ensure all relocated buildings fall within an acceptable level of effects for the zone in which they are located by making it clear that all relocated buildings are to comply with the underlying zone rules and standards. The permitted activity status also aligns with case law that held that there was no real difference in effect and amenity values between the construction of a new dwelling and the relocation of a second hand-dwelling, subject to appropriate standards.

10.4.20 The recommended amendments, in my view, will also be more efficient by not requiring a resource consent for buildings that are generally anticipated to be acceptable (subject to reinstatement works being completed). I acknowledge that new internal processes to monitor and enforce RELO-R1.1 will be required. However, the permitted activity status, will reduce the regulatory burden and costs of controlled land use consents on landowners.

10.5 RELO-P2 – Shipping containers in all other zones and RELO-R2 Placement of a shipping container

10.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Tash Prodanov	117.4
Hilton Haulage	168.6
Road Metals	169.37
Fulton Hogan	170.39
Silver Fern Farms	172.109

Alliance Group	173.111
Rooney Holdings	174.74, 174.75
PrimePort	175.73
Barkers	179.26
TDHL	186.42
Rooney, GJH	191.74, 191.75
Rooney Group	249.74, 249.75
Rooney Farms	250.74, 250.75
Rooney Earthmoving	251.74, 251.75
TDL	252.74, 252.75

Submissions

10.5.2 Hilton Haulage [168.6], Silver Fern Farms [172.109], Alliance Group [173.111], PrimePort [175.73], Barkers [179.26] and TDHL [186.42] support RELO-R2, and seek that the rule is retained as notified.

10.5.3 Rooney Holdings [174.74], Rooney, GJH [191.74], Rooney Group [249.74], Rooney Farms [250.74], Rooney Earthmoving [251.74] and TDL [252.74] seek amendments to RELO-P2 to enable shipping containers in all zones (excluding the GIZ and PORTZ) where they are not 'readily visible' from any road. In their view, RELO-P2 by requiring shipping containers to be entirely unseen is overly restrictive. The submitters [174.75, 191.75, 250.75, 251.75 and 252.75] also oppose RELO-R2 (CON-1.2), as they consider the activity status for shipping containers which, are not visible from a road in all zones should be permitted.

10.5.4 Road Metals [169.37] and Fulton Hogan [170.39] oppose RELO-R2, as they consider the resource consent requirement for shipping containers that are not visible from the road to be restrictive. The submitters argue that managing the effects of shipping containers which, are not visible from the road does not give effect to RELO-P2 and request that in all zones that the activity status is changed to permitted. Road Metals [169.37] and Fulton Hogan [170.39] also request that the activity status, where the permitted rule requirements are not met, is changed to controlled.

10.5.5 Prodanov, T [117.4] seeks amendments to RELO-R2 (CON-2) to increase the maximum area of shipping containers on a site from 20m^2 to 30m^2 to allow for 40ft containers to be used as baches or replacement huts.

Analysis

10.5.6 In my opinion, RELO-P2, as notified, contains two pathways for the establishment of shipping containers on a site. The first pathway is for shipping containers that are entirely screened from the road and the second pathway is for shipping containers that are fully, or partially visible. Both pathways enable shipping containers to be established. The second pathway, however, requires greater consideration of the location of the shipping container to ensure the shipping container does not dominate the streetscape. If RELO-P2.1 is amended to enable shipping containers, if they are 'readily visible' from a road, the distinction between the two pathways, in my view, would be unclear. In my opinion, whether a container is 'readily visible' is also subjective and does not provide certainty if this direction is met. I

therefore do not support the specific amendments sought by Rooney Holdings [174.74], Rooney, GJH [191.74], Rooney Group [249.74], Rooney Farms [250.74], Rooney Earthmoving [251.74] and TDL [252.74].

10.5.7 However, in considering the submission points from Rooney Holdings [174.74], Rooney, GJH [191.74], Rooney Group [249.74], Rooney Farms [250.74], Rooney Earthmoving [251.74] and TDL [252.74] I do not consider the two pathways in RELO-P2 to be necessary, as any container entirely screened from the road, in my opinion, would already meet RELO-P2.2 by being in a position that does not dominate the streetscape. In my opinion, it is also not necessary for a container to be entirely unseen in order to achieve RELO-O1. I therefore recommend that the submission points from Rooney Holdings [174.74], Rooney, GJH [191.74], Rooney Group [249.74], Rooney Farms [250.74], Rooney Earthmoving [251.74] and TDL [252.74] be accepted in part and that RELO-P2.1 is deleted.

10.5.8 Shipping containers are generally used for industrial purposes for the storage and transportation of goods. In my opinion, it is therefore appropriate for shipping containers, which, meet the criteria, to be assessed as a controlled activity in all zones, other than the GIZ and PORTZ. If unmanaged, shipping containers, in my view, can have adverse effects on the character and visual amenity values of an area and may not achieve the objective and policy direction in the underlying zones or RELO chapter. A controlled land use consent for shipping containers, in my view, is also appropriate even if the container is entirely screened from the road or setback 20m from a road to ensure conditions of consent can be imposed (i.e., for screening to be maintained in perpetuity) and to manage potential effects on neighbouring properties. I also note that shipping containers generally do not require a building consent. Any reinstatement works are therefore unable to be managed by the building consent process.

10.5.9 In considering the submissions from Road Metals [169.37], Fulton Hogan [170.39], Rooney Holdings [174.75], Rooney, GJH [191.75], Rooney Farms [250.75], Rooney Earthmoving [251.75] and TDL [252.75] I have considered the scenarios where I would consider it appropriate for shipping containers to be a permitted activity in all zones except the GIZ and PORTZ. In my opinion, the only instance where it is appropriate for shipping containers to be permitted is if they are associated with a temporary activity provided for in the TEMP chapter. I note the Rule Note excluding relocated buildings from RELO-R2.1 where they are provided for in the TEMP chapter, does not extend to shipping containers. I therefore recommend that the Rule Note in RELO-R1 is applied to RELO-R2. While this is not expressly sought by the submitters, in my view, it will help elevate their concerns as shipping containers ancillary to construction work will be a permitted activity provided, they meet the rule requirements in the TEMP chapter. I therefore recommend the submissions points from Road Metals [169.37], Fulton Hogan [170.39], Rooney Holdings [174.75], Rooney, GJH [191.75], Rooney Farms [250.75], Rooney Earthmoving [251.75] and TDL [252.75] seeking a permitted activity status for shipping containers in all zones where they meet the requirements in RELO-R2.2 be accepted in part.

10.5.10 The intent of the RELO-R2 (CON-2), as outlined in the s32 report, is to be more permissive of small-scale containers. However, in my opinion, the effects of one 30m^2 container are comparable to one 20m^2 container or two 10m^2 containers and can therefore be managed by the matters of control and the underlying bulk and location standards. However, as an amendment to CON-2 to allow a maximum gross floor area of 30m^2 could also allow up to three 10m^2 containers in all zones, I recommend that CON-2 is also amended to make it clear that there shall be no more two containers per site (consistent with the drafting intent). The reason for this, is where there are more than two containers on a site, I consider it appropriate for the cumulative effects to be assessed in order to achieve RELO-R1 and RELO-P2.3. I note my preference would be to only allow one container per site in all zones other that the GIZ and PORTZ. However, I do not consider this to be in scope of submissions. I therefore recommend the submission point from Prodanov, T [117.4] be accepted in part.

10.5.11 RELO-R2 (CON-1.2) requires shipping containers to be not visible from a road. Whether a container is 'visible' from a road, in my opinion, is subjective and does not provide certainty for plan users when this rule requirement is met. The 'visibility' of a container, for example, may depend on the time of year, based on the density of vegetation, or the height of the person viewing the shipping container. As I am recommending RELO-P2.1 be deleted, I therefore recommend that RELO-R2 (CON-1.2) be deleted as a consequential amendment pursuant to Clause 10(2)(b) of the RMA. I acknowledge that this will make RELO (CON-1.2) more restrictive, in circumstances where a container is within 20m of a road but is entirely screened, as all containers within 20m of road will be a restricted discretionary activity regardless of any screening. However, I consider the recommended amendments to be appropriate as they remove any ambiguity of when CON-1.2 is met.

10.5.12 As I am recommending amendments to RELO-R2 in response to submissions, I recommend the submission points from Hilton Haulage [168.6], Silver Fern Farms [172.109], Alliance Group [173.111], PrimePort [175.73], Barkers [179.26] and TDHL [186.42] seeking that RELO-R2.1 be retained as notified be accepted in part.

Conclusions and Recommendations

10.5.13 I recommend, for the reasons given above, that RELO-P2 is amended as follows:

RELO-P2 Shipping containers in all zones
Enable shipping containers where:
~~*1. they are screened so that they are not visible from any road; or*~~
2. they are positioned in a location that does not dominate the streetscape; and
3. they do not adversely affect the character and amenity values of the surrounding area.

10.5.14 I recommend, for the reasons given above, that RELO-R2 is amended as follows:

<table>
<tr><td>RELO-R2</td><td colspan="2">Placement of a shipping container</td></tr>
<tr><td>1
General Industrial Zone

Port Zone</td><td>Activity Status: Permitted</td><td>Activity status where compliance not achieved: Not applicable</td></tr>
<tr><td>2
All zones except the General Industrial Zone and Port Zone</td><td>Activity Status: Controlled

Where:

CON-1
The shipping container is <s>either</s>:
1. located more than 20m from a road boundary; <s>or</s>
2. <s>is not visible from the road;</s> and

CON-2
The maximum total <u>gross floor</u> area <u>and number</u> of all shipping containers on the site does not exceed:

<table><tr><th>Site area</th><th>Total <u>Gross floor</u> area of shipping containers[13]</th><th><u>Number of shipping containers</u></th></tr><tr><td><10ha</td><td><s>20</s>30m^2</td><td><u>2</u></td></tr><tr><td>>10ha</td><td><s>20</s>30m^2 per 10ha of site area</td><td><u>2</u></td></tr></table>
and

CON-3
There is no stacking of shipping containers.

Matters of control are reserved to:
1. location of the shipping container on the site; and
2. the exterior appearance of the shipping container; <u>and</u>
3. screening and landscaping<s>;</s>.[14]</td><td>Activity status where compliance is not achieved: Restricted Discretionary

The matters of discretion are restricted to:
1. location on the site; and
2. visibility of the shipping container beyond the boundary of the site; and
3. the exterior appearance of the shipping container; and
4. landscaping and screening; and
5. the number of shipping containers on the site and cumulative effects on visual amenity and the character of the area.</td></tr>
</table>

[13] Clause 16(2) Amendment
[14] Clause 16(2) Amendment

	Note: *This rule does not apply if the shipping container is a temporary activity provided for in TEMP - Temporary Activity Chapter.*	

10.5.15 The amendments recommended are set out in **Appendix 1**.

10.5.16 In terms of Section 32AA, the recommended amendments, in my view, will remain effective at achieving RELO-O1, while removing the requirement for shipping containers to be entirely unseen. From a plan implementation perspective, the recommended amendments, in my view, also remove any ambiguity when RELO-P2.1 and RELO-R2 (CON-1.2) are met. I also consider the recommended amendments, to be more effective at enabling the use shipping containers throughout the district in accordance with RELO-P2 by enabling containers ancillary to temporary activities including construction work and larger containers, while remaining effective at achieving the objective and policy direction in the RELO chapter.

11. Signs

11.1 General

11.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.9
Waka Kotahi	143.10, 143.11
Fi Glass	161.9, 161.10
Fonterra	165.120, 165.121, 165.122, 165.123
ECan	183.1, 183.4
Out of Home Media	188.1
Griff Simpson Family	199.9
Red Sky	233.9
Woolworths NZ	242.16

Submissions

11.1.2 Go Media [18.9], Fi Glass [161.9], Griff Simpson Family [199.9], and Red Sky [233.9] consider that the s32 report for signs fails to provide an adequate planning assessment to support the proposed SIGN chapter as notified and seek that billboard and off-site signs are better enabled throughout the SIGN Chapter and appropriate zones (most notably the CMUZ, GIZ and PORTZ). Fi Glass [161.10] also seeks amendments to the SIGN Chapter to address other issues raised in their submission including, but not limited to, increases to the maximum area and height of signage and more appropriate illumination/lighting standards.

11.1.3 Waka Kotahi [143.10 and 143.11] supports the definitions of 'official sign' and 'off-site sign' and seeks that both definitions are retained as notified.

11.1.4 Fonterra [165.121, 165.122 and 165.123] supports the permitted activity status parameters for signs for the GIZ in SIGN-S3 (Height of signage), SIGN-S4 (Area of signage) and SIGN-S6 (Numbers of signs) and seeks that the SRIZ (as part of their zone request of the Clandeboye site) is added to these provisions. Fonterra [165.120] also requests that the SRIZ is added to SIGN-R4 (Any signs not otherwise listed).

11.1.5 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined. It could therefore be unclear what is being measured. The submitter considers that it is necessary to review all references to size of buildings in the PDP and consider whether a clear definition is required. Ecan [183.1] suggests linking development to either the 'building footprint' or 'gross floor area', which are defined in the NP Standards, and then create exclusions from those terms within the rules if necessary.

11.1.6 ECan [183.4] is concerned that within the PDP, references to 'height' of buildings or structures do not make reference to where height is measured from. ECan [183.4] seeks that all references to the height of buildings and/or structures, across the PDP, is reviewed to ensure that height is measured from ground level.

11.1.7 Out of Home Media [188.1] supports the provisions of the PDP, including the SIGN chapter as notified, except as otherwise specified in their submission.

11.1.8 Woolworths NZ [242.16] supports the PDP approach to the SIGN chapter, including the restricted discretionary activity status where the standards are not met.

Analysis

11.1.9 The submission points from Out of Home Media [188.1] and Woolworths [242.16] in general support of the SIGN chapter are noted.

11.1.10 The submission points from Go Media [18.9], Fi Glass [161.9 and 161.10], Griff Simpson Family [199.9], and Red Sky [233.9] opposing the approach to the SIGN Chapter are noted and are assessed in more detail in the analysis of the SIGN chapter provisions below.

11.1.11 No amendments to the definition of 'official sign' are proposed. The definition of 'official sign' is also a NP Standard definition and therefore must be used in the PDP if the term applies and is used in the same context. I therefore recommend the submission point from Waka Kotahi [143.10] in support of this definition be accepted.

11.1.12 I recommend a minor amendment to the definition of 'off-site sign' in response to other submission points, as detailed in the analysis of SIGN-P3 and SIGN-R4. I therefore recommend the submission point from Waka Kotahi [143.11] in support of this definition be accepted in part.

11.1.13 Regarding the submission points from Fonterra [165.120, 165.121, 165.122 and 165.123], I understand that since the submission was lodged Fonterra is now seeking a specific

Clandeboye Manufacturing Zone and there is also an option for this to be a precinct in the GIZ. If a new Clandeboye Manufacturing Zone is created, then I consider it appropriate for this zone to be listed in the SIGN chapter and for the rules and standards applying to the GIZ to apply to the zone. I note that this does not alter the drafting intent. Accordingly, I recommend the submission points from Fonterra [165.120, 165.121, 165.122 and 165.123] be accepted in part (if the Clandeboye Manufacturing Zone is created).

11.1.14 Regarding the general submission points from ECan [183.1 and 183.4], the concern raised by ECan [183.1], in my opinion, does not arise in relation to the SIGN provisions as the 'gross floor area' and 'building footprint' definitions, in the NP Standards and PDP, apply specifically to 'buildings' and do not apply to signs. I therefore recommend the general submission point from ECan [183.1] in respect of the SIGN chapter be rejected.

11.1.15 SIGN-S3, as notified, sets maximum height limits for signs. These are explicitly stated as being measured from ground level. I therefore do not consider that the concern raised by ECan [183.4] arises in relation to the SIGN Chapter. I therefore recommend the general submission from ECan [183.4] in respect of the SIGN chapter be rejected.

Conclusions and Recommendations

11.1.16 I recommend, for the reasons given above, that the Clandeboye Manufacturing Zone (if created) is included in SIGN-R4.3, SIGN-S3.2, SIGN-S4.6 and SIGN-S6.1. I also recommend a consequential amendment, pursuant to Clause 10(2)(b) of the RMA, to SIGN-S5.2.

11.1.17 The recommended amendments are set out in in **Appendix 1**.

11.1.18 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor consequential changes (of creating a new zone) and do not alter the drafting intent.

11.2 SIGN-P1 Managing the effects of signs

11.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.121
Fonterra	165.118
Out of Home Media	188.4

Submissions

11.2.2 Fonterra [165.118] supports SIGN-P1 and seeks that the policy is retained as notified.

11.2.3 Waka Kotahi [143.121] supports the intent of SIGN-P1 but considers it unclear whether 'official signs' are captured by the policy and highlight that 'official signs' may not always be

in keeping with the underlying zone purpose or qualities despite their necessity for health and safety reasons.

11.2.4 Out of Home Media [188.4] supports the intent of SIGN-P1 but seeks an "unacceptable" qualifier in SIGN-P1.3. In their view, requiring any contribution to visual clutter or cumulative effects to be avoided is overly restrictive, especially in the CMUZ, GIZ and PORTZ where advertising is prevalent.

Analysis

11.2.5 I agree with Waka Kotahi [143.121] that official signs may not always be compatible with the character and/or amenity values of the underlying zone, and it is unclear whether official signs are captured by SIGN-P1. The submission point from Waka Kotahi [143.121], in my opinion, therefore, highlights a gap in the policy direction as SIGN-R1, as notified, permits official signs in all zones without controls. I therefore recommend amendments to the policy direction in the SIGN Chapter to make it clear that official signs are to be enabled in all zones.

11.2.6 In my opinion, the most appropriate way to do this is to split SIGN-P1, as notified, into two policies. SIGN-P1, as notified, in my opinion, has two primary aims. Firstly, that signs are to be enabled in all zones (in line with SIGN-O1.1) and secondly that signs maintain the character and amenity values of the surrounding area (SIGN-O1.2). To distinguish these two aims, I therefore recommend that a new policy is included in the SIGN chapter which, enables signs in all zones (excluding off-site signs)[15] where they are an official sign, as sought by Waka Kotahi [143.121], or they meet the policy direction relating to character and amenity effects (SIGN-P1) and traffic safety (SIGN-P2). In my view, this does not alter the drafting intent. I then recommend that SIGN-P1, as notified, become a 'require' policy and that the reference to enabling signs in all zones is removed from this policy. As per Waka Kotahi submission [143.121], I recommend 'official signs' are explicitly excluded from this policy direction. I also recommend a Clause 16(2) amendment to the title of the policy to make it clear that the policy is focused on 'Character and amenity effects'. The recommend amendments are set out below:

SIGN-PX Signs
Enable signs (excluding off-site signs) in all zones, where:
1. *they are an official sign; or*
2. *they meet the requirements in SIGN-P1 and SIGN-P2.*

SIGN-P1 ~~Managing the effects of signs~~ Character and amenity effects
~~Enable signs in all zones, but r~~Require signs (excluding official signs) to:
1. *…*
2. *…*
3. *…*

[15] Off-site signs are recommended to be excluded from this policy as they are exclusively managed by SIGN-P3 and SIGN-P4.

11.2.7 Having regard to the above, I recommend the submission point from Waka Kotahi [143.121] be accepted.

11.2.8 I agree with Out of Home Media [188.4] that SIGN-P1.3, as notified, is restrictive by requiring all signs to not contribute to (i.e., to avoid) visual clutter or cumulative effects. In my opinion, it is not necessary to avoid all 'contributions' to visual clutter or cumulative effects to achieve SIGN-O1.2. I therefore recommend that SIGN-P1 is amended to require signs to minimise (i.e., reduce to the smallest possible amount or degree) visual clutter and cumulative effects and the requirement for signs to 'not contribute to' visual clutter or cumulative effects is removed. While this change is not expressly sought by the submitter, in my view, it will help mitigate their concerns. In my opinion, the recommended change is also more effective at achieving SIGN-O1.1 (i.e., supporting the needs of business, infrastructure and community activities).

11.2.9 Cumulative effects can occur regardless of scale, intensity, duration, or frequency of the effect. I therefore agree with Out of Home Media [188.4] that a qualifier should be included in SIGN-P1.3 in respect of cumulative effects. If a qualifier is included, however, I recommend the term 'adverse' instead of 'unacceptable' as this term is used throughout the SIGN Chapter. SIGN-P3.2, SIGN-S3, SIGN-S4, SIGN-S5 and SIGN-S6, for example, refer to adverse cumulative effects. I also note that the term 'unacceptable' in the PDP has only been used in provisions specific to hazards and risks and could imply that SIGN-P1.3 is only concerned with the cumulative safety risks of signs. In my opinion, this is not the intent or purpose of SIGN-P1. Having regard to the above, I recommend the submission from Out of Home Media [188.4] be accepted in part.

11.2.10 As I am recommending amendments to SIGN-P1 in response to other submission points, I recommend the submission point from Fonterra [165.118] seeking SIGN-P1 be retained as notified be accepted in part.

Conclusions and Recommendations

11.2.11 I recommend, for the reasons given above, that SIGN-P1 is split into two policies as follows:

SIGN-PX Signs

Enable signs (excluding off-site signs) in all zones, where:

1. *they are an offical sign; or*
2. *they meet the requirements in SIGN-P1 and SIGN-P2.*[16]

SIGN-P1 ~~Managing the effects of signs~~ Character and amenity effects

~~Enable signs in all zones, but r~~Require signs (excluding official signs) to:

1. *be compatible with the purpose, character and qualities of the Zone in which they are located; and*

[16] I note that the policy numbering will change if the Hearing Panel accept my recommendations. Consequential amendments to SIGN-P3, as notified, will also be required.

2. *be compatible <u>with</u> ~~to~~[17] the design and visual amenity of the building on which they are located; and*
3. *~~not contribute to~~ <u>minimise</u> visual clutter <u>and/</u>or <u>adverse</u> cumulative effects.*

11.2.12 The recommended amendments are set out in in **Appendix 1**.

11.2.13 In terms of Section 32AA, the recommend amendments, in my view, are more efficient by addressing the policy gap identified by Waka Kotahi. The recommended amendments, in my view, are also more effective at achieving SIGN-O1.1 and the drafting intent (i.e., for signs (other than off-site signs) to enabled where they meet the policy direction relating to character and amenity and traffic safety. The recommended amendments, in my opinion, will also remain effective at achieving SIGN-O1.2 by requiring visual clutter and/or adverse cumulative effects to be minimised, while ultimately being less restrictive.

11.3 SIGN-P2 Managing road safety

11.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.2
Waka Kotahi	143.122
Fi Glass	161.2
KiwiRail	187.82
Out of Home Media	188.5
Griff Simpson Family	199.2
Red Sky	233.2

Submissions

11.3.2 Waka Kotahi [143.122] and KiwiRail [187.82] support SIGN-P2 and seek that the policy is retained as notified.

11.3.3 Go Media [18.2], Fi Glass [161.2], Griff Simpson Family [199.2] and Red Sky [233.2] oppose SIGN-P2.3 and seek that the reference to 'digital signs' is removed from the policy. Go Media [18.2] note that the preceding text 'flashing and moving images' is inclusive of digital signs which, in their view, warrants the removal of the reference to 'digital signs'.

11.3.4 Out of Home Media [188.5] supports the intent of SIGN-P2 but seeks an unacceptable qualifier in SIGN-P2.3. The submitter considers that outdoor advertising signs do not lead to unacceptable traffic safety issues and suggests that SIGN-P2 should focus on managing signs to ensure they do not cause an unacceptable effect, as opposed to any potential distraction.

[17] Clause 16(2) Amendment

Analysis

11.3.5 I agree with Go Media (18.2), that 'flashing and moving images' are a form of digital signage. However, digital signs, as outlined in the further submission from Waka Kotahi [143.1FS], include several elements that not shared with static signs such as changing images, dwell times and illumination levels that if unmanaged may pose a potential distraction. Ably Limited also highlight that digital billboards are more likely to result in 'higher collective glances' then static billboards. In my view, the explicit inclusion of digital signs in SIGN-P2.3 is therefore appropriate. Furthermore, it is my understanding that SIGN-P2.3 is intending to provide direction for the signs managed in SIGN-S2 (Illuminated, moving, flashing and digital signs) and SIGN-R4 (off-site signs/flashing and moving signs). I therefore consider the reference to 'moving and flashing images' (emphasis added) to be an error in SIGN-P2.3, as notified, and recommend that the policy is amended to apply to 'moving or flashing signs' (emphasis added). I note that a sign can be moving and/or flashing without being a digital sign. Based on the above, I do not agree with Go Media [18.2], Fi Glass [161.2], Griff Simpson Family [199.2] and Red Sky [233.2] that digital signs should be removed from SIGN-P2.3 and recommend these submission points be rejected.

11.3.6 As outlined by Ably Limited, the intent of any sign is to be read/observed. All signs (by their nature) therefore have the 'potential' to cause motorist distraction and/or confusion, where they face a road, and are specifically designed to be read by motorists. I therefore agree with Out of Home Media [188.5] that SIGN-P2.3, as notified, is relatively restrictive in requiring all signs to 'not cause' (i.e., to avoid) distraction. While a qualifier could be included in SIGN-P2, to address the submitters concerns, my preference is to amend the policy to make it clear that signs are to be designed and located so they do not compromise the safe use of any road by minimising (i.e., reducing to the smallest possible amount or degree) distraction. In my opinion, this provides clear direction to plan users on how to maintain public safety in accordance with SIGN-O1.3, while recognising that all signs (by their nature) have the potential to cause distraction and that it is not plausible for all 'potential' distraction to be avoided. I therefore recommend the submission point from Out of Home Media [188.5] be accepted in part.

11.3.7 SIGN-P2.2 and SIGN-P2.3 both manage distraction and/or confusion. For simplicity, I therefore recommend that SIGN-P2.2 and SIGN-P2.3 are merged into one policy clause as follows:

> *2. ~~ensuring signs do not cause~~ minimising motorist distraction or confusion~~; and~~*
> *~~3. ensuring~~ including, but not limited to, distraction caused by sign proliferation, illumination levels, light spill, flashing and moving images and digital signs ~~do not cause distraction~~; and*

11.3.8 I consider the above changes to be minor changes, pursuant to Clause 16(2) of the RMA, as they remove unnecessary overlap and do not alter the drafting intent. Clause 16(2) amendments are also recommended to the title of the policy and the preface of the policy to align with my recommended amendments to SIGN-P1 and to provide clarity to plan users.

11.3.9 Having regard to the above, I recommend the submission points from Waka Kotahi [143.122] and KiwiRail [187.82] seeking that SIGN-P2 be retained as notified be accepted in part.

Conclusions and Recommendation

11.3.10 I recommend, for the reasons given above, that SIGN-P2 is amended as follows:

SIGN-P2 ~~Managing~~ Road safety effects
Require ~~that~~ signs to be ~~are~~ designed and located so they do not compromise the safe use of any road by motorists, pedestrians and other road users by:

1. *ensuring the type, scale, design and location of signs are appropriate to the classification of road; and*
2. *~~ensuring signs do not cause~~ minimising motorist distraction or confusion~~; and~~*
3. *~~ensuring~~ including, but not limited to, distraction caused by sign proliferation, illumination levels, light spill, flashing and moving signs ~~images~~ and digital signs ~~do not cause distraction~~; and*
4. *ensuring signs do not imitate, compete with, or give instructions that conflict with traffic signs or traffic control devices; and*
5. *minimising the potential for line of sight obstruction.*

11.3.11 The recommended amendments are set out in in **Appendix 1**.

11.3.12 In terms of Section 32AA, the recommended amendments, in my view, remain effective at achieving SIGN-O1.3, by making it clear that distraction is to be minimised to the smallest possible amount or degree, while being more efficient by removing the requirement for signs to not cause (i.e., to avoid) all 'potential' distraction or confusion. The recommended amendments, in my view, also remove unnecessary overlap between SIGN-P2.2 and SIGN-P2.3, as notified.

11.4 SIGN-P3 Off-site commercial advertising signs and SIGN-R4 Any signs not otherwise addressed

11.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.3, 18.4
ANSTAR	47.1, 47.2
Waka Kotahi	143.123
Fi Glass	161.3, 161.4
Fonterra	165.120
PrimePort	175.74
Connexa	176.88
TDHL	186.43
Out of Home Media	188.6, 188.7
Griff Simpson Family	199.3, 199.4
Spark	208.88
Chorus	209.88
Vodafone	210.88
Red Sky	233.3, 233.4

Submissions

11.4.2 Waka Kotahi [143.123] supports SIGN-P3 and seeks that the policy is retained as notified.

11.4.3 Go Media [18.3], Fi Glass [161.3], Griff Simpson Family [199.3] and Red Sky [233.3] consider SIGN-P3 to be too restrictive as it does not provide for off-site signs or third-party signage. Go Media [18.3] also considers that SIGN-P3 is contradictory to SIGN-O1 and argue that the management of off-site signage is better managed via the signage rules and standards.

11.4.4 ANSTAR [47.2] oppose SIGN-P3 as they consider there to be no effects-based reason to single out off-site signs, including billboards, provided effects are managed by appropriate rules. The submitter therefore seeks for SIGN-P3 to be deleted.

11.4.5 Out of Home Media [188.6] oppose SIGN-P3, as they consider the policy will place a significant burden on applicants to demonstrate there is no precedence, no cumulative effects or similar applications. The submitter also notes that the policy, combined with the non-complying activity status for offsite signage in SIGN-R4, will not deliver on many of the Strategic Directions or the CMUZ objectives. Out of Home Media [188.6] therefore request that SIGN-P3 is amended as follows:

SIGN-P3 Offsite ~~Commercial advertising~~ signs
~~Avoid~~ Provide for new off-site ~~commercial advertising~~ signs not provided for under SIGN-P4, ~~unless~~ where:

1. *~~It can be demonstrated it will not establish a precedent or result in similar applications to request equivalent treatment~~ they are of an appropriate size, design and location; and*
2. *~~it~~ they will not create unacceptable cumulative adverse effects; and*
3. *~~it~~ they meet~~s~~ the requirements detailed in SIGN-P1 and SIGN-P2; and*
4. *they maintain the character and amenity values of the site and the surrounding area, while having regard to the outcomes that the zone of the site anticipates.*

11.4.6 Regarding SIGN-R4, PrimePort [175.75], Connexa [176.88], TDHL [186.43], Spark [208.88], Chorus [209.88], and Vodafone [210.88] support SIGN-R4, and seek that the rule is retained as notified.

11.4.7 Go Media [18.4] considers the rule to be too prohibitive for off-site signage and asks that a more balanced approach for off-site signage is applied to the CMUZ and GIZ. In their view, the rules in the PDP should concentrate on the effects of activities as opposed to the effects of signage.

11.4.8 ANSTAR [47.1] oppose SIGN-R4 as the rule does not provide for off-site signs as a permitted activity within CMUZ or GIZ despite the effects of such signs, in their view, being manageable and comparable to the effects of on-site signs. ANSTAR [47.1] also considers that there is no basis for a non-complying activity status and seeks amendments to the rule to enable off-site signage (including billboards) as a permitted or controlled activity (supported by suitable criteria), defaulting to restricted discretionary should the criteria not be met.

11.4.9 Fi Glass [161.4], Griff Simpson Family [199.4] and Red Sky [233.4] oppose SIGN-R4, and seek a more balanced approach to off-site signs. Out of Home Media [188.7] request that off-site signs are a discretionary activity within the CMUZ, GIZ and PORTZ and in all other zones the activity status is retained as non-complying.

Analysis

11.4.10 SIGN-P3, as notified, seeks to avoid off-site commercial advertising signs not provided for in SIGN-P4, unless it can be demonstrated it will not establish a precedent or result in similar applications (SIGN-P3.1); it will not create adverse cumulative effects (SIGN-P3.2); and it meets the requirements detailed in SIGN-P1 and SIGN-P2 (SIGN-P3.3). The intent of the policy, as outlined in the s32 report is to provide stronger policy direction around commercial advertising off-site signs and to enable the effects of such signs to be manged on a case-by-case basis. In all zones, excluding the OSRZ where off-site signs are enabled in limited circumstances, off-site signs are then categorised as a non-complying activity. A non-complying activity, pursuant to section 104D of the RMA, requires a more stringent examination, as an application for resource consent must only be granted where it passes one of the 'gateway' tests, i.e. either the adverse effects of allowing the activity are no more than minor, or the activity is not contrary to the objectives and policies of the Plan. In my opinion, a non-complying activity status is therefore only suitable where an activity is anticipated to be generally inappropriate or is anticipated to have significant adverse effects either individually or cumulatively.

11.4.11 Like all signs, the potential adverse effects of off-site signs, in my view, are effects on character and amenity and effects on traffic safety. In regard to traffic safety, the New Zealand Transport Traffic Control Devices Manual 2011 (TCD Manual), recommends territorial authorities to restrict the installation of off-site advertising signs to manage the proliferation of roadside advertising. However, it also states that provided controls are adequate, there is no reason why an off-site sign should have more of an adverse effect, in terms of traffic safety, than similar on-site signs. In some situations (notably rural areas) off-site signs, in advance of or in close proximity to a site, may also serve its purpose more safely and effectively than on-site advertising.

11.4.12 Abley Limited, are also not aware of any specific evidence to suggest that off-site signs pose a greater traffic risk than on-site signs. Abley Limited, however, highlight that the difficulty of any off-site sign is that they are less likely to be ‘anticipated’ as they do not relate to activities being undertaken on the site. Without regulation off-site signs can also be installed anywhere and in large numbers. From a traffic safety perspective, Abely Limited therefore consider it appropriate for Council to retain discretion over the location and design of off-site signage to ensure that traffic safety effects are assessed particularly in higher speed environments as traffic safety risks are higher. Abley Limited, from a traffic safety perspective, therefore, recommends that off-site signs at a minimum are a restricted discretionary activity on roads with a speed limit of 70km/hr.

11.4.13 Off-site signs, from a character and amenity perspective, do not advertise activities, goods or services occurring on a site. I therefore consider it appropriate for the appropriateness of any off-site sign to be determined on a case-by-case basis to ensure they do not compromise the character and amenity values of the underlying zone or introduce a commercial element into an environment that is generally free of commercial advertising. I also consider it appropriate to manage off-site signs through a consent pathway to manage the proliferation of signs in the district. However, in zones where advertising is generally anticipated I consider the effects of any off-site sign, including digital billboards, to be comparable to any on-site sign. I therefore agree with submitters that provided off-site signs, including digital billboards, are managed via a resource consent (to ensure the objective and policy direction is achieved) that a more balanced and less restrictive approach to off-site signs in the CMUZ, GIZ and PORTZ can be applied. I therefore recommend that the activity status for off-site signs in the CMUZ, GIZ and PORTZ, as a starting point, is changed to discretionary as sought by Out of Home Media [188.7]. I note that this aligns with the approach in the ODP and the direction in SIGN-O1.1.

11.4.14 I consider the non-complying activity status in other zones to be appropriate, as off-site signs in these zones, are likely to generate adverse effects on the amenity values and the character of the environment. In my opinion, it is also appropriate to avoid off-site signs in other zones, including digital billboards, as they are likely to introduce a commercial element into an environment that is generally free of commercial advertising material. Removing the non-complying activity status in the GRUZ would also not address one of the issues raised in the s32 report, being the proliferation of off-site signs at the entrance of towns. In reviewing other district plans it is also not uncommon for off-site signs to be avoided in these zones. The partially Operative Selwyn District Plan, for example, seeks to avoid off-site signs in Residential and Rural Zones and to ensure that off-site signs in other zones guarantee transport safety and are compatible with the character and visual amenity values of the surrounding area. Having regard to the above, I do not consider the restricted discretionary activity status for off-site signs on roads with a speed limit of 70km/hr, suggested by Abley Limited, to be necessary as off-site signs in all cases will require a discretionary/non-complying consent.

11.4.15 Having regard to the above, I recommend that SIGN-P3 is amended to make it clear that off-site signs are to be avoided, unless they are in a CMUZ, GIZ or PORTZ and meet the other policy criteria. However, as explicit reference to these zones, could remove the consenting pathway for off-site signs in other zones (as off-site signs in other in other zones would not meet this direction and would therefore need to be avoided in all cases) I recommend a consequential amendment to SIGN-P3 to only allow off-site signs in other zones, where the off-site sign is consistent with the character and amenity values of the surrounding area. In my view, this is different to the policy direction in SIGN-P1.1. Noting SIGN-P1.1 requires signs to be compatible with the purpose, character and amenity values of the underlying zone (i.e., the anticipated environment).

11.4.16 As I am recommending that the non-complying activity status for off-site signs in zones, other than the CMUZ, GIZ and PORTZ is retained and that off-site signs in all zones are treated differently to on-site signs, I do not agree with ANSTAR [47.2] that SIGN-P3 should be deleted. SIGN-P3, in my view, is required to support SIGN-R4 and makes it clear to plan users that off-site signs are to be generally avoided unless they meet the policy criteria. I therefore recommend the submission from ANSTAR [47.2] in relation to SIGN-P3 be rejected. The recommended amendments to SIGN-P3 and SIGN-R4 are, however, anticipated to alleviate some of the submitter's concerns.

11.4.17 I agree with Out of Home Media [188.6] that SIGN-P3.1 places a high burden on applicants to demonstrate that there will be no precedent effects or similar applications (especially when combined with the 'avoid unless' direction). Policy direction relating to precedent effects is not something that I have seen in other district plans. The Courts have also cautioned against attributing too much weight to precedent effects as every application for consent must be considered on its merits and there is no expectation under the RMA that consent will be granted (Berry v Gisborne District Council [2010] Environment Court). In my opinion, a non-complying and discretionary activity status also allows for such effects to be assessed where appropriate. I therefore recommend that SIGN-P3.1 is removed.

11.4.18 I agree with Out of Home Media [188.6] that the reference to commercial advertising off-site signs in SIGN-P3 should be removed from the title and preface of the policy. In my opinion, it is more appropriate for SIGN-P3 to use the 'off-site sign' definition. The 'off-site sign' definition, in my view, is also already confined to commercial signs by being reserved to signs advertising activities, goods and services that are not undertaken, sold or provided on the site. However, as the 'off-site sign' definition could include any temporary sign, I recommend amendments to the definition to make it clear that temporary off-site signs are excluded from this definition. I consider this amendment to be a minor Clause 16(2) amendment to provide clarity to plan users.

11.4.19 I do not agree with Out of Home Media [188.6] that a qualifier is necessary in SIGN-P3.2. SIGN-P3.2, as notified, already refers to 'adverse' cumulative effects. However, from a consistency perspective, I recommend a minor amendment to SIGN-P3.2 to align with the direction in SIGN-P1. Furthermore, as I am recommending that the non-complying activity status is retained in all zones (excluding the CMUZ, GIZ and PORTZ) I do not support the amendment sought by Out of Home Media [188.6] for SIGN-P3 to 'provide for' off-site signs in all zones. I also do not consider the specific clauses sought by Out of Home Media [188.6] to be necessary. The size, design and location of off-site signs, in my view, are appropriately managed via the SIGN standards. The recommended amendments to SIGN-P3 are also anticipated to address the submitter's concerns.

11.4.20 Having regard to the above, I recommend the submission points from Out of Home Media [188.6] in respect of SIGN-P3 be accepted in part. I also recommend the submission points from Go Media [18.3], Fi Glass [161.3], Griff Simpson Family [199.3] and Red Sky [233.3]

opposing SIGN-P3 and the submission from Waka Kotahi [143.123] in support of SIGN-P3 be accepted in part.

11.4.21 ANSTAR [47.1] seek a permitted or controlled activity status for off-site signs (supported by suitable criteria), defaulting to restricted discretionary should the criteria not be met. In my opinion, off-site signs should not be classified as permitted or controlled as they do not relate to activities being undertaken on a site. In my view, it is therefore appropriate for the effects of any off-site sign (including digital billboards), to be determined on a case-by-case basis through a resource consent to ensure the sign is compatible with the character and amenity values of the underlying zone. I also consider it appropriate to manage off-site signs to manage the proliferation of signs in the district. In reviewing the underlying zone chapters objectives and policies, however, I am comfortable with the activity status in the GIZ, PORT, LFRZ and CCZ being reduced to restricted discretionary to signal that off-site signs in these zones are generally appropriate (subject to meeting the criteria). The effects of off-site signs, in my view, are also sufficiently known (i.e., character, amenity and traffic safety) and can therefore be addressed via matters of discretion. A restricted discretionary activity status also allows for an application to be declined, or notified, where the effects of an activity are more than minor. Based on the above, I recommend the submission points from Go Media [18.4], ANSTAR [47.1], Fi Glass [161.4], Griff Simpson Family [199.4], Red Sky [233.4] and Out of Home Media [188.7] in relation to SIGN-R4 be accepted in part.

11.4.22 As I am recommending amendments to SIGN-R4 in response to other submission points, I recommend the submission points from PrimePort [175.75], Connexa [176.88], TDHL [186.43], Spark [208.88], Chorus [209.88], and Vodafone [210.88] in support of SIGN-R4 be accepted in part.

Conclusions and Recommendations

11.4.23 I recommend, for the reasons given above, that SIGN-P3 is amended as follows:

SIGN-P3 Off-site ~~Commercial advertising~~ signs

"Avoid ~~new~~ off-site ~~commercial advertising~~ signs not provided for under SIGN-P4, unless:

1. *~~it can be demonstrated that it will not establish a precedent or result in similar applications to request equivalent treatment;~~ <u>the sign is located within the CMUZ, GIZ or PORTZ or is consistent with the character and amenity values of the surrounding area</u>; and*
2. *it will not create ~~cumulative~~ adverse <u>cumulative</u> effects; and*
3. *it meets the requirements detailed in SIGN-P1 and SIGN-P2.*

11.4.24 I recommend, for the reasons given above, that SIGN-R4 is amended as follows:

SIGN-R4	**Any sign not otherwise <u>listed</u> ~~address~~ in the Rules section of this chapter[18]**	
1 **~~Commercial and mixed use zones~~**	**Activity status: Permitted** **Where:**	**Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary**

[18] Clause 16(2) Amendment

Residential Zones **Rural Zones** **Māori Purpose Zone**	**PER-1** The sign is not an off-site sign; and **PER-2** The sign must not be flashing or moving; and **PER-3** The sign must comply with the height in relation to boundary requirements for the Zone; and **PER-4** The activity complies with all the Standards of this chapter.	**Matters of discretion restricted to:** 1. the matters of discretion of any infringed standard. **Note:** Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply. **Activity status where compliance not achieved with PER-2: Discretionary** **Activity status where compliance not achieved with PER-1: Non-complying**
2 **Open space and recreation zones**	**Activity status: Permitted** **Where:** **PER-1** The sign: 1. is not an off-site sign; or 2. is an off-site sign which: a. is for commercial sponsorship of a recreation activity; and b. will not be visible beyond the site; and **PER-2** The sign is ancillary to a recreation activity; and **PER-3** The sign must comply with the height <u>in relation</u>[19] to boundary requirements for the Zone; and **PER-4** The activity complies with all the Standards of this chapter.	**Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary** **Matters of discretion restricted to:** 1. the matters of discretion of any infringed standard. **Note:** Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply. **Activity status where compliance not achieved with PER-2: Discretionary** **Activity status where compliance not achieved with PER-1: Non-complying**
3 **<u>Commercial and mixed use zones</u>** **General Industrial Zone** **<u>Clandeboye Manufacturing Zone</u>**	**Activity status: Permitted** **Where:** **PER-1** The sign is not an off-site sign; and **PER-2**	**Activity status where compliance not achieved with PER-2 or PER-~~3~~4: Restricted Discretionary** **Matters of discretion restricted to:** 1. the matters of discretion of any infringed standard. **Note:**

[19] Clause 16(2) Amendment

Port Zone	The sign must comply with the height in relation to boundary requirements for the Zone; and **PER-3** The sign, if located in a commercial or mixed use zone, must not be flashing or moving; and **PER-4** The activity complies with all the Standards of this chapter.	Where compliance with PER-2 is not achieved, the matters of discretion for the zone requirements apply. **Activity status where compliance not achieved with PER-3: Discretionary**[20] **Activity status where compliance not achieved with PER-1: ~~Non-complying~~ Restricted Discretionary** **Where:** **RDIS-1** The sign is located in the LFRZ, CCZ, GIZ or PORTZ. **Matters of direction are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any traffic safety effects; and 5. any positive effects of the sign. **Activity status where compliance not achieved with RDIS-1: Discretionary**

11.4.25 I recommend, for the reasons given above, that the definition of off-site sign is amended as follows:

"means any sign that is used to advertise activities, goods and services that are not undertaken, sold or provided on the site on which the sign is located but excludes any temporary off-site sign."

11.4.26 In terms of Section 32AA, the recommended amendments, in my view, are more effective at supporting the needs of business, infrastructure and community activities (SIGN-O1.1) by removing the non-complying activity status for off-site signs and by making it clear that off-site signs in the CMUZ, GIZ and PORTZ do not necessarily need to be avoided. The recommend amendments, in my view, also remain effective at achieving SIGN-P1 and SIGN-P2 by allowing potential adverse effects of any off-site signs to be managed on a case-by-case basis through the consent process. The recommended amendments, in my view, are also more efficient by removing the non-complying activity status for off-site signs in the CMUZ, GIZ and PORTZ.

[20] Clause 10(2)(b) Amendment

11.5 SIGN-S1 Traffic Safety, Table 27 Minimum lettering size and Table 28 Separation distances

11.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.8
Waka Kotahi	143.125, 143.129, 143.130
KiwiRail	187.83
Out of Home Media	188.8, 188.13
Fi Glass	161.8
Griff Simpson Family	199.8
Red Sky	233.8

Submissions

11.5.2 KiwiRail [187.83] supports SIGN-S1 and seeks that the standard is retained as notified.

11.5.3 Waka Kotahi [143.125] supports the intent of SIGN-S1 but seeks an amendment to SIGN-S1.3 to ensure the standard applies to all signs visible from the road as opposed to signs within 10 horizontal metres.

11.5.4 Waka Kotahi [143.125] asks Council to consider whether additional standards should be included within the standard such as sight distances or maximum numbers of words/elements. Waka Kotahi [143.125] refers to the TCD Manual which, provides guidance on industry best practice and direction on the types of standards that can be included in district plans to reduce potential traffic safety events.

11.5.5 Waka Kotahi [143.129 and 143.130] seeks amendments to SIGN-Table 27 and SIGN-Table 28 to reflect Table 6.2 and Table 5.3 of the TCD Manual.

11.5.6 Out of Home Media [188.8] supports the intent of SIGN-S1. However, in their view, the minimum setback distances between signs which, are within 10m of a legal road, are onerous and impracticable to comply with. Particularly in urban and commercial areas where the density and spacing of commercial activities will invariably result in closely spaced signage. The submitter therefore seeks for SIGN-S1.4 to be deleted. Out of Home Media [188.13] also requests that SIGN-Table 28 is deleted for the same reasons.

11.5.7 Go Media [18.8] considers the separation distances in SIGN-Table 28 to be overly restrictive. In their view, SIGN-Tabe 28 could result in only every second or third property in the township and industrial areas able to have a sign. Fi Glass [161.8], Griff Simson Family [199.8] and Red Sky [233.8] also consider the separation distances between signs to be restrictive, as it assumes a property boundary would be greater than 60m. No specific relief is sought by the submitters.

Analysis

11.5.8 Abley Limited is not aware of any evidence to suggest that signs setback 10m from a road are not intended to be read by motorists and considers it appropriate for signs setback 10m from a road to be subject to the same traffic safety standards. Abley Limited therefore recommend the submission from Waka Kotahi [143.125] be accepted. Based on this advice, I agree with Waka Kotahi [143.125] that the 10m setback in SIGN-S1 should be removed. However, rather than applying SIGN-S1.3 to all signs 'visible from a road' as sought by Waka Kotahi [143.125], I consider it appropriate for SIGN-S1.3 to only apply to signs 'designed to be read by motorists'. The reason for this is signs may be visible from the road but have no intention of being read by motorists such as some internal signs and welcome and information signs on doors and/or facades of buildings. In my view, these signs should not be subject to the same thresholds. While I acknowledge there is some uncertainty as to whether a sign is 'designed to be read by motorists', I consider this to be more accurate and flexible approach then requiring all signs visible from a road (regardless of their intended audience) to be subject the thresholds in SIGN-Table 27. I note that this approach was taken in the Dunedin Second Generation Plan. I therefore recommend the submission point from Waka Kotahi [143.125] be accepted in part.

11.5.9 Based on Transportation Advice prepared by Abley Limited, and the approach applied in other district plans[21], I do not agree with Waka Kotahi [143.125] that additional standards in the SIGN chapter are needed to manage effects on traffic safety. I therefore recommend the submission point from Waka Kotahi [143.125] be rejected.

11.5.10 Based on Transportation Advice prepared by Abley Limited, and the approach applied in other district plans[22], I agree with Waka Kotahi [143.129] that SIGN-Table 27 should be amended to align with Table 6.2 of the TCD Manual. For completeness, I agree with Abley Limited that no submissions have been received requesting that these standards only apply to state highways and that SIGN-Table 27 will apply to all new signs in the district. I therefore recommend the submission point from Waka Kotahi [143.129] in relation to SIGN-Table 27 be accepted.

11.5.11 The TCD Manual recommends sufficient longitudinal spacing (i.e., separation distances) between roadside signs to reduce visual clutter and to ensure motorists have sufficient time to process the information being presented. However, the TCD Manual acknowledges in many circumstances that the minimum separation distances specified may not be achievable, such as those in lower speed urban areas (e.g., 60km/hr or less). Abley Limited have found no safety related research, relating to minimum separation distances between

[21] The Partially Operative Selwyn District Plan, the Second-Generation Dunedin District Plan, the Proposed Waimakariri District Plan and the Christchurch City District Plan do not include equivalent standards to the standards sought by Waka Kotahi.

[22] The Partially Operative Selwyn District Plan and the Proposed Waimakariri District Plan generally replicate Table 6.2 of the TCD Manual for signs facing State Highways and/or arterial roads with a speed limit of 70km/hr or greater.

signs, that support the minimum separation distances specified. From my own observations there are also plenty of examples, of more closely spaced signage in Timaru District, including but not limited to Stafford Street, the Temuka and Geraldine town centres, Evan Street and the Washdyke Industrial area.

11.5.12 Abley Limited also highlight that SIGN-Table 28, as notified, includes a greater minimum separation distance than recommended by the TCD Manual for 50km/h and 60km/h environments. Abley Limited therefore consider the minimum spacing requirements to be onerous and are likely to trigger the need for unnecessary land use consents, noting that it is not atypical for smaller spacings in busy commercial environments.

11.5.13 Abley Limited recommended the following options to address the competing interests of submitters:

- **Option 1:** SIGN-Table 28 is deleted based on the non-directive language in the TCD Manual and the approach applied in other district plans.[23]
- **Option 2:** SIGN-Table 28 replicates the minimum recommended spacing in the TCD manual but the scope of the table is narrowed to state highways.
- **Option 3:** SIGN-Table 28 replicates the minimum recommended spacing in the TCD manual but the scope of the table is narrowed to high-speed road (70km/hr or greater).

11.5.14 From a transport perspective, Abley Limited recommend Option 3 as it will ensure Table 28 applies to scenarios with the greatest risk (i.e., higher speed roads 70km/hr or greater). The minimum separation distances between signs, in my view, however, are impractical and are unreasonable, especially in areas where advertising is generally anticipated. The sign spacing requirements, for example, could create a situation where commercial/industrial sites with a road frontage less than those specified are not permitted to have a sign. In commercial and industrial areas, it is also not uncommon to have multiple activities on one site which, necessitates additional signage even on higher speed roads. I am also aware of business activities in the district that are on roads with a spend limit of 70km/hr or more that would be captured by the minimum separation distances specified. SIGN-S1.4 and SIGN-Table 28, as notified, also apply to all signs and would therefore capture any sign regardless of scale and location. Furthermore, in my opinion, it is more appropriate to manage the proliferation of signs in all zones through SIGN-S5 (Maximum number of temporary signs) and SIGN-S6 (Maximum number of signs). There is also no clear evidence in the s32 report supporting the minimum separation distances as notified. I therefore recommend that SIGN-S1.4 and SIGN-Table 28 are deleted as sought by Out of Home Media [188.8 and 188.13].

11.5.15 As SIGN-S6, as notified, sets no limits on the number of signs in the CMUZ, GIZ and PORTZ, as it relied on the separation distance in SIGN-S1.4 to manage the proliferation of signs in these zones. I recommend consequential amendments to SIGN-S6 to ensure the number of

[23] None of the Dunedin, Selwyn or Waimakariri Plans have a rule relating to minimum distances between roadside signs.

freestanding signs in the CMUZ, GIZ and PORTZ is limited to one freestanding sign per road frontage. I recommend that the one sign per road frontage is limited to free standing signs as this aligns with the approach in the other sign standards in the commercial and industrial zones. For the avoidance of doubt, I also recommend that the standard makes it clear that a freestanding sign may advertise multiple activities occurring on the site. I acknowledge that some sites, in the commercial and industrial zones, may be large enough to meet the requirements as notified to have multiple freestanding signs per road frontage. However, in my view, this is likely to be rare (given the minimum separation distances). I therefore consider it more appropriate for additional signs to be manged on a case-by-case basis through the resource consent process.

11.5.16 Based on above, I recommend the submission points from Waka Kotahi [143.30], Out of Home Media [188.8] and Go Media [18.8] be accepted in part.

Conclusions and Recommendations

11.5.17 I recommend, for the reasons given above, that SIGN-S1 is amended as follows:

SIGN-S1 Traffic safety

1. *All freestanding signs visible from State Highways must be erected at a right angle to the road or within a variance of 15˚ either side of the right angle.*
2. *No sign shall be erected adjacent to a road in a manner that will:*
   a. *obstruct the line of sight of any road corner, bend or intersection, or vehicle crossing; or*
   b. *obstruct, obscure or impair the view of any traffic sign or signal; or*
   c. *resemble or be likely to be confused with any traffic sign or signal; or*
   d. *use reflective materials that may interfere with a road users vision.*
3. *All signs ~~within 10 horizontal metres of a road~~ <u>designed to be read by motorists</u> must comply with the minimum lettering sizes in Table 27 – Minimum lettering size.*
4. ~~*All signs within 10 horizontal metres a road must comply with the minimum setback distances from other signs as read from one direction and measured parallel to the centre line of the road in Table 28 – Separation distances.*~~

11.5.18 I recommend, for the reasons given above, that SIGN-Table 27 replicates the TCD Manual as follows:

<u>Regulatory speed limit of adjoining road (km/h)</u>	**<u>Letter height</u>**		
	<u>Main message</u>	**<u>Property Name</u>**	**<u>Secondary Message</u>**
<u>50</u>	<u>150</u>	<u>100</u>	<u>75</u>
<u>60</u>	<u>175</u>	<u>125</u>	<u>90</u>
<u>70</u>	<u>200</u>	<u>150</u>	<u>100</u>
<u>80</u>	<u>250</u>	<u>175</u>	<u>125</u>
<u>100</u>	<u>300</u>	<u>200</u>	<u>150</u>

11.5.19 I recommend, for the reasons given above, that SIGN-Table 28 is deleted.

11.5.20 I recommend, for the reasons given above, that a consequential amendment, pursuant to Clause 10(2)(b) of the RMA, is made to SIGN-S6 to limit the number of freestanding signs in the CMUZ, GIZ and PORTZ to one sign per road frontage, as follows:

SIGN-S6.1
There shall be no ~~limit~~ more than one freestanding sign per road frontage located on a site. A freestanding sign may advertise multiple premises located on the site.

11.5.21 In terms of Section 32AA, the recommended amendments to SIGN-S1.3, in my view, will be more effective at achieving the objective and policy direction by making it clear that the standard only applies to all signs 'designed to be read by motorists'. The recommended amendments to SIGN-Table 27, in my view, will also be more effective by aligning the table with best practice guidelines. I also consider the deletion of SIGN-S1.4 and SIGN-Table 28 to be more effective at achieving SIGN-O1.1, while being more efficient. The standard and table, as notified, in my opinion, are onerous and will likely trigger unnecessary resource consents. In my opinion, it is also more appropriate for SIGN-S5 and SIGN-S6 to manage the proliferation of signs in all zones.

11.6 SIGN-S2 Illuminated, moving, flashing and digital signs

11.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.5
Waka Kotahi	143.126
Fi Glass	161.5
Out of Home Media	188.9
Griff Simpson Family	199.5
Red Sky	233.5

Submissions

11.6.2 Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5], Red Sky [233.5] and Out of Home Media [188.9] consider the 30 second dwell time in SIGN-S2.2 to be too long and highlight that most other regions have applied standards of eight to ten seconds based on empirical evidence. Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5] and Red Sky [233.5] therefore seek an amendment to SIGN-S2.2 to include a shorter dwell. Out of Home Media [188.9] seeks that the dwell time is reduced to eight seconds.

11.6.3 Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5), Red Sky [233.5] and Out of Home Media [188.9] consider that the level of illumination in SIGN-S2.7 to be too low for digital signs and suggest that a more appropriate level of 5000cd/m^2 is applied. The submitters highlight that 5000cd/m^2 has been applied in other District Plans such as the Auckland Unitary Plan and Christchurch City District Plan. In their view, it is also more appropriate to control daytime illumination through an automated brightness control system than any specified maximum.

11.6.4 Out of Home Media [188.9] considers SIGN-S2.3 (signs within 100m of an intersection) to be onerous and seeks that this standard is deleted.

11.6.5 Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5) and Red Sky [233.5] oppose SIGN-S2.8 as it does not allow digital signs on State Highways as a permitted activity. The submitters highlight that in other regions digital signs are permitted along the highway where the standards are met. Affected party approval from Waka Kotahi is therefore only required when the permitted standards are breached. Out of Home Media [188.9] also opposes SIGN-S2.8, for the same reason, and seeks that SIGN-S2.8 is deleted.

11.6.6 Waka Kotahi [143.126] supports SIGN-S2.8 but seek amendments to the matters of discretion to allow the consideration of any adverse effects on traffic safety. Waka Kotahi [143.126] highlights that traffic safety is a key consideration when assessing digital billboards given their potential to distract road users.

Analysis

11.6.7 Based on the advice prepared by Abley Limited, and the approach applied in other district plans,[24] I agree with submitters that the 30 second dwell time, as notified, is overly restrictive. I also note that four digital billboards have been granted resource consent in the Timaru District with the minimum dwell time for these signs ranging from 8 seconds to 30 seconds. Where the standards in SIGN-S2 are not met there is also the ability, in my view, for a longer dwell time to be imposed as a condition of consent to mitigate effects in higher risk environments, including digital signs on state highways (SIGN-S2.8) and digital signs in proximity to intersections (SIGN-S2.3). I therefore recommend that the minimum dwell time is reduced to 10 seconds as suggested by Abley Limited.

11.6.8 The TCD Manual states that there is a need to control the brightness of advertising, as signs that are too bright can impair the vision of drivers. This is mainly due to the phenomenon of phototropism, which is the movement of the eye to fixate on bright points in the field of view. The TCD Manual therefore recommends that advertising signs comply with the following illuminance levels:

Illuminated Area	Areas with Street Lighting	Areas without Street Lighting
Up to 0.5m	2000	1000
0.5 to 2.0	1600	800
2.0 to 5.0	1200	600
0.5 to 10.0	1000	600
Over 10.0	800	400

11.6.9 Nevertheless, Abley Limited, based on research, their experience working on digital billboards throughout New Zealand and the approach applied in other district plans[25] are comfortable with the maximum illumination level being increased to 5,000 candelas per square metre as sought by submitters. I also note that four digital billboards have been granted resource consent in the Timaru District. Two of these signs included a maximum

[24] The Christchurch City District Plan sets a minimum dwell time of seven seconds. The Partially Operative Selwyn District Plan and the Second-Generation Dunedin District Plan both include a minimum dwell time of 10 seconds.
[25] The Partially Operative Selwyn District Plan allows up to 5,500 cd/m^2 during daytime hours and the Auckland Unitary Plan allows up to 5,000 cdm^2.

illumination level of 5,000 candelas. I also note that where the other standards are not met there is the ability, in my view, for a lower illumination level to be imposed as a condition of consent to mitigate any potential adverse effects including signs within 50m of a residential zone or residential unit or signs in proximity to an intersection. I also agree with submitters that it is appropriate to control daytime illumination through an automated brightness control system. I therefore recommend that an additional clause is added to SIGN-S2 to require illuminated and digital signs to incorporate lighting control to adjust brightness in line with ambient light levels. This is consistent with the approach applied in the Partially Operative Selwyn District Plan, the Proposed Waimakariri District Plan and the New Plymouth District Plan.

11.6.10 As highlighted by Abley Limited, the 100m setback in SIGN-S2.3 is likely to have been sourced from the TCD Manual which, states:

"The location of advertising signs or devices in close proximity to traffic control devices may result in the advertising sign obscuring a traffic sign or otherwise detracting from the traffic's signs effectiveness. Traffic control devices place demands on driver's attention and are often located at sites to warn of specific hazards or to control hazardous traffic movements. Distractions caused by advertising signs may result in road safety problems. To help avoid safety issues, advertising signs should not be located within 100m and 200m in urban and rural areas respectively of:

- *Intersections;*
- *Permanent regulatory or warning signs*
- *Curves (with chevron signing)*
- *Pedestrian crossings."*

11.6.11 Abley Limited support the intent of this requirement but acknowledge that there are numerous examples of advertising signs within 100m of an intersection throughout New Zealand and Timaru District which, indicates that signs within 100m of an intersection are not unusual or unanticipated. They also consider the 100m setback to be arbitrary as the TCD Manual does not provide any direct guidance on why 100m is appropriate. However, Abley Limited, consider it critical to ensure digital signs near an intersection do not obstruct regulatory traffic control devices, form a backdrop to them, replicate them, affect driver visibility or increase the level of distraction, with potential risk being higher the closer a sign is to an intersection. I therefore do not agree with Out of Home Media [188.9] that SIGN-S2.3 should be deleted. However, based on the technical analysis of Abley Limited and the approach applied in other district plans in Canterbury,[26] I am comfortable with the minimum separation distance in SIGN-S2.3 being reduced to 50m, and the scope of the standard being reserved to signalised intersections to ensure the standard only captures signs with the greatest level of risk (i.e., signs that have the potential to impact or conflict with traffic control devices). I also agree with Abley Limited that where signs are not managed by SIGN-

[26] The Christchurch City District Plan and Partially Operative Selwyn District Plan require digital off-site/billboards signs to be setback 50m from any signalised intersection.

S2 (i.e., non-signalised intersections or signs which, are not illuminated, moving, flashing or digital), that SIGN-S1.2 applies.

11.6.12 Abley Limited in their Transportation Advice have recommended that the 50m setback is applied to signalised pedestrian crossings. In my view, this is outside the scope of submissions. I also do not consider this change to be a Clause 16(2) Amendment. Abley Limited have also recommend a new definition of 'intersection' to provide clarity for plan users where the 50m setback is measured from. In my opinion, the recommended definition, is unclear and would not be easily understood. My preference is therefore to amend SIGN-S2.3 to refer to Figure 15 in the TRAN chapter (Minimum distance of vehicle crossings from intersections). I acknowledge that Figure 15 is specific to vehicle crossings and does not explicitly refer to signs. If preferred by the hearing panel a new figure specific to signs could be included in SIGN-S2.

11.6.13 Regarding SIGN-S2.8, Abley Limited based on the approach applied in other district plans consider there to be grounds for a more permissive approach to be adopted. The Christchurch City District Plan for example, only restricts signs located adjacent to a state highway or arterial road where the speed limit is 70km or more. I therefore recommend that the submission points from Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5), Red Sky [233.5] and Out of Home Media [188.9] be accepted in part and SIGN-S2.8 is amended to apply to state highways with a speed limit of 70km/hr or more. I note that all off-site signs, including digital billboards, will still require a consent under SIGN-R4.

11.6.14 Having regard to the above, I recommend the submission points from Go Media [18.5], Fi Glass [161.5], Griff Simpson Family [199.5), Red Sky [233.5] and Out of Home Media [188.9] be accepted in part.

11.6.15 I agree with Waka Kotahi [143.126] that adverse effects on traffic safety should be included as a matter of discretion in SIGN-S2 as this aligns with the objective and policy direction (SIGN-O1 and SIGN-P2). I therefore recommend the submission point from Waka Kotahi [143.126] be accepted.

Conclusions and Recommendations

11.6.16 I recommend, for the reasons given above, that SIGN-S2 is amended as follows:

SIGN-S2	***Illuminated, moving, flashing and digital signs***	
All zones	*1. Illuminated, moving, flashing or digital display signs must not display a digital or pre-recorded broadcast.* *2. Any illuminated, flashing or digital display sign must only display still images, and where multiple still images are displayed, each still image must be displayed for a minimum of ~~30~~ 10 seconds each before changing to a different still image, and there must be no transitions between still images apart from cross-dissolve of a maximum of 0.5 seconds.*	**Matters of discretion are restricted to:** *1. the frequency and intensity of flashing and/or image change; and* *2. the extent of illumination when visible from a public place or neighbouring property; and* *3. impact on surrounding activities; and* *4. impacts on amenity and character of the surrounding environment; and* *5. whether the sign would result in any direct light overspill onto a*

	3. *No illuminated, moving, flashing or digital display sign must be visible to vehicles travelling on a legal road within ~~100~~ 50 metres of a~~n~~ signalised intersection, measured in accordance with Figure 15 in the TRAN chapter.* 4. *No illuminated, moving, flashing or digital display sign is to be visible from and/or located within 50 metres of a Residential zone or a residential unit.* 5. *No illuminated, moving, flashing or digital display sign shall create more than 10.0 lux spill (horizontal and vertical) of light when measured or calculated 2m within the boundary of any adjacent site or road.* 6. *Illumination levels of any sign must not exceed 250 candelas per square metre between sunset and sunrise.* 7. *Illumination levels of any sign must not exceed ~~2~~5000 candelas per square metre between sunrise and sunset.* 8. *Illuminated signs must incorporate a lighting control to adjust brightness in line with ambient light levels;* 9. *No digital sign is to be located adjoining a State Highway with a speed limit of 70km/hr or more.*	*residential property or the road network; and* 6. *traffic safety; and* 7. *any positive effects of the sign.*

11.6.17 In terms of Section 32AA, the recommended amendments, in my view, will be more effective at achieving SIGN-O1.3 and SIGN-P2, by including a new matter of discretion focussed on traffic safety effects. The recommended amendments, in my view, are also more efficient by only focussing on signs that will pose the greatest level of risk (i.e., signs within 50m of a signalised intersection/signs on state highways with a speed limit of 70km/hr or more) and by reducing/increasing the minimum dwell time and daytime illumination levels.

11.7 SIGN-S3 Maximum height of signage and SIGN-S4 Maximum area of a sign

11.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Go Media	18.6, 18.7
Fi Glass	161.6, 161.7
PrimePort	175.75
TDHL	186.44
Out of Home Media	188.10
Griff Simpson Family	199.6, 199.7
Red Sky	233.6, 233.7

Submissions

11.7.2 PrimePort [175.75 and 175.76] and TDHL [186.44 and 186.45] support SIGN-S3.2 and SIGN-S4.6 and seek that these standards are retained as notified.

11.7.3 Go Media [18.6], Fi Glass [161.6], Griff Simpson Family [199.6] and Red Sky [233.6] oppose SIGN-S3.2 as they consider the 4m height limit for free standing signs to be too low for the CMUZ, GIZ and PORTZ. Go Media [18.7], Fi Glass [161.7], Griff Simpson Family [199.7] and Red Sky [233.7] also consider the maximum area for freestanding signs in SIGN-S4.2 to be onerous, resulting in most free-standing signs in the CMUZ requiring a resource consent. The submitters highlight that there is no provision for double sided signs or signs in a 'V' format and note that other regions assign a maximum angle of separation.

11.7.4 Out of Home Media [188.10] considers the 4m height limit in the CMUZ, GIZ and PORTZ to be restrictive and seeks that the maximum height is increased to 8m. They note that building height standards within these zones range from 10m to 20m. Out of Home Media [188.11] also seeks amendments to SIGN-S4.2 as, in their view, the maximum area for freestanding signs in the CMUZ is insufficient and does not recognise or provide for effective commercial signs. The submitter therefore requests that the maximum area for free standing signs in the CMUZ is increased to 20m^2.

Analysis

11.7.5 I agree with submitters that SIGN-S3 (Maximum height of signage) and SIGN-S4 (Maximum area of a sign) are relatively restrictive in relation to the CMUZ, GIZ and PORTZ.[27] As highlighted by Out of Home Media [188.10], the CMUZ, GIZ and PORTZ anticipate larger buildings and/or structures with the maximum height of buildings and structures in these zones ranging from 10 to 20m. Larger freestanding signs in these zones, in my opinion, are therefore likely to be compatible with the built form anticipated in the zone and SIGN-O1.2 and SIGN-P1. Based on my own observations, it is also not uncommon for commercial and industrial activities to have larger freestanding signs. The thresholds specified are also more restrictive than other district plans in Canterbury. Freestanding signs in the LFRZ, GIZ and PORTZ in the Partially Operative Selwyn District Plan, for example, can have a maximum area of 18m^2 and a maximum height of 9m.[28] Freestanding signs in the LCZ, NCZ and TCZ with a road frontage in excess of 50m can also have a maximum area of 18m^2 and a maximum height of 9m. For sites with a road frontage less than 50m the maximum area and height for freestanding signs is 6m^2 and 6m respectively. The Proposed Waimakariri District Plan includes a maximum height of 7.5m and a maximum area of 12m^2 for freestanding signs in the GIZ and LFRZ (excluding off-site signs). In the TCZ and LCZ, the maximum area and height is 6m^2 and 6m. I am therefore comfortable with the maximum height of freestanding signs in the CMUZ, GIZ and PORTZ being increased to 8m as sought by Out of Home Media [188.10]. I therefore recommend the submission points from Go Media [18.6], Fi Glass

[27] Except for SIGN-S4.6 which, sets no maximum area for signs in the GIZ and PORTZ.
[28] The maximum width of a sign shall be 3m.

[161.6], Griff Simpson Family [199.6], Red Sky [233.6] and Out of Home Media [188.10] in relation to SIGN-S3 be accepted.

11.7.6 To align with the Partially Operative Selwyn District Plan, I also recommend that the maximum area of freestanding signs in the CMUZ is increased from $5m^2$ to $18m^2$ for sites with a road frontage of 50m. For CMUZ sites with a road frontage less than 50m I recommend that the maximum area is increased to $6m^2$. In my view, this allows for larger signs as sought by submitters while ensuring the objective and policy direction is achieved. In considering the submissions points from Go Media [18.7], Fi Glass [161.7], Griff Simpson Family [199.7] and Red Sky [233.7] I also recommend that where a sign is double sided in the CMUZ that the maximum area of the sign is calculated as the area of one side of the sign in accordance with the other zone area standards. However, I do not recommend amendments to allow for signs in a 'V' format as this would essentially allow two freestanding signs per site. In my view, where the area controls are not met, signs should be subject to a consent process to ensure effects on character and amenity are avoided. For completeness, I recommend the 4m height limit applying to the OSZ and the no limit for signs in the GIZ and PORTZ be retained as notified. Having regard to the above, I recommend the submission points from Go Media [18.7], Fi Glass [161.7], Out of Home Media [188.11], Griff Simpson Family [199.7] and Red Sky [233.7] seeking an increase to the maximum area of signs be accepted in part.

11.7.7 As I am recommending amendments to SIGN-S3.2 in response to other submission points I recommend the submission points from PrimePort [175.75 and 175.76] and TDHL [186.44 and 186.45] in support SIGN-S3.2 and SIGN-S4.6 be accepted in part.

Conclusions and Recommendations

11.7.8 I recommend, for the reasons given above, that SIGN-S3 is amended as follows:

SIGN-S3	**Maximum height of signage**	
1 **All zones**	Any temporary sign must not exceed 3m in height, measured from ground level.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
2 **Commercial and Mixed Use zones** ~~**Open Space and Recreation Zones**~~ **General Industrial Zone** **Port Zone**	1. Any freestanding sign must not exceed ~~4~~8m in height, measured from ground level. 2. Any sign attached to a building must not extend above facade height.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and

		4. any adverse cumulative effects; and 5. any positive effects of the sign.
X **Open Space and Recreation Zones**	1. Any freestanding sign must not exceed 4m in height, measured from ground level. 2. Any sign attached to a building must not extend above facade height.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign.
4 **Rural zones** **Māori Purpose Zone**	Any sign must not exceed 3m in height, measured from ground level.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
5 **Residential zones**	There is no maximum height under this standard.	~~**Matters of discretion are restricted to:**~~ ~~1. any impact on the character and amenity values of the surrounding area; and~~ ~~2. whether the sign contributes to visual clutter; and~~ ~~3. any adverse cumulative effects; and~~ ~~4. any positive effects of the sign.~~[29]

11.7.9 I recommend, for the reasons given above, that SIGN-S4.2 is amended as follows:

SIGN-S4	**Maximum area of signage**	
2 **Commercial and Mixed Use zones**	*Where a site has a road frontage less than 50m ~~A~~any freestanding sign must not exceed ~~5m²~~ 6m² in area. For sites with a road frontage of 50m or more the maximum area of any freestanding sign must not exceed 18m². Where a sign is double sided, the maximum area of the sign is calculated as the area of one side of the sign.*	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and

[29] Clause 16(2) Amendment

		5. any positive effects of the sign.

11.7.10 In terms of Section 32AA, the recommended amendments, in my view, are more efficient by removing the consenting requirements for signs that are anticipated to be compatible with purpose, character and qualities of the underlying zone, while remaining effective at achieving the objective and policy direction by limiting larger signs to sites with a road frontage of 50m or more.

11.8 SIGN-S5 Maximum number of temporary signs and SIGN-S6 Maximum number of signs (not including official signs and temporary signs)

11.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.127, 143.128
PrimePort	175.77
TDHL	186.46
Out of Home Media	188.12

Submissions

11.8.2 Waka Kotahi [143.127 and 143.128] supports SIGN-S5 and SIGN-S6 but seeks amendments to the matters of discretion in both standards to ensure effects on traffic safety are assessed.

11.8.3 PrimePort [175.77], Out of Home Media [188.12] and TDHL [186.46] support SIGN-S6 and seek that the standard is retained as notified.

Analysis

11.8.4 As outlined above, I am now recommending a limit on the number of freestanding signs in the CMUZ, GIZ and PORTZ (as a consequential amendment to other submission points). I therefore recommend the submission points from PrimePort [175.77], Out of Home Media [188.12] and TDHL [186.46] in support of SIGN-S6 be accepted in part.

11.8.5 The TCD Manual states that the proliferation of signs has the potential to cause motorist distraction and/or confusion and can compromise the safety of roads. I therefore agree with Waka Kotahi [143.127 and 143.128] that effects on traffic safety should be included as a matter of discretion in SIGN-S5 and SIGN-S6. In my view, this also aligns with the direction in SIGN-P2. I therefore recommend the submission points from Waka Kotahi [143.127 and 143.128) be accepted.

Conclusions and Recommendations

11.8.6 I recommend, for the reasons given above, that SIGN-S5 and SIGN-S6 are amended as follows:

SIGN-S5	***Maximum number of temporary signs***	
1 ***Residential zones*** ***Rural zones*** ***Māori Purpose Zone***	*There shall be no more than one temporary sign per site.*	***Matters of discretion are restricted to:*** *1. any impact on the character and amenity values of the surrounding area; and* *2. whether the sign contributes to visual clutter; and* *3. any adverse cumulative effects; and* *4. <u>any traffic safety effects; and</u>* *5. any positive effects of the sign.*
2 ***Commercial and Mixed Use zones*** ***General Industrial Zone*** ***Port Zone*** ***Open Space and Recreation zones***	*There shall be no more than three temporary signs per site.*	***Matters of discretion are restricted to:*** *1. any impact on the character and amenity values of the surrounding area; and* *2. whether the sign contributes to visual clutter; and* *3. any adverse cumulative effects; and* *4. <u>any traffic safety effects; and</u>* *5. any positive effects of the sign.*
SIGN-S6	***Maximum number of signs (not including Offical signs and Temporary signs)***	
1 ***Commercial and Mixed Use zones*** ***General Industrial Zone*** ***<u>Clandeboye Manufacturing Zone</u>*** ***Port Zone***	*There shall be no ~~limit~~ <u>more than one freestanding sign per road frontage located on a site</u>. <u>A freestanding sign may advertise multiple premises located on the site.</u>*	***Matters of discretion are restricted to:*** ***~~Not applicable~~*** *1. <u>any impact on the character and amenity values of the surrounding area; and</u>* *2. <u>whether the sign contributes to visual clutter; and</u>* *3. <u>any adverse cumulative effects; and</u>* *4. <u>any traffic safety effects; and</u>* *5. <u>any positive effects of the sign.</u>*
2 ***Residential zones*** ***Rural zones*** ***Māori Purpose Zone***	*There shall be no more then one sign per road frontage located on a site.*	***Matters of discretion are restricted to:*** *1. any impact on the character and amenity values of the surrounding area; and* *2. whether the sign contributes to visual clutter; and* *3. any adverse cumulative effects; and* *4. <u>any traffic safety effects; and</u>* *5. any positive effects of the sign.*
3 ***Open Space and Recreation zones***	*There shall be no more than two signs per site visible from beyond the site.*	***Matters of discretion are restricted to:*** *1. any impact on the character and amenity values of the surrounding area; and* *2. whether the sign contributes to visual clutter; and* *3. any adverse cumulative effects; and* *4. <u>any traffic safety effects; and</u>* *5. any positive effects of the sign.*

11.8.7 The recommended amendments are set out in **Appendix 1**.

11.8.8 In terms of Section 32AA, the recommend amendments, in my view, will be more effective at achieving SIGN-O1.3 and SIGN-P2.3, by ensuring the proliferation of signs in all zones does not compromise traffic safety.

12. Temporary Activities

12.1 General

12.1.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
ECan	183.1, 183.4

Submissions

12.1.2 ECan [183.1] is concerned that various rules in the PDP use variable terminology to define floor areas of buildings, often with the term undefined. It could therefore be unclear what is being measured. The submitter considers that it is necessary to review all references to size of buildings in the PDP and consider whether a clear definition is required. Ecan [183.1] suggests linking development to either the 'building footprint' or 'gross floor area', which are defined in the NP Standards, and then create exclusions from those terms within the rules if necessary.

12.1.3 ECan [183.4] is concerned that within the PDP, references to 'height' of buildings or structures do not make reference to where height is measured from. ECan [183.4] seeks that all references to the height of buildings and/or structures, across the PDP, is reviewed to ensure that height is measured from ground level.

Analysis

12.1.4 TEMP-R1 (PER-2), as notified, limits the combined 'gross floor area' of temporary buildings and/or structures on a site to 50m^2 where the site is located within or adjoining a residential zone. No other provisions in the TEMP chapter limit the maximum area of buildings. I therefore do not consider that the concern raised by ECan [183.1] arises in relation to the TEMP chapter. I therefore recommend the submission point from ECan [183.1], in respect of the TEMP chapter, be rejected.

12.1.5 The TEMP chapter does not manage the height of buildings and/or structures. I therefore do not consider that the concern raised by ECan [183.4] arises in relation to the TEMP chapter. I therefore recommend the submission point from ECan [183.4], in respect of the TEMP chapter, be rejected.

12.1.6 TEMP-R1, TEMP-R2, TEMP-R3 and TEMP-R6 all include rule notes that require compliance with specific provisions in the NOISE and EW chapters. The overarching Rule Note in the TEMP Chapter, however, makes it clear that all of the provision in Part 2 – District Wide

Matters Chapters apply to temporary activities unless otherwise specified. I therefore recommend that rule notes in TEMP-R1, TEMP-R2, TEMP-R3 and TEMP-R6 are removed as a Clause 16(2) amendment to avoid any ambiguity. I note that the rule notes, as notified, could be interpreted that only those district wide chapter rules specifically mentioned apply.

Conclusions and Recommendations

12.1.7 No changes to the TEMP chapter are recommend in relation to the above submission points. For the reasons given above, I recommend the rule notes requiring compliance with specific NOISE and EW provisions are removed form TEMP-R1, TEMP-R2, TEMP-R3 and TEMP-R4.

12.1.8 The scale of the changes, in my view, do not require a Section 32AA evaluation because they are minor changes which, provide clarity to plan users and do not change the general intent. The original s32 evaluation therefore still applies.

12.2 Freedom Camping

12.2.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
NZMCA	134.1, 134.2, 134.6

Submissions

12.2.2 NZMCA [134.1] is concerned that clear and appropriate provision has not been made in the PDP for opportunities for people to camp responsibly in safe, convenient and pleasant locations across the district.

12.2.3 NZMCA [134.2] notes that most zones in the PDP require a discretionary resource consent for 'activities not otherwise provided for' in the plan. As such, they consider camping including freedom camping is captured under this "catch all" rule. Timaru District Council does not have a freedom camping bylaw in place under the Freedom Camping Act 2011 (FCA). NZMCA [134.2] therefore seeks that freedom camping, as an activity, is explicitly exempt from the PDP provisions by including a statement in *Part 1 – Introduction and General Provisions – Statutory Context* (or elsewhere in the Plan) that freedom camping is managed under the FCA.

12.2.4 NZMCZ [134.2] also seeks that freedom camping is defined in the PDP in the Interpretation chapter. This definition, in their view, should be based on, or refer to, the definition set out in Section 5 of the FCA. If a new definition is included in the Interpretation chapter NZMCA [134.2] seeks that that definition makes it clear that freedom camping is excluded from the provisions of the PDP.

12.2.5 As detailed in the s42A report for the OSZ and SARZ, NZMCA [134.6] also considers the PDP contains very restrictive management of users within the NOSZ, with no provision made for camping, as either an existing activity or possible future activity. NZMCA [134.6] considers

this to be inconsistent with DOC strategy, which encourages people to use their estate and connect with nature. The submitter notes that Council presently allows freedom camping at Waitohi Bush and Te Moana Gorge, which will not be explicitly provided for under the proposed NOSZ provisions. NZMCA [134.6] therefore seek amendments to the PDP to permit existing camping activities in the NOSZ and for public use of these areas for walking, cycling and camping to be explicitly provided for as a discretionary activity.

Analysis

12.2.6 Mr. Nick Boyes, in his s42A report for the OSZ and SARZ, considers that the submission point by NZMCA [134.6] in relation to the NOSZ highlights a wider issue with the PDP as notified. The FCA defines freedom camping as camping in a tent or motor vehicle, within 200m of an area accessible by vehicle, mean low water spring or formed road/great walk track (other than in a camping ground). Freedom camping in a tent or self-contained motor vehicle is permitted in any local authority area under FCA unless restricted/prohibited by a bylaw or 'other legislation'. Freedom camping in a non-self-contained motor vehicle is also only allowed where permitted by a bylaw or 'other legislation'. The Council does not have a freedom camping bylaw in place under the FCA.[30] Mr. Boyes therefore agrees with the potential issue being raised by the submitter (i.e., the unintended restriction on freedom camping via the PDP). While changes could be made to the NOSZ provisions to specifically permit camping (and subsequently address the submitters concerns raised in relation to locations within the NOSZ such as Waitohi Bush and Te Moana Gorge), Mr. Boyes considers that such a change would not address the wider issue for sites beyond the NOSZ, given that there are various other freedom camping areas on Council land that are not located within the NOSZ. Mr. Boyes suggests that a potential solution would be to expressly exempt freedom camping from the PDP, as requested by NZCMA [134.2]. However, this was considered to be beyond the scope of the OSZ and SARZ Topic and was therefore, recommend to be deferred to Hearing F (Temporary Activities).

12.2.7 I agree with Mr. Boyes, that in the absence of a freedom camping bylaw, the submission from NZMCA [134.6], highlights a wider issue with the PDP as notified (i.e., the unintended restriction on freedom camping via the PDP). I also agree with Mr. Boyes and NZMCA [134.2] that the most appropriate way to address this issue is to explicitly exclude freedom camping from the PDP. I therefore recommend that *Part 1, How the Plan Works –Statutory Context* is amended, as per the submission from NZMCA [134.2], to make it clear that freedom camping, as defined in the FCA, is not managed by the District Plan and is managed by the FCA. In recognition that most plan users are unlikely to refer to *Part 1, How the Plan Works –Statutory Context* in the first instance, I also recommend that the TEMP chapter Introduction is amended as follows:

….
Temporary activities are provided for by this chapter subject to controls to ensure they can occur without having significant adverse effects on the character and qualities of the

[30] A Freedom Camping Issues and Options Report is currently being prepared by Councils Senior Policy Advisor.

environment in which they occur and without causing any permanent effects on the environment.

As detailed in Part 1 – HPW – Statutory Context, freedom camping, as defined in Section 5 of the Freedom Camping Act 2011, is not managed by the District Plan and is managed by the Freedom Camping Act 2011.

12.2.8 In my opinion, a new definition for 'freedom camping' based on, or which, refers to, the definition set out in Section 5 of the FCA is not required. The term 'freedom camping', based on my recommended amendments, will only occur twice in the PDP. The recommended amendments also explicitly refer plan users to s5 of the FCA. Having regard to the above, I recommend the submission points from NZMCA [134.1, 134.2 and 134.6] be accepted in part.

Conclusions and Recommendations

12.2.9 I recommend, for the reasons given above, that *Part 1 – HPW – How the Plan Works – Statutory Context* is amended as follows:

Other Planning Documents and Legislation Considered
The Council is required by sections 74(2) and 74(2A) of the RMA to have regard to other relevant planning documents or management plans. In preparing the Plan, the Council have had regard to the following:

- *…*
- *…*

Freedom camping, as defined in Section 5 of the Freedom Camping Act 2011, is not managed by the District Plan and is managed by the Freedom Camping Act 2011.

12.2.10 I recommend that the TEMP chapter Introduction is amended as follows:

….
Temporary activities are provided for by this chapter subject to controls to ensure they can occur without having significant adverse effects on the character and qualities of the environment in which they occur and without causing any permanent effects on the environment.

As detailed in Part 1 – HPW – Statutory Context, freedom camping, as defined in Section 5 of the Freedom Camping Act 2011, is not managed by the District Plan and is managed by the Freedom Camping Act 2011.

12.2.11 The recommended amendments are set out in **Appendix 1.**

12.2.12 In terms of Section 32AA, the proposed amendments, in my view, will correct an unintended issue with the PDP, as notified, and are more efficient at achieving the drafting intent (i.e., for freedom camping to be not managed by the PDP provisions).

12.3 Emergency Service Training Events

12.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
FENZ	131.4, 131.5, 131.16

Submissions

12.3.2 FENZ (131.4 and 131.16) seek a new definition and rule for temporary emergency services training activities in the PDP. In their view, it is appropriate for emergency services training activities (ESTA) to be explicitly provided for in the TEMP chapter. The definition [131.4] and rule [131.16] sought by FENZ are as follows:

"means a temporary activity undertaken for the training of any component of Fire and Emergency New Zealand for any emergency purpose. An emergency purpose are those purposes which enable Fire and Emergency New Zealand to achieve its main functions under section 11 and 12 of the Fire Emergency New Zealand Act 2017."

TEMP-RX Temporary emergency services training activities
All Zones
Activity Status: PER
Where the following conditions are met:
Limited to:

a. *a period of two days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary emergency services training activity.*

Activity status where compliance is not achieved: N/A

12.3.3 If a new definition for ESTA is included in the PDP, FENZ (131.5) request a consequential amendment to the definition of 'temporary event' to remove ESTA from this definition.

Analysis

12.3.4 In recognising the benefits of ESTA to the wellbeing and health and safety of the community, I agree with FENZ [131.4] that it would be beneficial for ESTA to be explicitly provided for in the TEMP chapter. I therefore recommend that a new definition for ESTA is included in the PDP and that amendments are made to the TEMP chapter to explicitly provide for ESTA. However, the definition sought by FENZ [131.4], is specific to ESTA undertaken by FENZ and, in my view, does not capture other emergency services in New Zealand such as the New Zealand Police, St John/Hato Hone and Civil Defence which, are currently enabled via TEMP-R3 as a 'temporary event'. I therefore recommend that a more inclusive definition for ESTA is included in the PDP as follows:

"means a temporary activity undertaken for training purposes by emergency services including, but not limited to, Fire and Emergency New Zealand, the New Zealand Police, St John/Hato Hone and Civil Defence."

12.3.5 The rule, requested by FENZ [131.16], seeks for ESTA to be permitted in all zones for a duration of two days, excluding set up and pack down which can occur up to one week prior to commencement and up to one week following completion of the activity. If compliance with maximum duration is not achieved FENZ [131.16] seek no corresponding activity status or consent requirement. I do not support the rule proposed by FENZ [131.16], as in my view, it is more restrictive than the PDP, as notified, which, enables ESTA for a duration not exceeding seven days excluding set up and pack down which can occur up to one week prior to commencement and up to one week following completion of the activity (TEMP-R3, PER-1 and PER-3). I also do not agree with FENZ [131.16] that there should be no activity status where the permitted thresholds are not met, as this would mean ESTA is permitted (in all cases) regardless of the permitted activity thresholds. In my view, this would be contrary to TEMP-O1 and TEMP-P2. Furthermore, the permitted activity status parameters in TEMP-R3 (PER-2 and PER-4), in my view, are appropriate to ensure ESTA are limited in duration and do not permanently alter the environment as required by TEMP-O1. I therefore recommend that ESTA are explicitly provided for in TEMP-R3 (as sought by FENZ) but the rule parameters remain as notified.

12.3.6 Having regard to the above, I recommend the submission points from FENZ [131.4. 131.5 and 131.16] be accepted in part.

Conclusions and Recommendations

12.3.7 I recommend, for the reasons given above, that a new definition for 'temporary emergency service training activity' is included in the PDP as follows:

"means a temporary activity undertaken for training purposes by emergency services, including but not limited to, Fire and Emergency New Zealand, the New Zealand Police, St John/Hato Hone and Civil Defence."

12.3.8 As a consequential amendment, pursuant to Clause 10(2)(b) of the RMA, I recommend the definition of 'temporary event' in the PDP is amended as follows:

Means a type of temporary activity that is a planned public or social occasion and includes carnivals, fairs, markets, auctions, displays, rallies, shows, commercial filming or video production, gymkhanas (equestrian), dog trails, concert, and other recreational sporting activities, public meetings, and hui~~, and emergency services training events,~~ but excludes motorsport events.

12.3.9 I recommend, for the reasons given above, that TEMP-R3 is amended as follows:

TEMP-R3 Temporary events and temporary emergency services training activities
Activity status: Permitted
Where:
PER-1
The duration of the temporary event or temporary emergency services training activity does not exceed seven consecutive calendar days; and
PER-2
The site is not used for more than two ~~T~~temporary ~~E~~events or temporary emergency services training activities per calendar year; and
PER-3

Any ancillary buildings(s) or structures(s) are not erected more than ~~7~~ seven calendar days prior to the event commencing, and are removed within ~~7~~ seven calendar days following completion of the temporary event or temporary emergency service training activity; and
PER-4
No permanent or mechanical excavation is carried out.

12.3.10 Consequential amendments, pursuant to Clause 10(2)(b) of the RMA, are also recommended to the TEMP-P1 and TEMP-P2 as follows:

TEMP-P1 – Benefits of temporary activities
Recognise the social, economic, cultural and environmental benefits of temporary activities, including:

1. *temporary events and temporary emergency services training activities that enhance the quality of life, commercial opportunities and vitality of the district;*
2. *temporary buildings that enable construction projects;*
3. *temporary military training activities that maintain the nation's security, the New Zealand Defence Force's operational capacity and the wellbeing, health and safety of communities;*
4. *housing recovery temporary accommodation that provides essential accommodation for displayed people while the affected properties are being repaired and rebuilt following an emergency.*

TEMP-P2 Temporary ~~C~~construction, temporary military training activity[31], temporary emergency services training activity and temporary events
Ensure that any temporary construction buildings and structures, temporary military training activities, temporary emergency services training activities and temporary events, including those with ancillary buildings and structures, are compatible with the surrounding environment by requiring that they:
…..

12.3.11 The recommended amendments are set out in full in **Appendix 1.**

12.3.12 The scale of the changes, in my view, are minor changes to explicitly refer to emergency services training activities and do not alter the drafting intent (noting that emergency services training activities are currently provided for in the PDP as a temporary event). The amendments, in my view, will also be more effective at achieving TEMP-O1 by explicitly recognising that emergency services training activities enhance the quality of life and contribute to the wellbeing of the community.

12.4 Definitions – Temporary activity and Temporary military training

12.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
MFL	60.6
NZDF	151.1

[31] Clause 16(2) Amendment

Submissions

12.4.2 MFL [60.6] are concerned that the definition of 'temporary activity' does not include a maximum duration. MFL [60.6] therefore seek amendments to the definition to include a maximum timeframe for temporary activities. As an example, MFL [60.6] suggest a duration of 14 days.

12.4.3 NZDF [151.1] support the definition of 'temporary military training' as notified.

Analysis

12.4.4 I do not agree with MFL [60.6] that the definition of 'temporary activity' should be amended to include a maximum duration. The rules in the TEMP chapter clearly specify the duration of temporary activities. The rules, as notified, for example, allow temporary buildings and structures ancillary to construction work for a duration not exceeding 24 months (TEMP-R1), temporary military training activities for a timeframe not exceeding 31 days (TEMP-R2), temporary events for a time frame not exceeding seven days (TEMP-R3) and temporary motorsport events for a maximum duration of two days (TEMP-R6). Amendments to the definition of 'temporary activity', in my view, would therefore result in unnecessary duplication and or confusion. I therefore recommend the submission from MFL (60.6) be rejected.

12.4.5 No amendments to the definition of 'temporary military training' are recommended. This definition is also a NP Standard and if used in the same context as the NP Standards must be used. I therefore recommend the submission point from NZDF [161.1] be accepted.

Conclusions and Recommendations

12.4.6 I recommend, for the reasons given above, that no amendments are made to the definition of 'temporary activity' or 'temporary military training' in relation to the above submission points.

12.5 TEMP-P2 Temporary construction, temporary military training and temporary events

12.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.132
NZDF	151.5

Submissions

12.5.2 Waka Kotahi [143.132] supports TEMP-P2, specifically TEMP-P2.3 which, recognises the importance of ensuring temporary activities do not adversely affect the safety and efficiency of the transport network.

12.5.3 NZDF [151.5] considers that transport matters for temporary activities are more appropriately addressed in the TRAN chapter and request that TEMP-P2.3 is deleted. NZDF [151.5] also considers that temporary activities do not necessarily need to be consistent with the character and qualities of the zone in which they are located, as any adverse effects of the activity are temporary. NZDF [151.5] therefore request that TEMP-P2.4 is deleted.

Analysis

12.5.4 While I agree with the NZDF [151.5] that transport matters are largely managed by provisions in the TRAN chapter, I do not agree that TEMP-P2.3 should be deleted. In my view, it is appropriate to include policy direction in relation to traffic safety and efficiency in the TEMP-P2 to achieve TEMP-O1.2. I note temporary activities can have adverse effects on the transport network because of increased traffic movements or potential road closures. I therefore recommend that TEMP-P2.3 is retained as notified and that the submission point from Waka Kotahi [143.132] be accepted.

12.5.5 I agree with the NZDF [151.5] that temporary events and activities may not always be of a scale and location that is consistent (i.e., the same as) the anticipated character and qualities of the zone in which they occur, but are generally acceptable, given they are temporary and do not permanently alter the environment. However, I do not agree that TEMP-P2.4 should be deleted. In my view, it is necessary for temporary activities to not conflict with the anticipated character and amenity values of the underlying zone to achieve TEMP-O1.2 (no significant adverse effects). I also note that the temporary activities rules have been purposely drafted to ensure any temporary activity or event will not cause adverse effects on the character and qualities of the environment in which they occur. In my view, it is therefore appropriate for the anticipated character and qualities of the zone to be assessed where the permitted rule requirements are not met. However, to address the submitter concerns, I recommend that the term 'consistent' is replaced with the term 'compatible'. In my opinion, the term 'compatible' is less restrictive as it allows for temporary activities to occur where they do not conflict with the anticipated character and amenity values but does not necessarily require them to be the same as the underlying zone. The term 'compatible' is also consistent with the terminology used in the preface to the policy. I therefore recommend the submission from NZDF [151.5] be accepted in part.

12.5.6 To ensure the policy users the temporary military training activity (emphasis added) definition and to remove unnecessary capital letters I recommend minor amendments to TEMP-P2, pursuant to Clause 16(2) of the RMA.

Conclusions and Recommendations

12.5.7 I recommended that TEMP-P2 is amended as follows:

> ***TEMP-P2 Temporary ~~C~~construction, temporary military training activity, temporary emergency service training activity and temporary events***
> *Ensure that any temporary construction buildings and structures, temporary military training activities, temporary emergency services training activities and temporary events, including*

those with ancillary buildings and structures, are compatible with the surrounding environment by requiring that they:

1. *are for a limited duration only; and*
2. *do not result in permanent adverse effects on the environment; and*
3. *do not adversely affect the safety and efficiency of the transport network; and*
4. *are of a scale and location that is compatible ~~consistent~~ with the anticipated character and qualities of the zone where they occur; and*
5. *do not have the potential to have significant adverse effects on the environment.*

12.5.8 The recommended amendments are set out in **Appendix 1.**

12.5.9 In terms of Section 32AA, the recommend amendments to TEMP-P2.4, in my view, make it clear that temporary activities and events do not have to be the same but should not conflict with the character and qualities of the underlying zone and will remain effective at achieving TEMP-O1.

12.6 New Policy TEMP-PX Manging adverse effects of temporary activities

12.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.31

Submissions

12.6.2 Waka Kotahi [143.131] considers that TEMP-P1 (Benefits of temporary activities) does not consider potential adverse effects, and that there are additional adverse effects outside of those covered by TEMP-P2, TEMP-P3, and TEMP-P4. Waka Kotahi [143.131] therefore seeks a new policy in the TEMP chapter as follows:

TEMP-PX - Managing adverse effects of temporary activities
Provide for temporary activities while managing adverse effects on the surrounding environment, including regionally significant infrastructure.

Analysis

12.6.3 I do not agree with Waka Kotahi [143.131] that a new policy is needed in the TEMP chapter to manage adverse effects on the surrounding environment, including RSI. In my opinion, TEMP-P1, while recognising the benefits of temporary activities, does not trump the policy direction in TEMP-P2, TEMP-P3 and TEMP-P4 that include requirements for temporary activities to not result in permanent adverse effects on the environment and for 'significant adverse effects' of temporary activities to be avoided/mitigated. The objective and policy direction of the EIT chapters, in my view, are also able to be considered where a temporary activity or event requires a resource consent as the District Wide Chapters still apply to temporary activities. The policy proposed by Waka Kotahi [143.131], in my view, therefore provides no added value. In my opinion, there is sufficient scope under the existing policies to manage adverse effects including effects on RSI. I therefore recommend the submission from Waka Kotahi [143.131] be rejected.

Conclusions and Recommendations

12.6.4 No amendments to the TEMP chapter are recommended in relation to the above submission point.

12.7 TEMP-R1 Temporary buildings and structures ancillary to construction work

12.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
KiwiRail	187.84

Submissions

12.7.2 KiwiRail (187.84) seek amendments to TEMP-R1 to allow the establishment of temporary work sites, to carry out works to the rail corridor, which may be adjacent to transport or other infrastructure. The submitter highlights that for safety reasons it is not always possible to work within a transport corridor and are concerned that the discretionary activity status for worksites adjacent to a corridor will not facilitate critical infrastructure works.

Analysis

12.7.3 From a practicality and health and safety perspective, I agree with KiwiRail [187.84] that it may not always be possible for temporary buildings and/or structures associated with construction within a road or rail corridor to be located on the same site as the required works (i.e., within the road or rail corridor). I also agree with KiwiRail that the discretionary activity status for such buildings and/or structures is onerous and does not facilitate the maintenance or repair of critical infrastructure. I therefore recommend that TEMP-R1 (PER-1) is amended to exclude temporary buildings and/or structures from PER-1 where the building is necessary for construction work within a road or rail corridor where the building and/or structure is located on a site that directly adjoins the road or rail corridor. I note that compliance with PER-2, PER-3 and PER-4 will still be required as well as permission from the relevant landowner(s). I therefore recommend the submission from KiwiRail [187.84] be accepted.

12.7.4 I note that the road and rail corridor are not defined in the PDP as notified and that a new definition of rail corridor may be included in response to other submission points from Kiwi Rail. In either case, I consider my recommended amendments to be appropriate.

Conclusions and Recommendations

12.7.5 I recommend, for the reasons given above, that TEMP-R1 (PER-1) is amended as follows:

PER-1
The temporary building and/or structure is located on the same site as the associated construction work <u>unless the building and/or structure is associated with construction work within a road or rail corridor and is located on a site directly adjoining the road or rail corridor.</u>

12.7.6 The recommend amendments are set in **Appendix 1.**

12.7.7 In terms of Section 32AA, the recommended amendments, in my view, will be more effective at achieving SD-O8 and the objective and policy direction in the EI and TRAN chapters, by recognising the benefits and necessity of land transport infrastructure within the road/rail corridor. The recommended amendments, in my view, will also be more efficient by removing the consent requirement for temporary buildings and/or structures on sites adjacent to the road or rail corridor where they are for works within the road or rail corridor and comply with PER-2, PER-3 and PER-4.

12.8 TEMP-R2 Temporary military training activities

12.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
NZDF	151.7

Submissions

12.8.2 NZDF [151.7] support TEMP-R2 as they consider it appropriate to explicitly provide for temporary military training activities as a permitted activity in the TEMP chapter. NZDF [151.7] also support TEMP-R2.1 and the cross reference to the relevant noise and earthworks provisions in Note 1. However, NZDF [151.7] seek various amendments to TEMP-R2 to ensure the rule meets their operational requirements, to avoid, what they perceive to be, duplication with other provisions in the PDP, and to comply with the Defence Act 1990.

12.8.3 Specifically, NZDF [151.7] seek:

a. amendments to PER 2 to allow for more than one training event per site provided the duration of any one event does not exceed 31 consecutive days;
b. deletion of PER-3 and PER-4 to avoid duplication with PER-1 and the EW chapter; and
c. deletion of Note 2 as, in their view, it places no obligation on NZDF under the PDP to contact Waka Kotahi or the Council, or to prepare a traffic management plan. The traffic related effects, in their view, are also more appropriately controlled through the TRAN chapter.

12.8.4 In addition, the NZDF [151.7] considers the restricted discretionary activity status where the rule requirements are not met to be onerous and seek a controlled activity status to provide certainty that temporary military training activities will be granted resource consent in all cases. In their view, the adverse effects of temporary military training activities can be adequately controlled through conditions of consent.

Analysis

12.8.5 TEMP-R2 (PER-2), as notified, requires the duration of <u>the activity</u> (emphasis added) to not exceed a total of 31 days per year and, in my view, could be interpreted as only allowing one activity (i.e., one training event) per site. I therefore agree with the NZDF [151.7] that

amendments to PER-2 are appropriate to allow for more than one military training activity to occur per site. However, I do not support the wording suggested by NZDF [151.1] as, in my opinion, it would set no limits on the number of temporary military training activities per site provided the duration of any one event does not exceed 31 days and would be contrary to TEMP-O1 and TEMP-P2. I therefore recommend that PER-2 allows for more than one training event per site (as sought by NZDF [151.7]) but the duration of any events, when combined, do not exceed a total of 31 days. I note that this is consistent with the approach in the ODP.

12.8.6 I do not agree with NZDF [151.7] that PER-1 duplicates PER-3. PER-1 requires all buildings and/or structures constructed as part of a temporary military training activity to be removed within seven calendar day following the completion of the activity (emphasis added) unless the building or structure and its use complies with the underlying zone rules and standards, whereas PER-3 requires all buildings and structures located on a site more than seven days (emphasis added) to comply with the height in relation to boundary and setback requirements of the underlying zone. It is my understanding that PER-1 intends to implement TEMP-P2.1 and TEMP-P2.2 by ensuring all buildings and structures that do not comply with the underlying zone requirements are removed following the completion of the activity whereas, PER-3 implements TEMP-P2.4 and TEMP-P2.5 by ensuring the height, height in relation to boundary and setbacks of buildings and/or structures on a site longer than seven days are compatible with underlying zone and do not generate significant adverse visual amenity effects. However, in considering the submission from NZDF [151.7] I consider that the distinction between PER-1 and PER-3 to be unclear and recommend amendments to both rule requirements. In my view, it is not necessary to require buildings and/or structures which, stay on a site longer than 31 days to comply with the underlying zone rules and standards as any building and/or structure that stays on a site following the completion of an event is no longer a temporary activity and is therefore subject to the rules in the underlying zone chapter. I also note that no other temporary activity rules include an equivalent exemption. As such, I recommended the following amendments to PER-1 and PER-2 are as follows:

PER-1
Any building or structure must be removed within seven calendar days following ~~after~~ the completion of the activity~~, unless the building or structure and its use are permitted in the zone it is located~~.

PER-3
~~If located on the site for longer than 7 consecutive days, any~~ All building(s) and structure(s) located on a site more than seven calendar days must comply~~ies~~ with the height in relation to boundary and setback requirements ~~rules and standards~~ of the underlying zone ~~in which the site is located~~; and

12.8.7 I agree with NZDF [151.7] that EW-S4 also manages the rehabilitation and reinstatement of sites following earthworks. However, I do not consider it appropriate for PER-4 to be deleted. PER-4, in my opinion, is necessary to achieve TEMP-O1.3 and TEMP-P2.2 by requiring the ground where excavation has occurred as part of any temporary military training to be

returned to its original condition (i.e. no permanent changes). EW-S4, in comparison allows earthworks to be built upon, sealed with hardstand material, landscaped, recontoured and/or replanted and does not require a site to be returned to its original condition as sought in the objectives and policies of the TEMP chapter. PER-4 also includes a shorter time frame for reinstatement works of seven days.

12.8.8 I accept that Note 2 places no legal obligation on NZDF under the PDP to prepare a traffic management plan or to contact Waka Kotahi or the Council. However, in my opinion, it is important to inform plan users of their obligations regarding traffic management even if they are not expressly managed by the PDP or TEMP-R2. I therefore do not agree with NZDF [151.7] that Note 2 should be removed.

12.8.9 While I recognise the benefits of temporary military training activities, a controlled activity status would mean the Council must grant any application for resource consent that does not comply with the rule requirements. As such, I do not consider a controlled activity status to be appropriate, as there may be circumstances where the rule requirements are being breached, such as where an applicant is seeking not to restore a site to its original condition for a long period of time, or not at all, which, may have significant adverse effects on the environment (inconsistent with TEMP-P2). As such, I consider the restricted discretionary activity status, as notified, to be more appropriate.

12.8.10 Having regard to the above, I recommend the submission from the NZDF [151.7] be accepted in part.

Conclusions and Recommendations

12.8.11 I recommend that TEMP-R2 is amended as follows:

TEMP-R2	***Temporary military training activities***	
All zones	***Activity status: Permitted*** ***Where:*** ***PER-1*** *Any building or structure is removed within seven calendar days after completion of the activity~~, unless the building or structure and its use are permitted in the zone it is located~~; and* ***PER-2*** *The duration of <u>temporary military training activities</u> ~~the activity~~ <u>at any one site</u> does not exceed a total of 31 calendar days per year ~~on any site~~, excluding set up and pack out activities; and* ***PER-3*** *~~If located on the site for longer than 7 consecutive days, any~~ <u>All</u> building<u>(s)</u> and structure<u>(s) located</u>*	**Activity status where compliance is not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** *1. loss of outlook, shading, loss of privacy and loss of amenity; and* *2. location and design of buildings and structures; and*[32] *3. traffic safety; and* *4. dust and sediment control; and* *5. ground stability; and* *6. the ability to return the site to its original condition; and* *7. the duration of the activity, including the period buildings and structures will remain on site.* **Activity status where compliance not achieved with PER-3 or PER-4: Restricted Discretionary**

[32] Clause 16(2) Amendment

	on a site more than seven calendar days must comply~~ies~~ with the height in relation to boundary and setback requirements ~~rules and standards~~ of the zone in which the site is located; and ***PER-4*** *Where excavation is carried out, the ground is returned to its original condition within seven calendar days after completion of the activity.* ***Note:*** *~~1. The activity must comply with NOISE-R3 and EW-R1.~~* 2. *It is the organiser's obligation to contact the relevant road controlling authority (New Zealand Transport Agency if the activity is accessed from a State Highway, and Timaru District Council if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.*	**Matters of discretion are restricted to:** 1. *loss of outlook, shading, loss of privacy and loss of amenity; and* 2. *location and design; and* 3. *ground contour of any excavated areas; and*[33] 4. *dust and sediment control; and* 5. *ground stability.*

12.8.12 The recommended amendments are set out in **Appendix 1**.

12.8.13 In terms of Section 32AA, the recommended amendments, in my view, will better enable military training activities (by making it clear that more than one training event can occur per site) while remining effective at achieving the objective and policy direction in the TEMP chapter. The recommended amendments will also remove any ambiguity.

12.9 TEMP-R3 Temporary events

12.9.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Jet Boating	48.18
Rooney Holdings	174.76
Rooney, GJH	191.76
Rooney Group	249.76
Rooney Farms	250.76
Rooney Earthmoving	251.76
TDL	252.76

Submissions

12.9.2 Jet Boating [48.18] considers an organised jet boating event to be a temporary event and supports TEMP-R3 as notified, on the basis that their requested amendment to NOISE-R2 is accepted.

[33] Clause 16(2) Amendment

12.9.3 Rooney Holdings [174.76], Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76] oppose TEMP-R3 as they consider it appropriate for the number of temporary events per site to be extended. The submitters also consider that TEMP-R3 should apply in all zones, including the OSZ and SARZ, and that it should allow for regular temporary events such as community markets, without requiring a resource consent. In their view, community markets add to the vibrancy of the community. The submitters also request that TEMP-R3 provides for limited temporary motorsport events as a permitted activity.

Analysis

12.9.4 I agree with Jet Boating [48.18] that a temporary jet boating event would meet the definition of 'temporary event' in the PDP as any temporary jet boating event, in my view, is a temporary recreational/sporting activity. I do not consider a temporary jet boating event to be a motorsport event as the definition of 'motorsport event' is specific to the use of motorised vehicles and, in my view, does not include motorised craft on the surface of water. I understand that Ms. White has recommended Jet Boating submission to NOISE-R2 be rejected. Jet Boating [48.18], however, have not sought any amendments to TEMP-R3 if their recommended amendments to NOISE-R2 are rejected. I therefore do not recommend any amendments to TEMP-R3 in response to the submission point from Jet Boating [48.18].

12.9.5 It is my understanding that the TEMP chapter rules have been purposely drafted to only apply to land, as the rules apply specifically to 'sites', and do not manage temporary activities on the surface of water which, are managed by rules in the ASW chapter. Any temporary jet boating event, in my view, therefore, needs to meet the requirements in TEMP-R3 for the portion of the event occurring on land, as well as the provisions in the ASW chapter for the portion of the event occurring on the surface of water. With respect to how temporary boating events are managed within the ASW Chapter, I understand that any temporary jetboating boating event, being a recreational use of motorised craft, would need to comply with ASW-R3 to ASW-R6, and ASW-R10 and temporary activities not permitted by the ASW chapter would require resource consent under ASW-R9. Temporary structures on the surface of water would also require consent under ASW-R8. I note I have discussed this approach with Mr. Andrew Maclennan who agrees with my interpretation and has accordingly recommend amendments to ASW chapter.

12.9.6 For clarification purposes, I recommend that the TEMP chapter Introduction is amended to make it clear that temporary activities occurring on the surface of water are maned by provision in the ASW chapter as follows:

…
Temporary activities are provided for by this chapter subject to controls to ensure they can occur without having significant adverse effects on the character and qualities of the environment in which they occur and without causing any permanent effects on the environment.

Temporary activities occurring on the surface of water are managed by provisions in the ASW chapter.

12.9.7 I consider this amendment can be made as a Clause 16(2) minor amendment.

12.9.8 The OSZ and SARZ, as detailed in the s32 report, have been purposely excluded from TEMP-R3 as the underlying zone rules for these zones include more permissive rules for the types of activities that TEMP-R3 is intending to manage. The SARZ, for example, permits 'recreation' and 'community activities' including associated 'commercial activity' subject to complying with SARZ-S7 (Hours of operation) and SARZ-R7 (Buildings and structures). However, in considering the submission points from Rooney Holdings (174.76), Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76], I note that there are circumstances where TEMP-R3 is less restrictive that the rules in the OSZ and SARZ and that it would be appropriate in these circumstances for TEMP-R3 to apply. For example, OSZ-R3 does not permit retail activities associated with community activities in the OPZ. The Note prefacing the rules in the TEMP chapter, in my view, also makes it clear that where the rules in the TEMP chapter are more lenient (i.e., less restrictive) than the rules in *Part 3 – Area Specific Matters – Zone chapters* that the rules in the TEMP chapter take precedence. I therefore agree with Rooney Holdings [174.76], Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76] that TEMP-R3 should apply to all zones and that the exception for the OSZ and SARZ should be removed.

12.9.9 I agree with submitters that TEMP-R3, as notified, is relatively restrictive in relation to community markets as they tend to occur more frequently such as on weekly/fortnightly basis. I also agree with submitters that community markets, if well managed, can contribute to the vibrancy of the community. However, in my opinion, it appropriate for community markets to obtain a resource consent where they do not comply with the rule parameters to ensure adverse effects of the activity are well managed and the direction in TEMP-O1.2, TEMP-O1.3 and TEMP-P2 is achieved. I therefore do not agree with Rooney Holdings [174.76], Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76] that TEMP-R3 should be amended to increase the number of temporary events per site.

12.9.10 Temporary motorsport events are managed by TEMP-R6. TEMP-P4 also makes it clear that temporary motorsport events are to be only allowed if they are located in the GRUZ. I therefore do not agree with Rooney Holdings [174.76], Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76] that 'some temporary motorsport events' should be provided for in TEMP-R3 and this would allow temporary motorsport events in all zones and would be contrary to this policy direction. I note that the definition of 'motorsport event' is specific to competitive sporting events whether racing or non-racing and would not capture other temporary events involving motorised vehicles which, are not competitive sporting events such as car shows. Having regard to the above, I recommend the submissions from Rooney Holdings [174.76], Rooney,

GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76] be accepted in part.

Conclusions and Recommendations

12.9.11 I recommend, for the reasons given above, that the TEMP Introduction is amended as follows:

…
Temporary activities are provided for by this chapter subject to controls to ensure they can occur without having significant adverse effects on the character and qualities of the environment in which they occur and without causing any permanent effects on the environment.

Temporary activities occurring on the surface of water are managed by provisions in the ASW chapter.

12.9.12 I recommend, for the reasons given above, that TEMP-R3 applies to all zones and that the exemption for the OSZ and SARZ is removed. I note that amendments to TEMP-R3 are also recommended to explicitly refer to temporary emergency service training activities as set out above.

12.9.13 The full set of recommended amendments are set out in **Appendix 1.**

12.9.14 In terms of Section 32AA, the recommend amendments, in my view, are more effective at achieving TEMP-O1.1 and TEMP-P2 by allowing temporary events in the OSZ and SARZ, in circumstances where the underling zone rules are more restrictive.

12.10 TEMP-R6 Temporary motorsport events

12.10.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
South Cant. Car Club	135.1

Submissions

12.10.2 SCCC [135.1] considers the Council has failed to consult with the Club concerning temporary motorsport events and opposes TEMP-R6, as notified. SCCC [135.1] seeks the following amendments:

a. the activity status for temporary motorsport events is retained as controlled as per the ODP;
b. the maximum duration of temporary motorsport events in RDIS-1 is amended to allow up to two days per site, noting National Status Rally Events typically run up to three days over different locations;
c. RDIS-2 is restricted to property sites, to allow for more than two events per road; and
d. RDIS-3 is amended to allow temporary motorsport events to operate outside the hours of daylight.

Analysis

12.10.3 I am advised that the SCCC received a copy of the draft PDP for comment prior to notification. I understand that no comments were received by the Council on the draft document in order that any concerns raised by SCCC could be addressed earlier in the process.

12.10.4 To my knowledge, the ODP does not include a controlled activity rule for temporary motorsport events. Temporary motorsport events in the ODP are also not assessed as a permitted activity under Part D, General Rule 6.10 (Temporary Buildings and Activities). The activity status of temporary motorsport events in the ODP is instead determined by the underlying zone rules. In the Rural Zone, for example, motorsport events are assessed as a non-complying activity (as an activity not listed). TEMP-R6, as notified, is therefore more permissive than the ODP in respect of the GRUZ.

12.10.5 In my opinion, the restricted discretionary activity status for motorsport events in the GRUZ is appropriate as it signals that temporary motorsport events are generally acceptable in this zone provided the matters of discretion are addressed. It also allows Council to decline, or notify, an application for resource consent if the adverse effects of the activity are deemed to be significant/more than minor. Furthermore, I consider the non-complying activity status in other zones to be appropriate as temporary motorsport events in other zones are unlikely to be compatible with the anticipated character and qualities of the underlying zone (given they can generate significant noise, dust and traffic effects) or the direction in TEMP-O1.2 and TEMP-P4. I also note that where the underlying zone rules are more permissive of motorsport events the underlying zone rules will take precedence. I therefore do not recommend that the activity status for temporary motorsport activities is changed to controlled in all zones as sought by SCCC [135.1].

12.10.6 As I do not recommend changes to the activity status for temporary motorsport events, I have only assessed SCCC [135.1] submission points to RDIS-1, RDIS-2 and RDIS-3 in the context of the GRUZ. Regarding RDIS-1, I am comfortable with increasing the maximum duration of temporary motorsport events to three-days to allow National Status Rally Events as sought by SCCC. In my view, a three-day event remains consistent with TEMP-4.2 (being a limited duration). TEMP-R3, as notified, also allows for seven-day temporary events including concerts which can generate comparable noise and/or traffic effects. Furthermore, the other District Wide chapters, in my opinion, adequately manage any potential adverse effects resulting from the increased duration such as noise, light and/or traffic. For completeness, I do not consider it necessary to require a three-day temporary motorsport event to occur over different locations.

12.10.7 RDIS-2, as notified, requires any ‘site’ to be not used for more than two motorsport events per calendar year. A ‘site’ in the PDP is defined as an area of land comprised in a record of title that cannot be sold separately and therefore does not cover roads. I therefore do not agree with the SCCC [135.1] that amendments are needed to RDIS-2 to restrict the standard

to property sites. I note that any ancillary activities on Nevertheless, the analysis above is anticipated to address the submitters concerns.

12.10.8 RDIS-3, as notified, restricts temporary motorsport events to daylight hours. To my understanding, the primary purpose of this is to manage adverse noise and lighting effects which, are both managed by provisions in the respective District Wide chapters. As such, I am comfortable with RDIS-3 being removed. The respective NOISE and LIGHT chapters, in my opinion, already manage the effects that RDIS-3 is intending to manage. The Rule Note in the TEMP chapter also makes it clear that the provisions in *Part 2 – District Wide Matters Chapters* still apply to activities provided for in the TEMP chapter and that resource consent may be required under those rules.

12.10.9 Having regard to the above, I recommend the submission point from SCCC [135.1] be accepted in part.

Conclusions and Recommendations

12.10.10 I recommend, for the reasons given above, that TEMP-R6 is amended as follows:

TEMP-R6 Temporary motorsport events
Activity status: Restricted Discretionary
Where:
RDIS-1
The temporary motorsport event does not last more than ~~two~~ three days in duration; and
RDIS-2
The site is not used for more than two temporary ~~M~~motorsport ~~E~~events[34] per calendar year; and
~~RDIS-3~~
~~The hours of operation are limited to daylight hours only; and~~
RDIS-4
Any building and/or structure associated with the activity is not erected more than two days prior to the event commencing and is removed within two days after completion of the event; and
RDIS-5
No permanent excavation occurs. If any earthworks occur in preparation for the event, such as the forming of tracks and structures, such earthworks must be rehabilitated to its original condition after the completion of the event.

12.10.11 In terms of Section 32AA, the recommend amendments in my view will be more efficient by allowing for three-day temporary motorsport events and events outside day light hours, while remaining effective at achieving the objective and policy direction in TEMP-O1 and TEMP-P4.

[34] Clause 16(2) Amendment

13. Conclusion

13.1.1 This report has considered submissions relating to the EW, RELO, SIGN and TEMP chapters of the PDP. Submissions have been received both in support of an in opposition of the provisions.

13.1.2 Having considered all of the submissions, I recommend that the PDP is amended as set out in **Appendix 1.**

13.1.3 For the reasons set out in the Section 32AA elevation included in this report, I consider the recommend amendments to be the most appropriate means to achieve the purpose of the RMA.