



## **Proposed Timaru District Plan**

### **Section 42A Report: Natural Open Space Zone, Open Space Zone, and Sport and Active Recreation Zone**

**Report on submissions and further submissions**

**Author: Nick Boyes**

**Date: 11 October 2024**

## Contents

List of Submitters and Further Submitters Addressed in this Report:.....	5
Original Submitters .....	5
Further Submitters.....	5
Abbreviations Used in this Report: .....	5
1. Introduction .....	7
1.1 Experience and Qualifications .....	7
1.2 Purpose and Scope of this Report .....	7
1.3 Procedural Matters.....	8
2. Topic Overview .....	9
2.1 Summary of Relevant Provisions of the Proposed District Plan (PDP).....	9
Natural Open Space Zone (NOSZ) .....	9
Open Space Zone (OSZ).....	9
Sport and Active Recreation Zone (SARZ).....	10
2.2 Background to Relevant Provisions .....	10
3. Overview of Submission and Further Submissions .....	10
4. Relevant Statutory Provisions .....	12
5. Statutory Instruments.....	12
5.2 Matters of National Importance – Section 6 of the RMA.....	13
5.3 National Policy Statement for Indigenous Biodiversity (NPSIB).....	13
5.4 Canterbury Regional Policy Statement (CRPS) .....	14
5.5 Canterbury (Waitaha) Conservation Management Strategy (CMS).....	15
5.6 Iwi Management Plan of Kāti Huirapa.....	16
5.7 Te Whakatau Kaupapa Ngāi Tahu Resource Strategy for the Canterbury Region. ....	16
5.8 National Planning Standards .....	16
6. Analysis and Evaluation of Submissions .....	17
6.1 Approach to Analysis .....	17
6.2 Provisions where no Change Sought .....	18
6.3 Broad Submissions.....	18
Submissions.....	19
Analysis .....	19
Conclusions and Recommendations .....	20
6.4 Matters to be considered in other Hearings .....	20
7. Natural Open Space Zone (NOSZ) .....	22
7.1 General Submissions .....	22
Submissions.....	22
Analysis .....	23
Conclusions and Recommendations .....	25

7.2	NOSZ – Objectives .....	26
7.3	NOSZ – Policies .....	26
	Submissions.....	26
	Analysis .....	27
	Conclusions and Recommendations .....	28
7.4	NOSZ-Rules .....	28
	Submissions.....	28
	Analysis .....	29
	Conclusions and Recommendations .....	30
8.	OPEN SPACE ZONE (OSZ).....	31
8.1	OSZ – General .....	31
	Submissions.....	31
	Analysis .....	32
	Conclusions and Recommendations .....	33
8.2	OSZ – Objectives .....	33
	Submissions.....	33
	Analysis .....	33
	Conclusions and Recommendations .....	34
8.3	OSZ – Policies.....	34
	Submissions.....	35
	Analysis .....	35
	Conclusions and Recommendations .....	36
8.4	OSZ – Rules .....	37
	Submissions.....	37
	Analysis .....	38
	Conclusions and Recommendations .....	39
8.5	OSZ – Standards.....	40
	Submissions.....	40
	Analysis .....	40
	Conclusions and Recommendations .....	41
8.6	OSZ – Planning Maps .....	41
	Submission .....	42
	Analysis .....	44
	Conclusions and Recommendations .....	47
9.	SPORTS AND ACTIVE RECREATION ZONE (SARZ) .....	47
9.1	SARZ – General .....	47
	Submissions.....	48
	Analysis .....	48

Conclusions and Recommendations .....	50
9.2 SARZ – Objectives .....	50
Submission .....	50
Analysis .....	50
Conclusions and Recommendations .....	50
9.3 SARZ – Policies .....	50
Submission .....	50
Analysis .....	51
Conclusions and Recommendations .....	51
9.4 SARZ – Rules .....	51
Submission .....	51
Analysis .....	51
Conclusions and Recommendations .....	51
9.5 SARZ – Standards .....	52
Submission .....	52
Analysis .....	52
Conclusions and Recommendations .....	54
9.6 SARZ – Planning Maps .....	54
Submission .....	54
Analysis .....	55
Conclusions and Recommendations .....	56

## Appendices

- Appendix 1 – Recommended Changes to Provisions
- Appendix 2 – Map of the Natural Open Space Zone
- Appendix 3 – Recommended Responses to Submissions

## List of Submitters and Further Submitters Addressed in this Report:

### Original Submitters

Submitter Ref	Submitter Name	Abbreviation
42	Timaru District Council	TDC
53	Helicopters South Canterbury 2015 Limited	Helicopters Sth Cant
72	Lee Ann Burdon	Burdon, LA
100	David and Judith Moore	Moore, D J and J
101	David Dryden McBride	McBride, DD
105	Peel Forest Estate	Peel Forest
106	Ministry of Education	MOE
113	Kerry and James McArthur	McArthur, K
121	Robert Whitham	Whitam, R
126	Amy Alison	Alison, A
127	Nicholas John Twaddle	Twaddle, NJ
132	New Zealand Agricultural Aviation Association	NZAAA
134	New Zealand Motor Caravan Association (Inc)	NZMCA
135	South Canterbury Car Club	SCCC
143	Waka Kotahi	Waka Kotahi
156	Royal Forest and Bird Protection Society of New Zealand Inc.	F&B
159	Transpower New Zealand Limited	Transpower
166	Penny Nelson, Director-General of Conservation Tumuaki Ahurei	DOC
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
177	Alastair Joseph Rooney	Rooney, A J
182	Federated Farmers	Fed Farmers
183	Canterbury Regional Council (Environment Canterbury)	ECan
189	Waipopo Huts Trust	Waipopo Huts
206	South Rangitata Reserve Inc	SRR Inc
213	Southern Wide Helicopters	Southern Wide

### Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
132	New Zealand Agricultural Aviation Association	NZAAA
152	Radio New Zealand Limited	Radio NZ
156	Royal Forest and Bird Protection Society for New Zealand Inc.	F&B
166	Penny Nelson, Director- General of Conservation Tumuaki Ahurei	DOC
229	Kāinga Ora - Homes and Communities	Kāinga Ora
265	New Zealand Helicopter Association	NZHA
274	South Pacific Sera Limited	South Pacific

## Abbreviations Used in this Report:

Abbreviation	Full Text
Council	Timaru District Council (as territorial authority)
CMS	Conservation Management Strategy
CRPS	Canterbury Regional Policy Statement
FIA	Fédération Internationale de l'Automobile (governing body of motorsport)
HPL	Highly Productive Land

IMP	Iwi Management Plan
LINZ	Land Information New Zealand
MPZ	Māori Purpose Zone
MSNZ	Motorsport New Zealand
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESCF	National Environmental Standards for Commercial Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NP Standards	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative Timaru District Plan
OSRZ	Open Space and Recreation Zones
OSZ	Open Space Zone
PCL	Public Conservation Land
PDP	Proposed Timaru District Plan
PREC4	Precinct 4 Holiday Hut
PREC5	Precinct 5 Te Aitakihi Precinct
PREC6	Precinct 6 Caroline Bay
RMA	Resource Management Act 1991
SARZ	Sport and Active Recreation Zone
SETZ	Settlement Zone
SNA	Significant Natural Areas

# 1. Introduction

## 1.1 Experience and Qualifications

- 1.1.1 My full name is Nick Boyes. I am an independent planning consultant, having been self-employed (Core Planning and Property Ltd) for two and a half years. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999).
- 1.1.2 I have 25 years' planning experience, which includes working in both local government and the private sector. My experience includes district plan development, including the preparation of plan provisions and accompanying section 32 evaluation reports, and preparing and presenting section 42A reports. I also have experience undertaking policy analysis and preparing submissions on Resource Management Act 1991 (RMA) documents. The majority of my work involves preparing and processing resource consent applications and notices of requirements for territorial authorities and private clients. I am currently assisting Mackenzie District Council with their District Plan Review and was the author of Plan Change 23 (covering Natural Environment Values and General Rural Zone Topics), including the Section 32 Report and Section 42A Report on submissions.
- 1.1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent planning advice to the Hearing Panel.

## 1.2 Purpose and Scope of this Report

- 1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
- 1.2.2 This report is prepared under section 42A of the RMA in relation to the Open Space and Recreation Zones (OSRZ) Topic of the PDP. It covers the following matters:
- Natural Open Space Zone (NOSZ), Open Space Zone (OSZ) and the Sport and Active Recreation Zone (SARZ) provisions.
  - PREC4 Holiday Hut, PREC5 Te Aitarakihi Precinct, and PREC6 Caroline Bay.

- The mapping relating to the above zones.
- Definitions relating to the above provisions.

1.2.3 This report considers the submissions and further submissions that were received in relation to OSRZ. It includes recommendations in response to these submissions to either retain provisions without amendment, delete, add to or amend the provisions. 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.

1.2.4 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.

### 1.3 Procedural Matters

1.3.1 There have been no pre-hearing conferences or expert witness conferencing in relation to submissions on this topic.

1.3.2 In order to better understand matters raised in their submissions, there has been contact between the Council and the following submitters<sup>1</sup>:

- The Department of Conservation (DOC)
- Lee Ann Burdon
- New Zealand Agricultural Aviation Association (NZAAA) and Helicopters South Canterbury
- New Zealand Motor Caravan Association Incorporated (NZMCA)
- South Rangitata Reserve Incorporated (SRR Inc)

1.3.3 The analysis and recommendations have been informed by the technical advice received in preparing the PDP and further specialist advice received in relation to matters raised in submissions from the Department of Conservation in relation to the use of non-indigenous species for flood mitigation control planting.

1.3.4 It is noted that the Timaru District Council is a submitter in relation to the provisions addressed within this section 42A report. Where referring to the Council as submitter, the abbreviation TDC has been used. Where referred to more generally as 'the Council', the reference is being made in context of the roles and responsibilities as a territorial authority.

---

<sup>1</sup> Please note that not all contact between the Council and submitters was undertaken by the section 42A Report author.



## 2. Topic Overview

### 2.1 Summary of Relevant Provisions of the Proposed District Plan (PDP)

2.1.1 This report relates to provisions associated with the OSRZ in the PDP. This section of the report provides a brief summary of the provisions relevant to this topic.

#### **Natural Open Space Zone (NOSZ)**

2.1.2 There is approximately 40,798 hectares of land included in the NOSZ, which makes it the largest of the open space zones. The majority of NOSZ land is public conservation land (PCL) administered by the Department of Conservation (DOC). The Canterbury (Waitaha) Conservation Management Strategy sets out objectives and policies for DOC's management of activities in these NOSZ areas (as discussed further below). The remainder is land vested in the Timaru District Council (the Council).

2.1.3 The majority of the NOSZ is located in the Rangitata Gorge. A map showing the location and extent of the land zoned Natural Open Space can be found in **Appendix 2**.

2.1.4 The NOSZ is characterised by a high degree of naturalness. The NOSZ primarily provides for the ongoing management of land that has a conservation focus; enabling passive recreation and the planting of indigenous vegetation. Standards provide for only small scale buildings, carparks, and track construction.

#### **Open Space Zone (OSZ)**

2.1.5 The Open Space Zone (OSZ) encompasses neighbourhood parks, natural areas and amenity parks where there is often landscaping and a low density of built development. Cemeteries, which are quiet and contemplative spaces, are also anticipated in this zone.

2.1.6 The OSZ allows for limited commercial activity, grazing, burials and cremations, artwork, playground equipment, buildings and carparking. Camping is a discretionary activity and motorsport a non-complying activity not otherwise anticipated.

2.1.7 The OSZ also includes two precincts as follows.

- PREC4 – Holiday Hut Precinct, which provides for the ongoing use and maintenance of huts at Butlers, Milford, Waipopo, Rangitata, Stratheona and Blandswood that were originally established to provide short term residential accommodation for anglers during the fishing season.
- PREC5 – Te Aitarakihi Precinct, located at 50 Bridge Street, Timaru. This is the site of the Te Aitarakihi Trust which operates the Te Aitarakihi Multicultural Centre.

### **Sport and Active Recreation Zone (SARZ)**

- 2.1.8 The District's major sports facilities are located in the Sport and Active Recreation Zone. The zone includes the Timaru International Levels Raceway on Falvey Road, the Southern Trust Events Centre, as well as other venues within the District.
- 2.1.9 The SARZ allows for recreation and community activity, park management activity, playground equipment, artwork, fences buildings and structures, and commercial activity. Carparking is only allowed if associated with a permitted activity and motorsport events and motorsport facilities are a discretionary activity.
- 2.1.10 A Precinct, PREC6 – Caroline Bay, is included as part of the SARZ. Caroline Bay is an iconic attraction in Timaru for both residents and visitors alike and hosts a broad range of activities including concerts and theatre, trade shows and fairs. PREC6 contains convenient pedestrian links between the Timaru town centre and the coastal environment, including the beach for swimming and Benvenue cliffs.

## **2.2 Background to Relevant Provisions**

- 2.2.1 As with other chapters of the PDP, the review of the OSRZ involved identification of issues, community consultation via a discussion document, development of provisions through collaboration amongst the Council's technical working group, community feedback on these through the draft Plan, and incorporation of updates responding to these comments reflected in the PDP version as notified.
- 2.2.2 The key issues identified which the PDP seeks to address relate to the lack of a clear understanding of the character and amenity to be maintained in each zone, including the ability for larger facilities to be used for commercial purposes; and the management of adverse effects on adjoining sites, i.e., light spill, setback of buildings, traffic generation and noise. The zoning of land was also identified as an issue with vacant land being used informally for recreation but not zoned as such; along with the general concern around the ability of Council to provide sufficient and appropriate open space for future community needs.

## **3. Overview of Submission and Further Submissions**

- 3.1.1 There were 53 primary submissions and 11 further submissions lodged on the PDP in respect to the OSRZ topic.
- 3.1.2 The full list of submission points addressed in this report are set out in **Appendix 3**. 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	SUMMARY OF ISSUE	POSITION OF SUBMITTER/S
Educational Activities	Provision of educational facilities where there is a potential need for them in the OSRZ.	MOE consider 'educational activities' should be included as an activity in OSZ-O1, and that P10 should include a criteria of 'functional need'. MOE considers that the OSZ is too restrictive for educational activities and seeks more flexibility within the rule framework.
Aircraft and helicopter movement frequency for conservation activity.	Provision of a set number of days or hours per year to be included in the NOSZ.	NZAAA and Helicopters Sth Canterbury consider a rule is necessary to ensure there is sufficient flying hours to maintain conservation activities within the NOSZ which includes eradication of pest fauna. NOSZ-P3 requires a definition of conservation activity. They seek recognition of the hours needed for their work. There are further submissions in support of the original submissions.
More coastal land to be included into the NOSZ	Provision of more coastal land to be included into the NOSZ.	F&B consider more of the coastal environment should be included into the NOSZ in order to achieve the National Adaptation Plan <sup>2</sup> .
Freedom camping	Provision for freedom camping in the NOSZ.	The NOSZ is too restrictive and does not allow for freedom camping.
Habitat for Indigenous Fauna	Provision to protect the habitat of indigenous fauna outside of Significant Natural Areas.	The PDP focuses on indigenous vegetation and does not give adequate recognition to the protection of the habitat of indigenous fauna.
South Rangitata Huts	District Plan provisions versus existing use rights via a gazetted purpose. Proposed bulk and location standards applying to the OSZ do not recognise the nature of the existing development.	SRR Inc seek clarification that existing use rights apply. The PDP provisions are onerous when it comes to recreational events such as annual sports days and fishing competition. Require greater flexibility with height, boundary setback and site coverage standards.
South Canterbury Car Club	The notified version of the PDP effectively places the management of land use at Levels Raceway on the existing	The PDP provisions do not give adequate recognition to the economic and social benefits arising from events at Levels Raceway.

<sup>2</sup> Ministry for the Environment. 2022. Aotearoa New Zealand's first national adaptation plan. Wellington. Ministry for the Environment.

	resource consent held in relation to that site. The opportunity to prepare a specific zoning and performance standards to manage future motorsport and related activity at the Raceway has not been taken through the PDP process.	
Zoning	Zoning of privately held land is incorrectly zoned for OSRZ purposes.	Land that is privately owned is zoned NOSZ.

## 4. Relevant Statutory Provisions

4.1.1 The assessment under the RMA for the PDP includes whether:

- it is in accordance with the Council’s functions (section 74(1)(a)).
- it is in accordance with Part 2 of the RMA (section 74(1)(b)).
- it will give effect to any national policy statement or operative regional policy statement (section 75(3)(a) and (c)).
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (section 32(1)(a)).
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (section 32(1)(b)).

4.1.2 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 (section 74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (section 74 (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.

4.1.3 Section 31(1)(b)(iii) also provides the Council with the function of controlling any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. The provisions in the NOSZ chapter in particular relate to this broader function.

## 5. Statutory Instruments

5.1.1 The section 32 report for the OSRZ set out the statutory requirements and relevant planning context for this topic in more detail. The section below sets out a summary of the planning provisions considered to be particularly relevant.

## 5.2 Matters of National Importance – Section 6 of the RMA

5.2.1 Section 6 of the RMA sets out matters of national importance, which persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources, must recognise and provide for. Of relevance to this OSRZ topic are:

- the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development (section 6(a));
- the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development (section 6(b)); and
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c)).

## 5.3 National Policy Statement for Indigenous Biodiversity (NPSIB)

5.3.1 The NPSIB was not specifically identified in the OSPZ Section 32 Report, because at the time the PDP was being prepared, the NPSIB had not been gazetted. The Council is required to give effect to the NPSIB, but within the timeframes specified therein. However, where changes are sought to the PDP through submissions which relate to the direction in the NPSIB, there is an opportunity to align the PDP provisions with the NPSIB.

5.3.2 The NPSIB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. It provides increased clarity and direction to councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity under the RMA. It is limited to land ecosystems and some aspects of wetlands and applies to all land types both public and private.

5.3.3 The overarching aim of the NPSIB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date, and to achieve this:

- through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
- by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
- by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

- 5.3.4 Policies 1 and 2 relate to managing indigenous biodiversity in a way that gives effect to the principles of the Treaty of Waitangi, and outlining how tangata whenua are able to exercise kaitiakitanga for indigenous biodiversity in their rohe. Indigenous biodiversity is to be managed using a precautionary approach (Policy 3); to promote resilience to the effects of climate change (Policy 4); and in an integrated way across administrative boundaries (Policy 5). More specific direction on each of these is then set out in Clauses 3.1-3.7. Restoration of indigenous biodiversity is to be promoted and provided for (Policy 13), with specified areas prioritised (Clause 3.21).
- 5.3.5 While the identification and management of Significant Natural Areas (SNAs) are addressed through the Ecosystems and Indigenous Biodiversity Topic which is considered in a separate section 42A report for Hearing D; the identification and management of open space, particularly the NOSZ, makes a valuable contribution to the Council “giving effect” to the NPSIB.

#### **5.4 Canterbury Regional Policy Statement (CRPS)**

- 5.4.1 A district plan must give effect to a regional policy statement. There are no provisions in the Canterbury Regional Policy Statement (CRPS) directly relevant to the identification and management of the OSRZ included in the PDP. However, the identification of OSRZ contributes to the PDP giving effect to the issues, objectives and policies contained in the CRPS that are specifically dealt with in other district wide chapters (such as Chapter 9 of the CRPS being particularly relevant to Ecosystems and Indigenous Biodiversity; Chapter 11 to Natural Hazards; Chapters 7 and 10 to Natural Character and Chapter 12 to Natural Features and Landscapes).
- 5.4.2 The identification and appropriate management of the NOSZ contributes to giving effect to Chapter 9 of the CRPS - Ecosystems and Indigenous Biodiversity. The CRPS seeks a halt in the decline of Canterbury’s ecosystems and indigenous biodiversity (Objective 9.2.1); the restoration or enhancement of ecosystem functioning and indigenous biodiversity (Objective 9.2.2); and the protection of the values and ecosystem functions of SNAs (Objective 9.2.3). Similarly, given the extent of the NOSZ identified as Outstanding Natural Landscape (ONL), the NOSZ contributes to the outcome sought in Chapter 12 of the CRPS, which seeks that ONLs within the Region are protected from inappropriate subdivision, use and development (Objective 12.2.1); and encourages the identification and management of other important landscapes (Objective 12.2.2).
- 5.4.3 Chapters 7 and 10 of the CRPS seek to ensure that the natural character values of wetlands, lakes and rivers and their margins are preserved, and these areas are protected from inappropriate subdivision, use and development (Objective 7.2.1(2)); and that subdivision, use and development of the riparian zones of river and lake beds are enabled, while protecting all significant values of those areas, and enhancing those values in appropriate locations (Objective 10.2.1). To the extent that such areas are identified as OSRZ, this Chapter is consistent with this policy direction.

5.4.4 The identification of appropriate OSRZ must give effect to Chapter 5 ‘Land use and Infrastructure’, in that it:

*is located and designed so that it functions in a way that:*

1. *achieves consolidated, well designed, and sustainable growth in and around existing urban areas as the primary focus for accommodating the region’s growth; and*
2. *enables people and communities, including future generations, to provide for their social, economic, and cultural well-being and health and safety; and which:*
  - a. *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features, and landscapes, and natural values;*
  - [...]
  - i. *avoids conflicts between incompatible activities.*

5.4.5 The identification and appropriate management of land within OSRZ contributes to well-functioning urban environments and the quality of the natural environment.

## 5.5 Canterbury (Waitaha) Conservation Management Strategy (CMS)

5.5.1 The RMA sets out that territorial authorities are to have regard to any management plans and strategies prepared under other Acts to the extent their content has a bearing on resource management issues of the District (section 72(2)(b)(i)).

5.5.2 The purpose of a Conservation Management Strategy (CMS) is to implement statements of general policy and to establish objectives for the integrated management of natural and historic resources, including species management by DOC, and for recreation, tourism and other conservation purposes (section 17D of the Conservation Act 1987).

5.5.3 The majority of land included within the NOSZ included in the PDP is managed by DOC and is Public Conservation Land (PCL). The Canterbury (Waitaha) Conservation Management Strategy sets out objectives and policies for DOC’s management of activities in these NOSZ areas. Therefore there is a potentially significant degree of duplication of function between DOC and the Council when it comes to activities undertaken within PCL.

5.5.4 This potential is mitigated by section 4(3) of the RMA, which sets out that section 9 of the RMA (effectively being the control of land use) does not apply to work or activity by the Crown within the boundaries of any area of land held for management under the Conservation Act 1987, or any other Act specified in Schedule 1 of that Act (other than that held for administrative purposes) on the basis that such work:

- a) *is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and*
- b) *does not have a significant adverse effect beyond the boundary of the area of land.*

5.5.5 Appendix 1 to the notified PDP contains a list of activities considered to meet the requirements of section 4(3) RMA. On that basis the PDP does not apply to the majority of activity typically undertaken within PCL. There are submissions seeking clarification of the status of activity undertaken within the NOSZ under the PDP. These are assessed

further below; the primary assessment being whether they fall within the activities described in Appendix 1, or whether Appendix 1 requires amendment to ensure that such activity falls outside the scope of the PDP. Only activities that are not included within Appendix 1, and/or may have effects beyond the boundary of the NOSZ may be dealt with in the District Plan.

## **5.6 Iwi Management Plan of Kāti Huirapa**

- 5.6.1 The Iwi Management Plan (IMP) of Kāti Huirapa sets out a series of outcomes in relation to Mahika Kai, water quality and quantity, the protection and restoration of ecological biodiversity, indigenous vegetation removal, discharges to air, and place names. None of these matters are directly related to the provision and management of open space. However, there may be opportunities for planting in open spaces that will improve water quality and habitats for indigenous species.

## **5.7 Te Whakatau Kaupapa Ngāi Tahu Resource Strategy for the Canterbury Region.**

- 5.7.1 Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy is a statement of Ngāi Tahu beliefs and values and was prepared while the then Ngāi Tahu claim was before the Waitangi Tribunal, and prior to the RMA being enacted. It includes an overview of values and attitudes relating to natural resources, and policy statements concerning their future management. There is also a specific section on Arowhenua, including a case study of the Opihi River and catchment addressing abstraction, pollution, results of mismanagement, and future aspirations. There are no specific policies that relate directly to providing for and managing open space. However, the proposed policies and rules in the OSRZ Chapters that may assist in achieving policies that seek to retain vegetation along the margins of rivers and lakes, provide habitats for indigenous flora and fauna and protection of urupā.

## **5.8 National Planning Standards**

- 5.8.1 Section 75(3)(ba) states that a district plan must give effect to a national planning standard. The National Planning Standards (NP Standards) direct the zones that can be used in the PDP, and include a description of each zone, which district plan provisions must be aligned with. All proposed OSRZ are taken from the options in the NP Standards, being the Natural Open Space Zone (NOSZ), the Open Space Zone (OSZ) and the Sport and Active Recreation Zone (SARZ). The provisions of the NOSZ, OSZ and SARZ provide a clear understanding of the purpose, character, and amenity to be maintained in each zone.
- 5.8.2 The NP Standards also set out the spatial layers that can be used within the District Plan. These allow for the use of zones, as well as overlays, precincts, specific controls and development areas. Within this topic, three precincts are proposed.



## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

- 6.1.1 The analysis undertaken in this report is separated into 3 topics in the following order.
- Natural Open Space Zone
  - Open Space Zone
  - Sports and Active Recreation Zone
- 6.1.2 The approach taken in this report is to assess submissions that are general in nature first or relate to the introduction of the Chapter. Following that the assessment is largely on a provision-by-provision basis, by groups of provisions (e.g. objectives, policies, rules, standards and related definitions). The provisions are then followed by an assessment of mapping issues.
- 6.1.3 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 section 32AA.
- 6.1.4 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.
- 6.1.5 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.
- 6.1.6 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 3**. 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.

- 6.1.7 Helicopters Sth Cant. [53.1] and Southern Wide [213.1], in a primary submission, support the submission of NZAAA and seek the same relief as sought in that submission. Discussion of the NZAAA submission points and recommendations made in relation to these therefore applies to that of Helicopters Sth Cant. [53.1] and Southern Wide [213.1].
- 6.1.8 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 Fed Farmers and seek the same relief as sought in that submission. Discussion of the Fed Farmers submission points and recommendations made in relation to these therefore applies to that of Moore, D and J [100.2], Peel Forest [105.1] and McArthur, K and J [113.1].

## 6.2 Provisions where no Change Sought

- 6.2.1 The following provisions 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:
- Natural Open Space Zones: NOSZ-O1, NOSZ-P1, NOSZ-P2, NOSZ-P4, NOSZ-P5, NOSZ-P7, NOSZ-R1, NOSZ-R2, NOSZ-R4, NOSZ-R5, NOSZ-R6, NOSZ-R7, NOSZ-S4.
  - Open Space Zone: OSZ-O2, OSZ-O3, OSZ-P1, OSZ-P2, OSZ-P3, OSZ-P4, OSZ-P5, OSZ-P6, OSZ-P8, OSZ-P9, OSZ-P11, OSZ-R1, OSZ-R3, OSZ-R4, OSZ-R5, OSZ-R6, OSZ-R7, OSZ-R8, OSZ-R9, OSZ-R11, OSZ-R13, OSZ-S1, OSZ-S2, OSZ-S5, OSZ-S7.
  - Open Space Zone: PREC4 – all Objectives and Policies
  - Open Space Zone: PREC5 – all Objectives and Policies
  - Sports and Active Recreation Zone: All Objectives, all Policies except SARZ-P8, all rules, SARZ-S1, SARZ-S5, SARZ-S6.
  - Sports and Active Recreation Zone: PREC6 - all Objectives and Policies.

## 6.3 Broad Submissions

- 6.3.1 This section of the report addresses general submission points that are relevant to the OSRZ chapters but relate to the same underlying matter.

- 6.3.2 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 3**:

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

### **Submissions**

- 6.3.3 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, so that it is not clear what is being measured. The submitter considers that it is necessary to review all references to size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined NP Standard terms, and then create exclusions from those terms within the rules if necessary.
- 6.3.4 ECan [183.4] seeks that references to the height of buildings across the PDP are reviewed, to ensure that height is measured from ground level, with consistent expression of height rules. The submitter is concerned that across the PDP, references to "height" of buildings or structures do not make reference to where height is measured from.

### **Analysis**

- 6.3.5 With respect to the standards for 'Scale of buildings and structures' and 'Site Coverage', I have reviewed the standards in each of the OSRZ chapters and am satisfied that these standards each use clearly defined terms (being "maximum gross floor area" and "maximum combined building and impermeable surface coverage"). On that basis I do not consider that any changes are required; and insofar as this general ECan [183.1] submission point relates to the OSRZ Chapters, I recommend it be rejected.
- 6.3.6 With respect to height standards, I have reviewed the relevant standards in each of the OSRZ Chapters, and note that those within the OSZ do not refer to height being measured from 'ground level'. I recommend that these standards (OSZ-S1 and OSZ-S3) are amended to consistently refer to the height limit being measured from ground level. Noting that 'ground level' is defined in the PDP as follows:

*means:*

- a. *the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);*
- b. *if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;*
- c. *if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.*

- 6.3.7 I therefore recommend changes to the provisions and that ECan's general submission [183.4] be accepted in part (noting that my recommendation only relates to the OSZ Chapters of the PDP).
- 6.3.8 I otherwise do not recommend any changes in relation to these broad submission points; however I note that in subsequent sections of this report I recommend changes to specific provisions that may, to some extent, address the broader concerns expressed by the submitter.

### **Conclusions and Recommendations**

- 6.3.9 I recommend that **OSZ-S1** and **OSZ-S3** are amended to include reference to height being measured from above "ground level" as follows:

**OSZ-S1**

*The maximum height of a fence above ground level must not exceed:...*

**OSZ-S3**

*The maximum height of a building or structure above ground level must not exceed:...*

- 6.3.10 The recommended amendments are set out in **Appendix 1**.
- 6.3.11 In terms of a section 32AA evaluation, the inclusion of the term above 'above ground level' improves plan drafting to clarify how the standard is to be assessed in accordance with a defined term included in the PDP. On that basis I consider the scale of the change does not require a section 32AA evaluation because it ensures the OSZ Chapter is consistent with the balance of the PDP and does not alter the general intent and therefore the original section 32 evaluation still applies.

## **6.4 Matters to be considered in other Hearings**

- 6.4.1 Submissions that have been deferred from this chapter include the following:
- NZMCA [134.6] to Hearing F (Temporary Activities).
  - Transpower [159.100], [159.101] and [159.102] to Hearing F (Energy and Infrastructure).
  - Waipopo Huts Trust submission [189.8] seeking to remove Precinct 4 Holiday Hut from the Waipopo Huts Settlement to Hearing E to be considered alongside the submission seeking to re-zone this land from OSZ to MPZ.
- 6.4.2 In addition, it is noted that a number of submissions (approximately 20) were lodged in relation to the proposed OSZ applying to the Blandswood settlement. The majority of those submissions opposed the OSZ, and either sought re-zoning to Settlement Zone (SETZ), or retention of the Rural 4B zoning. These submissions were for the most part allocated to the Rural Zone Topic and have been dealt with in Hearing B.

- 6.4.3 However, three submissions relating to Blandswood (Whitam, R [121.1], Alison, A [126.1], Twaddle, N [127.1]), which are identical, are allocated to this Topic. These submissions sought that the PDP be “declined” on the following grounds:
- a) Absence of specific plan provisions to manage natural hazard risk and effects on existing and future landowners and council infrastructure from Kowhai Stream. Specifically maintaining safe access for existing and future residents, and visitors.
  - b) Absence of specific analysis and subsequent reporting on the existing landscape character of ‘Blandswood’ (and surrounding rural, rural residential and urban allotments) and appropriateness of future growth and development.
  - c) Absence of specific analysis and subsequent reporting on appropriateness of Open Space Zoning of Blandswood Area
  - d) Absence of specific analysis and subsequent reporting on development constraints on Peel Forest Settlement Zone.
- 6.4.4 These grounds were divided into 2 submission points – Point 1 relating to a), b) and c); and Point 2 relating to d) above. It is noted that there is some degree of overlap. Point 1 is assigned to this Hearing Topic, along with the further submission lodged by F&B.
- 6.4.5 The matter of natural hazard risk and effects on existing and future landowners and council infrastructure from Kowhai Stream set out in a) above is not relevant to this Topic, and is better dealt with in the Natural Hazards Topic. On that basis submission points 121.1, 126.1 and 127.1 have also been allocated to Hearing F (Natural Hazards) and will be addressed in the section 42A report relating to that Topic. The matter of natural hazard risk at Blandswood is therefore not considered in this report.
- 6.4.6 It is acknowledged that the remaining matters in Point 1 (being c) and d) above) and Point 2 would have been better allocated and addressed along with the other Blandswood submissions as part of the SETZ Topic covered in the earlier Hearing B1 ‘Rural Zones’ Section 42A report prepared by Mr Andrew MacLennan.
- 6.4.7 Mr MacLennan has been working with the Blandswood submitters and Forest & Bird (as further submitter) on redrafted provisions that create a Precinct within the SETZ for Blandswood. This would apply instead of the OSZ set out in the notified PDP. I have been advised that the three submitters allocated to this OSRZ Topic have been copied in on all such correspondence. I understand that they have also been contacted directly to ascertain whether their submission points have been adequately addressed by Mr MacLennan’s recommended proposal, as set out in his Hearing B Interim Reply filed on 20 September 2024, although Mr MacLennan has not received any correspondence from them. The Interim Reply acknowledges these three additional submissions, and that they will be heard in future hearings, which may impact on the recommended proposed provisions set out therein.
- 6.4.8 On that basis, I understand that the remaining submission points relating to the appropriateness of future growth and development (due to landscape character) and

appropriateness of the OSZ for Blandswood have been addressed by the proposed provisions set out in Mr Maclennan’s Hearing B Interim Reply. On that basis they are not considered further in this report, although these submitters are invited to advise the Panel if they consider their submissions not to have been addressed.

## 7. Natural Open Space Zone (NOSZ)

### 7.1 General Submissions

7.1.1 This section of the report addresses submission points that relate to the NOSZ at a broad level, rather than commenting on specific provisions.

7.1.2 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
F&B	156.174, 156.175
DOC	166.131
NZMCA	134.6
Fed Farmers	182.210

#### **Submissions**

7.1.3 F&B [156.174] considers the NOSZ should be characterised by habitat for indigenous fauna and on that basis the matters of discretion should include the ability to protect significant and maintain other indigenous biodiversity (flora and fauna). The relief sought is to amend the NOSZ to:

1. *Include a reference to habitat for indigenous fauna in the Introduction; AND*
2. *Include a reference to habitat for indigenous fauna in **NOSZ-O2** clause 2; AND*
3. *Include a matter of discretion regarding impacts on and the ability to protect and maintain indigenous fauna for all activities in the zone.*

7.1.4 The other general submission point F&B [156.175], refers to the mapping of the NOSZ, it requests amendment by:

*mapping all PCL as NOSZ and mapping more of the coastal environment, particularly around the river mouths, river flood plains and hapua to help with giving effect to the national adaptation plan.*

7.1.5 DOC [166.131] supports (and the seeks to retain) the Introduction, Objectives, Policies and Rules of the NOSZ- Natural Open Space Zone as notified (except **NOSZ-R7**).

7.1.6 NZMCA [134.6] considers the PDP contains very restrictive management of uses within the NOSZ, with no provision made for camping, as either an existing activity or a possible future activity. NZMCA considers this is inconsistent with DOC strategy, which encourages people to use their estate and connect with nature. The submitter notes

Council presently allows freedom camping at Waitohi Bush and Te Moana Gorge, which will not be explicitly provided for under the proposed NOSZ provisions.

7.1.7 The NZCMA [134.6] submission seeks the following:

1. *That existing camping activities be provided for as permitted activities in the NOSZ; and*
2. *That extensions to public use of these areas for walking, cycling and camping should be explicitly provided for as a discretionary activity.*

7.1.8 Fed Farmers [182.210] supports the NOSZ Chapter and seeks it be retained as notified, or otherwise amended with wording of similar effect; and any consequential amendments.

### **Analysis**

7.1.9 Currently the NOSZ provisions make reference to indigenous vegetation, but do not make specific reference to fauna. Inclusion of significant habitats of indigenous fauna would be consistent with the matters of national importance set out in section 6(c) of the RMA. I note that the RMA framework provides for the identification and mapping of Significant Natural Areas (SNAs), but there is still an imperative to protect the habitat of indigenous fauna outside of the SNAs. Policy 8 of the NPS-IB specifically refers to the importance of maintaining indigenous biodiversity outside SNAs, which is to be *“recognised and provided for”*.

7.1.10 The IMP of Kāti Huirapa and Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region both mention the need to protect ecosystems and provide habitat for flora and fauna, and the desire for ecological biodiversity.

7.1.11 I also note that the spatial extent of the NOSZ is the same as that included in the Operative Timaru District Plan (ODP) Rural 5 zone. The zone description for the Rural 5 zone makes specific reference to the habitat of indigenous fauna, as set out below (emphasis added):

*The Rural 5 Zone covers the principal areas of the hill and high country within the District, including most of the areas recognised as having outstanding natural landscape values or amenity landscape values. These natural landscape values include much of the indigenous vegetation and habitat of indigenous fauna remaining within the District. Controls on activities in this zone aim to ensure that any major land use change or developments are well designed and compatible with existing landscape values and the hill and high country environment (including naturalness and wildness values), and the natural character of riparian areas.*

7.1.12 The F&B submission is not specific in terms of which matters of discretion reference to *“the ability to protect and maintain indigenous fauna”* should be added to, instead referring to *“all activities in the zone”*. Matters of discretion are only relevant to those activities within the NOSZ with a restricted activity status; and therefore cannot be added to all activities within the zone. Furthermore, the matters of discretion within the PDP

sometimes refer to “*adverse effects of removing indigenous vegetation on ecological values*”. I consider that the reference to ‘ecological values’ would already include habitat for indigenous fauna as is sought by the submitter.

- 7.1.13 I therefore recommend that the F&B submission [156.174] is accepted in part only as it is not possible to grant in full the relief sought in the submission.
- 7.1.14 The other aspect of the F&B general submission [156.175] seeks that all PCL and a greater extent of the coastal environment, particularly around river mouths, river flood plains and hapua, be included within the NOSZ. Maps of the areas sought to be included within the NOSZ were not provided as part of the submission. I note the submitters concern is not limited to the NOSZ, and that similar submissions have been made in relation to the Coastal Environment and whether the associated mapping is consistent with the NZCPS.
- 7.1.15 As can be seen in the maps attached as **Appendix 2** the majority of the NOSZ is located within the hill and high country, including PCL managed by DOC and a lesser extent of land administered by Council. The key pattern being the land identified as NOSZ is publicly owned as opposed to being in private ownership. In contrast, much of the land around river mouths, river flood plains and hapua is privately owned.
- 7.1.16 I consider that the matter of concern to F&B is more appropriately addressed via the use and extent of Overlays that specifically identify land within the coastal environment, being the Coastal Environment Area, the Coastal High Natural Character and the Coastal Erosion Overlays. The intent of these overlays is to preserve the existing natural character of the Coastal Environment and protect it from inappropriate subdivision, use and development. This is achieved by more directive rules than would otherwise be applied via the underlying zones.
- 7.1.17 While a small amount of coastal land is zoned NOSZ, I do not believe more land in the coastal area needs to be included as it is otherwise protected by the Overlays and associated provisions described above. The coastal overlays and accompanying rules are in place to protect these areas and identify coastal hazards amongst other matters, and therefore contributes to the National Adaptation Plan 2022. I therefore recommend that F&B submission [156.175] is rejected.
- 7.1.18 Both DOC [166.131] and Fed Farmers [182.210] seek to retain the NOSZ as notified or wording with similar effect. However, the DOC submission does not explicitly include **NOSZ-R7** in the list of plan provisions it seeks to retain. The DOC submission is otherwise silent on its position with regard to **NOSZ-R7**, which relates to Motorsport facilities. I note this activity has a prohibited activity status under **NOSZ-R7**, which means that this activity will not occur in any circumstances under the RMA framework as no resource consent application can be made.
- 7.1.19 The support of both DOC [166.131] and Fed Farmers [182.210] is noted and I recommend that both submissions are accepted.



- 7.1.20 The general submission by NZMCA [134.6] relating to the restrictions on camping, including freedom camping within the NOSZ highlights a wider issue. The Freedom Camping Act 2011 defines freedom camping as camping in a tent or motor vehicle, within 200m of an area accessible by vehicle, mean low water springs or a formed road/ Great Walks track (other than in a camping ground). Freedom camping in a tent or self-contained motor vehicle is permitted in any local authority area unless restricted/prohibited by a bylaw or other legislation. Freedom camping in a non-self-contained motor vehicle in a local authority area is only allowed where permitted by a bylaw or 'other legislation', which I understand can include a district plan. The Council does not have a Freedom Camping bylaw at this time. Camping grounds in the conservation estate are managed by DOC. In accordance with the statutory requirements set out in section 4 of the RMA, such land use may fall outside the PDP framework.
- 7.1.21 I agree with the potential issue being raised (i.e., the unintended restriction on freedom camping via the PDP). Whilst 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), such a change would not address the wider issue for sites beyond the NOSZ, given that there are various other campgrounds on Council land that are not located within the NOSZ.
- 7.1.22 A potential solution would be to expressly exempt freedom camping from the PDP, as requested by the wider NZCMA submission. However, this is beyond the scope of this OSRZ Topic. Therefore, I recommend that consideration of this matter is deferred to Hearing F (Temporary Activities). That would allow this matter to be heard along with those other submissions that wish to amend the PDP to acknowledge and provide greater scope for freedom camping. On that basis no assessment or recommendation is made on this submission point (NZMCA [134.6]) at this time.

### **Conclusions and Recommendations**

- 7.1.23 I recommend, for the reasons given above, that reference to "*habitat for indigenous fauna*" is inserted into the Introduction, **NOSZ-O2** and Matters of Discretion relating to **NOSZ-S1** and **NOSZ-S3**. In terms of **NOSZ-S2**, I recommend that the phrase "*including habitat for indigenous fauna*" is added after the reference to ecological values.
- 7.1.24 The recommended amendments are set out in **Appendix 1**.
- 7.1.25 In terms of a section 32AA evaluation, the inclusion of reference to 'habitat for indigenous fauna' makes the provisions clearer in terms of intent and is consistent with the higher order policy set out in the NPS-IB (Policy 8). There are not considered to be any costs associated with including this reference as it does not trigger the requirement for any additional resource consents, but clarifies that the policy framework, and matters of discretion (where applicable) include the resulting habitat for fauna when considering applicable resource consent applications.

## 7.2 NOSZ – Objectives

- 7.2.1 Aside from the F&B submission considered above, the only other submission relating to the Objectives for the NOSZ was from ECan [183.160], being in support of **NOSZ-O2**. This submission in support is acknowledged and recommended to be accepted in part given the change to **NOSZ-O2** recommended above.

## 7.3 NOSZ – Policies

- 7.3.1 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
NZAAA	132.32, 132.33
ECan	183.161
Helicopters South Cant.	53.26
Transpower	159.100
Alliance	173.149

### Submissions

- 7.3.2 NZAAA [132.32], and ECan [183.161] both seek to retain **NOSZ-P1** as notified. One further submission in support of NZAAA [132.32] was received from South Pacific [274.35FS].

- 7.3.3 Helicopters South Cant [53.26] and NZAAA [132.33] seek the same relief in terms of changes to **NOSZ-P3** 'Department of Conservation activities', as follows:

*Enable conservation activities that ~~are consistent with a Department of Conservation plan or strategy for the area and do not generate significant adverse effects on the surrounding area or adjacent sites~~ that will enhance or protect the Open Space Zone.*

- 7.3.4 The submitters also seek a new definition is added on the basis that conservation activities are not limited to those undertaken by the Department of Conservation. The submitters note that conservation activities encompass a wider meaning including weed and pest control.

- 7.3.5 Transpower [159.100] considers the NOSZ policies fail to recognise the existing location of the National Grid and that to the extent they may prevent the National Grid from being located within the NOSZ are contrary to the NPSET. On that basis Transpower seeks to amend **NOSZ-P6** to allow "regionally significant infrastructure that has an operational need or functional need for its location" within the NOSZ as an 'other' activity.

- 7.3.6 Alliance [173.149] considers it is appropriate that other activities only be allowed where they do not adversely affect the character and qualities of the surrounding area and seeks to retain **NOSZ-P6** as notified.

## Analysis

- 7.3.7 The support for **NOSZ-P6** as notified from NZAAA [132.32], ECan [183.161] and Alliance [173.149] is noted; and I recommend that these submissions are accepted given that there are no other changes recommended to the provision.
- 7.3.8 Helicopters Sth Cant [53.26] and NZAAA [132.33], seek to replace the definition 'Department of Conservation Activity'. This definition was dealt with in the Hearing A Section 42A Report – Overarching matters Proposed Timaru District Plan: Part 1- Introduction and General Definitions (author Alanna Hollier). The recommendation to the Hearings Panel was to delete the notified definition, 'Department of Conservation Activity' from the PDP, see paragraphs 174 -178 in that report for the analysis.
- 7.3.9 Both Helicopters Sth Cant [53.4] and DOC [166.6] requested a new definition of 'Conservation Activities' (there were also other submissions on this definition). The analysis of these submissions was considered in the Hearing A Section 42A Report (see paragraph 266 – 273). The recommendation to the Hearings Panel was that a new definition is not required (paragraph 276). Decisions from the Independent Hearings Panel are not due until the end of the Hearings process. The assessment below is undertaken on the basis of the definitions according to the earlier recommendations set out in Ms Hollier's Hearing A Section 42A Report.
- 7.3.10 As those matters relate to **NOSZ-P3**, I do not support the changes set out in the submissions. The purpose of the policy is to enable activity undertaken in accordance with DOC plans and/or strategies, not to attempt to define or otherwise describe what constitutes conservation activities. The enabling of activity in accordance with DOC policy is consistent with section 4 of the RMA as already described above. The proposed changes sought by the submitters creates an inconsistency, as they assume that all conservation activities are managed under the PDP, where most are excluded under section 4 of the RMA. I therefore recommend that the submissions from Helicopters South Cant. [53.26] and NZAAA [132.33] are rejected.
- 7.3.11 Regarding the Transpower [159.100] submission; I note that the section 42A reports for Hearings B (prepared by Andrew MacLennan, Alanna Hollier and Liz White) each reached the conclusion that the PDP lacks clear direction in the way infrastructure is addressed at a policy level, and that there is a need to address potential tension or conflict between the policies in the Energy and Infrastructure and area-wide chapters.
- 7.3.12 Liz White's Hearing B Interim Reply has recommended a pathway for infrastructure to achieve **EI-O1**; and reflect that **EI-P2** already provides policy direction for managing adverse effects of infrastructure. This includes controlling the height, bulk and location of other infrastructure, consistent with the role, function, character and identified qualities of the underlying zone; minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and requiring other

infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain the character and qualities of the surrounding area.

- 7.3.13 The recommendation is that the policy contained in the Energy and Infrastructure Chapter shall prevail over the zone chapters. This is considered to be a more effective than amending the policies across multiple zone chapters. This change will be achieved by adding the following notes to plan users within the Introduction of the Energy and Infrastructure Chapter (or similar wording to like effect):

*In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail.*

*The policies in this chapter take precedence over policies in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters.*

- 7.3.14 On the basis that the changes recommended by the Hearing B Interim Reply are adopted, I consider there is no requirement to add a clause to **NOSZ-P6** as requested by the submitter. It is already recommended that PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.100] submission is accepted in part.

### **Conclusions and Recommendations**

- 7.3.15 I recommend, for the reasons given above, that the NOSZ policies are retained as notified.

## **7.4 NOSZ-Rules**

- 7.4.1 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 3**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER</b>
Alliance	173.150
TDC	42.58
Helicopters South Canterbury	53.27
NZAAA	132.34

### **Submissions**

- 7.4.2 Alliance [173.150] seeks to amend **NOSZ-R3** to allow the planting of non-indigenous species where undertaken for the purpose of natural hazard mitigation. The submitter notes that planting of trees and/or vegetation for natural hazard mitigation is enabled in **CE-R3**, including the use of non-indigenous vegetation. Therefore, Alliance is of the view that it is appropriate that such planting also be recognised in **NOSZ-R3**.
- 7.4.3 The TDC submission [42.58] seeks to add a new rule to ensure that “any activities not otherwise listed in this chapter” shall default to having a discretionary activity status. The

submitter considers each Zone should have a rule which covers all other uses not listed and the NOSZ does not have such a rule.

- 7.4.4 Helicopters Sth Cant [53.27] and NZAAA [132.34] seek to have the use of airstrips and helicopter landing sites for conservation purposes become a permitted activity by way of a new rule within the NOSZ chapter allowing for 'Agricultural aviation activities' where:

*The activity is for the purpose of conservation on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12 month period or 315 aircraft hours [whichever is the greater].*

- 7.4.5 Two further submissions in support were received in relation to this submission; from NZAAA [132.23FS] and NZ Helicopter Assoc [265.25FS].

### **Analysis**

- 7.4.6 Alliance [173.150] refers to the consistency with **CE-R3**, which is a rule in the Coastal Environment. As noted above, the majority of land contained within the NOSZ is PCL managed by DOC. Comment was sought from DOC on this matter and their response included:

*where it relates to public conservation land DOC would only support the planting of indigenous vegetation for the purposes of hazard mitigation. The CMS seeks to control pest plants within PCL and is focused on the regeneration of indigenous vegetation. It is likely that there are indigenous plants that are comparable to exotics to assist with natural hazard mitigation...*

- 7.4.7 Any person wanting to plant exotics within the NOSZ on PCL would require a permit and it would be assessed against the CMS objectives and policies via the permit process. On that basis the benefit of the relief sought in the submission relates to that land within the NOSZ beyond the PCL, which I understand is land vested in the Council. The purpose and character of the NOSZ as set out in the objectives and policies seeks to *maintain and enhance* indigenous vegetation. The planting of exotics, even where undertaken for flood mitigation, could compromise this outcome.
- 7.4.8 I am aware that the inclusion of an exception for planting of non-indigenous vegetation when undertaken for natural hazard mitigation is consistent with the provisions included in the Coastal Environment Chapter; and otherwise reflects common practice as indigenous vegetation is not particularly well suited to this purpose. The change sought by the submitter could potentially remove the requirement to obtain resource consents for important public flood protection works undertaken in the NOSZ. However, the spatial distribution of the NOSZ is that it does not include locations typically the subject of such works.
- 7.4.9 On balance, I recommend that no change is made to **NOSZ-R3** as the status quo allows for the appropriateness of planting exotics to be considered as part of a resource consent process. Therefore I recommend that the Alliance submission [173.150] is rejected.

- 7.4.10 The TDC [42.58] wishes to add a new rule to cover all other uses not specifically listed, as a discretionary activity. I note most other chapters in the notified PDP contains a similar rule to cover unforeseen activities albeit some result in different activity status. For consistency and ease of assessing consent applications, I recommend this TDC [42.58] submission is accepted.
- 7.4.11 In regard to the submissions and further submissions requesting that 'agricultural aviation activity' become a permitted activity (subject to restrictions on frequency and duration), it should be noted that PCL in the NOSZ is not managed by Council. As most of the land contained in the NOSZ is POCL, the primary method of land use control applying to the majority of the land included within the NOSZ is via the Conservation Act, not the RMA/district plan process. I note that the applicable CMS includes section 3.6 'Aircraft'. This section (and maps 9.1-9.23) contain the process for managing the effects of aircraft on PCL.
- 7.4.12 As noted above, on the basis that any such agricultural aviation activity is included within the list of activities included in Appendix 1 of the PDP, it is exempt from the PDP requirements as set out in section 4(3) of the RMA. On that basis any person wishing to land and take off within PCL that is not for the purposes under the Conservation Act, would need to apply to DOC to obtain permission. The application would be assessed against the CMS policies/aircraft access zones/maps.
- 7.4.13 However, I understand that land within NOSZ is also managed by the Council, where section 4(3) of the RMA would not apply. In such circumstances the type of activity sought to be permitted by the submitters is in my view provided for under **NOSZ-R2**, which provides for 'Park management activity'. Park management activity is defined as:
- means the day to day management, operations and maintenance of parks and reserves. It includes:*
- a. *Repair, maintenance and development of facilities, structures and buildings;*
  - b. *Planting, removal, trimming and maintenance of turf, trees (except Protected Trees) and other non-indigenous vegetation and associated earthworks;*
  - c. *Animal and pest control operations; and*
  - d. *Repair, maintenance and development of walkways, cycleways, or vehicle tracks and associated earthworks.*
- 7.4.14 I consider that the agricultural aviation activity sought to be permitted (namely animal and pest control operations) are included within the scope of the above definition and are therefore permitted in any case. On that basis I do not consider it necessary to include a further rule as sought. I recommend that the submissions from Helicopters Sth Cant [53.27], NZAAA [132.34, 132.23FS] and NZ Helicopter Assoc. [265.25FS] are rejected on that basis.

### **Conclusions and Recommendations**

- 7.4.15 I recommend, for the reasons given above, that a new rule is added to the NOSZ - Natural Open Space Zone Chapter as follows:

**NOSZ-RX** Any activities not otherwise listed in this chapter  
Activity Status: Discretionary

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

7.4.17 In terms of adding a new rule to clarify that any other activity not otherwise listed is a discretionary activity, I consider the scale of the change does not require a section 32AA evaluation because it ensures the NOSZ Chapter is consistent with the balance of the PDP and is a minor change to improve drafting and do not alter the general intent and therefore the original section 32 evaluation still applies.

## 8. OPEN SPACE ZONE (OSZ)

### 8.1 OSZ – General

8.1.1 This section of the report addresses submission points that relate to the OSZ at a broad level, rather than commenting on specific provisions.

8.1.2 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER/S
SRR Inc	206.1, 206.2
McBride, DD	101.1
Whitham, R	121.1
Alison, A	126.1
Twaddle, NJ	127.1
Fed Farmers	182.211

#### **Submissions**

8.1.3 The submissions of Mr Whitam [121.1], Amy Alison [126.1], Nicolas Twaddle [127.1], have been discussed above in Section 6 of this Report. As set out therein, on the basis the submission points relating to the appropriateness of future growth and development of the OSZ for Blandswood have already been addressed by the SETZ precinct provisions proposed in Andrew Maclennan’s Hearing B Interim Reply, they are not considered further.

8.1.4 The SRR Inc [206.1] considers the PDP should recognise that the huts at South Rangitata Reserve are fully developed. The submitter is concerned that the PDP is silent on the application of existing use rights (sections 10, 10A and 20A of the RMA) and it is confusing if existing use rights under the RMA have precedence over the provisions of a district plan. In the submitters view the PDP should reference how existing use rights apply and what rules take precedence. On that basis the SRR Inc seeks that OSZ provisions included

in the PDP be amended *“to clearly identify where existing use rights apply under section 10 and 10A of the RMA”*.

- 8.1.5 The remaining SRR Inc submission point [206.2] questions whether a mutually agreed, orderly exit and relocation of huts should be addressed in the PDP; and also whether a permanently occupied hut remains part of the Holiday Hut Precinct, or whether different rules apply under the PDP to Huts used as permanent residences.
- 8.1.6 David McBride [101.1] supports the establishment of the PREC4 Holiday Hut with buildings included as a restricted activity and seeks to *“Retain the holiday huts precinct with buildings included as a restrict discretionary activity as notified”*.
- 8.1.7 Fed Farmers[182.211] supports the OSZ Chapter and seeks the following:
1. *Retain OSZ - Open Space Zone Chapter as notified;*
  2. *Wording with similar effect; AND*
  3. *Any consequential amendments*

### **Analysis**

- 8.1.8 In relation to including existing use rights in the Plan as sought by SRR Inc, I note that the rules contained within the PDP will not affect the existing use rights of the submitter provided:
- the use was lawfully established before the rule became operative or the PDP was notified; and
  - the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the PDP was notified.
- 8.1.9 I do not consider it appropriate to codify any existing use rights in the PDP; the content of a district plan does not otherwise impact on existing use rights available under section 10 of the RMA. I recommend that the submission from SRR Inc [206.1] is rejected.
- 8.1.10 The other general submission points (SRR Inc [206.2]) seeks no specific relief. However, in terms of the PDP provisions; my interpretation is that permanent residents are considered to be part of the PREC4 Holiday Hut. The PDP provisions apply to the activities as described, which is not altered by the length of occupation or otherwise by the permanent versus temporary status of the occupier. In terms of the orderly “exit and relocation” of the Huts located at the South Rangitata, the PDP includes no such provisions. Furthermore, their inclusion within PREC4 Holiday Hut would suggest that the Council has no immediate plans to seek their removal. As the SRR Inc submission requires no specific relief, I recommend that this submission [206.2] be accepted.
- 8.1.11 The support of both McBride, DD [101.1] and Fed Farmers [182.211] is noted. As the submission of McBride, DD supports the PREC4 Holiday Hut and **OSZ-R10.2** where Buildings and Structures in PREC4 Holiday Hut are a restricted discretionary activity, I recommend that this submission is accepted. As the Fed Farmers submission [182.211]



relates to the entire chapter, and changes are recommended in response to other submissions, I recommend that it be accepted in part.

### **Conclusions and Recommendations**

- 8.1.12 I recommend, for the reasons given above, that no changes are required as result of the above general submissions relating to the OSZ.

## **8.2 OSZ – Objectives**

- 8.2.1 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER
MOE	106.47
Waka Kotahi	143.176

### **Submissions**

- 8.2.2 MOE [106.47] supports **OSZ-O1** in part as it enables a range of activities within the zone. However, the submitter requests the reference to educational facilities within the Objective given it is a permitted activity within the OSZ (as set out in **OSZ-R2**).
- 8.2.3 Waka Kotahi [143.176] supports that the OSZ should be safe and accessible to users, which includes pedestrians, cyclists, motorists, and other active modes of transport. On that basis the submitter seeks to retain **OSZ-O2** as notified.

### **Analysis**

- 8.2.4 **OSZ-O1** sets out the purpose of the Open Space Zone and the activities listed are what the zone primarily provides for. It follows from the Chapter Introduction, which similarly describes the primary uses of the zone.
- 8.2.5 Educational facilities are not referred to either in the Introduction or **OSZ-O1**. Educational facilities are defined as:
- means land, or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities*
- 8.2.6 It is acknowledged that **OSZ-R2** includes an ‘educational facility’ as a permitted activity. However, to be permitted, any buildings or structures associated with an educational facility must comply with both **OSZ-R10**. In my view these provisions significantly limit the scope of educational activity provided for in the OSZ.
- 8.2.7 **OSZ-R10** ‘Buildings and Structures’ states that permitted activities must comply with all the standards of the Chapter. Outside the Aitarakihi Precinct, **OSZ-S2** allows for a structure/building of only 10m<sup>2</sup> (where it is not temporary). Any building or structure

over 10m<sup>2</sup> becomes a restricted discretionary activity, with a list of matters to be considered as below:

1. any impacts on the purpose, character and qualities of the zone; and
2. any impacts on the character of, and qualities the surrounding area; and
3. the extent of any reduction in the area available for informal recreation activities; and
4. the impact of any loss of existing planting and mature trees; and
5. the extent to which the building or structure will meet a recreational need of the community;
6. mitigation measures.

8.2.8 There are other zones that enable educational facilities on a larger scale. I therefore consider that educational facilities are not a primary purpose or widely anticipated within the OSZ beyond the Aitarakihi Precinct.

8.2.9 This outcome is consistent with Strategic Directions Objective 9 (**SD-09**), which states:

*A range of recreational, social and community facilities and open spaces that meet the long-term needs of the community are enabled, including:*

- *the provision of public access to and along the coastal marine area and margins of identified rivers; and*
- *the provision of a network of facilities and open spaces to support densification and new growth areas, including co-location.*

8.2.10 I note that cultural activities are similarly permitted in **OSZ-R2**, but not specifically referenced in **OSZ-O1**. **SD-09** does not include educational activities or cultural activities. I therefore recommend that the submission by MOE [106.47] is rejected.

8.2.11 The support of Waka Kotahi [143.176] is noted and on the basis that no other changes are recommended to **OSZ-O2**, I recommend this submission is accepted.

### **Conclusions and Recommendations**

8.2.12 I recommend, for the reasons given above, that the OSZ Objectives are retained as notified.

## **8.3 OSZ – Policies**

8.3.1 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 3**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER/S</b>
Transpower	159.101
MOE	106.48
Silver Fern Farms	172.153
TDC	42.56
ECan	183.162, 183.163

## Submissions

- 8.3.2 Transpower [159.101] considers **OSZ-P10** fails to recognise the existing location of the National Grid within these open space zones and because the policies may prevent the National Grid from being located in the zone it is contrary to the NPSET. On that basis Transpower seeks to amend **OSZ-P10** to allow other activities where they (amongst others):

*are regionally significant infrastructure that has an operational need or functional need for its location; or...*

- 8.3.3 MOE [106.48] supports **OSZ-P10** in part as it enables the development of other activities within the OSZ. However, MOE request that the policy is amended as there are times where there is a functional need to locate within these areas, particularly to serve existing communities. MOE seeks to amend **OSZ-P10** as follows:

*Only allow other activities where they:*

1. *Are compatible with the purpose, character and qualities of the Open Space Zone; and*
2. *Avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effects on the use and amenity values of adjoining sites; and*
3. *Contribute to the overall health and wellbeing of the community.*
4. *The activity has a functional need to locate within the Open Space Zone.*

- 8.3.4 Silver Fern Farms [172.153] supports **OSZ-P3** 'Primary production activities' and seeks it be retained.

- 8.3.5 TDC [42.56] supports **OSZ-P7**; however, it considers that the wording of Clause 1 could be improved with a minor drafting change and correction of a spelling error as follows:

~~Contain~~ *limit buildings and structures to those required for cremations, burials, and commemorations as well as ancillary buildings and facilities; and...*

- 8.3.6 ECan [183.162] seeks to retain **PREC4-P1** as notified or otherwise preserve its original intent. In terms of **PREC4-P2**, ECan [183.163] supports the avoidance of buildings within the high hazard areas where there is a risk of loss of life or significant damage to structures or property. This is consistent with the natural hazards provisions of the CRPS. The relief sought in relation to **PREC4-P2** is to similarly retain the policy as notified, or otherwise preserve its original intent.

## Analysis

- 8.3.7 In terms of the minor changes sought by the TDC to amend **OSZ-P7**, I consider the amendments proposed serve to improve the useability of the provision as they correct make spelling/grammatical errors in the PDP as notified. The proposed changes do not change the intent of the policy. Therefore, I recommend that this submission TDC [42.56] is accepted.

- 8.3.8 As noted above, neither the Introduction nor **OSZ-O1** indicate that educational facilities are a priority for this Chapter. However, the relief sought by the submitter in terms of

**OSZ-P10** is not specific to educational facilities and instead refers to ‘other activities’ more generally, “*where they have a functional need*” to locate within the OSZ.

- 8.3.9 I note that the relief sought by the MOE submission is not grammatically correct, with the words “*The activity has...*” at the commencement of the proposed new clause being superfluous. Furthermore, in my view the matter being raised is more to do with an ‘operational need’ rather than a ‘functional need’. Each of these terms is defined by the NP Standards (and included in the PDP) as follows:

**Functional Need**

*means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.*

**Operational Need**

*means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.*

- 8.3.10 Based on those definitions, I recommend that **OSZ-P10** ‘Other activities’ is amended to include reference to only allowing other activities where they (amongst others) “*have a functional need or operational need to locate within the Open Space Zone*”. On that basis I recommend that the MOE submission [106.48] is accepted in part.
- 8.3.11 The matter raised in the Transpower submission [159.101] is identical to that addressed above in terms of the NOSZ policy. On the basis that the changes recommended by Liz White’s Hearing B Interim Reply are adopted; I consider there is no requirement to add a clause to **OSZ-P10** as requested by the submitter. It is already recommended that the PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.101] submission is accepted in part.
- 8.3.12 The support from Silver Fern Farms [172.153] and ECan [183.162, 183.163] is noted. On the basis that I have not recommended any changes to specific provisions supported by these submission points, I recommend that they be accepted.

### **Conclusions and Recommendations**

- 8.3.13 I recommend, for the reasons given above, that **OSZ-P10** Other activities is amended to add a new Clause 4 as follows:

*Have a functional need or operational need to locate within the Open Space Zone.*

- 8.3.14 I recommend, for the reasons given above, that **OSZ-P7** Cemeteries, Clause 1 is amended as follows:

~~*Contain*~~ *limit buildings and structures to those required for cremations, burials, and commemorations as well as ancillary buildings and facilities; and...*

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

#### 8.4 OSZ – Rules

- 8.4.1 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER/S
ECan	183.164
SRR Inc	206.3, 206.4
NZMCA	134.7
MOE	106.49
Silver Fern Farms	172.154

#### Submissions

- 8.4.2 ECan [183.164] supports **OSZ-R10** as the proposed rule gives effect to the CRPS by providing for development in hazard prone areas where mitigation can be undertaken, but setting a higher bar for development in High Hazard Areas. The submitter seeks the provision is retained as notified or otherwise amended in such a way that the original intent is preserved.
- 8.4.3 SRR Inc has submission points relating to each of **OSZ-R2** [206.3] and **OSZ-R10** [206.4]. In terms of **OSZ-R2.2**, SRR Inc [206.3] seeks clarification on the activity status of ‘non-complying’ and what this means given the Rangitata Huts are gazetted for recreation purposes (such as the annual sports day and fishing competition). The relief sought is to amend **OSZ-R2.2** for PREC4 Holiday Hut to ensure non-complying status does not apply to any of the existing recreational activities undertaken at South Rangitata Reserve.
- 8.4.4 In terms of **OSZ-R10**, the submitter [206.4] seeks clarification of which areas within the Rangitata Reserve will have restricted discretionary status under this rule. The submitter considers that if the entire reserve is identified as High Hazard Area, any buildings and structures within Reserve would be a non-complying activity, which is too onerous. If that is the case then the SRR Inc opposes this rule. The submitter considers a restricted discretionary status to be more appropriate.
- 8.4.5 NZMCA [134.7] considers the discretionary or non-complying activity status contained within **OSZ-R12** for camping grounds and caravan parks does not align with the objectives and policies of the OSZ, especially **OSZ-P9**, which allows for camping grounds or caravan parks where these are compatible with the character and qualities of the zone and avoids significant adverse effects on amenity values in the surrounding area. NZMCA seeks to amend **OSZ-R12** to provide for camping grounds and caravan parks as a permitted activity with performance standards in place.

- 8.4.6 MOE [106.49] supports **ORZ-R2** to manage the operation of educational facilities as it acknowledges that there may be an operational need to locate the submitter's assets within the Open Space Zone. MOE seeks that **OSZ-R2** is retained as notified.
- 8.4.7 Silver Fern Farms [172.154] seeks to retain **OSZ-R5** relating to 'non-intensive primary production' as notified, as it considers it is appropriate to allow for light grazing of land in this zone, such as rural sports fields.

### Analysis

- 8.4.8 The supporting submissions from ECan [183.164], MOE [106.49] and Silver Fern Farms [172.154] relating to **OSZ-R10**, **OSZ-R2** and **OSZ-R5** respectively are noted. On the basis that I have not recommended any changes to specific provisions supported, I recommend that they each be accepted.
- 8.4.9 The submissions from SRR Inc [206.3, 206.4] are effectively seeking clarification in terms of existing use rights that apply to existing structures and recreational events currently undertaken at South Rangitata Reserve. I note that existing lawfully established recreational activities and buildings will have existing use rights, and that the rules within the PDP will not affect the existing use rights of submitter provided the requirements set out in section 10 of the RMA are met. Otherwise, as stated above, I do not consider it appropriate to codify any existing use rights in the PDP; the content of a district plan does not otherwise impact the existing use rights available under section 10 of the RMA.
- 8.4.10 In terms of the extent of PREC4 Holiday Hut occupied by the High Hazard Area, this is identified on the planning maps. A screenshot of the High Hazard Area is shown in **Figure 1** below. This graphically illustrates that the vast majority of the Precinct (light blue outline) and existing Huts are within the High Hazard Area.



**Figure 1: PREC4 Holiday Hut at South Rangitata Huts with High Hazard Area shown in red hatching.**

- 8.4.11 Given the extent of this High Hazard Area, I consider that the non-complying activity status used in **OSZ-R10** relating to building and structures within the High Hazard Area is

appropriate, and consistent with the 'avoid' outcome sought by **PREC4-P2** 'Buildings and structures in the Holiday Hut Precinct', being to:

*Avoid buildings and/or structures within high hazard areas in the Holiday Hut Precinct where there is a risk of loss of life or significant damage to structures or property.*

8.4.12 I recommend that the submissions from SRR Inc [206.3 and 206.4] are rejected. A change to restricted discretionary activity status for buildings and structures within a High Hazard Area does not sufficiently implement the corresponding policy to avoid such development. Such an activity status would also lead to inconsistency with the planning framework included in the Hazards and Risks Chapters set out in Part 2 – District Wide Matters of the PDP, where non-complying activity status is used to reflect the level of risk to life and property within High Hazards Areas.

8.4.13 The remaining NZMCA submission [134.7] relates to the activity status for Camping grounds or caravan parks set out in **OSZ-R12**, and in particular whether that is consistent with **OSZ-P9**, which states:

***OSZ-P9 Camping grounds or caravan parks***

*Only allow camping grounds or caravan parks where these are compatible with the character and qualities of the zone and avoid significant adverse effects on amenity values in the surrounding area.*

8.4.14 I consider there are many effects that may need to be considered when assessing a new camping ground or caravan park. These include visual amenity effects on neighbours, noise, traffic, the effects of any outdoor lighting, infrastructure and servicing requirements, natural hazard risk (including wildfire), rubbish disposal and the effects on other OSZ recreation users. Given the scale and extent of the various matters to be considered depending on the location, I do not consider it effective or efficient to attempt to achieve a permitted activity status subject to performance standards.

8.4.15 More recent discussions with the NZMCA have indicated that they are looking for appropriate sites within existing OSZ to lease for a motorised caravan park. Sites favourable to them would include proximity close to shops and public toilets. I understand that NZMCA have leased land from District Councils for this purpose in other parts of the country. Manager Parks for the Council has indicated that there is no OSZ land suitable in either Geraldine or Pleasant Point. Council has leased a site in Temuka for a small motor camp which operates on a commercial basis.

8.4.16 Given the effects typically associated with the use of land for camping grounds and caravan parks, I consider that a discretionary activity status for such use is appropriate and consistent with the PDP policy framework as set out above. Accordingly, I recommend that the submission by NZMCA [134.7] is rejected.

### **Conclusions and Recommendations**

8.4.17 I recommend, for the reasons given above, that the OSZ Rules are retained as notified.

## 8.5 OSZ – Standards

- 8.5.1 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER/S
SRR Inc	206.5, 206.6, 206.7

### Submissions

- 8.5.2 SRR Inc has lodged submissions opposing **OSZ-S3** Height [206.5], **OSZ-S4** Boundary Setbacks [206.6] and **OSZ-S6** Site Coverage [206.7] on the basis that the standards do not acknowledge the existing use rights and the way the huts were developed in the past.
- 8.5.3 In particular, the submitter is concerned that the 4m height limit applying to PREC4 Holiday Hut is too limiting, as some huts are greater than four metres and greater heights will be required if existing use and flood mitigation measures are applied moving forward. The relief sought in relation to **OSZ-S3** is to allow for more flexibility for greater heights where existing huts are more than 4m in height, or when raised floor levels are necessary for flood mitigation.
- 8.5.4 The submitter [206.6, 206.7] seeks that **OSZ-S4** and **OSZ-S6** are amended to allow for existing use rights and to utilise the hut site given size and location. SRR Inc considers the criteria should also include historical use of a site, the owner/occupier's comfort, and enjoyment as well as public benefit.

### Analysis

- 8.5.5 The assessment and analysis of these submission points is much the same as that set out for the earlier submission points assessed above. That being that the PDP standards relate to new buildings and structures (excluding fences) only. Existing buildings and structures will continue to have existing use rights provided they meet the requirements set out in section 10 of the RMA.
- 8.5.6 It should also be noted that the standards being referred to do not apply only to the South Rangitata Huts, or the Holiday Hut Precinct, but across all land within the OSZ identified in the PDP.
- 8.5.7 I acknowledge that one of the implications of climate change and increased natural hazard risk mean that likely future increases in minimum finished floor levels will potentially make it more difficult to reconstruct Holiday Huts under existing use rights should the overall building height have to increase over that which previously existed. Under **OSZ-S3** any building or structure over 4m requires consent as a restricted discretionary activity. I do not consider that a height increase is appropriate, as that would potentially lead to the ability to construct two-storey holidays huts which would adversely affect the character of the Holiday Hut Precinct.



- 8.5.8 I do consider that an additional matter of discretion is appropriate. This would relate to the consideration of whether the increase in height is required in order to avoid adverse effects arising from natural hazard risk. That would send a clear message to the processing Planner that in such circumstances an increase in height would potentially be assessed more favourably, on the basis that the other matters of discretion could be met. Whilst an existing matter of discretion includes “mitigation measures”, this is in the context of mitigation measures to address the increase in height, not an increase in height to mitigate other adverse effects.
- 8.5.9 I recommend that the submissions from SRR Inc relating to Standards for building setbacks and site coverage [206.6 and 206.7] are rejected. As an additional matter of discretion is recommended to be added to **OSZ-S3**, I recommend that SRR Inc submission [206.5] be accepted in part.

### **Conclusions and Recommendations**

- 8.5.10 I recommend, for the reasons given above, that the ‘Matters of discretion’ associated with **OSZ-S3** ‘Height of buildings and structures (excluding fences)’ are amended to add a new Clause 5 as follows:

***Matters of discretion restricted to:***

1. *any impact on the character and qualities of the zone and;*
2. *any impact on the character and qualities of the surrounding area; and*
3. *the location of the building or structure; and*
4. *any benefits, such as the ability to retain an open space, significant trees or meet specialised recreational needs; and*
5. *the extent to which any increase in height is required in order to address an increase in finished floor level in response to flood risk; and*
6. *mitigation measures.*

- 8.5.11 The additional matter of discretion is recommended in order to assist applications where breach of the height limit results from an increase in finished floor level in response to a flood risk at the subject site. The scale of the change above does not require a section 32AA evaluation because they are minor changes to improve drafting and do not alter the general intent and therefore the original section 32 evaluation still applies.

## **8.6 OSZ – Planning Maps**

- 8.6.1 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 3**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER</b>
Waipopo Huts	189.8
TDC	42.76
SRR Inc	206.14

## Submission

- 8.6.2 Waipopo Huts [189.8] opposes PREC4 Holiday Hut being placed over the submitter's properties. The Waipopo Huts Trust owns the properties marked in red within the Holiday Huts Precinct, as shown in **Figure 2** below.



**Figure 2: Aerial Photograph identifying properties owned by the Waipopo Huts Trust (Source - Waipopo Huts Trust submission).**

- 8.6.3 The submitter states that the precinct, along with other overlays mean new or replacement dwellings, buildings and structures will be non-complying activities on the submitter's properties. The submitter is of the view that a more permissive planning regime is appropriate to honour the historical commitment the Crown made to enabling Māori to carry out their needs and wants; to reflect the fact Waipopo Huts is now mostly in permanent residential use, not holiday huts; and that the flood risk has been overstated. In the context of the matters relevant to this Hearing Topic, the submitter seeks the following relief:

*Remove the **PREC4 Holiday Huts overlay** across the Waipopo Trust Land and/or amend related rules affecting the use and development of the Trust Land.*

- 8.6.4 The TDC [42.76] submission states the Council is currently in negotiations with the landowner of Lot 2 DP 458343 [ID:19532, Claremont Road], Lot 1 DP 72967 and Lot 1 DP 339796 [ID:19531, 168 Claremont Road] to acquire these land parcels for a new cemetery. The location of the property subject to the submission is west of Timaru as shown in **Figure 3** below. The TDC seeks the following relief:

*Rezone Lot 2 DP 458343 [ID:19532], Lot 1 DP72967 and Lot 1 DP 339796 [ID:19531], located on Claremont Road, from General Rural Zone to **Open Space Zone**.*  
**AND**

As a consequence of the requested rezoning, remove the Transitional Highly Productive Land - Proposed District Plan overlay/mapping from these land parcels once the zone change has been approved.

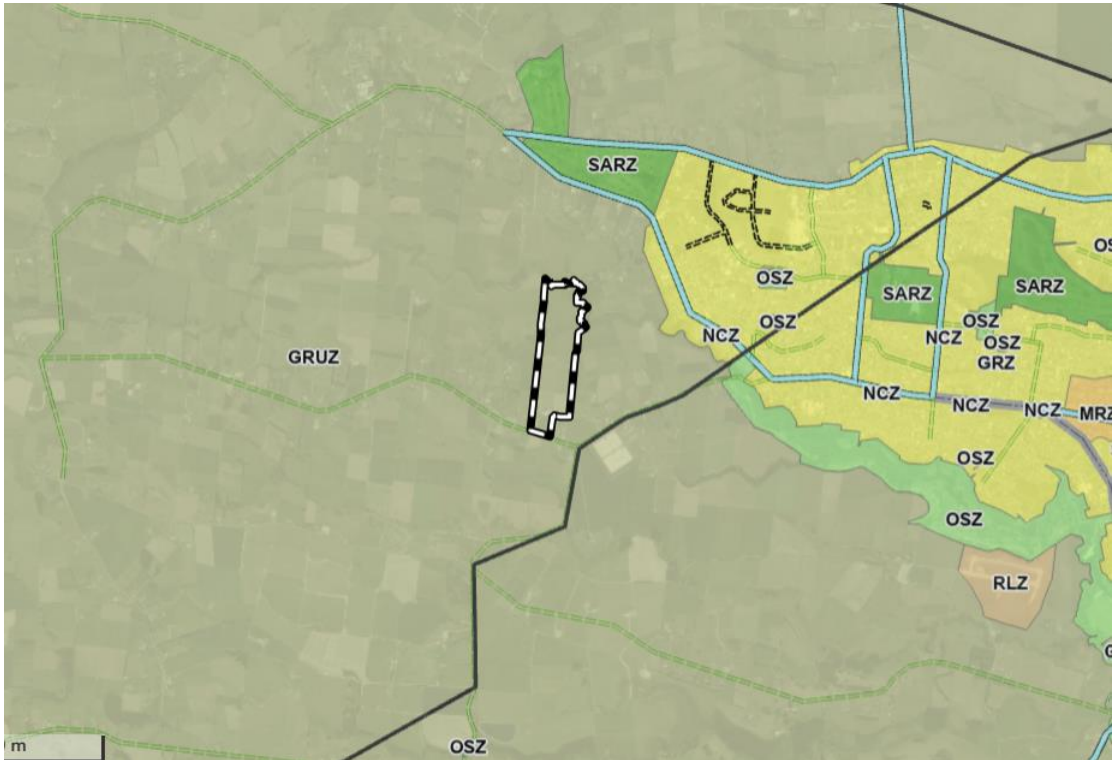


Figure 3: Location of Lot 2 DP 458343 [ID:19532, Claremont Road], Lot 1 DP 72967 and Lot 1 DP 339796 [ID:19531, 168 Claremont Road].

- 8.6.5 The SRR Inc [206.14] seeks rezone the reserve land immediate west of the current Reserve from GRUZ to OSZ. I note that a map of this land was not included within the submission, however, it is assumed that the submitter is referring to the land shown in **Figure 4** below.



**Figure 4: Location of the reserve land (indicated in red) immediately west of the current Rangitata South Huts Reserve assumed to be the subject of the SRR Inc submission [206.14].**

### **Analysis**

- 8.6.6 The removal of PREC4 Holiday Hut over the submitter's properties at the Waipopo Huts Settlement is just one aspect of the various submission points made by the Waipopo Huts Trust [189.8]. In my view consideration of the removal of the Precinct should be undertaken in conjunction with the proposed re-zoning of the submitter's properties from OSZ to Māori Purpose Zone (MPZ). Removal of the Precinct in the absence of a potential re-zoning as sought would leave the sites with an Open Space zoning, but without being subject to the Standards recognising the special character of the Holiday Hut Precinct.
- 8.6.7 Therefore, I consider it is not appropriate to make a recommendation on the removal of the precinct over the submitter's properties as part of this Topic. In my view that matter should be considered alongside the submitter's request to re-zone the land MPZ, which is to be heard in Hearing E. On that basis, I recommend that this submission point be re-allocated and no further recommendation regarding the merits of this submission point is made at this time.
- 8.6.8 In terms of the property on Claremont Road sought to be re-zoned OSZ to facilitate its future use as a cemetery; the Council has now purchased this land and is the legal owner. I am concerned that the request to re-zone has not been through a full consultation or section 32 assessment. Whilst no further submissions were received opposing this submission, it cannot be assumed that the neighbouring property owners and occupiers



were aware of the TDC submission and the intended use of the site being advanced through the submission process.

- 8.6.9 The site is mapped as Highly Productive Land (HPL) under the National Policy Statement for Highly Productive Land (NPSHPL). I note that the Objective of the NPSHPL is:

*Highly productive land is protected for use in land-based primary production, both now and for future generations.*

- 8.6.10 To implement this objective, the NPSHPL includes the following relevant policies:

**Policy 1:** *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*

**Policy 4:** *The use of highly productive land for land-based primary production is prioritised and supported.*

**Policy 5:** *The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.*

**Policy 8:** *Highly productive land is protected from inappropriate use and development.*

- 8.6.11 NPSHPL Clause 3.6 'Restricting urban rezoning of highly productive land' includes the circumstances in which territorial authorities may allow urban zoning of HPL, which include (being those relevant where not Tier 1 or 2 as set out in the National Policy Statement on Urban Development (NPSUD)):

- (a) *the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) *there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) *the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
- (5) *Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.*

- 8.6.12 Given the spatial distribution of OSZ included in the PDP, I consider it can be classified as an 'urban zoning' in accordance with the NPSHPL. Notwithstanding, I note that any OSZ applying to the site would be surrounded by GRUZ. However, given that the proposed use of the site is ancillary to the use of Timaru for urban purposes, it is likely that any use of the land as a cemetery would need to be considered against the NPSHPL framework set out above.

- 8.6.13 NPSHPL Clause 3.9 'Protecting highly productive land from inappropriate use and development' sets out that:

- (1) *Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*
- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:...*

- 8.6.14 Having reviewed the matters set out in Clause 3.9(3), none appear to explicitly provide for use of HPL as a cemetery.
- 8.6.15 From further discussion with Bill Steans (TDC – Manager Parks), I now understand that the TDC is no longer pursuing this submission point and now intends to advance the use of 168 Claremont Road as a cemetery by way of the designation process. On that basis no further assessment of this submission is required and I recommend that the TDC submission [42.76] is rejected.
- 8.6.16 The land immediately west of the South Rangitata Huts is included in two separate landholdings. That to the north (PT RES 100) adjoining the Rangitata River is administered by Environment Canterbury; with the smaller land parcel to the south (PT RES 1486) being Crown land administered by Land Information New Zealand (LINZ) - refer to **Figures 5 and 6** below. None of these entities lodged further submissions either in support or opposing the relief sought by SRR Inc. Both landholdings are zoned GRUZ in the PDP.

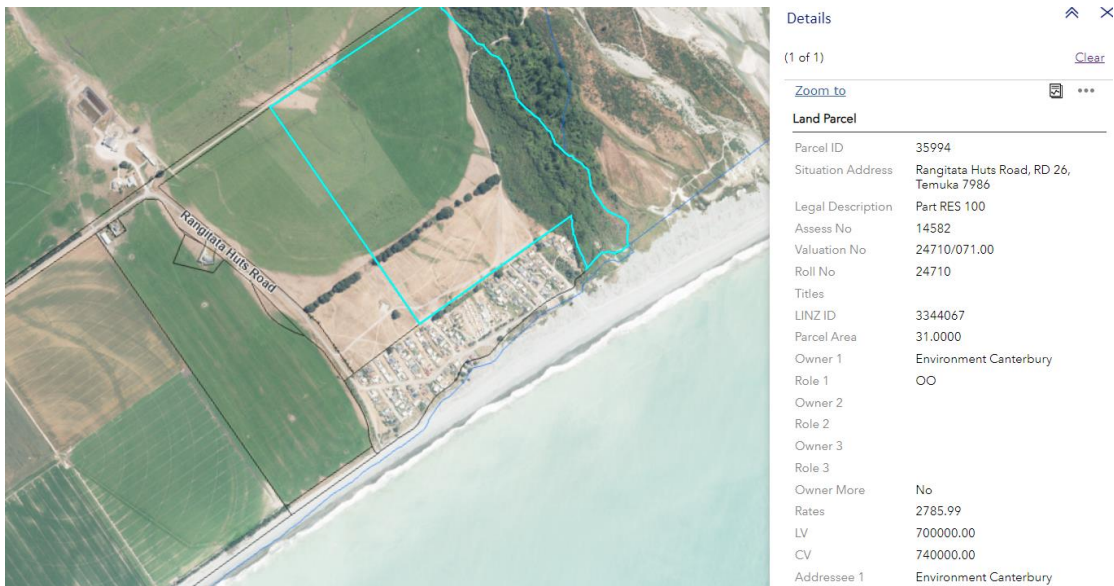


Figure 5: Part RES 100, Council Rates GIS Information.



Figure 6: Part RES 1486, Council Rates GIS Information.

- 8.6.17 The southern portion of both properties is separated from the northern part by a shelter belt. The aerial photograph in **Figure 4** above indicates that this northern portion is used for primary production in accordance with the current zoning. It is assumed the submitter is seeking to have only the southern portion re-zoned from GRUZ to OSZ. The southern portion being immediately adjacent to the existing South Rangitata Hut Settlement and appears to be used for access to both the Huts themselves and the adjoining riverbed.
- 8.6.18 Given that both sites are in 'public' ownership, there appears to be little threat to the continued use of this land as a 'reserve' by the owners/occupiers of the South Rangitata Huts. It is noted that under the current GRUZ zoning the land can be used for primary production; however, the OSZ also provides for non-intensive primary production under **OSZ-R5**.
- 8.6.19 I am reluctant to recommend the re-zoning of this land at this time without further consultation with the landowners to gauge their response. Otherwise, the re-zoning from GRUZ to OSZ does impinge on the development opportunities of the land. On that basis I recommend that the submission from SRR Inc [206.14] is rejected at this point in time. Any further developments in that regard can be advised at the hearing.

### **Conclusions and Recommendations**

- 8.6.20 Based on the analysis above, I recommend that the Waipopo Huts Trust submission [189.8] seeking to remove Precinct 4 Holidays Hut from the Waipopo Huts Settlement is deferred to be considered alongside the submission seeking to re-zone this land from OSZ to MPZ within Hearing E.
- 8.6.21 Otherwise, I recommend, for the reasons given above, that the spatial extent of OSZ areas shown on the PDP planning maps are retained as notified.

## **9. SPORTS AND ACTIVE RECREATION ZONE (SARZ)**

### **9.1 SARZ – General**

- 9.1.1 This section of the report addresses submission points that relate to the SARZ at a broad level, rather than commenting on specific provisions.
- 9.1.2 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER/S
SCCC	135.2
Rooney, AJ	177.2

## Submissions

- 9.1.3 SCCC [135.2] opposes all of the Sport and Active Recreation Zone Objectives, Policies, Rules and standards and seeks that these are rewritten by the Council in collaboration with the submitter to acknowledge the importance of Timaru International Motor Raceway (Levels Raceway) to South Canterbury and the wider South Island. The submitter considers the provisions as notified conflict with existing resource consent for the site and that the facility has wide public benefit. The SCCC submission also sets out that *“the Council has failed to pre consult with the Club concerning the details of Sport and Active Recreation Zone and the impact any changes may have on the operation of its Motorsport facilities and future sport safety and procedural requirements and improvements”*.
- 9.1.4 The submitter considers that all proposed standards **SARZ-S1-7** are inappropriate for the Levels Raceway based on existing use rights; and that **SARZ-R10** is in conflict with **SARZ-S1**. They note that South Canterbury is competing nationwide for the hosting of events and the associated benefits to the local community that brings. SCCC consider that Levels Raceway needs the ability to modify and adapt to both current and future Motorsport New Zealand (MSNZ) and World Body (FIA) requirements without being overly constrained by the PDP.
- 9.1.5 The submission by Rooney, AJ [177.2] is made on the basis that the re-zoning request made in the balance of the submission is not accepted. That submission [177.1] is addressed further below.
- 9.1.6 The submitter opposes the SARZ in relation to land on Domain Avenue and part of 32 Milford-Clandeboye Road, Temuka. The submitter notes that grazing (to control grass/weeds) is a permitted activity under the ODP, but requires resource consent in the SARZ included in the notified PDP. The submitter considers the provisions of SARZ do not contemplate management of private land.
- 9.1.7 The alternate relief seeks to amend the SARZ as follows:
1. *Enable the grazing of animals within the Sport and Active Recreation Zone.*
  2. *Enable grazing of animals within the Sport and Active Recreation Zone within 0 Domain Avenue and 32 Milford -Clandeboye Road.*
  3. *Any alternative relief that would address submitters concerns.*

## Analysis

- 9.1.8 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 could be addressed earlier in the process.
- 9.1.9 There is no doubt that Levels Raceway is an important resource for both the Timaru District and the wider motorsport community. In my view this is reflected in the SARZ



Chapter given the specific reference to Levels Raceway is made in the Introduction and the inclusion of a policy solely devoted to the on-going management of motorsport events and motorsport facilities at Levels Raceway (**SARZ-P7**).

9.1.10 The submitter also wishes to include the status of existing use rights in the rule **SARZ-R10** 'Motorsport events and motorsport facilities and ancillary facilities'. I understand that Levels Raceway operates under an existing resource consent which authorises current activities undertaken on the site. On that basis I am not aware of any existing use rights applying. In any case, as set out above, I consider it inappropriate to codify any existing use rights in the PDP.

9.1.11 Having reviewed the PDP policy and rule framework, it is clear that the reliance is being placed on the existing resource consent to control land use and any resulting adverse effects arising from activity undertaken in accordance with that consent. For instance, **SARZ-P7.2.b.** sets out to ensure that motorsport events and motorsport facilities associated with the ongoing operation of the Timaru International Levels Raceway (emphasis added):

*does not result in levels of noise that would adversely affect the ability to enjoy outdoor living areas and the amenity values on residential sites in the surrounding area, over that which has been consented; and...*

9.1.12 **SARZ-R10** makes all motorsport events, as well as motorsport facilities and ancillary facilities a fully discretionary activity. On that basis any such new activity not authorised under the existing resource consent (which has been given effect to and therefore has not lapsed) requires further resource consent. It is acknowledged that in many cases resource consents only authorise the activities that were envisaged at the time of application and are not always the best mechanism for addressing changes over time as activities develop and adapt to changing circumstances. However, the onus is on the consent holder to ensure that the resource consent is current and authorises all activities sought to be undertaken on the application site that are not otherwise authorised under the district plan.

9.1.13 To address these issues I am aware that other motorsport facilities are provided for by way of Special Purpose Zones, including provisions that place restrictions on the frequency and duration of events per year, and requirements on the operator to prepare traffic and noise management plans and conduct specialist monitoring. The submitter has been contacted to give them the opportunity to work with Council to determine whether a Special Purpose Zone might be a viable solution to the concerns raised in the submission. Work on this regard is on-going and further update can be provided closer to the Hearing of this matter if progress is made. In the meantime I recommend that the submission from the SCCC [135.2] be rejected and management of the land use at Levels Raceway remain reliant on the existing resource consent held by the submitter.

9.1.14 The submission by Rooney, AJ [177.2], is not considered further given the recommendation made below in relation to the primary relief sought (in terms of the rezoning the submitters property from SARZ to GRUZ). On that basis I recommend that this submission be accepted in part.

### **Conclusions and Recommendations**

9.1.15 I recommend, for the reasons given above, that no changes are made to the SARZ in response to the general submissions above and that the provisions are retained as notified apart from as recommended below in relation to other submission points.

## **9.2 SARZ – Objectives**

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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER
Waka Kotahi	143.177

### **Submission**

9.2.2 Waka Kotahi [143.177] supports that the Sport and Active Recreation Zone should be safe and accessible to users, which includes pedestrians, cyclists, motorists, and other active modes of transport. On that basis the submitter seeks to retain **SARZ-O2** as notified in the PDP.

### **Analysis**

9.2.3 The support from Waka Kotahi [143.177] is noted, and I recommend that this submission is accepted. No further assessment is required.

### **Conclusions and Recommendations**

9.2.4 I recommend that the SARZ Objectives are retained as notified.

## **9.3 SARZ – Policies**

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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER
Transpower	159.102

### **Submission**

9.3.2 Transpower [159.102] considers the SARZ policies fail to recognise the existing location of the National Grid and that to the extent they may prevent the National Grid from being located within the SARZ are contrary to the NPSET. On that basis Transpower seeks to

amend **SARZ-P8** 'Other activities' to allow "*regionally significant infrastructure that has an operational need or functional need for its location*" within the SARZ.

### **Analysis**

- 9.3.3 The matter raised in the Transpower submission [159.102] is identical to that addressed above in terms of the NOSZ and OSZ policy. On the basis that the changes recommended by Liz White in the Hearing B Interim Reply are adopted, I consider there is no requirement to add a clause to **SARZ-P8** as requested by the submitter. It is already recommended that PDP be amended to make it clear that the Energy and Infrastructure Chapter will take precedence over zone chapters. On that basis I recommend that the Transpower [159.102] submission is accepted in part.

### **Conclusions and Recommendations**

- 9.3.4 Based on the analysis above, I recommend that the SARZ Policies are retained as notified.

## **9.4 SARZ – Rules**

- 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER
TDC	42.57

### **Submission**

- 9.4.2 The TDC submission [42.57] seeks to add a new rule to ensure that "*any activities not otherwise listed in this chapter*" shall default to having a discretionary activity status. The submitter considers each Zone should have a rule which covers all other uses not listed and the PDP SARZ Chapter as notified does not have such a rule.

### **Analysis**

- 9.4.3 The TDC [42.57] wishes to add a new rule to cover all other uses not specifically listed, as a discretionary activity. I note most other chapters in the notified PDP contain a similar rule to cover unforeseen activities albeit some result in different activity status. For consistency and ease of assessing consent applications, I recommend this TDC [42.57] submission is accepted.

### **Conclusions and Recommendations**

- 9.4.4 I recommend, for the reasons given above, that a new rule is added to the SARZ – Sport and Active Recreation Zone Chapter as follows:

**SARZ-R11** *Any activities not otherwise listed in this chapter*  
*Activity Status: Discretionary*

- 9.4.5 The recommended amendments are set out in **Appendix 1**.
- 9.4.6 In terms of adding a new rule to clarify that any other activity not otherwise listed is a discretionary activity, I consider the scale of the change does not require a section 32AA evaluation because it ensures the SARZ Chapter is consistent with the balance of the PDP and is a minor change to improve drafting and does not alter the general intent and therefore the original section 32 evaluation still applies.

## 9.5 SARZ – Standards

- 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER/S
Burdon, L	72.5, 72.6, 72.7, 72.8

### *Submission*

- 9.5.2 The submissions by Burdon, L [72.5 to 72.8] refer to changes to the Standards set out in **SARZ-S2** (Building Scale), **S3** (Height), **S4** (Setbacks) and **S7** (Hours of Operation) to:

*to provide a more pragmatic approach to allow for the development of facilities that do not overwhelm the area they are proposed to occupy.*

- 9.5.3 The submitter states that many recreational areas are developing alternative uses to help maintain the facility for community use. For example, if a landowner wanted to build an indoor arena for equestrian purposes, they would only be able to have miniature ponies, as using it as a full dressage arena or jumping arena would be more than 150m<sup>2</sup> and the height would have to be more than 15m.
- 9.5.4 In relation to **SARZ-S4**, the submitter considers that fences could also be used as the wall of a building.
- 9.5.5 Specifically in relation to **SARZ-S7** (submission point [72.8]), the submitter notes that many former Rural Recreational 3 Zoned sites have started camp sites and other activities to help support the facility for the community. Under the applicable standard the operators would have to ask campers to leave at either 11pm or 1am. The relief sought is to provide allowances for rural recreational areas (e.g., camp sites).

### *Analysis*

- 9.5.6 SARZ land is predominantly administered by Council, so it would not be possible for a person to build an equestrian centre on SARZ land unless they have the agreement of the Council. An exception is the land at the Geraldine Racecourse in Orari which is owned by DOC and managed by the Racecourse Trustees. The Trustees have delegated the day to day use and management of the grounds to the Orari Equestrian Centre, of which I

understand the submitter is the Chair. It is assumed that the matters raised by Ms Burdon primarily relate to activities taking place within the Geraldine Racecourse.

- 9.5.7 **SARZ-S2** ‘Scale of buildings and structures (excluding fences and playground equipment and public artwork)’, has a maximum of 150m<sup>2</sup> gross floor area for all buildings then switching to restricted discretionary beyond that. The matters to be considered include:

**Matters of discretion restricted to:**

1. any impact on the purpose, character and qualities of the site; and
2. any impact on the character and qualities of the surrounding area; and
3. any reduction in the area available for outdoor recreation activities; and
4. the effectiveness of proposed mitigation measures; and
5. any loss of existing planting and mature trees; and
6. any benefits, such as whether the building or structure will meet a recreational need of the community

- 9.5.8 The introduction of SARZ sub-chapter states that:

*The district’s major sports facilities are located in the Sport and Active Recreation Zone. This zone is used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures. It contains large-scale buildings along with car parking, lighting and signage and activity that can create large volumes of traffic and noise. Major facilities, such as the Southern Trust Events Centre, not only provide for recreation activities, but also act as a venue for exhibitions, concerts, theatre and other public events.*

- 9.5.9 The SARZ primarily provides for active, organised and informal recreation, sports and community activities. I consider that **SARZ-S2** is appropriate given that a building larger than 150m<sup>2</sup> could have adverse effects on neighbours, the character of the zone and loss of vegetation. It is acknowledged that an equestrian centre is a large scale building that would likely require resource consent for a restricted discretionary activity under **SARZ-S2**. However, it would still fit the purpose of the zone as set out in **SARZ-O1**. In my view it is appropriate that such a use is assessed against the matters of discretion set out above rather than permitting all large buildings within the SARZ.

- 9.5.10 **SARZ-S3** ‘Height of buildings and structures (excluding fences)’ restricts the maximum height to 15m above ground level. Buildings of greater height being a restricted discretionary activity. I note that any building or structure over a height of 15m is equivalent to the height of a three-storey building. In my view it is an appropriate outcome that such a building/structure is assessed via the resource consent process. In other words there are likely to be in my view situations where a building greater than 15m in height is not appropriate in the context of the receiving environment.

- 9.5.11 Boundary setbacks are a way of mitigating adverse effects of having buildings or structures too close together and can avoid adverse effects arising from access to sunlight, loss of privacy, visual amenity, spaciousness and streetscape, noise or visual effects from neighbouring properties.

- 9.5.12 Setbacks are not used for traditional height fences because they are used to mitigate many of the potential effects set out above. Fences can be used as the wall of a building, and **SARZ-R4** does not preclude that option. However, if the fence is to be used as a wall and that wall does not meet the setback requirements it would be assessed as a restricted discretionary activity. One of the matters to be considered is “*Any benefits such as a more efficient, practical and better use of the balance of the site...*”, this would allow a pragmatic assessment of a consent application as requested by the submitter.
- 9.5.13 **SARZ-S7** ‘Hours of operation’ relates to commercial activity as it is defined in the PDP:  
*means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).*
- 9.5.14 Any new camping grounds involving a tariff or charge would be considered a commercial activity. However camping grounds established under the rules of the ODP (or prior) would have existing use rights and would not be subject to the operating hours included under **SARZ-S7**.
- 9.5.15 Overall, I consider that the standards set out in out in **SARZ-S2** (Building Scale), **S3** (Height), **S4** (Setbacks) and **S7** (Hours of Operation) to be appropriate thresholds by which to trigger the need for resource consent and further assessment against the matters of discretion included therein. On that basis I recommend that the submissions by Burdon, L [72.5, 72.6, 72.7, 72.8] are rejected and the PDP retained as notified.

### Conclusions and Recommendations

- 9.5.16 Based on the analysis above, I recommend that the SARZ Standards are retained as notified.

## 9.6 SARZ – Planning Maps

- 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 3**:

SUBMITTER NAME	SUBMISSION POINT NUMBER
Rooney, AJ	177.1

### Submission

- 9.6.2 Rooney, AJ [177.1] seeks to rezone their property located on Domain Road and a portion of their property at 32 Milford Road, Temuka from SARZ to GRUZ; as shown in **Figures 7 and 8** below.



Figure 7: Location of the submitters property located on Domian Road, Temuka.



Figure 8: Location of the submitters property located at 32 Milford Road, Temuka.

- 9.6.3 The submitter opposes the Sport and Active Recreation Zone, noting that grazing [to control grass/weeds] is a permitted activity under the operative District Plan, but needs a resource consent in the SARZ. Mr Rooney considers the provisions of SARZ do not contemplate management of private land.

### ***Analysis***

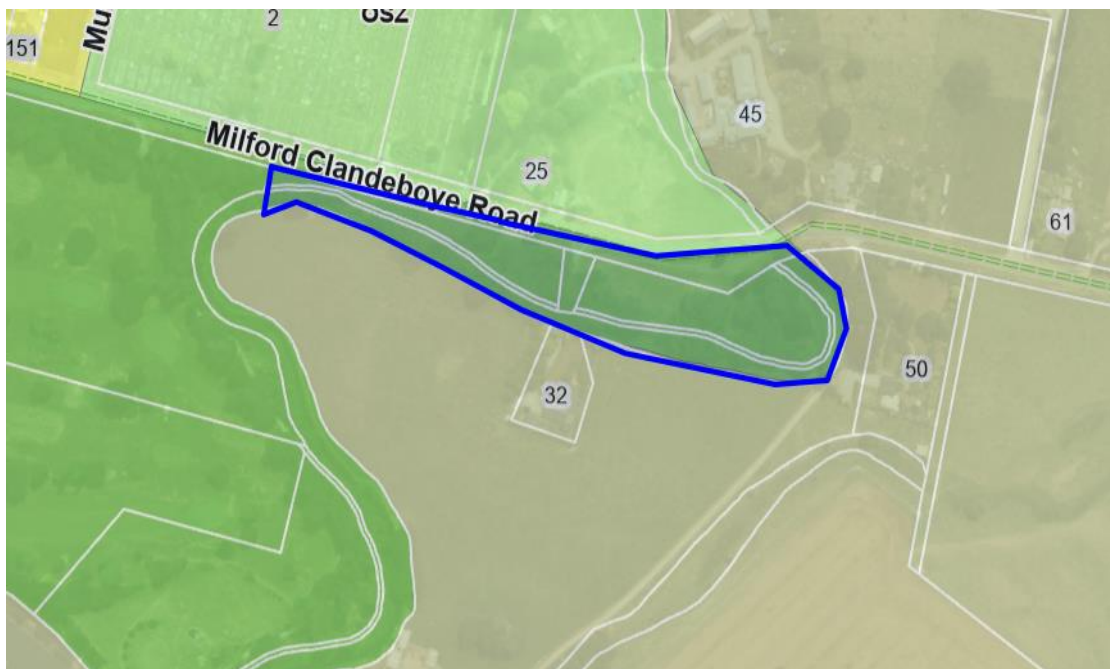
- 9.6.4 The Council's GEO MAPS and rates information confirm that Mr Rooney is the rightful owner of the land in question. The land adjoining these areas is contained within the

GRUZ, and I consider that this would be an appropriate zone as it would be contiguous with the areas sought to be re-zoned. The current use of the land by Mr Rooney is consistent with the land uses anticipated by the GRUZ.

- 9.6.5 I have also discussed the re-zoning with the Council's Manager Parks, who agrees to the re-zoning given that there is no continuous walkway otherwise provided along and through the submitters land. Therefore, I recommend that the submission from Alastair Rooney [177.1] be accepted.

### **Conclusions and Recommendations**

- 9.6.6 Based on the analysis above, I recommend that the land at Domain Avenue and 32 Milford-Clandebove Road is rezoned from Sports and Recreation Zone to the General Rural Zone.
- 9.6.7 The recommended amendment in terms of the extent of land to be rezoned is as set out in **Figure 9** below (shown in blue outline).
- 9.6.8 I consider the scale of the change does not require a section 32AA evaluation because it effectively addresses an anomaly in the PDP as notified. The site at 32 Milford Road is private land occupied by a dwelling and is not otherwise suitable for a SARZ. Similarly, the site adjacent to Domian Avenue is also private land and contains no structures or land use that are more effectively provided for under a SARZ when compared to the GRUZ, which better reflects the underlying land use and tenure of the land in private ownership.



**Figure 9: Updated planning map showing the boundary line (in blue) of the land recommended to be rezoned GRUZ in response to the submission from Alastair Rooney [177.1].**