

**UNDER THE RESOURCE MANAGEMENT ACT 1991**

**IN THE ENVIRONMENT COURT AT WELLINGTON**

**ENV-2018-WN-**

**IN THE MATTER** of a reference to the Environment Court under  
Clause 14 of the First Schedule to the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Proposed Central Hawkes Bay District Plan

**BETWEEN** **New Zealand Agricultural Aviation Association  
(NZAAA)**

Applicant

**AND** **Central Hawkes Bay District Council**

Respondent

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**NOTICE OF APPEAL  
ON THE PROPOSED CENTRAL HAWKES BAY DISTRICT PLAN**

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TO:

The Registrar  
Environment Court  
PO Box 5027  
Wellington

1. New Zealand Agricultural Aviation Association (NZAAA) appeals part of the decisions of the Central Hawkes Bay District Council on the Proposed Central Hawkes Bay District Plan.
2. NZAAA made a submission and further submissions on the Proposed Central Hawkes Bay District Plan.
3. NZAAA is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. NZAAA received notice of the decisions on 25 May 2023
5. The decisions were made by the Central Hawkes Bay District Council.
6. Decisions appealed against:
  - (a) Definition of helicopter landing area
  - (b) Definition of rural airstrip
  - (c) Noise -S4
  - (d) Noise -S5
  - (e) GRUZ-R5
  - (f) GRUZ-R22
  - (g) RPROZ-R5
  - (h) RPROZ-R23

All decisions are in Report Topic 3C Rural Environment: Rural activities: Key Issue 17 Provisions for agricultural aviation movements, rural airstrips and helicopter landing areas – definitions, rules and related noise standards.

7. The reasons for the appeals and relief sought are detailed in the table below.
8. General relief sought:

That consequential amendments be made as a result of the relief sought from the specific appeal points above (including where the same provisions are in a number of different zone chapters).

9. The following documents are attached to this notice:

- (a) a copy of NZAAA's submission and further submissions
- (b) a copy of the relevant parts of the decision



Tony Michelle  
**Executive Officer**  
**New Zealand Agricultural Aviation Association**

Dated: (05-07-2023)

Address for service of applicant:

Tony Michelle  
Executive Officer  
New Zealand Agricultural Aviation Association

Mobile 0274 325 085  
Email: [eonzaaa@aviationnz.co.nz](mailto:eonzaaa@aviationnz.co.nz)

Address: Aviation New Zealand  
Level 5, 5 Willeston Street,  
Wellington 6011,  
New Zealand

**Decisions of Central Hawkes Bay District Council on the Proposed Central Hawkes Bay District Plan which are appealed by NZAAA:**

| Appeal Point | Provision or Decision                 | Scope  | Reason   | Relief sought  |
|--------------|---------------------------------------|--|--|--|
| 1.           | Definition of helicopter landing area | NZAAA submitted (43.009) and further submitted on submissions on the definition of helicopter landing area | NZAAA sought that there be clear differentiation between helicopter depots and helicopter landing areas and sought use of CAA definitions. The decision adds a new definition for a helicopter depot which provides for differentiation but there is no corresponding amendment to the definition of helicopter landing area so that it clearly excludes helicopter depots and heliports. Helicopter landing areas are for intermittent use on an ad hoc basis whereas heliports and helipads are fixed locations that are typically used on a regular basis. An amendment to the definition of helicopter landing area would provide greater clarity as to the type of areas that are included under the definition and the related rules.  | Amend the definition of HELICOPTER LANDING AREA by removing the words “including heliports and helipads”.<br><br>Amend the definition of a HELICOPTER DEPOT by adding ‘includes heliports and helipads’.   |
| 2.           | Definition of rural airstrip          | NZAAA made further submissions on the submissions (58.004 and 121.248) on the definition of rural airstrip | NZAAA made further submissions seeking that it be clear that ‘rural airstrip’ is for the intermittent use of aircraft ancillary to primary production activities, not a base or depot.<br><br>The decisions amend the definition of rural airstrip to include an exclusion for ‘farm airstrips’. However there are no corresponding rules for ‘farm airstrips’ so it is not clear what the activity status for use of ‘farm airstrips’ is, as compared to ‘rural airstrips’.   | Include a permitted activity rules in GRUZ and RPROZ for ‘farm airstrips’.   |
| 3.           | Noise -S5                             | NZAAA submitted (43.001) and further submitted on submissions on Noise -S5                                 | NZAAA sought that Noise -S5 (11) be amended to have an unlimited number of days for agricultural aviation activity; that NOISE-S5 (12) be deleted; and limitations to 14 days in any calendar year be deleted from Noise – S5 (13 and Noise -S5(16). The submission also sought that there be a definition of operating day for agricultural aviation activities based on CAA definitions.<br><br>The decisions amend the provisions but not as sought by the submitter and retain the limitation of 14 days in any calendar year in 11, 13, and 16. A limitation of 14 days in any calendar year is ill defined as there is no definition of day and such a limitation does not recognise the critical nature of agricultural aviation activities to primary production in the district. Such a limitation is not justified by complaints about agricultural aviation activities. | Amend Noise- S5 (11) by deleting ‘for up to 14 days in any calendar year’.<br><br>Amend Noise – S5 (13) by deleting ‘for up to 14 days in any calendar year’.<br><br>Amend Noise – S5 (16) by deleting ‘for up to 14 days in any calendar year’<br><br>Include a definition for ‘day’ as follows:<br>For the purposes of agricultural aviation activities ‘Day’ means the hours between—<br>(1) the beginning of morning civil twilight, which is when the centre of the rising sun’s disc is 6 degrees below the horizon; and |

| Appeal Point | Provision or Decision | Scope  | Reason  | Relief sought  |
|--------------|-----------------------|--|---|--|
|              |                       |  | NZAAA seeks the deletion of the limitation of 14 days and also include a definition of 'day' for agricultural aviation activities based on the CAA definition.  | (2) the end of evening civil twilight, which is when the centre of the setting sun's disc is 6 degrees below the horizon."   |
| 4.           | GRUZ-R5               | NZAAA further submitted on submissions on GRUZ-R5  | <p>NZAAA sought that GRUZ-R5 be amended to ensure that it would not apply to facilities for agricultural aviation activities, including limitation on movements.</p> <p>The decision deletes the limitation on the number of movements but does retain the setback distances and does not exclude agricultural aviation activities. Such a limitation does not recognise the critical nature of agricultural aviation activities to primary production in the district. Such a limitation is not justified by complaints about agricultural aviation activities.</p>  | <p>Amend GRUZ-R5 as follows:</p> <p>a) The rural airstrip or helicopter landing area (<u>excluding for agricultural aviation activities</u>) is located a minimum distance of:</p> |
| 5.           | GRUZ-R22              | NZAAA made a submission (43.009) seeking differentiation between helicopter landing areas and helicopter depots. | As a consequence of submissions seeking differentiation between helicopter landing areas and helicopter depots the decision includes a new rule for airport/ aerodrome and helicopter depots other than rural airstrips. The intent is supported. However the exclusion should also apply to 'farm airstrips' as they are not included in the definition of rural airstrips.  | Amend GRUZ-R22 by adding:<br>Airport/ aerodrome (other than rural airstrip <u>and farm airstrips</u> ) and helicopter depot:   |
| 6.           | RPROZ-R5              | NZAAA submitted (43.008) and further submitted on submissions on RPROZ-R5  | <p>NZAAA sought that RPROZ-R5 be amended to ensure that it would not apply to facilities for agricultural aviation activities, including limitation on movements.</p> <p>The decision deletes the limitation on the number of movements but does retain the setback distances and does not exclude agricultural aviation activities. Such a limitation does not recognise the critical nature of agricultural aviation activities to primary production in the district. Such a limitation is not justified by complaints about agricultural aviation activities.</p> | Amend RPROZ-R5 as follows:<br>The rural airstrip or helicopter landing area ( <u>excluding for agricultural aviation activities</u> ) is located a minimum distance of:            |
| 7..          | RPROZ-R23             | NZAAA made a submission (43.009) seeking differentiation between helicopter landing areas and helicopter depots. | As a consequence of submissions seeking differentiation between helicopter landing areas and helicopter depots the decision includes a new rule for airport/ aerodrome and helicopter depots other than rural airstrips. The intent is supported. However the exclusion should also apply to 'farm airstrips' as they are not included in the definition of rural airstrips.  | Amend RPROZ-R23 by adding:<br>Airport/ aerodrome (other than rural airstrip <u>and farm airstrips</u> ) and helicopter depot   |

## **Advice to recipients:**

### *How to become a party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must:

- within 15 working days after the period of lodging appeals ends, lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging appeals ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see Form 38).

### *How to obtain copies of documents relating to the appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission or the decisions appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any question about this notice contact the Environment Court Unit of the Department for Courts in Christchurch.

## **Contact details of Environment Court for lodging documents**

Location: District Court Building  
43-49 Ballance St  
Wellington

Postal: PO Box 5027  
Lambton Quay  
Wellington

Telephone: 04 918 8300  
Fax: 04 918 8303

**Annexures:**

- A) Copy of the applicant's submission to which this appeal relates.**
- B) Copy of the relevant sections from the respondent's decision on submissions.**
- C) Names and Address of persons to be served with a copy of this notice.**

## **Annex A**

**Copy of the applicant's submission to which this appeal relates.**





## Online submission

This is a submission that was made online via the Council's website.

|                                     |  |
|-------------------------------------|--|
| <b>Submitter No.</b>                | S43  |
| <b>Submitter Name</b>               | New Zealand Agricultural Aviation Association  |
| <b>Submitter Company/Group Name</b> | New Zealand Agricultural Aviation Association  |
| <b>Submitter is contact</b>         | Yes  |
| <b>Email</b>                        | <a href="mailto:bill.macgregor@aviationnz.co.nz">bill.macgregor@aviationnz.co.nz</a> |
| <b>Wish to be heard</b>             | Yes  |
| <b>Joint presentation</b>           | Yes  |
| <b>Trade competition</b>            | I could not gain an advantage in trade competition through this submission.          |
| <b>Directly affected</b>            | N/A  |
| <b>Withhold contact details?</b>    | No   |

## Submission points

| Plan section                  | Provision | Support/oppose | Reasons   | Decision sought   |
|-------------------------------|-----------|----------------|---|---|
| GENERAL DISTRICT-WIDE MATTERS | NOISE-S5  | Oppose         | <p>The clause seeks to limit agricultural aviation movements to 14 days in any calendar year. This is problematic on a number of fronts.</p> <p>Of 43 rural airstrips covered by our data, while the majority could fall under the 14 days per annum, a significant minority do not. Several rural airstrips serve a community of farms and are used by several agricultural aviation operators so will exceed the 14 day usage limit every year.</p> <p>Operational reasons may limit an airstrip to only a few movements on any day thus using up one 'day' of the 14 for no advantage to the farm.</p> <p>Seasonal weather changes see airstrips used intermittently and should not be restricted by regulation.</p> <p>The majority of the airstrips in the region are sufficiently 'remote' to pose a noise nuisance to rural residences so a 14 day usage would be an artificial impost for little amenity gain but potential financial cost.</p> <p>Most rural airstrips are used for agricultural aviation activity only so do not produce aircraft noise apart from when the airstrip is being used for productive work.</p> | <p>Amend NOISE-S5 (11) to unlimited days use for agricultural aviation activity.</p> <p>Amend NOISE-S5 (12) delete in toto.</p> |
| GENERAL DISTRICT-WIDE MATTERS | NOISE-S5  | Amend          | NOISE-S5 (13): As a consequence of changes sought in NOISE-S5 (11) the provision should be amended to delete reference to 14 days usage in a calendar year.   | Amend NOISE-S5 (13) as follows: ....and agricultural aviation movements <del>for up to 14 days in any calendar year.</del>      |
| GENERAL DISTRICT-WIDE MATTERS | NOISE-S5  | Amend          | As a consequence of changes sought to NOISE-S5 (11) the provision should be amended to delete reference to 14 days usage in a calendar year.  | Amend NOISE-S5 (16) as follows.....and agricultural aviation movements <del>for up to 14 days in any calendar year.</del>       |
| ZONES                         | GRUZ-R4   | Support        | We support a rule that provides for activities inherent in primary production.  | Retain  |

| Plan section | Provision | Support/oppose | Reasons   | Decision sought  |
|--------------|-----------|----------------|---|--|
| ZONES        | GRUZ-R5   | Amend          | <p>It should be made clear that this does not apply to agricultural aviation movements ancillary to primary production activities.</p> <p>We do not support restrictions on movement numbers per annum where they apply to agricultural aviation.</p> <p>We do not support restricting the built footprint to 100 square metres where it applies to fertiliser storage on rural airstrips as keeping fertiliser properly stored in a dry environment without artificial constraints on the fertiliser heaps helps retain its flow qualities making for safer carriage and more even spread.</p> | Clarify that the rule will not apply to facilities for agricultural aviation activity ancillary to primary production activities. In particular that the 1,000 movements does not apply to agricultural aviation activity and the 100 square metre footprint does not apply to the storage of fertiliser on rural airstrips. |
| ZONES        | RPROZ-R4  | Support        | We support clear rules that provide for activities inherent to primary production.  | Retain   |
| ZONES        | RPROZ-R5  | Amend          | <p>It should be made clear that this does not apply to agricultural aviation movements ancillary to primary production activities.</p> <p>We do not support restrictions on movement numbers per annum where they apply to agricultural aviation.</p> <p>We do not support restricting the built footprint to 100 square metres where it applies to fertiliser storage on rural airstrips as keeping fertiliser properly stored in a dry environment without artificial constraints on the fertiliser heaps helps retain its flow qualities making for safer carriage and more even spread.</p> | Clarify that the rule will not apply to facilities for agricultural aviation activity ancillary to primary production activities. In particular that the 1,000 movements does not apply to agricultural aviation activity and the 100 square metre footprint does not apply to the storage of fertiliser on rural airstrips. |

## Documents included with submission

None

## CONTACT

## Submission on agricultural aviation operations in CHBDC region

| Provision   | Support/<br>Oppose | Reason  | Decision sought  |
|---|--------------------|---|--|
| Helicopter Landing Area   | Oppose.            | The draft plan had a definition of helicopter depot: a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters. This definition was clearly linked to the regular use of an area as a depot. The proposed plan has amended the definition to helicopter landing area and included a wider range of areas including areas used for intermittent use for primary production activities. There should be a clear distinction in the definition and we urge the CHBDC to adopt the terms used by the Civil Aviation Authority (CAA); main base; remote base; aerodrome; airstrip; heliport; and landing zone.                               | Adopt the CAA definitions for primary and secondary operating bases, and operating areas for commonality of terminology across the country.              |
| Definition of operating day for noise measurement being 07:00 to 19:00 hours. | Oppose.            | Agricultural aviation in particular is dependent on relatively settled weather for the application of fertilizer or agrichemicals. Settled conditions usually occur early in the morning before thermal mixing brings higher winds from above down to ground level and again in the late afternoon when thermal mixing reduces again and settled conditions recur. Agricultural aviation operators will therefore, try to be ready for operation as early to first light as possible, not sit around until 07:00 and will try to operate until as late as possible returning to base right on last light. We would prefer to see the daylight tables published in the NZ Aviation | Adopt the CAA definition of Day and the daylight tables published in the NZAIP as the guide for daylight operations for agricultural aircraft operation. |

|                  |  |  |                    |
|------------------|--|--|--------------------|
|                  |  | Information Publication (NZAIP) used as the guide for operations and the definition of Day adopted from the CAA Rule Part 1.   |                    |
| General comments |  | <p>1. The NZAAA supports the overall thrust of the Draft Plan but have concern with the introduction of arbitrary operating constraints such as number of days and/or number of aircraft movements.</p> <p>2. We have a close association with the NZ Ground Spread Fertilizer Association (NZGFA) and both associations are concerned that if aircraft are restricted from agricultural operations the ground spreaders will have pressure on them to put their spreader vehicles onto rugged country not suited to them. This can only lead to an increased accident rate amongst their members which they do not wish to see.</p> | Note the comments. |

## **Addendum to submission S43 on agricultural aviation operations in CHBDC region**

### **Background to agricultural aviation in Central Hawkes Bay**

1. Importance of agricultural aviation to the CHB as a production multiplier to agriculture in the district. The ability to apply fertilizer and agrichemicals to areas inaccessible to ground spreaders extends the productive areas in the district.
2. The NZAAA supports the overall thrust of the Draft Plan but has concern with the introduction of arbitrary operating constraints such as number of days and/or number of aircraft movements and potential restrictions on the floorplan area of fertilizer storage on rural airstrips.
3. We have a close association with the NZ Ground Spread Fertilizer Association (NZGFA) and both associations are concerned that if aircraft are restricted from agricultural operations the ground spreaders will have pressure on them to put their spreader vehicles onto rugged country not suited to them. This can only lead to an increased accident rate amongst their members which they do not wish to see.
4. CAA have a range of definitions that are more relevant to agricultural aviation movements than those in the Plan. Examples being the definition of daylight in the context of aircraft operating hours; helicopter operating bases/area etc.
5. Note that Aviation New Zealand, our parent organization, is submitting on behalf of other members on the Waipukurau aerodrome. NZAAA supports the request to extend the number of aircraft movements from 6,500 to 15,000 before further noise measuring requirements are triggered. Both fixed wing and helicopter agricultural aviation operators work from the aerodrome and we request that their operational movements be separated from other aircraft movements in the counting of movements.



Closing  
date for further  
submissions:  
Friday 29 October  
2021

Further Submission Form In support of, or in opposition to, submission/s on the  
**Central Hawkes District Proposed District Plan**

Clause 8 of Schedule 1, Resource Management Act 1991

To submit electronically please go to: [www.chbdc.govt.nz/districtplanreview](http://www.chbdc.govt.nz/districtplanreview)

|   |   |                          |
|---|---|--------------------------|
| <b>1. Further Submitter details:</b> (mandatory information)  |   |                          |
| Full name of individual/organisation making further submission:   | NZ Agricultural Aviation Association (NZAAA)  |                          |
| Contact person (if different from above):   | Bill MacGregor  |                          |
| Email address for service:  | Bill.MacGregor@aviationnz.co.nz   |                          |
| Postal address for service:   | Level 5, EMC2 House, 5 Willeston Street, Wellington   |                          |
| Preferred method of contact:  | <input checked="" type="checkbox"/> Email <input type="checkbox"/> Post   | Postcode 6011            |
| Phone numbers:  | Daytime 027-436-0022  | Mobile 027-436-0022      |
| <b>2. Eligibility to make a further submission:</b> (for information on this section go to RMA Schedule 1, clause 8)  |   |                          |
| I am:   | <input checked="" type="checkbox"/> A person representing a relevant aspect of the public interest; In this case, also specify below the grounds for saying that you come within this category; or<br><input type="checkbox"/> A person who has an interest in the proposal greater than the interest that the general public has. In this case, also specify below the grounds for saying that you come within this category; or |                          |
| My reasons for selecting the category ticked above are:<br>I am the Executive Officer for the NZAAA   |   |                          |
| <b>3. Request to be heard at a hearing</b>  |   |                          |
| <input checked="" type="checkbox"/> Yes, I wish to be heard at the hearing in support of my further submission; or  |   |                          |
| <input type="checkbox"/> No, I do not wish to be heard at the hearing in support of my further submission   |   |                          |
| <b>4. Joint submission</b>  |   |                          |
| If others make a similar submission, I will consider presenting a joint case with them at the hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                 |   |                          |
| <b>5. Joint submission</b>  |   |                          |
| <input type="checkbox"/> I have filled in the table on the next page with details of my further submission.   |   |                          |
| <input type="checkbox"/> I have added _____ further pages/sheets that form part of my further submission.   |   |                          |
| <input type="checkbox"/> I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council. |   |                          |
| <b>6. Joint submission</b> (a signature is not required if you make your submission by electronic means)  |   |                          |
| Signature of further submitter (or person authorised to sign on their behalf)   |   |                          |
| Signature: (type name if submitting electronically)<br>Bill MacGregor   |   | Date:<br>9 November 2021 |

**7. Return this form no later than 5pm Friday 29 October 2021 by:**

- Delivery to Central Hawkes Bay District Council office on Ruataniwha Street Waipawa or the Waipawa Library
- Post to Central Hawkes District Council, 28/32 Ruataniwha Street, Waipawa 4210
- Email to [districtplan@chbdc.govt.nz](mailto:districtplan@chbdc.govt.nz)

**2. Important notes to person making a further submission:**

**A. Content of further submission**

A further submission must be limited to a matter in support of, or in opposition to, an original submission. A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**B. Serving a copy of your further submission**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council (See table on following page).

**C. Privacy Information**

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.



**The specific submission(s) on the Proposed Central Hawkes Bay District Proposed District Plan that this further submission relates to:**

| <b>Name of original submitter</b> | <b>Address of original submitter</b>          | <b>Original Submitter number</b> | <b>Original submission point number/s</b> | <b>Support or Oppose</b>    | <b>Reasons for my support or opposition are...</b> | <b>I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed)<br/>Give precise details</b> |
|-----------------------------------|---|----------------------------------|---|-----------------------------|--|--|
| <i>Example:<br/>John Smith</i>    | <i>Example:<br/>5 River Road,<br/>Waipawa</i> | <i>Example: 200</i>              | <i>Example: 200.1</i>                     | <i>Example:<br/>Support</i> | <i>Example:<br/>It is important that...</i>        | <i>Example:<br/>I seek that the whole of the submission be allowed.</i>  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |
|                                   |   |                                  |   |                             |  |  |



### Further submissions on submissions to Central Hawkes Bay District Plan from NZ Agricultural Aviation Association

\*this submission updates our earlier submission and makes some minor amendments to them by supporting the submissions made by Hort NZ. Additionally it makes comment on other submissions on the same plan provisions.

| Submitter                            | Submitter number and point | Plan provision                     | Support / oppose | Reason   | Decision Sought   |
|--------------------------------------|----------------------------|------------------------------------|------------------|--|---|
| NZ Agricultural Aviation Association | 43.009                     | Definition Helicopter Landing area | Support in part  | There needs to be clarity as to the use of areas for helicopter landings and using the CAA terms could assist.   | Amend the definition of helicopter landing area either as sought by HortNZ or use CAA terms.  |
| J and S Calder                       | 58.004                     | Definition rural airstrip          | Oppose           | It should be clear that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities, not to be used as a base for use at the start and end of each working day. Such an airstrip is a base or depot. | Reject submission.  |
| Federated Farmers of NZ              | 121.248                    | Definition rural airstrip          | Oppose in part   | It should be clear that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.   | Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities. |
| NZ Agricultural Aviation Association | 43.010                     | NOISE-S4                           | Support in part  | There needs to be flexibility in the time when agricultural aviation can be undertaken to reflect suitable weather conditions for the activity.  | Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.   |

|                                      |         |                        |         |   |                    |
|--------------------------------------|---------|------------------------|---------|---|--------------------|
| Aerospread Ltd                       | 38.001  | NOISE-S5 (11)          | Support | There should not be a limit on number of days for agricultural aviation undertaken as an intermittent activity for primary production activities.           | Accept submission. |
| NZ Agricultural Aviation Association | 43.001  | NOISE-S5 (11)          | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities. | Accept submission. |
| J & S Calder                         | 58.003  | NOISE S5 (11) and (12) | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities  | Accept submission  |
| Ballance Agri-Nutrients Ltd          | 76.001  | NOISE-S5 (11) and (12) | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities  | Accept submission  |
| Horticulture NZ                      | 81.100  | NOISE-S5 (11)          | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities  | Accept submission  |
| Federated Farmers of NZ              | 121.109 | NOISE-S5 (11) and (12) | Support | There should not be a limit on number of days for agricultural aviation movements and noise undertaken as an intermittent                                   | Accept submission  |

|                                      |        |               |         |   |                    |
|--------------------------------------|--------|---------------|---------|---|--------------------|
|                                      |        |               |         | activity for primary production activities  |                    |
| Aerospread Ltd                       | 38.002 | NOISE-S5 (12) | Support | There should not be a limit on noise for agricultural aviation undertaken as an intermittent activity for primary production activities.                        | Accept submission. |
| NZ Agricultural Aviation Association | 43.002 | NOISE-S5 (12) | Support | There should not be a limit on noise for agricultural aviation movements undertaken as an intermittent activity for primary production activities.              | Accept submission. |
| Karen Middelberg                     | 36.001 | NOISE-S5 (13) | Support | There should not be a limit on the number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities. | Accept submission. |
| Aerospread Ltd                       | 38.003 | NOISE-S5 (13) | Support | There should not be a limit on the number of days for agricultural aviation undertaken as an intermittent activity for primary production activities.           | Accept submission. |
| NZ Agricultural Aviation Association | 43.003 | NOISE-S5 (13) | Support | There should not be a limit on the number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities. | Accept submission. |
| Ballance Agri-Nutrients Ltd          | 76.002 | NOISE-S5 (13) | Support | There should not be a limit on number of days for agricultural aviation movements undertaken  | Accept submission  |

|                                      |         |               |         |  |                    |
|--------------------------------------|---------|---------------|---------|--|--------------------|
|                                      |         |               |         | as an intermittent activity for primary production activities  |                    |
| Horticulture NZ                      | 81.101  | NOISE-S5 (13) | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities           | Accept submission  |
| Federated Farmers of NZ              | 121.110 | NOISE-S5 (13) | Support | There should not be a limit on number of days for agricultural aviation movements and noise undertaken as an intermittent activity for primary production activities | Accept submission  |
| Aerospread Ltd                       | 38.004  | NOISE-S5 (16) | Support | There should not be a limit on the number of days for agricultural aviation undertaken as an intermittent activity for primary production activities.                | Accept submission. |
| NZ Agricultural Aviation Association | 43.004  | NOISE-S5 (16) | Support | There should not be a limit on the number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities.      | Accept submission. |
| Ballance Agri-Nutrients Ltd          | 76.003  | NOISE-S5 (16) | Support | There should not be a limit on number of days for agricultural aviation movements undertaken as an intermittent activity for primary production activities           | Accept submission  |
| Horticulture NZ                      | 81.102  | NOISE-S5 (16) | Support | There should not be a limit on number of days for agricultural   | Accept submission  |

|                                |         |               |         |  |   |
|--------------------------------|---------|---------------|---------|--|---|
|                                |         |               |         | aviation movements undertaken as an intermittent activity for primary production activities  |   |
| Federated Farmers of NZ        | 121.111 | NOISE-S5 (16) | Support | There should not be a limit on number of days for agricultural aviation movements and noise undertaken as an intermittent activity for primary production activities                                       | Accept submission   |
| Federated Farmers of NZ        | 121.189 | GRUZ-R4       | Support | Inclusion of 'landing areas' is implicit in the rule providing for agricultural aviation movements   | Accept submission   |
| Aerospread Ltd                 | 38.008  | GRUZ-R5       | Support | It should be clear that GRUZ-R5 does not apply to facilities for agricultural aviation ancillary to primary production activities.<br>Amending GRUZ-R4 as sought by Federated Farmers assists this outcome | Accept submission   |
| NZ Agricultural Aviation Assoc | 43.006  | GRUZ-R5       | Support | It should be clear that GRUZ-R5 does not apply to facilities for agricultural aviation ancillary to primary production activities.<br>Amending GRUZ-R4 as sought by Federated Farmers assists this outcome | Accept submission   |
| Josh and Suzie Calder          | 58.001  | GRUZ-R5       | Oppose  | There needs to be a distinction between rural airstrips and helicopter landing areas used  | Amend the rule framework to make a clear distinction between rural airstrips and helicopter |

|                             |         |          |                 |  |  |
|-----------------------------|---------|----------|-----------------|--|--|
|                             |         |          |                 | intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis.   | landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis   |
| Ballance Agri-Nutrients Ltd | 76.005  | GRUZ-R5  | Support in part | There needs to be a distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis. | Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis |
| Federated Farmers of NZ     | 121.190 | GRUZ-R5  | Support         | There needs to be a distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis. | Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.   |
| Federated Farmers of NZ     | 121.218 | RPROZ-R4 | Support         | Inclusion of 'landing areas' is implicit in the rule providing for agricultural aviation movements   | Accept submission  |
| Aerospread Ltd              | 38.010  | RPROZ-R5 | Support         | It should be clear that RPROZ-R5 does not apply to facilities for agricultural aviation ancillary to primary production activities.<br>Amending RPROZ-R4 as sought by Federated Farmers assists this outcome                   | Accept submission  |

|                                |        |          |         |  |  |
|--------------------------------|--------|----------|---------|--|--|
| Jill Fraser                    | 41.002 | RPROZ-R5 | Oppose  | It should be clear that RPROZ-R5 does not apply to intermittent use for agricultural aviation ancillary to primary production activities. This is an activity that is part of primary production in rural areas.               | Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis |
| Jill Fraser                    | 41.003 | RPROZ-R5 | Oppose  | It should be clear that RPROZ-R5 does not apply to intermittent use for agricultural aviation ancillary to primary production activities. This is an activity that is part of primary production in rural areas.               | Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis |
| NZ Agricultural Aviation Assoc | 43.008 | RPROZ-R5 | Support | It should be clear that RPROZ-R5 does not apply to facilities for agricultural aviation ancillary to primary production activities.<br><br>Amending RPROZ-R4 as sought by Federated Farmers assists this outcome               | Accept submission  |
| Josh and Suzie Calder          | 58.002 | RPROZ-R5 | Oppose  | There needs to be a distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis. | Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and   |

|                             |        |          |                 |  |  |
|-----------------------------|--------|----------|-----------------|--|--|
|                             |        |          |                 |  | facilities that are used on a regular basis  |
| Ballance Agri-Nutrients Ltd | 76.007 | RPROZ-R5 | Support in part | There needs to be a distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis. | Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary to primary production activities and facilities that are used on a regular basis |



## **Annex B**

**Copy of the relevant sections from the respondent's decision on submissions.**



**CENTRAL  
HAWKE'S BAY**  
DISTRICT COUNCIL

**REPORT OF HEARING  
PANEL**

**Independent Hearing Commissioners:**

Robert Schofield (Chair)  
Loretta Lovell  
Tim Aitken  
Kate Taylor  
Pip Burne [in part]

**TOPIC 3C:**

**Rural Environment: Rural Activities**

**REPORT DATED:**

**4 May 2023**

**DATE OF HEARING:**

**15 to 16 June 2022**

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## List of Submitters and Further Submitters addressed in this Panel Report 3C: Rural Activities

| Submitter Name   | Submission Number(s) |
|--|----------------------|
| Aerospread Ltd (Aerospread)  | S38                  |
| Ballance Agri-Nutrients Limited (Balance Agri-Nutrients)           | S76                  |
| Egg Producers Federation of New Zealand (Egg Producers Federation) | S27                  |
| Federated Farmers of New Zealand (Federated Farmers)               | S121                 |
| Hatuma Lime Co Ltd (Hatuma Lime)                                   | S98                  |
| Horticulture New Zealand (Hort NZ)                                 | S81                  |
| Jill Fraser  | S41                  |
| Josh and Suzie Calder  | S58                  |
| Karen Middelberg   | S36                  |
| Ministry of Education  | S73                  |
| New Zealand Agricultural Aviation Association (NZAAA)              | S43                  |
| New Zealand Pork Industry Board (Pork Industry Board)              | S42                  |
| Silver Fern Farms Limited (Silver Fern Farms)                      | S116                 |
| Te Mata Mushrooms Land Company Limited (Te Mata Mushrooms)         | S102                 |
| Waka Kotahi NZ Transport Agency (Waka Kotahi)                      | S78                  |

| Further Submitter Name   | Further Submission Number(s) |
|--|------------------------------|
| Aerospread   | FS10                         |
| Federated Farmers  | FS25                         |
| First Gas Limited (First Gas)  | FS3                          |
| Hort NZ  | FS17                         |
| Jill Fraser  | FS2                          |
| Livingston Properties Limited (Livingston Properties)                                | FS27                         |
| NZAAA  | FS14                         |
| Pork Industry Board  | FS6                          |
| Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) | FS9                          |
| Silver Fern Farms  | FS8                          |
| Ministry of Education  | FS11                         |

| Further Submitter Name | Further Submission Number(s) |
|------------------------|------------------------------|
| Waka Kotahi            | FS16                         |

# PART A – PRELIMINARY MATTERS

## 1 Introduction

### 1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel on the submissions and evidence considered at the Rural Environment topic hearing, held on 15 and 16 June 2022, held at the CHBDC Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel (“the Panel”) on submissions on the Proposed District Plan (PDP), will all go before the full Council following the end of the hearings, who will make the formal decisions
- 1.1.3 Given the number, nature and extent of the submissions and further submissions received, the s42A report was structured into 20 Key Issues spread across four volumes:
- Volume 1 – Strategic Direction & General Matters (Key Issues 1 to 3);
  - Volume 2 – Rural Zones, Rural Noise, Rural Subdivision (Key Issues 4 to 11);
  - Volume 3 – Specific Rural Activities within the Rural Zones (Key Issues 12 to 17); and
  - Volume 4 – Other Specific Activities within the Rural Zones (Key Issues 18 to 20).
- 1.1.4 The Panel reports are structured in four volumes in alignment with the s42A report structure: Reports 3A to 3D. This volume of the Panel report addresses submissions and further submissions on the ‘Key Issues’ relevant to ‘Rural Activities’ (Volume 3). This report addresses submissions received on the broader provisions for:
- Artificial crop protection structures;
  - Workers and seasonal workers accommodation;
  - Intensive primary production;
  - Post-harvest facilities;
  - Rural industry; and
  - Agricultural aviation movements, rural airstrips, and helicopter landing areas.

### 1.2 Statutory considerations

- 1.2.1 Refer to Panel Report 3A for the relevant statutory considerations.

### 1.3 Submissions

- 1.3.1 There were 15 submitters and 12 further submitters on the provisions addressed in this volume.
- 1.3.2 There were 179 original submission points, and 151 further submission points received on the provisions relating to this topic.

1.3.3 Of the 179 original submission points, 40 submission points are in support.

## **1.4 Procedural matters**

1.4.1 Procedural matters relating to the hearing are set out in Volume 3A of this Panel Report.

## **1.5 Hearing**

1.5.1 Submitters who appeared at the hearing, and the topics and Panel Report volume under which their evidence is discussed, are shown in Table 1 in Volume 3A.

## **1.6 Structure of this report**

1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report Volume 3, rather than present a submission point by submission point evaluation. This Panel Report (3C) addresses the following Key Issues:

1.6.2 Key Issue 12: Provision for Artificial Crop Protection Structures, and Workers & Seasonal Workers Accommodation.

1.6.3 Key Issue 13: Provision for Intensive Primary Production – Definitions, Issues, Objectives & Policies.

1.6.4 Key Issue 14: Provision for Intensive Primary Production – Rules, Standards, Assessment Matters etc:

- Key Issue 15: Provision for Post-Harvest Facilities and Rural Industry – Definitions, Issues, Objectives & Policies;
- Key Issue 16: Provision for Post-Harvest Facilities and Rural Industry – Rules, Standards, Assessment Matters etc.; and
- Key Issue 17: Provision for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas – Definitions, Rules & Related Noise Standards.

1.6.5 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. Our evaluation includes definitions as relevant.

1.6.6 We then turn our evaluation to the higher-level provisions of the District Plan relating to the topic: the objectives and policies and associated matters.

1.6.7 Thereafter we consider the associated rules and standards, and, if relevant, methods and anticipated environmental results.

1.6.8 Finally, we consider whether there were any minor errors that should be rectified or consequential amendments that may be needed as a result of our recommendations.



- 1.6.9 The Panel's recommendations against each submission point across the whole of the Rural Environment topic are listed in the table in Appendix A at the end of Panel Report 3D.

# PART B – EVALUATION

## 2 Key Issue 12 – Provision for artificial crop protection structures, and workers & seasonal workers accommodation

### 2.1 Proposed plan provisions

- 2.1.1 This key issue relates to provision for artificial crop protection structures, and workers and seasonal workers accommodation.

### 2.2 Submissions

- 2.2.1 There were 16 submissions and 1 further submission that sought new or amended provisions in the PDP specifically for ‘artificial crop protection structures’ and for ‘workers accommodation’ and sought amendments to the PDP provisions addressing ‘seasonal workers accommodation’.

### 2.3 Reporting planner’s recommendations

#### Artificial crop protection structures

- 2.3.1 The reporting planner accepted the submission of Hort NZ that such structures were quite distinct from greenhouses and crop support structures and accepted that the way the provisions were written in the PDP, they may unintentionally be caught by the definition of ‘building’.
- 2.3.2 However, the reporting planner did not support amendment of Standard RPROZ-S2, as sought by Hort NZ, that would effectively exclude all greenhouses from the total building coverage calculation. As currently written, she noted that this standard only excluded greenhouses from the building coverage calculation ‘where crops are grown under or within those structures directly in the soil of the site’. The reporting planner considered this reflected the intent of the standard, which was to limit the loss of productive soils: where a greenhouse was established on hardstand, any productive soils beneath were likely lost, whereas the productive soils supporting crops grown under or within greenhouses where they were directly in the soil of the site were still available for current and future generations. She considered this was an important distinction, and the reporting planner recommended that this aspect of the standard be retained as notified.
- 2.3.3 The reporting planner considered it reasonable and appropriate to provide specifically for ‘artificial crop protection structures’ in the PDP, as distinct from other ‘buildings’ or ‘structures’, with the introduction of a new rule, and amendments to relevant standards in the General Rural Zone and Rural Production Zone (being Standards RPROZ-S2 (Total Building Coverage), GRUZ-S3 & RPROZ-S4 (Height in Relation to Boundary), and GRUZ-S5 & RPROZ-S6(Setback from Neighbours)).

#### Worker’s accommodation

- 2.3.4 The Pork Industry Board sought specific provision for ‘workers accommodation’ in the PDP. The reporting planner did not consider separate provision for workers accommodation (including associated definition) in the General Rural or Rural Production Zones was necessary or warranted

## Seasonal workers accommodation

- 2.3.5 The reporting planner noted a good level of support among submissions for the 'seasonal workers accommodation' provisions in the PDP in terms of providing for temporary and/or communal living arrangements, which were quite distinct from permanent worker accommodation and that might support a full-time employee and their family.
- 2.3.6 Hort NZ sought removal of the Permitted Activity limits on floor area and number of people to be accommodated in Rules GRUZ-R2(1)(a) & RPROZ-R2(1)(a), and to replace these with a single requirement to comply with a 'Code of Practice for Seasonal Worker Accommodation'.
- 2.3.7 The reporting planner did not consider that the Code provided any relevant limitations that could be applied in a District Plan rule framework setting and related almost exclusively to Building Consent application or Department of Labour matters, as opposed to matters relevant to potential effects on the environment. Therefore, the reporting planner did not support replacement of the threshold limits in Rules GRUZ-R2(1)(a) & RPROZ-R2(1)(a) with a requirement to be in accordance with this Code.
- 2.3.8 The planner's recommended amendments to the provision are addressed below:

| <b><u>GRUZ-RX Artificial Crop Protection Structures</u></b>   |  |
|---|--|
| <p>1. <b><u>Activity Status: PER</u></b><br/><b><u>Where the following conditions are met:</u></b></p> <p>a. <b><u>Limited to:</u></b></p> <ol style="list-style-type: none"> <li><b><u>Use of green or black cloth on vertical faces within 30m of the site boundary;</u></b></li> <li><b><u>Use of green, black, or white cloth on horizontal surfaces.</u></b></li> </ol> <p>b. <b><u>Compliance with:</u></b></p> <ol style="list-style-type: none"> <li><b><u>GRUZ-S2 Height of buildings;</u></b></li> <li><b><u>GRUZ-S7 Electrical safety distances; and</u></b></li> <li><b><u>GRUZ-S13 Setbacks from National Grid.</u></b></li> </ol> | <p>2. <b><u>Activity status where compliance not achieved: RDIS</u></b><br/><b><u>Matters over which discretion is restricted:</u></b></p> <ol style="list-style-type: none"> <li><b><u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></b></li> <li><b><u>The effects of not meeting electricity safety distances and setbacks from the National Grid.</u></b></li> </ol> |

| <b><u>RPROZ-RX Artificial Crop Protection Structures</u></b>   |  |
|--|--|
| <p>1. <b><u>Activity Status: PER</u></b><br/><b><u>Where the following conditions are met:</u></b></p> <p>a. <b><u>Limited to:</u></b></p> <ol style="list-style-type: none"> <li><b><u>Use of green or black cloth on vertical faces within 30m of the site boundary;</u></b></li> <li><b><u>Use of green, black, or white cloth on horizontal surfaces.</u></b></li> </ol> <p>b. <b><u>Compliance with:</u></b></p> <ol style="list-style-type: none"> <li><b><u>RPROZ-S3 Height of buildings;</u></b></li> <li><b><u>RPROZ-S8 Electrical safety distances; and</u></b></li> <li><b><u>RPROZ-S15 Setbacks from National Grid.</u></b></li> </ol> | <p>2. <b><u>Activity status where compliance not achieved: RDIS</u></b><br/><b><u>Matters over which discretion is restricted:</u></b></p> <ol style="list-style-type: none"> <li><b><u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></b></li> <li><b><u>The effects of not meeting electricity safety distances and setbacks from the National Grid.</u></b></li> </ol> |

And amend the following:

| <b><u>RPROZ-S2 Total Building Coverage</u></b> |   |
|--|---|
| All  | <ol style="list-style-type: none"> <li>Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m<sup>2</sup>, whichever is the lesser, except: <ol style="list-style-type: none"> <li>for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m<sup>2</sup>, whichever is the lesser.</li> </ol> </li> <li>Netting, structures <b><u>(including artificial crop protection structures)</u></b>, and greenhouses where crops are grown under or within those structures directly in the soil of the site, are excluded from total building coverage calculations.</li> </ol> |

| GRUZ-S3 Height in Relation to Boundary |  |
|--|--|
| All                                    | <ol style="list-style-type: none"> <li>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> <li>a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>c. solar Panel s or solar hot water systems (and associated hardware), provided that the Panel s do not protrude more than 500mm from the surface of the roof.</li> </ol> </li> <li>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</li> </ol> <p><b><u>Note: This does not apply to artificial crop protection structures.</u></b></p> |

| RPROZ-S4 Height in Relation to Boundary |  |
|---|--|
| All                                     | <ol style="list-style-type: none"> <li>1. No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> <li>a. chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;</li> <li>c. solar Panel s or solar hot water systems (and associated hardware), provided that the Panel s do not protrude more than 500mm from the surface of the roof.</li> </ol> </li> <li>2. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.</li> </ol> <p><b><u>Note: This does not apply to artificial crop protection structures.</u></b></p> |

| GRUZ-S5 Setback from Neighbours                     |   |
|---|---|
| ...   | ...   |
| <b><u>Artificial Crop Protection Structures</u></b> | <b>4. <u>Minimum setback from side and rear boundaries of 1m.</u></b> |

| RPROZ-S6 Setback from Neighbours                    |   |
|---|---|
| ...   | ...   |
| <b><u>Artificial Crop Protection Structures</u></b> | <b>4. <u>Minimum setback from side and rear boundaries of 1m.</u></b> |

## 2.4 Evidence to the hearing

- 2.4.1 Jordyn Landers gave industry evidence for Hort NZ and Lynette Wharfe presented planning evidence. Ms Wharfe's evidence generally supported the s42A report in respect of the inclusion of a specific rule for artificial crop protection structures, but sought amendments to the provision for seasonal worker accommodation be amended to only a floor area applying and inclusion of the Code of Practice for Seasonal Worker Accommodation.

## 2.5 Post hearing information

- 2.5.1 The reporting planner's right-of-reply addressed the provision of artificial crop protection structures. The reporting planner did not revise her position from the s42A report to include a 1m setback standard in permitted activity rule. The right-of-reply also addressed building coverage and the reporting planner confirmed her position in the s42A report which was that the standard only excludes greenhouses from the building coverage calculation 'where crops are grown under or within those structures directly in the soil of the site'. This reflected the intent of the standard, which was to limit the loss of productive soils.
- 2.5.2 The right-of-reply also addressed Seasonal Workers Accommodation, and the reporting planner had revised her position to 'accept in part' the submission of Hort NZ and recommended removing the 24 people limit from Rules GRUZ-R2 and RPROZ-R2.

## 2.6 Evaluation and findings

- 2.6.1 The Panel's recommendations against each submission point are listed in the table in Appendix B. The following section outlines the evaluation and findings in relation to the key points of contention.

### Artificial crop protection structures

- 2.6.2 The Panel disagrees with the planner that a 1m setback is appropriate for artificial crop protection structures. These structures can be long and continuous and although they are 'transparent' depending on the colour of the material, some material would be less opaque than others, and there was no control on this proposed.
- 2.6.3 The Panel considers these structures can dominate the landscape, particularly neighbouring properties and the Panel considers that a greater setback is more appropriate. The Panel undertook a brief site visit to a newly established artificial crop protection structure on 9 August 2022, and concluded that a 5m setback was more appropriate as this was in line with the continuous tree planting setback. Where crop protection structures adjoin a separate site containing residential dwelling a 15m setback from the nearest part of the residential dwelling on a separate site is considered appropriate by the Panel. It is noted that the Panel did consider whether a height in relation to boundary standard would be more appropriate, but there was no evidence to support this.
- 2.6.4 Finally, the Panel noted that if a neighbour agreed to a lesser setback, then the Deemed Permitted activity provisions of the RMA could apply.
- 2.6.5 The Panel recommends the following amendments in highlighted grey text:

**GRUZ-RX Artificial Crop Protection Structures**

|  |   |
|--|---|
| <p>1. <u>Activity Status: PER</u><br/>Where the following conditions are met:</p> <p>a. <u>Limited to:</u></p> <ol style="list-style-type: none"> <li><u>Use of green or black cloth on vertical faces within 30m of the site boundary;</u></li> <li><u>Use of green, black, or white cloth on horizontal surfaces.</u></li> </ol> <p>b. <u>Shall be setback a minimum distance of:</u></p> <ol style="list-style-type: none"> <li><u>5m from the site boundary;</u></li> <li><u>15m from the nearest part of a residential dwelling on a separate site.</u></li> </ol> <p>c. <u>Compliance with:</u></p> <ol style="list-style-type: none"> <li><u>GRUZ-S2 Height of buildings;</u></li> <li><u>GRUZ-S7 Electrical safety distances; and</u></li> <li><u>GRUZ-S13 Setbacks from National Grid.</u></li> </ol> | <p>2. <u>Activity status where compliance not achieved: RDIS</u><br/>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li><u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></li> <li><u>The effects of not meeting electricity safety distances and setbacks from the National Grid.</u></li> </ol> |
|--|---|

| <u>RPROZ-RX Artificial Crop Protection Structures</u>   |   |
|---|---|
| <p>1. <u>Activity Status: PER</u><br/>Where the following conditions are met:</p> <p>a. <u>Limited to:</u></p> <ol style="list-style-type: none"> <li><u>Use of green or black cloth on vertical faces within 30m of the site boundary;</u></li> <li><u>Use of green, black, or white cloth on horizontal surfaces.</u></li> </ol> <p>b. <u>Shall be setback a minimum distance of:</u></p> <ol style="list-style-type: none"> <li><u>5m from the site boundary;</u></li> <li><u>15m from the nearest part of a residential dwelling on a separate site.</u></li> </ol> <p>c. <u>Compliance with:</u></p> <ol style="list-style-type: none"> <li><u>RPROZ-S3 Height of buildings;</u></li> <li><u>RPROZ-S8 Electrical safety distances; and</u></li> <li><u>RPROZ-S15 Setbacks from National Grid.</u></li> </ol> | <p>2. <u>Activity status where compliance not achieved: RDIS</u><br/>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li><u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></li> <li><u>The effects of not meeting electricity safety distances and setbacks from the National Grid.</u></li> </ol> |

#### Worker's accommodation

- 2.6.6 The Panel agrees with the reporting planner that a separate provision for workers accommodation (including associated definition) in the General Rural or Rural Production Zones is not necessary or warranted.

#### Seasonal workers accommodation

- 2.6.7 The Panel agrees with the reporting planner that the limits on floor area and number of people should not be replaced with the 'Code of Practice for Seasonal Worker Accommodation' and that the 24-person threshold should be removed as the maximum floor area is sufficient to limit the amount of people.

### 3 Key Issue 13 – Provision for intensive primary production – definitions, issues, objectives & policies

#### 3.1 Proposed plan provisions

- 3.1.1 This key issue addresses the submissions in relation to provisions for intensive primary production, definitions, issues, objectives and policies.

#### 3.2 Submissions

- 3.2.1 In summary, there were 33 submissions and 15 further submissions in support of retention of, or sought amendments to, the introduction, issues, objectives, policies, methods, and principal reasons in the RLR – Rural Land Resource chapter, and to the introduction, issues, objectives, policies, and principal reasons in the General Rural Zone and Rural Production Zone chapters of the PDP addressing ‘intensive primary production’.

#### 3.3 Reporting planner’s recommendations

##### Definition of intensive primary production

- 3.3.1 The reporting planner considered various submissions seeking amendments to the definition of ‘intensive primary production’. The reporting planner noted the intent of the definition of ‘Intensive Primary Production’ in the PDP was to essentially capture those very same activities as outlined in the National Planning Standards definition for ‘Intensive Indoor Primary Production’ in combination with the activities outlined in the suggested definition for ‘Intensive Outdoor Primary Production’ (as proposed by the Pork Industry Board). The reporting planner considered the adoption of the National Planning Standards definition would be appropriate.
- 3.3.2 The reporting planner agreed with Hort NZ that horticulture undertaken within a glasshouse or greenhouse is ‘primary production’ and not ‘intensive primary production’. The reporting planner also agreed with the Pork Industry Board that the ‘commercial boarding and/or breeding of cats, dogs and other domestic pets’ did not sit comfortably as an intensive primary production activity and considered it fit better within the definition of ‘commercial activity’.
- 3.3.3 In the reporting planner’s view, both free-range poultry farming, and extensive pig farming, would not be unintentionally captured by the definition of ‘intensive primary production’, as they fall within the definition of ‘primary production’.
- 3.3.4 The reporting planner recommended the following amendment to the definition of ‘Intensive Primary Production’ in the PDP, along with inclusion of additional supporting definitions for ‘Intensive Indoor Primary Production’ (as per the National Planning Standards definition) and ‘Intensive Outdoor Primary Production’, as follows:

|                              |  |
|------------------------------|--|
| INTENSIVE PRIMARY PRODUCTION | <p><b><u>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</u></b></p> <p><b>refers to any of the following:</b></p> <p>a. <del>commercial livestock (excluding the farming of mustelids)</del><br/>kept and fed in buildings or in outdoor enclosures on a</p> |
|------------------------------|--|

|  |   |
|--|---|
|  | <p>particular site, where the stocking density precludes the maintenance of pasture or ground cover</p> <p>b. <del>land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets</del></p> <p>c. <del>farming of mushrooms or other fungi</del></p> <p>d. <del>commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.</del></p> |
| <b><u>INTENSIVE INDOOR PRIMARY PRODUCTION</u></b>  | <b><u>means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.</u></b>   |
| <b><u>INTENSIVE OUTDOOR PRIMARY PRODUCTION</u></b> | <b><u>means any primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover.</u></b>  |

- 3.3.5 The reporting planner considered the references to ‘that principally occur within buildings’ and ‘that principally occurs outdoors’ in the above proposed definitions sufficiently ed the concerns of Federated Farmers and Silver Fern Farms in terms of avoiding capturing situations where livestock were only temporarily off pasture or where there was temporary keeping of livestock indoors.

#### RLR – Rural Land Resource Chapter

- 3.3.6 The reporting planner concurred with the Pork Industry Board that, by definition, primary production was any agricultural activity and that included intensive primary production activity (indoor or outdoor), and that such activities established in the rural environment by locational necessity. The National Planning Standards also recognise ‘intensive primary production’ in the zone descriptions for General Rural and Rural Production Zones.
- 3.3.7 The reporting planner therefore agreed that intensive primary production should be referenced in the Strategic Direction section of the PDP, and recommended that the Introduction, Method RLR-M1, and Principal Reasons in the RLR – Rural Land Resource chapter be amended as follows:

##### Introduction

The Resource Management Act requires Council to manage the use, development and protection of natural resources, including the rural land resource, while sustaining the potential of such resources to meet the reasonably foreseeable needs of future generations and while safeguarding the life-supporting capacity of air, water, soil, and ecosystems.

~~Land-based p~~Primary production, **including intensive primary production**, underpins the economic, social, and cultural well-being of the Central Hawke's Bay District, and the District's rural land resource is important for sustaining this production. Rural production and processing/manufacturing together accounts for just over half of the District's total GDP and around half of the District's employment (based on Stats NZ 2012 figures). Central Hawke's Bay accounts for approximately 40% of the total pastoral and associated cropping land in the Hawke's Bay Region.

...

##### RLR-M1 Area-Specific Provisions

The use of zoning to direct activities to appropriate locations:

GRUZ – General Rural Zone:

The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of **primary production** activities (**including intensive primary production and post-harvest facilities**) to occur, that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners.

RPROZ – Rural Production Zone:



The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Otane. Standards in this Zone reflect the more intensive nature of **primary production activities (including intensive primary production)**, the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource.

RLZ – Rural Lifestyle Zone:

This Zone provides the main opportunity for low density residential development in the District, in close proximity to the main urban areas of Waipukurau and Waipawa.

#### Principal Reasons

The principal reasons for adopting the policies and methods:

The traditional pastoral area of the District will continue to be an important component of the District's economy and must be safeguarded – particularly the regionally, if not nationally, significant concentration of highly productive land in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane (in line with the proposed NPS-HPL).

The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in the rural environment.

The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector **(including intensive primary production)**. There is a limit on the scale of commercial and industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.

### Introduction, Issue GRUZ-I2 (and RPROZ - Issues), Objectives GRUZ-O1 & RPROZ-O1, and Policies GRUZ-P1 & RPROZ-P1

- 3.3.8 The reporting planner concurred with the Pork Industry Board (and Hort NZ) to an extent, in broadly referencing intensive primary production within the General Rural and Rural Production Zone introduction, issues, objectives and policies, on the basis of the clear focus on primary production in the rural zones. The reporting planner also agreed that the amendments proposed by the submitter better aligned with the first sentence in the explanation in Issue GRUZ-I1 (Note: the RPROZ issues were the same as the GRUZ issues), and with the principal reasons for adopting policies and methods stated in the respective zone chapters in the PDP.
- 3.3.9 The reporting planner, therefore, recommended that the Introductions to the General Rural and Rural Production Zones, Issue GRUZ-I2, Objective GRUZ-O1, and Policy GRUZ-P1, be amended as follows (with slightly altered wording to that proposed by the Pork Industry Board):

#### GRUZ Introduction

The General Rural Zone, **which** encompasses the largest proportion of the rural area of the District, **is used primarily for primary production (including intensive primary production)**. It is the area of generally undulating-to-hilly land inland of the coast, and extending through to the Ruahine Range in the west, and has a diverse range of land uses. The predominant land use is pastoral (the backbone of the District's economy) although the zone includes production forestry blocks and the conservation estates of the Ruahine Range, which forms the backdrop to the District. The General Rural Zone also encompasses the coastal environment of the District, where this falls outside of the Large Lot Residential Zone (Coastal).

...

#### RPROZ Introduction

The Rural Production Zone represents the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane.

The Zone encompasses the contiguous, flat to undulating terrain within the District that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:

- an exceptionally high proportion of Class 1-3 soils (comprising almost 25% of the District),

- Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2% of the District),
- its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region, and
- its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce.

The predominant land uses within this part of the rural area of the District are **primary production (including intensive primary production)**, cropping, livestock farming, and horticulture (including viticulture).

...

GRUZ-12      Protecting Rural Amenity and the Quality of the Rural Environment **and Primary Production Capability**  
**Land-based primary production (including intensive primary production)**, and other complementary rural, residential, and recreation-based activities, underpin the social, economic, and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environmental, cultural, and amenity values **or result in conflict that affects primary production capability**.

The establishment of incompatible activities within rural areas can:

1. result in the loss of productive land;
2. conflict with existing rural activities, including through reverse sensitivity; and
3. detract from rural character and amenity.

#### Explanation

The rural environment supports a variety of land based primary production activities including dry stock farming, cropping, dairying, horticulture, plantation forestry, small niche farming land uses, as well as intensive primary production activities and rural service activities. These activities typically have an associated assortment of buildings and equipment, such as packing and processing sheds, milking sheds, fertiliser depots and rural contractor's yards. Infrastructural and other industrial-type activities also occur in the rural environment, such as network utility facilities (e.g. transmission lines), quarrying, aggregate processing, and gravel extraction, all of which are critical to the functioning of the District. Other complementary activities provide support services to land-based primary production or are themselves based on a natural resource (such as tourism/recreation).

The above activities also play a large role in the formation of a common rural character and amenity. Rural amenity values include landscape and scenic values, individual privacy, open rural outlook and open space, vegetation prevailing over built elements, openness, and ease of access, clean air, unique odours, overall quietness, water availability and the well-being of the community.

Productive working environments are common and may contain large utilitarian buildings associated with farming. In general, buildings or structures are typically relatively low and non-urban in density, with larger setbacks from external property boundaries, and with the height, scale, density, and number of buildings not dominating the landscape and open space qualities of the rural environment. Properties are self-serviced with respect to water supply, wastewater disposal and stormwater management.

While most of these activities are generally considered acceptable, practices associated with them have the potential to generate adverse effects on the rural environment, depending on their size and location, and the proximity and sensitivity of adjacent land uses. These practices include the use of agrichemicals, shading from shelter belts, general use of farm machinery both on- and off-farm, the harvesting of crops which may occur at various times including at night, the weekend, and public holidays. These practices have the potential to create noise, dust, and odour either of a temporary or intermittent nature beyond the boundary of the property concerned. These are legitimate farming practises which may nevertheless impact on the amenity of others. Because these practices are an accepted and integral part of land-based primary production, they should not be unreasonably constrained by other activities. Setbacks from primary production activities will assist in avoiding reverse sensitivity.

Some types of activities (such as un-related commercial, retail, and industrial activities) may be incompatible with rural character and amenity values or create conflict with other existing lawfully established activities. Furthermore, these other activities may introduce urban characteristics or features, and they lend themselves to be more appropriately located in an urban location, where the servicing, infrastructure and facilities are more suitable to assist in avoiding, remedying, or mitigating their potential adverse effects.

Avoidance of inappropriate and incompatible land uses that are inconsistent with the rural environment's location-specific values is important to maintain environmental quality and ensure that the productive use of land resources (for a resilient and diverse economy) is not compromised. There is a need to strike a balance between providing for a range of uses and development of natural and physical resources, and the preservation of that character, and those amenity values (such as vegetation prevailing over built elements, open space, privacy, ease of access and landscape and scenic values).

Rural-residential dwellers are often attracted to rural areas by the perceived quality of the rural environment, particularly its amenity values. Others choose to live in the country, as this is where their work is located, or because they were previously employed in the rural area. The rural environment is the residential location of necessity for farmers and other land users. Therefore, adequate rural living opportunities are required to support sustainable rural communities.

However, cumulative pressures and demands for rural living can generate tensions between those who opt for a rural lifestyle for open space, privacy, peace, and quiet, and scenic values, and those who rely on the productive capability of the rural land resource. Rural living can result in reverse sensitivity conflicts, as residents with higher expectations of amenity move into a rural environment, where previously, noise, dust and stock movements were generally considered a usual aspect of the rural environment.

If increasing density of rural subdivision is allowed in close proximity to existing intensive primary production activities, it can undermine the viability of such activities should complaints about heavy traffic or objectionable noise, dust or odour arise.

Increasing density of subdivision can also intensify pressure on the range of infrastructure servicing (roads and reticulated services), and conflicts with infrastructure services for intensive primary production activities (e.g. if rural roads are expected to be of a higher quality).

In response to this issue, and the reverse sensitivity issues of rural subdivision on land-based primary production activities, any rural-residential living opportunities within the rural zones should be of a size, intensity and scale that is consistent with productive land uses so that the wider rural environment and associated land use activities are not compromised.

|          |  |
|----------|--|
| GRUZ-O1  | The General Rural Zone is predominantly used for primary production activities <u>(including intensive primary production)</u> and ancillary activities.               |
| RPROZ-O1 | The Rural Production Zone is predominantly used for primary production activities <u>(including intensive primary production)</u> and associated ancillary activities. |
| GRUZ-P1  | To <del>allow enable land-based</del> primary production <u>(including intensive primary production)</u> and ancillary activities...                                   |
| RPROZ-P1 | To <del>allow enable land-based</del> primary production <u>(including intensive primary production)</u> and ancillary activities...                                   |

#### Policies GRUZ-P5 & RPROZ-P5

- 3.3.10 The reporting planner noted that there was a high level of support for Policies GRUZ-P5 & RPROZ-P5, which focussed on managing land use conflict and reverse sensitivity through a policy of separating sensitive activities and intensive primary production activities.
- 3.3.11 The reporting planner did not consider that the amendments sought by Federated Farmers would comprehensively retain those links to the above rules and standards, as the rules and standards relate to separation of new sensitive activities from existing intensive primary production activities, as well as the converse of separating new intensive primary production activities from existing sensitive activities.
- 3.3.12 The reporting planner did not support the additional wording proposed by Te Mata Mushrooms, which she considered appeared to insert a degree of flexibility into these policies to outline the process for considering reduced separation distances. The reporting planner agreed with Hort NZ in this respect, that the policy framework in the PDP provided sufficient scope to assess reduced setbacks through a resource consent process.

#### New policy

- 3.3.13 The reporting planner did not support the inclusion of an additional policy in both the General Rural and Rural Production Zones, as sought by Te Mata Mushrooms, seeking to specifically recognise the economic benefits, and social and cultural wellbeing, of well-functioning and operating intensive primary production activities in the District.

### 3.4 Evidence to the hearing

- 3.4.1 Lynette Wharfe for Hort NZ presented planning evidence and agreed with the recommended changes in the s42A report.
- 3.4.2 Rhea Dasent presented evidence for Federated Farmers and sought that the definition of Intensive Primary Production exclude normal pastoral farming activities where animals were temporarily sheltered inside structures.
- 3.4.3 Claire Price presented planning evidence for Te Mata Mushrooms. In her evidence, she accepted the amendments made elsewhere to better recognise intensive primary production was appropriate, but asserted that a new policy would provide the opportunity to explicitly recognise the economic benefits derived from well-functioning and operating intensive primary production activities.
- 3.4.4 Claire Price also presented planning evidence for Hatuma Lime Co Ltd accepting the s42A report recommendations in relation to intensive primary production.

### 3.5 Post hearing information

- 3.5.1 The reporting planner's right-of-reply addressed the definition of 'Intensive Primary Production', 'Intensive Indoor Primary Production' and 'Intensive Outdoor Primary Production'. The reporting planner revised her recommendations to amend the definition of 'Intensive Outdoor Primary Production' as proposed by the Pork Industry to the following:

*means any primary production activities involving the keeping or rearing of livestock on a permanent basis (excluding calf-rearing for a specified time period), that principally occurs ~~outdoors~~ in outdoor enclosures on a particular site, which by the nature of the activity, precludes the maintenance of pasture or ground cover.*

- 3.5.2 The reporting planner considered that the additional of the reference 'permanent basis' clarified that feedlots and standoff pads were not captured.

### 3.6 Evaluation and findings

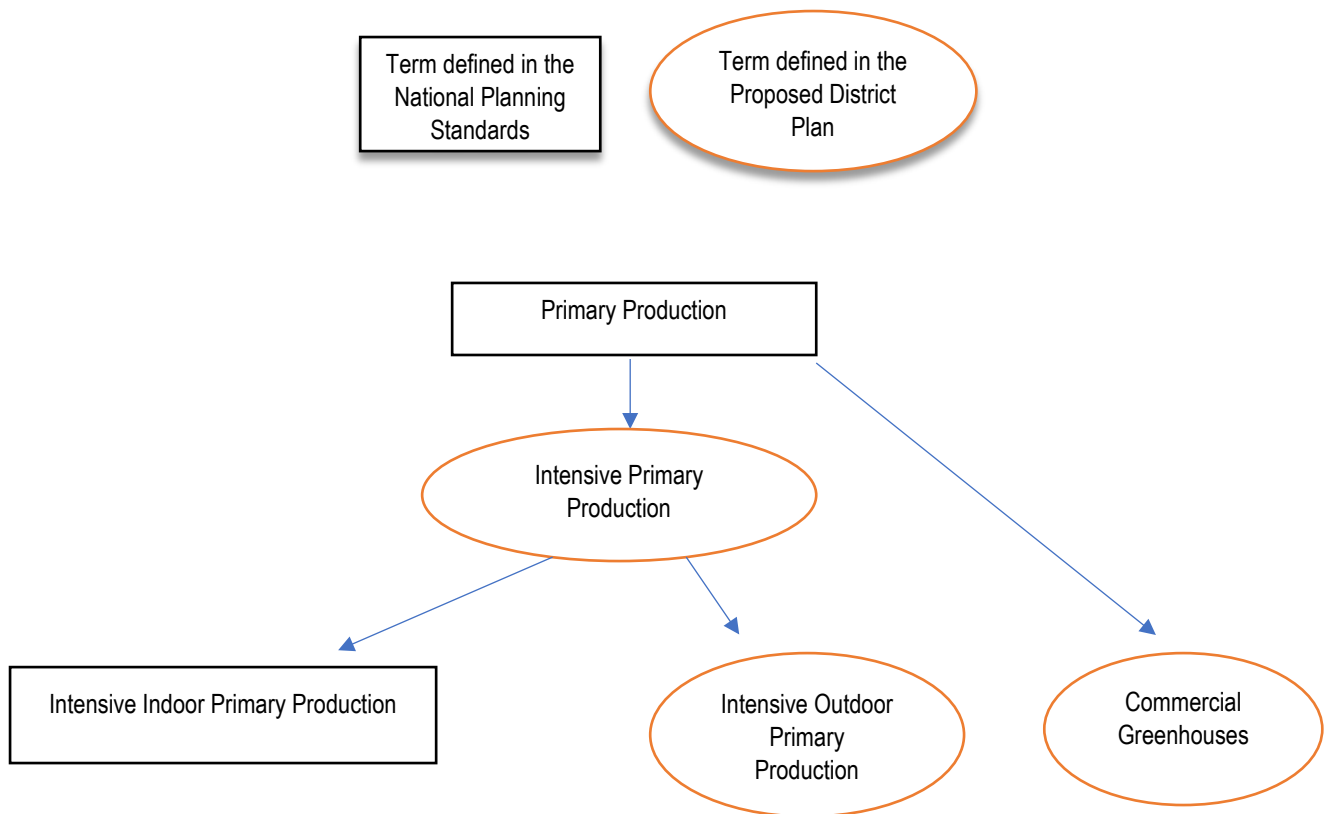
- 3.6.1 The Panel's recommendations against each submission point are listed in the table in Appendix B. The following section outlines the evaluation and findings in relation to the key points of contention.

Definition of intensive primary production and related terms

- 3.6.2 In our Report 3A, the Panel considered the definition of the term ‘primary production’, as this term, defined in the National Planning Standards, is used in delineating the strategic direction of the District Plan for managing the Rural Land Resource; in particular, in managing subdivision, land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.
- 3.6.3 This report addresses the proposed management of specific types of rural activities in Rural Zones, and consequently how these activities are defined is critical for ensuring clarity in the interpretation of rules and standards. In terms of types of primary production activities, the PDP is focused on managing ‘intensive primary production’ activities, as these forms of rural land use have the potential to create reverse sensitivity effects, both in terms of such uses being establishing near ‘sensitive activity’ such as a residential property, and vice versa, when a sensitive activity proposes to be established near intensive primary production. Thus, the definition of ‘intensive primary production’ is important. The term is not defined in the National Planning Standards, and thus needs to be defined in the PDP.
- 3.6.4 In her s42A report, the reporting planner has recommended to simplify the definition from a list of activities, to one that means “any activity defined as intensive indoor primary production or intensive outdoor primary production”. Such a definition therefore requires two more definitions: for ‘intensive indoor primary production’ and ‘intensive outdoor primary production’, which the reporting planner recommends to be as follows:

|  |  |
|--|--|
| <b><u>INTENSIVE INDOOR PRIMARY PRODUCTION</u></b>  | <b><u>means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.</u></b>  |
| <b><u>INTENSIVE OUTDOOR PRIMARY PRODUCTION</u></b> | <b><u>means any primary production activities involving the keeping or rearing of livestock on a permanent basis (excluding calf-rearing for a specified time period), that principally occurs outdoors in outdoor enclosures on a particular site, which by the nature of the activity, precludes the maintenance of pasture or ground cover.</u></b> |

- 3.6.5 The definition of ‘intensive indoor primary production’ is provided by the National Planning Standards, while the definition of ‘intensive outdoor primary production’ is that recommended by the reporting planner, as amended in her right-of-reply (dated 5 August 2022).
- 3.6.6 The Panel notes that neither term is used within the PDP as separate distinct land uses in the different rural zones, but ‘intensive primary production activities’ is used within the General Rural (GRUZ) and Rural Production Zones (RPROZ), as well as a number of other zones (PKH, SETZ, LLRZ, GIZ, COMZ and RLZ) in managing land uses.
- 3.6.7 To provide a full understanding, ‘commercial greenhouses’ is a separate activity that is managed under the PDP (specifically in regard to managing land uses within the National Grid Yard), with the term ‘greenhouse’ defined in the PDP as “a fully enclosed structure for growing crops in a controlled environment”. The diagram below shows the connections between these terms, and whether the definitions are from the National Planning Standards or the PDP.



3.6.8 In the Panel’s opinion, the amended definition of ‘intensive primary production’ as recommended by the reporting planner is appropriate as it makes reference to the types of intensive primary production activities, indoor or outdoor, that could generate reverse sensitivity issues.

3.6.9 The Panel recognises this hierarchy of terms may not capture all potential primary production activities. In particular, in reference to Te Mata Mushrooms’ submission, growing substrate for mushroom growing would be managed as intensive indoor primary production if undertaken on the same site as mushroom growing, but may not be if undertaken on a separate site in the GRUZ (it may be classified as an industrial activity, which is a Non-Complying activity in the GRUZ). Given the potentially significant adverse effects of substrate making (particularly off-site odour), the Panel believes this is an appropriate classification. The Panel was not made aware of any other primary production activities that would not be managed under this hierarchical management approach.

#### RLR – Rural Land Resource Chapter

3.6.10 The Panel agrees with the reporting planner that intensive primary production should be referenced in the Strategic Direction section of the PDP, and recommends that the Introduction, Method RLR-M1, and Principal Reasons in the RLR – Rural Land Resource chapter be amended.

Introduction, Issue GRUZ-I2 (and RPROZ - Issues), Objectives GRUZ-O1 & RPROZ-O1, and Policies GRUZ-P1 & RPROZ-P1

- 3.6.11 The Panel agrees with the reporting planner that the Introductions to the General Rural and Rural Production Zones, Issue GRUZ-I2, Objective GRUZ-O1, and Policy GRUZ-P1, be amended as recommended.

#### Policies GRUZ-P5 & RPROZ-P5

- 3.6.12 The Panel notes that there is a high level of support for Policies GRUZ-P5 & RPROZ-P5, which focus on managing land use conflict and reverse sensitivity through a policy of separating sensitive activities and intensive primary production activities.
- 3.6.13 The Panel agrees with the reporting planner that the amendments sought by Federated Farmers and Te Mata Mushrooms are not necessary.

#### New policy

- 3.6.14 The Panel agrees with the reporting planner and does not support the inclusion of an additional policy in both the General Rural and Rural Production Zones, as sought by Te Mata Mushrooms, seeking to specifically recognise the economic benefits, and social and cultural wellbeing, of well-functioning and operating intensive primary production activities in the District.

## **4 Key Issue 14 – Provision for intensive primary production – rules, standards, assessment matters etc**

### **4.1 Proposed plan provisions**

- 4.1.1 These key issues addressed the provision for intensive primary production, including the rules, standards and assessment matters.

### **4.2 Submissions**

- 4.2.1 In summary, there were 32 submissions and 10 further submissions in support of retention of, or seek amendments to, the rules, standards, assessment matters, and methods in the General Rural Zone, Rural Production Zone, and Rural Lifestyle Zone chapters of the PDP addressing ‘intensive primary production’.

### **4.3 Reporting planner’s recommendations**

#### **Rules GRUZ-R14 & RPROZ-R14**

- 4.3.1 With the recommended amendment to the definition of ‘Intensive Primary Production’ and recommended additional definitions for ‘Intensive Indoor Primary Production’ and ‘Intensive Outdoor Primary Production’ as outlined in response to submissions addressed in Key Issue 13 above, the reporting planner considered the issue raised by Federated Farmers around the definition of ‘intensive primary production’ unintentionally capturing activities like calf-rearing, feed pads, standoff pads, and wintering sheds had been addressed.
- 4.3.2 Hort NZ considered Assessment Matters GRUZ-AM9 and RPROZ-AM10 should be listed in Rules GRUZ-R14(2) and RPROZ-R14(2) respectively, as another matter over which discretion was restricted where compliance with the standards was not achieved. The reporting planner considered that Assessment Matters GRUZ-AM9 and RPROZ-AM10 were each a broader set of assessment matters for assessing the effects of intensive primary production activities on the character and amenity of adjoining activities and the surrounding environment in a more general sense (not in response to an infringed standard). Therefore, she considered that adding these assessment matters to the list of matters in Rules GRUZ-R14(2) and RPROZ-R14(2) was not in keeping with the rule framework adopted in the PDP. On that basis, the reporting planner did not recommend adding them to the list of matters to which discretion was restricted in these rules.
- 4.3.3 The reporting planner did not support a Permitted Activity status for intensive primary production activities in the General Rural Zone and Rural Production Zone, as was sought by the Egg Producers Federation because of the potential adverse effects.
- 4.3.4 In response to the various queries raised by the Pork Industry Board in their submission with respect to the ‘matters for which control is reserved’, and without limiting the range of situations that could be presented to Council as part of an application for an intensive primary production activity, the reporting planner offers the following:



- traffic associated with an intensive primary production activity, and extended hours of operation, can impact on the amenity of neighbours and the surrounding area in terms of levels of activity, particularly at night;
- materials used or stored on site associated with the operation of the activity, such as compost, can cause potentially offensive or objectionable odour;
- similarly, stormwater or wastewater management associated with the activity can have potential adverse effects on neighbouring properties or in terms of potentially offensive or objectionable odour; and
- storage of waste products, including effluent disposal, associated with intensive primary production, in close proximity to sites and areas of significance to Māori can potentially affect cultural and/or spiritual values pertaining to those sites.

4.3.5 The Pork Industry Board also queried what control (presumably conditions) Council considered might be appropriate and not then conflict with the viability of the primary production activity, which they suggested were 24/7 activities by their nature. The reporting planner considered the matters for control were appropriate and reasonable.

4.3.6 Te Mata Mushrooms sought a differentiated activity status for intensive primary production activities unable to comply with the 200m setback from property boundaries versus the 500m setback from zone boundaries. They sought a new Restricted Discretionary activity status for the former, and that the existing Non-Complying activity status only be applied to the latter (in relation to zone boundaries).

4.3.7 The reporting planner considered this point had some merit, given design and site management may be able to avoid adverse effects on adjoining property, and agreed that this was effectively captured in the respective Assessment Matters GRUZ-AM9 and RPROZ-AM10. The reporting planner also agreed that applying a Non-Complying activity status implied that an intensive primary production activity was inappropriate if it could not meet the applicable setbacks. The reporting planner agreed this was appropriate in relation to separation distance from a zone boundary, but was possibly disproportionately onerous when applied in relation to separation from a property boundary in the same rural zone where amenity expectations differ from those in residential areas.

4.3.8 Similarly, the reporting planner did not support a blanket Discretionary activity status where compliance with the matters in condition 1(a) were not achieved, as sought by the Pork Industry Board. Intensive primary production activities should not be an activity necessarily anticipated within 500m of a settlement, rural lifestyle, or residential zone boundary. As stated, the reporting planner considered applying a Non-Complying activity status in those circumstances was appropriate and reasonable.

4.3.9 On the basis of the responses above, the reporting planner recommended Rules GRUZ-R14 and RPROZ-R14 be amended to provide a differentiated rule framework in relation to the Permitted Activity condition applying a setback from property boundaries, including applying the applicable assessment matters, as follows:

| GRUZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets) |   |
|--|---|
| 1. Activity Status: CON<br>Where the following conditions are met:   | 2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS |

|  |   |
|--|---|
| <p>a. Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from:</p> <ol style="list-style-type: none"> <li>any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m.</li> <li>from a property boundary is 200m.</li> </ol> <p>b. Compliance with:</p> <ol style="list-style-type: none"> <li>GRUZ-S2;</li> <li>GRUZ-S3;</li> <li>GRUZ-S4;</li> <li>GRUZ-S5;</li> <li>GRUZ-S6;</li> <li>GRUZ-S7;</li> <li>GRUZ-S8;</li> <li>GRUZ-S9; and</li> <li>GRUZ-S10.</li> </ol> <p>c. Compliance with GRUZ-S12 (setback from gas transmission network).</p> <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</li> <li>The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary.</li> <li>Methods of disposal of stormwater and wastewater for the activity.</li> <li>Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.</li> </ol> | <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ol style="list-style-type: none"> <li>Assessment Matters: <ol style="list-style-type: none"> <li>GRUZ-AM1.</li> <li>GRUZ-AM2.</li> </ol> </li> <li>Assessment matters in the following chapters: <ol style="list-style-type: none"> <li>TRAN – Transport.</li> <li>LIGHT – Light.</li> <li>NOISE – Noise.</li> </ol> </li> </ol> <hr/> <p><b>2A. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</b></p> <ol style="list-style-type: none"> <li><b>Assessment Matters:</b> <ol style="list-style-type: none"> <li><b>GRUZ-AM9.</b></li> </ol> </li> </ol> <hr/> <p>3. Activity status where compliance with condition GRUZ-R14(1)(c) is not achieved: DIS</p> <hr/> <p>4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(d) is not achieved: NC</p> |
|--|---|

| RPROZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets) <sup>4</sup>  |   |
|---|---|
| <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> <li>Minimum setbacks for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, from: <ol style="list-style-type: none"> <li>any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m.</li> <li>from a property boundary is 200m.</li> </ol> </li> <li>Compliance with: <ol style="list-style-type: none"> <li>RPROZ-S2;</li> <li>RPROZ-S3;</li> <li>RPROZ-S4;</li> <li>RPROZ-S5;</li> <li>RPROZ-S6;</li> <li>RPROZ-S7;</li> <li>RPROZ-S8;</li> <li>RPROZ-S9;</li> <li>RPROZ-S10; and</li> <li>RPROZ-S11.</li> </ol> </li> <li>Compliance with: <ol style="list-style-type: none"> <li>RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and</li> <li>RPROZ-S14 (setback from gas transmission network).</li> </ol> </li> <li>Compliance with RPROZ-S15 (setbacks from National Grid).</li> </ol> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</li> </ol> | <p>2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ol style="list-style-type: none"> <li>Assessment Matters: <ol style="list-style-type: none"> <li>RPROZ-AM1.</li> <li>RPROZ-AM2.</li> <li>RPROZ-AM4.</li> </ol> </li> <li>Assessment matters in the following chapters: <ol style="list-style-type: none"> <li>TRAN – Transport.</li> <li>LIGHT – Light.</li> <li>NOISE – Noise.</li> </ol> </li> </ol> <hr/> <p><b>2A. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</b></p> <ol style="list-style-type: none"> <li><b>Assessment Matters:</b> <ol style="list-style-type: none"> <li><b>RPROZ-AM10.</b></li> </ol> </li> </ol> <hr/> <p>3. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS</p> <hr/> <p>4. Activity status where compliance with conditions RPROZ-R14(1)(a)(i) and/or RPROZ-R14(1)(d) is not achieved: NC</p> |

<sup>1</sup> as above

|   |  |
|---|--|
| <p>f. The method of storage and use of materials associated with the operation of the activity that may generate noxious, offensive, or objectionable odour beyond the site boundary.</p> <p>g. Methods of disposal of stormwater and wastewater for the activity.</p> <p>h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.</p> |  |
|---|--|

#### Standard RPROZ-S2 total building coverage

- 4.3.10 The reporting planner did not agree with the Pork Industry Board's assertion that Standard RPROZ-S2 conflicted with the purpose of the Rural Production Zone. She contended that the importance of protecting the concentration of highly productive land in the Rural Production Zone (identified as being of regional, if not national, significance) for current and future generations had been clearly signalled and articulated throughout the RLR – Rural Land Resource chapter in the Strategic Direction of the PDP, and in the objectives and policies applying in the RPROZ – Rural Production Zone chapter. The strategic objective for the District's highly productive land resource was to limit permanent loss of the highly productive soils, which included loss from being developed over by buildings.
- 4.3.11 Given this, the reporting planner considered a building coverage threshold was a critical method employed by the PDP and that, in her view, a 35% or 1500m<sup>2</sup> building coverage threshold, whichever was the lesser, was fairly generous. It also aligned with the building coverage threshold applying in the equivalent Plains Production Zone in the neighbouring Hastings District Plan.
- 4.3.12 The reporting planner therefore recommended that Standard RPROZ-S2 be retained as notified.

#### Standards GRUZ-S11, RPROZ-S12 & RLZ-S6 setback from existing intensive primary production activities

- 4.3.13 With respect to amending the reference in the respective rules to 'Sensitive Activities' to instead refer to 'Activities sensitive to nuisance effects', as sought by Federated Farmers, the reporting planner noted the recommendation in relation to Key Issue 1 which was to separate the definition of 'sensitive activity' into two categories in response to submissions from Hort NZ, Federated Farmers and Transpower. As a result of those submissions, a new definition for 'Sensitive Activity (National Grid)' reflecting the definition contained in the NPSET to separately address reverse sensitivity to electricity transmission activities (which then relates to Standards GRUZ-S13 & RPROZ-S15 Setback from National Grid). This sufficiently differentiated from the 'sensitive activities' anticipated to be subject to the setback requirements applying in Standards GRUZ-S11, RPROZ-S12 & RLZ-S6. The amendment sought by Federated Farmers was therefore unnecessary.
- 4.3.14 The reporting planner did not support the amendment sought by Te Mata Mushrooms to apply the 200m setback from existing intensive primary production activities in Standard RPROZ-S12 to the property boundary, rather than from associated buildings or enclosures housing animals reared intensively, or from organic matter and effluent storage etc associated with intensive primary production activities. The reporting planner considered the standard as written provided a setback that was meaningful, acknowledging that rural sites could be very large in size, and the intensive primary production activities contained therein could be located some considerable distance from their own boundary.

- 4.3.15 The reporting planner did not support increasing the setback for new sensitive activities from existing intensive primary production activities from 200m to 400m, as sought by the Pork Industry Board. She considered that the reason given by the submitter was based on a different distance outlined in Assessment Matter SUB-AM13(2)(c) applying to lifestyle site subdivision within the General Rural Zone and Rural Production Zone. In the reporting planner's view, the 400m referred to in Assessment Matter SUB-AM13(2)(c) served a different purpose and reflected a precautionary approach to assessing potential reverse sensitivity effects of new rural lifestyle sites established within the vicinity of an existing intensive primary production activity – it had no particular bearing on the zone setbacks applying in Standards GRUZ-S11, RPROZ-S12 and RLZ-S6.
- 4.3.16 The reporting planner recommended retaining Standards GRUZ-S11, RPROZ-S12 and RLZ-S6 as notified.

#### Assessment matters

- 4.3.17 In line with the recommendations in response to submissions and further submissions on the definition (addressed in Key Issue 13 of this report above), to retain an amended definition of 'Intensive Primary Production' which incorporated both 'intensive indoor primary production' and 'intensive outdoor primary production' (with accompanying new definitions), the reporting planner did not support amendment of the title of GRUZ-AM9 to 'Intensive Indoor Primary Production' as requested by Hort NZ, as the standards to which these assessment matters related (being Standards GRUZ-S11 and RPROZ-S12) applied to both indoor and outdoor intensive primary production activities: for example, it would apply to enclosures housing animals intensively, and also to organic matter and effluent storage, treatment and utilization associated with intensive primary production activities, which are not necessarily 'indoors'.
- 4.3.18 With the recommended amendments to Rules GRUZ-R14 and RPROZ-R14 in response to submissions and further submissions above, the reporting planner considered Assessment Matters GRUZ-AM9 and RPROZ-AM10 would act as the matters to which discretion was restricted where the activity was unable to comply with minimum setback from a property boundary in clause (1)(a)(ii) of the respective rules.
- 4.3.19 In response to the various queries raised by the Pork Industry Board in their submission with respect to the matters contained in Assessment Matters GRUZ-AM9 and RPROZ-AM10, the reporting planner referred to the following potential effects that would be considered:
- traffic associated with an intensive primary production activity can potentially generate adverse effects on the road network and on amenity values;
  - materials used or stored on site such as compost can cause potentially offensive or objectionable odour;
  - similarly, stormwater or wastewater management associated with the activity can have potential adverse effects on neighbouring properties or in terms of potentially offensive or objectionable odour;
  - extended hours of operation can impact on the amenity of neighbours and the surrounding area in terms of levels of activity, particularly at night; and
  - storage of waste products, including effluent disposal, in close proximity to sites and areas of significance to Māori can potentially affect cultural and/or spiritual values pertaining to those sites, so setback from such sites is a relevant consideration.

- 4.3.20 The reporting planner recommended that Assessment Matters GRUZ-AM9 and RPROZ-AM10 be retained as notified.

#### Methods GRUZ-M3 & RPROZ-M3

- 4.3.21 The submitter (Pork Industry Board) supported retention of Methods GRUZ-M3 and equivalent Method RPROZ-M3, and there were no other submissions pertaining to these provisions. Therefore, no further analysis was considered necessary.

## 4.4 Evidence to the hearing

- 4.4.1 Rhea Dasent presented evidence for Federated Farmers on the separation of activities that were sensitive to odour and noise effects, and sensitive activities in terms of the National Policy Statement for Electricity Transmission. This was addressed by the s42A Report in Key Issue 1 for definitions.
- 4.4.2 Lynette Wharfe gave planning evidence for Hort NZ and agreed with the recommended changes in the s42A Report.
- 4.4.3 Claire Price presented planning evidence for Te Mata Mushrooms. In her evidence, Ms Price accepted the s42A report recommendations on intensive primary production.

## 4.5 Post hearing information

- 4.5.1 The reporting planner's right-of-reply did not address this key issue.

## 4.6 Evaluation and findings

#### Rules GRUZ-R14 & RPROZ-R14

- 4.6.1 The Panel agrees with the reporting planner's recommendation that Rules GRUZ-R14 and RPROZ-R14 be amended to provide a differentiated rule framework in relation to the Permitted Activity condition applying a setback from property boundaries, including applying the applicable assessment matters.

#### Standard RPROZ-S2 total building coverage

- 4.6.2 The Panel agrees with the reporting planner that the building coverage threshold is retained as greenhouses and where produce is grown in soil is excluded from the total building coverage.
- 4.6.3 Standards GRUZ-S11, RPROZ-S12 & RLZ-S6 setback from existing intensive primary production activities
- 4.6.4 The Panel agrees with the reporting planner that Standards GRUZ-S11, RPROZ-S12 and RLZ-S6 should be retained as notified.

#### Assessment matters

#### Assessment matters GRUZ-AM3 and RPROZ-AM3

- 4.6.5 The Pork Industry Board supported retention of Assessment Matter GRUZ-AM3 and its equivalent Assessment Matter RPROZ-AM3, and there were no other submissions pertaining to these provisions. Therefore, no further analysis is considered necessary.

#### Assessment matters GRUZ-AM9 and RPROZ-AM10

- 4.6.6 The Panel agrees with the reporting planner that Assessment Matters GRUZ-AM9 and RPROZ-AM10 should be retained as notified.

#### Methods GRUZ-M3 & RPROZ-M3

- 4.6.7 The Pork Industry Board supported retention of Methods GRUZ-M3 and equivalent Method RPROZ-M3, and there were no other submissions pertaining to these provisions. Therefore, no further analysis is considered necessary.

## 5 Key Issue 15 – Provision for post-harvest facilities and rural industry – definitions, issues, objectives & policies

### 5.1 Proposed plan provisions

- 5.1.1 This key issue addressed the provisions for post-harvest facilities and rural industry, including the associated definitions, issues, objectives and policies.

### 5.2 Submissions

- 5.2.1 In summary, 32 submissions and 26 further submissions supported retention of, or sought amendments to, the objectives, policies, methods, and principal reasons in the RLR – Rural Land Resource chapter, and to the introduction, issues, objectives, and policies in the General Rural Zone and Rural Production Zone chapters of the PDP to variously acknowledge ‘rural industry’, including accompanying definitions.

### 5.3 Reporting planner’s recommendations

#### Post-harvest facility

- 5.3.1 The reporting planner noted the support among submitters for the definition of ‘Post-Harvest Facility’ in the PDP, but did acknowledge that there was a minor error in the layout of the definition, identified by Te Mata Mushrooms, in terms of clarifying that ‘other industrial activities (e.g. forestry and dairy processing)’ were to be excluded from the definition. It was recommended that this be corrected.
- 5.3.2 In terms of Te Mata Mushrooms’ query regarding the relationship with the activities included as post-harvest facilities and what was included in primary production activities as ‘initial processing’, the reporting accepted there was some potential overlap. The reporting planner recommended that the definition of ‘Post-Harvest Facility’ in the PDP be amended as follows:

|                       |  |
|-----------------------|--|
| POST-HARVEST FACILITY | <p>buildings operated by one or more growers and used for wine-making, or the storage, packaging, washing, inspecting and grading of eggs, fruit, vegetables or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes ancillary activities directly associated with post-harvest operations.</p> <p>a. Includes:</p> <ul style="list-style-type: none"><li>i. pack-houses, cool-stores and wineries</li><li>ii. use of the site for the collection and distribution of horticultural products (including grapes)</li><li>iii. preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets</li><li>iv. collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products</li><li>v. the on-site servicing and maintenance of vehicles and equipment associated with the activities</li></ul> <p>b. Excludes:</p> <ul style="list-style-type: none"><li>i. retail sales</li><li><b><u>ii. other industrial activities (e.g. forestry and dairy processing facilities)</u></b></li><li><b><u>other industrial activities (e.g. forestry and dairy processing facilities)</u></b></li><li><b><u>iii. initial processing of primary produce, where this is exclusively carried out as an ancillary activity to primary production occurring on the same site</u></b></li></ul> |
|-----------------------|--|

## New provision for definitions for 'Rural Industry' / 'Rural Industrial Activity' / 'Rural Service Activity'

- 5.3.3 Hort NZ and Silver Fern Farms sought the introduction of the term 'Rural Industry' into the PDP (along with specific provisions) and the adoption of an accompanying definition, taken from the National Planning Standards.
- 5.3.4 The reporting planner considered there was merit in differentiating between industrial activities generally, and those which directly support, service, or were dependent on primary production and that required a rural location. The PDP goes some way towards achieving this with the introduction of provisions for 'post-harvest facilities' (and accompanying definition). The reporting planner noted that the PDP takes the approach that industrial activities that do not operationally or functionally require a rural location were best located in an appropriately serviced industrial zone. However, it was acknowledged that there were rural industries requiring a rural location that would not constitute 'post-harvest facilities', such as a dairy factory, meat processing plant, or sawmill.
- 5.3.5 On this basis, the reporting planner recommended inclusion of the term 'Rural Industry' in the PDP in appropriate places (this is addressed in detail below), and inclusion of the corresponding definition from the National Planning Standards below:

|                              |  |
|------------------------------|--|
| <b><u>RURAL INDUSTRY</u></b> | <b><u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u></b> |
|------------------------------|--|

- 5.3.6 The reporting planner noted that Te Mata Mushrooms proposed a definition for 'Rural Industrial Activity'. However, given that 'rural industry' and 'rural industrial activity' were effectively the same, the National Planning Standards definition should be adopted.
- 5.3.7 Te Mata Mushrooms also proposed a new definition for 'Rural Service Activities', in an effort to differentiate service activities related to farming, forestry harvesting and intensive primary production, such as rural contractors, small-scale rural engineering or repair services, rural transport hire etc. They considered such activities should be managed in a similar way to post-harvest facilities.
- 5.3.8 It is the reporting planner's view that the PDP already provided a variety of options for rural service-related activities to establish in the rural zones, through provision for 'home businesses' (Rules GRUZ-R7, RPROZ-R7 & RLZ-R3) and 'commercial activities not otherwise provided for' (Rules GRUZ-R9, RPROZ-R9 & RLZ-R5) as Permitted Activities subject to permitted activity conditions and standards that limit their scale and potential adverse effects. In all these cases, the reporting planner noted that a home business or commercial activity reverted to a Discretionary Activity where it exceeded the Permitted Activity conditions around scale. Therefore, the reporting planner did not consider that separate provision for, or references to 'rural service activities' was necessary.

RLR – Rural Land Resource chapter – Objectives & policies



- 5.3.9 The reporting planner did not concur with Te Mata Mushrooms and Silver Fern Farms that Objective RLR-O2 should be broadened to reference 'rural industry' as the strategic objectives in relation to the rural land resource revolved around protecting the District's significant concentration of highly productive land from incremental and irreversible loss – broadening the strategic objectives as sought would indicate that all rural industry was inherently consistent with that approach. As outlined above, the reporting planner considered that any new industry that did not have a functional or operational requirement for a rural location was best directed to appropriately serviced industrial zones.
- 5.3.10 The reporting planner recommended that the amendment sought by Te Mata Mushrooms was rejected (noting the amendment to Objective RLR-O2 proposed as a result of recommendations outlined in Key Issue 2 of this report).
- 5.3.11 Silver Fern Farms also sought amendments to Objective RLR-O4 and Policy RLR-P5 to reference rural industry. In the reporting planner's view, Objective RLR-O4 reflected the overarching strategic objective to recognise the primary production role of the District's rural land resource as the priority. For the same reasons as above, the reporting planner did not support broadening the objective or the policy in the way sought. As Policy RLR-P5 referred to 'enabling primary production and related activities' she considered it would be inappropriate to similarly 'enable' rural industry, as this suggested it should have a permitted or controlled activity status, which was not supported (refer recommendations in Key Issue 16 in response to submissions addressing applicable rules and standards).
- 5.3.12 The reporting planner noted the recommended amendments for Policy RLR-P4 (refer Key Issue 2) included recognition that some non-primary production activities had an operational or functional need to locate in a rural area. She considered this was a more appropriate way to acknowledge the place of other activities such as 'rural industry'.

#### Methods & principal reasons

- 5.3.13 The reporting planner did not support the amendments sought by Te Mata Mushrooms in respect of Method RLR-M1. The reporting planner noted the amendments to this method proposed as a result of recommendations outlined in Key Issue 13 of this report to better reference primary production, including intensive primary production, as these were activities that required a rural location. The reporting planner considered that Rural industry did not inherently require a rural location. However, post-harvest facilities generally did, and therefore she recommended inclusion of references to post-harvest facilities, as opposed to rural industry. In the reporting planner's view, the area-specific provisions for the General Rural Zone and Rural Production Zone were accurately reflected in the text of Method RLR-M1, with the amendments recommended (incorporating the amendments recommended from Key Issue 13) as follows:

##### RLR-M1 Area-Specific Provisions

The use of zoning to direct activities to appropriate locations:

##### GRUZ – General Rural Zone:

The General Rural Zone encompasses the bulk of the District's rural land. This area is suitable for a wide range of **primary production** activities (**including intensive primary production, and related post-harvest facilities**) to occur, that can require exclusive areas of land and establishes the flexibility for landowners to identify opportunities to innovatively utilise the resources of the area. Controls in this Zone are tailored to provide flexibility for landowners.

##### RPROZ – Rural Production Zone:

The Rural Production Zone encompasses the concentration of highly productive land in and around the Ruataniwha and Takapau Plains and Waipukurau, Waipawa and Otane. Standards in this Zone reflect the more intensive nature of

**primary production** activities **(including intensive primary production and related post-harvest facilities)**, the increased interface between different land uses and the proximity of the Zone to the urban centres, and the pressures that this places on the soil resource.

RLZ – Rural Lifestyle Zone:

This Zone provides the main opportunity for low density residential development in the District, in close proximity to the main urban areas of Waipukurau and Waipawa.

- 5.3.14 The reporting planner broadly supported amending Method RLR-M3 and RLR – Principal Reasons as sought by Silver Fern Farms, as she considered this change would provide additional clarity. However, the reporting planner did not support the addition of specific reference to rural industry proposed for the last paragraph of the Principal Reasons, this unnecessary and inconsistent with the overarching strategic objective to recognise the primary production role of the District's rural land resource as the priority.
- 5.3.15 On this basis, the reporting planner recommended Method RLR-M3 and RLR – Principal Reasons be amended (incorporating the amendments recommended from Key Issue 13), as follows:

RLR-M3 Land Information Memorandum

When requested, people wishing to establish in the rural ~~zones-area~~ will be issued with a Land Information Memorandum advising them that they are establishing in a productive rural environment where amenity standards associated with the normal conduct of farming operations, **and related activities such as established rural industry**, in the Zone (that is, amenity standards that allow for fluctuating noise, odour and air quality levels resulting from accepted primary production management practices **and rural industry activities**) will be upheld by the Council. Provided that these activities are carried out within the provisions established by the District Plan **or in accordance with a resource consent(s)**, the effects **of the activities on amenity standards** will not be considered a nuisance.

Principal Reasons

The principal reasons for adopting the policies and methods:

The traditional pastoral area of the District will continue to be an important component of the District's economy and must be safeguarded – particularly the regionally, if not nationally, significant concentration of highly productive land in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane (in line with the proposed NPS-HPL).

The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in the rural environment, **particularly on the highly productive land within the Rural Production Zone**.

The rural environment provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector **(including intensive primary production)**. There is a limit on the scale of commercial and industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate zones where the effects can be suitably accommodated.

## GRUZ & RPROZ Chapters

### RPROZ Introduction

- 5.3.16 The reporting planner concurred that the Introduction should accurately reflect the small number of established rural industries present in the Rural Production Zone, but noted these were not necessarily small-scale (e.g. Silver Fern Farms). Therefore, she recommended the following amendment to the last paragraph of the RPROZ – Introduction, in response to the submission of Hort NZ.

RPROZ Introduction

The Rural Production Zone represents the identified concentration of highly productive land centred in and around the Ruataniwha and Takapau Plains and surrounding Waipukurau, Waipawa and Otane.

The Zone encompasses the contiguous, flat to undulating terrain within the District that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:

- an exceptionally high proportion of Class 1-3 soils (comprising almost 25% of the District),
- Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2% of the District),
- its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region, and
- its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce.

The predominant land uses within this part of the rural area of the District are **primary production, including intensive primary production**, cropping, livestock farming, and horticulture (including viticulture).

The rural landscape within the Rural Production Zone also supports a range of recreational activities, and areas of indigenous vegetation and habitat of indigenous fauna, particularly along the riparian margins of the incised river and streams that pass through the zone.

The Zone is generally sparsely settled and is characterised by a predominance of open space. There are a **few-small number of** commercial or industrial activities within the Zone that are of a small scale, and **a small number of larger established rural industries**, largely servicing the primary production sector and rural communities.

### Issue GRUZ-I2 / RPROZ Issues

- 5.3.17 The reporting planner did not support the amendment to specifically reference 'rural industry and service activities' in Issue GRUZ-I2 (also applied to the Rural Production Zone), as sought by Te Mata Mushrooms. The reporting planner considered the term 'rural activities' already covered the full breadth of complementary rural-related activities expressed in the wording of the issue, and considered that specifically referencing rural industry and service activities may unintentionally suggest that other complementary rural activities were not. Therefore, the reporting planner recommended that the submission of Te Mata Mushrooms in this respect, be rejected.

### Objectives GRUZ-O1 & RPROZ-O1

- 5.3.18 The reporting planner did not support the majority of the amendments sought by Te Mata Mushrooms for Objectives GRUZ-O1 & RPROZ-O1. In the reporting planner's view, these objectives accurately reflected the strategic direction for the rural land resource contained in the RLR – Rural Land Resource chapter of the PDP and formed the basis for the rule framework contained in the respective zones. The reporting planner noted the amendments to these objectives, recommended as a result of recommendations outlined in Key Issue 13 of this report, would reference intensive primary production – an aspect also covered in the amendments sought by Te Mata Mushrooms.
- 5.3.19 The reporting planner also agreed with Silver Fern Farms that the changes sought by Te Mata Mushrooms introduced undesirable imprecision via the phrases '...a range of activities' and '...unless an urban zone is more suitable'.
- 5.3.20 For the same reasons, the reporting planner did not support the amendments to Objective RPROZ-O1 to refer to the Rural Production Zone as '...predominantly used for primary production activities, ancillary activities and associated rural activities including rural industry' as sought by Silver Fern Farms either, and agreed with Hort NZ that the wording of this objective should retain a clear focus on providing for primary production activities in the Rural Production Zone.

- 5.3.21 For these reasons, the reporting planner recommended that the amendments sought above in relation to Objectives GRUZ-O1 & RPROZ-O1 be rejected (noting there were amendments recommended in response to submissions in Key Issue 13 of this report).

#### Objective RPROZ-O4

- 5.3.22 The reporting planner supported recognising the presence of the small number of established rural industries in the Rural Production Zone within Objective RPROZ-O4, and recommended amending item 3 in the objective accordingly (although not exactly as sought by Silver Fern Farms), as follows (differentiated from other recommended amendments to Objective RPROZ-O4 proposed as a result of recommendations outlined in Key Issue 4 of this report, by a darker grey shading):

|          |  |
|----------|--|
| RPROZ-O4 | <p>The predominant character of the Rural Production Zone is maintained, which includes:</p> <ol style="list-style-type: none"> <li>1. <b>overall</b> low-density built form, with open space and few structures;<br/> a predominance of <b>rural and land-based</b> primary production activities and associated buildings such as barns and sheds, <b>post-harvest facilities, seasonal workers accommodation</b>, and artificial crop protection structures and crop support structures, <b>which may vary across the district and seasonally;</b><br/> <b>the</b> sounds, <b>and</b> smells, <b>and traffic</b> associated with <b>legitimate</b> primary production activities, <b>and established rural industries, anticipated from a working rural environment;</b><br/> existing rural communities and community activities, such as rural halls, reserves and educational facilities;<br/> a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;<br/> an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).</li> </ol> |
|----------|--|

#### Policies GRUZ-P1 & RPROZ-P1

- 5.3.23 For the same reasons as outlined above in relation to Objectives GRUZ-O1 and RPROZ-O1, the reporting planner did not support the majority of the amendments sought by Te Mata Mushrooms for Policies GRUZ-P1 & RPROZ-P1.
- 5.3.24 The reporting planner recommended that the amendments sought in relation to Policies GRUZ-P1 & RPROZ-P1 be rejected (noting there are amendments recommended in response to submissions in Key Issue 13 of this report).

#### Policies GRUZ-P3 & RPROZ-P3

- 5.3.25 The reporting planner noted a high level of support by submitters for Policies GRUZ-P3 and RPROZ-P3, but noted that Federated Farmers and Hort NZ both sought amendments to replace the term 'rural commercial activities' with the term 'rural industry'.
- 5.3.26 This was opposed by Silver Fern Farms, based upon concern that the amendments sought would introduce a scale constraint on 'rural industry'. Livingston Properties also opposed the amendments sought on the basis that they were interested in carrying out rural commercial activities on their land.

5.3.27 The reporting planner did not support inclusion of ‘rural industry’ in these policies. The primary focus of the General Rural and Rural Production Zones, in the context of CHB and as reflected in the RLR – Rural Land Resource chapter of the PDP, was to support primary production-related activities, to safeguard the life-supporting capacity of the valuable soil resource, and to sustain the potential of the District’s concentration of highly productive land to meet the reasonably foreseeable needs of future generations. The reporting planner considered the approach in the rural zones was to provide for primary production in the first instance, and then to provide for other supporting activities that similarly required a rural location provided they did not compromise the primary production role of the zones.

5.3.28 In response to the above, the reporting planner therefore recommended that the amendments sought in relation to Policies GRUZ-P3 and RPROZ-P3 be rejected, but that the ‘rural’ in ‘rural commercial activities’ be deleted, as follows:

|          |  |
|----------|--|
| GRUZ-P3  | To manage the scale of post-harvest facilities and <del>rural</del> commercial activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.    |
| RPROZ-P3 | To manage the scale of post-harvest facilities and <del>rural</del> commercial activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated. |

#### Policy RPROZ-P5, Policy RPROZ-P7, and Policy RPROZ-P9

5.3.29 The reporting planner considered Policy RPROZ-P9, in referring to avoiding ‘establishment of commercial and industrial activities unrelated to the primary productive purpose of the Rural Production Zone, or that were of a scale that was incompatible with the predominant character and amenity of the rural area’, still accurately reflected the subsequent rule framework as notified, and as recommended subsequently in Key Issue 16 of this report. Therefore, the reporting planner did not consider there was a need to specifically exclude ‘rural industry’ in referring to industrial activities in this policy.

5.3.30 On that basis, the reporting planner recommended that the submissions of Silver Fern Farms in relation to Policies RPROZ-P5, RPROZ-P7 & RPROZ-P9 be rejected (noting there are other amendments recommended for Policy RPROZ-P7 in response to submissions from Hort NZ, addressed in Key Issue 3 of this report).

#### New objectives and policies

5.3.31 As stated above, the primary role of the General Rural Zone and, even more so, the Rural Production Zone in the PDP was to provide for primary production, including intensive primary production, in the first instance, and then to provide for a range of activities that supported primary production where these require a rural location – in this case, the PDP made targeted provision for post-harvest facilities and for small-scale commercial activities as Permitted Activities in these zones.

5.3.32 In the reporting planner’s view, it was not appropriate to have objectives in a PDP that invoke blanket recognition of future change in the character of a zone, as sought by Te Mata Mushrooms. She also considered ‘rural industry and service activities’ was too broad an activity. She considered that the proposed new objectives would appear to pave the way for activities that may not achieve the purpose of the zone and may have adverse effects on the rural environment.

- 5.3.33 The proposed policies sought by Te Mata Mushrooms referred to enabling the development and use of 'rural industrial and service activities'. In the reporting planner's view, 'to enable' suggested such activities should have a Permitted or Controlled activity status, which would prevent appropriate assessment of whether the activity was properly located in the rural area or whether its adverse effects, including on the highly productive land resource were such that consent should be declined (this is further discussed in Key Issue 16 of this report).

## **5.4 Evidence to the hearing**

- 5.4.1 Lynette Wharfe presented planning evidence for Hort NZ. In her evidence she supported the provisions for post-harvest facilities but sought changes for rural industry including the addition of a policy. She did not consider that the s42A Report recommendations for rural industry reflected that the activities were anticipated in the rural environment.
- 5.4.2 Steve Tuck provided evidence on behalf of Silver Fern Farms. The evidence focused on references to rural industry in objectives and policies and providing stronger deterrence of non-rural activities.
- 5.4.3 Claire Price presented planning evidence for Te Mata Mushrooms. In her evidence she did not support the proposed amendments to RLR-O2 and RPROZ -O4.
- 5.4.4 Rhea Dasent presented evidence for Federated Farmers and sought amendments to include to rural industry as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.

## **5.5 Post hearing information**

- 5.5.1 The reporting planner's right-of-reply addressed the rural industry definition, the objective and policy framework and the evidence from Federated Farmers, Hort NZ, Silver Fern Farms and Te Mata Mushrooms. The reporting planner did not change her position other than in relation to a minor amendment to GRUZ-P3 & RPROZ-P3.

## **5.6 Evaluation and findings**

- 5.6.1 The Panel's recommendations against each submission point are listed in the table in Appendix B. The following section outlines the evaluation and findings in relation to the key points of contention.

### **Post-harvest facility**

- 5.6.2 The Panel agrees with the planner's recommendation that the definition of 'Post-Harvest Facility' specifically exclude 'initial processing of primary produce, where this is exclusively carried out as an ancillary activity to primary production occurring on the site' as a 'post-harvest facility' is independent of, and not ancillary to, 'primary production' occurring on the site.

### **New definitions for 'Rural Industry' / 'Rural Industrial Activity' / 'Rural Service Activity'**

- 5.6.3 The Panel agrees with the reporting planner that a definition of ‘Rural Industry’ from the National Planning Standards is appropriate to differentiate between industrial activities generally, and those which directly support, service, or are dependent on primary production and that require a rural location.

#### RLR – Rural Land Resource Chapter

##### Objectives & policies

- 5.6.4 The Panel agrees with the reporting planner that no amendments are required to the objectives and policies to recognise ‘rural industry’.

##### Methods & principal reasons

- 5.6.5 The Panel agrees with the reporting planner and do not support the amendments sought by Te Mata Mushrooms in respect of Method RLR-M1. The Panel notes that the amendments to this method proposed as a result of recommendations outlined in Key Issue 13 of this report to better reference primary production, including intensive primary production, as these are activities that require a rural location. The Panel, however, notes that while the definition of ‘rural industry’ explicitly states that rural industry is undertaken within the rural environment, such activities can have some significant effects.
- 5.6.6 The Panel agrees with the reporting planner’s recommended amendments to Method RLR-M3 and RLR – Principal Reasons.

#### GRUZ & RPROZ Chapters

##### RPROZ Introduction

- 5.6.7 The Panel agrees with the reporting planner that the Introduction should better acknowledge the small number of established rural industries, but we recommend some minor further amendments to the wording as follows with additional changes shown in highlighted in grey:

The Zone is generally sparsely settled and is characterised by a predominance of open space. **There are a small number of small scale commercial or industrial activities and a small number of larger established rural industries**  
~~There are a few small number of commercial or industrial activities within the Zone that are of a small scale, and a small number of larger established rural industries,~~ largely servicing the primary production sector and rural communities **within the zone.**

##### Issue GRUZ-I2 / RPROZ Issues

- 5.6.8 The Panel agrees with the reporting planner that specific reference ‘rural industry and service activities’ in Issue GRUZ-I2 (also applied to the Rural Production Zone) is not necessary as the term ‘rural activities’ already covers the full breadth of complementary rural-related activities expressed in the wording of the issue and consider that specifically referencing rural industry and service activities may unintentionally suggest that other complementary rural activities are not.

##### Objectives GRUZ-O1 & RPROZ-O1



- 5.6.9 The Panel agrees with the reporting planner that the amendments sought above in relation to Objectives GRUZ-O1 & RPROZ-O1 be rejected. The wording of the objectives should be kept simple and retain a clear focus on providing for primary production activities.

#### Objective RPROZ-O4

- 5.6.10 The Panel agrees with the reporting planner's recommended amendments to this objective to recognise the presence of the small number of established rural industries in the Rural Production Zone.

#### Policies GRUZ-P1 & RPROZ-P1

- 5.6.11 The Panel agrees with the reporting planner that, for the same reasons as outlined above in relation to Objectives GRUZ-O1 and RPROZ-O1, the amendments sought by Te Mata Mushrooms for Policies GRUZ-P1 & RPROZ-P1 be rejected.

#### Policies GRUZ-P3 & RPROZ-P3

- 5.6.12 The Panel does not agree with the reporting planners proposed amendments to GRUZ-P3 and RPROZ-P3 and considered that 'rural industry' should be include in the objective as follows:

|          |   |
|----------|---|
| GRUZ-P3  | To manage the scale of post-harvest facilities, <u>rural industry</u> and <del>rural</del> commercial activities to ensure that they remain compatible with the primary productive purpose of the General Rural Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated.    |
| RPROZ-P3 | To manage the scale of post-harvest facilities, <u>rural industry</u> and <del>rural</del> commercial activities to ensure that they remain compatible with the primary productive purpose of the Rural Production Zone, and potential adverse effects on the character and amenity of the rural area are avoided, remedied or mitigated. |

- 5.6.13 The Panel considers it appropriate for these policies to manage the potential adverse effects of rural industry, including their scale. While there are no specific standards with respect to the scale of these activities (as there are for commercial activities for example), the Panel considers the scale of proposed rural industry should be considered in the resource consent process as a discretionary activity.

#### Policy RPROZ-P5, Policy RPROZ-P7, and Policy RPROZ-P9

- 5.6.14 The Panel agrees with the reporting planner that the submissions of Silver Fern Farms in relation to Policies RPROZ-P5, RPROZ-P7 & RPROZ-P9, be rejected as it is not considered there is a need to specifically exclude 'rural industry' in referring to industrial activities in this policy.

#### New objectives and policies

- 5.6.15 The Panel agrees with the reporting planner that it is not appropriate to have objectives in a PDP that invoke blanket recognition of future change in the character of a zone, as sought by Te Mata Mushrooms.



## **6 Key Issue 16 – Provision for post-harvest facilities and rural industry – rules, standards, assessment matters etc**

### **6.1 Proposed plan provisions**

- 6.1.1 This key issue addresses the provisions for post-harvest facilities and the rural industry specifically the rules, standards and assessment matters.

### **6.2 Submissions**

- 6.2.1 In summary, 16 submissions and 7 further submissions addressed ‘initial processing’ as part of primary production activities, rules relating to post-harvest facilities, and sought new provisions to specifically provide for rural industry in the Rural Zones in the PDP in some way.

### **6.3 Reporting planner’s recommendations**

#### **Rules GRUZ-R3 & RPROZ-R3 Primary Production Activities**

- 6.3.1 Te Mata Mushrooms sought clarification as to what ‘initial processing’, as set out in the definition of ‘primary production activities’, was permitted by Rules GRUZ-R3 and RPROZ-R3, and what was considered to be ‘post-harvest facilities’.
- 6.3.2 As outlined in Key Issue 15 above, in relation to the definitions, whilst the definition of ‘Primary Production Activity’ (as taken from the National Planning Standards) includes ‘initial processing’ of commodities, the definition clarifies that this applies where it is ‘an ancillary activity’ to the primary production activity, and specifically excludes further processing of those commodities into a different product. Whereas the definition of ‘Post-Harvest Facility’ is related to buildings operated ‘by one or more growers’ used for the storage, packaging, washing, inspecting and grading of primary produce brought to the facility ‘from a range of locations’.
- 6.3.3 In the reporting planner’s view, a ‘post-harvest facility’ was independent of, and not ancillary to, ‘primary production’ occurring on the site. To further clarify and differentiate this in the PDP, the reporting planner recommended that the definition of ‘post-harvest facility’ specifically exclude ‘initial processing of primary produce, where this was exclusively carried out as an ancillary activity to primary production occurring on the site’.

#### **Rule GRUZ-R6 & RPROZ-R6 Post-Harvest Facilities**

- 6.3.4 Hort NZ considered Assessment Matters GRUZ-AM6 and RPROZ-AM7 should be listed in Rules GRUZ-R6(2) and RPROZ-R6(2) respectively, as another matter over which discretion was restricted where compliance with the standards was not achieved.
- 6.3.5 Assessment Matters GRUZ-AM6 and RPROZ-AM7 were a broader set of assessment matters for assessing the effects of post-harvest facilities exceeding the 2,500m<sup>2</sup> gross floor area threshold per site, which directly related to condition (1)(a), not condition (1)(b). Therefore, the reporting planner considered that adding these assessment matters to the list of matters was not in keeping with the rule framework adopted in the PDP.

- 6.3.6 On that basis, the reporting planner did not recommend adding Assessment Matters GRUZ-AM6 and RPROZ-AM7 to the list of matters to which discretion is restricted in Rules GRUZ-R6(2) and RPROZ-R6(2) respectively.

#### Rules to specifically provide for Rural Industry

- 6.3.7 Silver Fern Farms, Te Mata Mushrooms, and Hort NZ all sought to specifically provide for rural industry in the rule framework for the General Rural and Rural Production Zones in the PDP in some way.
- 6.3.8 Te Mata Mushrooms sought the addition of new rules providing for 'Rural Industrial Activities' in the General Rural and Rural Production Zones as a Permitted Activity. Similarly, Silver Fern Farms sought the addition of a new rule providing for rural industry in the Rural Production Zone as a Controlled Activity, subject to the general standards applying in the zone, and where the standards were not met, a Restricted Discretionary Activity status would then apply.
- 6.3.9 Hort NZ favoured changes to Rules GRUZ-R9 and RPROZ-R9 ('Commercial activities not otherwise provided for'), renaming them for 'Rural Industry' instead (and consequential changes to the titles of associated Assessment Matters GRUZ-AM7 and RPROZ-AM8 to refer to 'rural industry' instead of 'commercial activities').
- 6.3.10 The reporting planner stated that the approach in the PDP, as reflected in the RLR – Rural Land Resource chapter, had been to provide for primary production in the rural zones in the first instance, and then to provide for other supporting activities that similarly required a rural location provided they did not compromise the primary production role of the rural zones.
- 6.3.11 In the report planner's view, 'rural industry' warranted a greater level of scrutiny than the types of 'facilities' that fall within the definition of 'post-harvest facilities' and, therefore, she did not support provision for such industry as a Permitted or Controlled Activity as sought by Te Mata Mushrooms and Silver Fern Farms.
- 6.3.12 Further, the reporting planner did not support the alternative option of changing the application of Rules GRUZ-R9 and RPROZ-R9 from 'Commercial activities not otherwise provided for' to instead apply to 'Rural Industry', as sought by Hort NZ. In the reporting planner's view, Rules GRUZ-R9 and RPROZ-R9 were necessary to continue to provide for small-scale commercial activities not otherwise provided for in these zones (as a Permitted Activity, subject to activity thresholds in Standards GRUZ-S1 and RPROZ-S1 respectively, and compliance with the relevant general zone standards).
- 6.3.13 The reporting planner recommended inserting a new rule in the General Rural Zone and the Rural Production Zone specifically providing for 'Rural Industry' as a Discretionary Activity with an important clear direction to consider the necessity of a rural location, and that Rules GRUZ-R19 and RPROZ-R19 be amended to exclude 'rural industry' as a consequence, as follows:

| <b>GRUZ-RXX Rural industry (other than post-harvest facilities)</b>  |  |
|--|--|
| <b>1. <u>Activity Status: DIS</u></b><br><b><u>Where the following conditions are met: N/A</u></b><br><b><u>Subject to (but not limited to) the following assessment matter:</u></b> | <b>2. <u>Activity status where compliance is not achieved: N/A</u></b> |

|   |   |
|---|---|
| a. <u>The necessity of a rural location.</u>  |   |
| <b>RPROZ-RXX Rural industry (other than post-harvest facilities)</b>  |   |
| 1. <u>Activity Status: DIS</u><br>Where the following conditions are met: N/A<br>Subject to (but not limited to) the following assessment matter:<br>a. <u>The necessity of a rural location.</u> | 2. <u>Activity status where compliance is not achieved: N/A</u> |
| <b>GRUZ-R19 Industrial activities (other than post-harvest facilities and rural industry)</b>   |   |
| 1. Activity Status: NC<br>Where the following conditions are met: N/A   | 2. Activity status where compliance not achieved: N/A           |
| <b>RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)</b>  |   |
| 1. Activity Status: NC<br>Where the following conditions are met: N/A   | 2. Activity status where compliance not achieved: N/A           |

### Assessment matters

- 6.3.14 Silver Fern Farms' submission that sought insertion of a new assessment matter relating to 'Rural Industry' in the Rural Production Zone was on the back of seeking a Controlled Activity status, and where the standards were not met, the submitter sought a Restricted Discretionary Activity status for such activities. The new assessment matters sought were the matters which they proposed discretion should be restricted to, on the basis that their proposed new rule for 'rural industry' was adopted.
- 6.3.15 Whilst the reporting planner had recommended inclusion of a separate rule for 'rural industry' in the General Rural and Rural Production Zones above, this was on the basis of a Discretionary Activity. In that situation, identification of specific assessment matters was not required.
- 6.3.16 Further, the reporting planner considered the assessment matters sought appeared to revolve around providing for the needs of the rural industry (for example, to establish large buildings and supporting infrastructure, to emit odour, noise and light on a 24/7 basis, and to use heavy vehicles and machinery), as opposed to assessing matters related to adverse effects of the activity on the environment.
- 6.3.17 On this basis, the reporting planner did not support inserting the new assessment matters for 'rural industry' in the Rural Production Zone, as sought by Silver Fern Farms.

## 6.4 Evidence to the hearing

- 6.4.1 Claire Price presented planning evidence for Te Mata Mushrooms. Ms Price accepted the s42A report recommendations in relation to this key issue.
- 6.4.2 Lynette Wharfe presented planning evidence for Hort NZ. Ms Wharfe sought changes for rural industry including the addition of a permitted activity rule defaulting to restricted discretionary.

- 6.4.3 Steve Tuck provided evidence on behalf of Silver Fern Farms. The evidence focused on references to rural industry in objectives and policies and providing stronger deterrence of non-rural activities.

## **6.5 Post hearing information**

- 6.5.1 The reporting planner's right-of-reply addresses the rural industry rules, standards and assessment matters and the reporting planner did not change her position that a new rule providing for 'Rural Industry' as a discretionary activity is appropriate.

## **6.6 Evaluation and findings**

### **Rules GRUZ-R3 & RPROZ-R3 Primary Production Activities**

- 6.6.1 The Panel agrees with the reporting planner that a 'post-harvest facility' is independent of, and not ancillary to, 'primary production' occurring on the site. To further clarify and differentiate this in the PDP, the Panel recommends that the definition of 'post-harvest facility' specifically exclude 'initial processing of primary produce, where this is exclusively carried out as an ancillary activity to primary production occurring on the site'.

### **Rule GRUZ-R6 & RPROZ-R6 Post-Harvest Facilities**

- 6.6.2 The Panel agrees with the reporting planner and does not recommend adding Assessment Matters GRUZ-AM6 and RPROZ-AM7 to the list of matters to which discretion is restricted in Rules GRUZ-R6(2) and RPROZ-R6(2) respectively. The assessment matters in GRUZ-AM6 and RPROZ-AM7 do act as a useful list for consideration in the assessment of post-harvest facilities that do not comply with the conditions in Rules GRUZ-R6(1)(a) and RPROZ-R6(1)(a) as a Discretionary Activity (Rules GRUZ-R6(3) and RPROZ-R6(3)).

### **Rules to specifically provide for Rural Industry**

- 6.6.3 Silver Fern Farms, Te Mata Mushrooms, and Hort NZ all seek to specifically provide for rural industry in the rule framework for the General Rural and Rural Production Zones in the PDP in some way. The Panel agrees with the reporting planner that a new rule should be inserted in the General Rural Zone and the Rural Production Zone specifically providing for 'Rural Industry' as a Discretionary Activity, with an important clear direction to consider the necessity of a rural location, and that Rules GRUZ-R19 and RPROZ-R19 be amended to exclude 'rural industry' as a consequence.

### **Assessment matters**

- 6.6.4 The Panel agrees with the reporting planner and does not support the insertion of the new assessment matters for 'rural industry' in the Rural Production Zone.

## **7 Key Issue 17 – Provision for agricultural aviation movements, rural airstrips, and helicopter landing areas – definitions, rules & related noise standards**

### **7.1 Proposed plan provisions**

- 7.1.1 This key issue addresses the provision in relation to agricultural aviation movements, rural airstrips, and helicopter landing areas and specifically the definitions, rules and related noise standards.

### **7.2 Submissions**

- 7.2.1 In summary, 50 submissions and 92 further submissions address the relevant definitions, rules, and noise standards applying to aviation activities in the Rural Zones in the PDP.

### **7.3 Reporting planner's recommendations**

Overview of approach to agricultural aviation movements, rural airstrips, and helicopter landing areas in the PDP

- 7.3.1 By way of background and to provide some context, the issue of airstrips arose in CHB in 2018 with private development of an airstrip off Elsthorpe Road, near Ōtāne, which was proposed to act as the home base for a commercial crop-dusting activity. A Certificate of Compliance under the ODP was granted in early 2019, following an application to Council and a declaration from the Environment Court. This case highlighted gaps in the current provisions in the ODP to address such activities.
- 7.3.2 Following a review of other relevant District Plans across the country, the most comparable district addressing this issue at the time was Selwyn District Council. The provisions of the notified PDP borrowed from the approach in the Proposed Selwyn District Plan in this regard – but heavily adapted to the Central Hawke's Bay context. The Panel was informed that the Selwyn District Plan provisions were under appeal.

General submission

- 7.3.3 In response to the general submission of Aerospread, whilst the reporting planner understood the issue of regulatory compliance for the aviation industry was complex, she considered the provisions in the PDP were there to address the land use activity component, as opposed to the aviation safety component. In that respect, the reporting planner did not consider it appropriate to defer to other regulatory bodies such as the Civil Aviation Authority (CAA) for an RMA matter – that is, CAA approvals did not consider matters such as noise effects from airstrips on nearby residential properties.

Aviation and Airstrip Definitions

'Agricultural Aviation Movements'

- 7.3.4 There was only one submission on the definition of ‘agricultural aviation movements’ in the PDP and this is in support of retaining the definition as notified – no further analysis is considered necessary in this respect.

#### ‘Helicopter Landing Area’

- 7.3.5 Hort NZ sought to exclude the intermittent use for agricultural aviation movements from the definition of ‘helicopter landing area’, or to replace it with a definition that reflected more a helicopter base/depot. The NZAAA (supported by Aerospread Ltd) similarly wish to have the PDP adopt the terms used by the CAA, being ‘main base’, ‘remote base’, ‘aerodrome’, ‘airstrip’, ‘heliport’ and ‘landing zone’.
- 7.3.6 In the reporting planner’s view, the definition of ‘helicopter landing area’ was appropriate in the context of the proposed plan provisions – in that the provisions of the PDP sought to provide for ‘helicopter landing areas’ as a Permitted Activity in the General Rural and Rural Production Zones, subject to conditions and standards (Rules GRUZ-R5 & RPROZ-R5), as distinct from a helicopter base/depot which falls to a Discretionary Activity (Rules GRUZ-R18 & RPROZ-R18).
- 7.3.7 The reporting planner also did not support excluding agricultural aviation movements from the definition. The movements themselves were provided for as a Permitted Activity in Rules GRUZ-R4 & RPROZ-R4. However, Rules GRUZ-R5 & RPROZ-R5 related to the ‘helicopter landing area’, and the total combined movements limit specifically excludes ‘agricultural aviation movements ancillary to primary production activities’ where undertaken on the same site. This exclusion acknowledges that agricultural aviation movements to and from a landing area can support multiple properties, which could amount to a significant number of movements. The reporting planner considered this was the appropriate way to address agricultural aviation movements associated with ‘helicopter landing areas’.

#### ‘Rural Airstrip’

- 7.3.8 Federated Farmers sought to amend the definition of ‘rural airstrip’ in the PDP to exclude agricultural aviation movements ancillary to primary production activities.
- 7.3.9 As for ‘helicopter landing areas’ above, the reporting planner notes that agricultural aviation movements are provided for as a Permitted Activity in Rules GRUZ-R4 & RPROZ-R4. However, Rules GRUZ-R5 & RPROZ-R5 related to the ‘rural airstrip’ and/or ‘helicopter landing areas’, and the total combined movements limit specifically excluded ‘agricultural aviation movements ancillary to primary production activities’ where undertaken on the same site. This acknowledged that agricultural aviation movements to and from a rural airstrip could support multiple properties, which could amount to a significant number of movements. The reporting planner considered this was the appropriate way to address agricultural aviation movements associated with ‘rural airstrips’. Intermittent use of a farm airstrip when fertiliser or spraying was done on that same farm would not be captured.

Rules GRUZ-R4 & RPROZ-R4 – agricultural aviation movements ancillary to primary production activities

- 7.3.10 Federated Farmers sought amendments to these rules to include ‘landing areas’. The purpose of these rules relates to the movements themselves, whereas rural airstrips/landing areas were intentionally covered separately by Rules GRUZ-R5 & RPROZ-R5, as outlined above in the overview to this issue. The reporting planner did not support the amendments sought by Federated Farmers and recommends retention of Rules GRUZ-R4 & RPROZ-R4 in the PDP as notified.

#### Rules GRUZ-R5 & RPROZ-R5 – rural airstrips and/or helicopter landing areas

- 7.3.11 Federated Farmers sought the addition of a note within Rule GRUZ-R5 as follows:  
*‘Exclusion: emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site are excluded from the above’*
- 7.3.12 Aerospread, the NZAAA, and Ballance Agri-Nutrients, also sought to ensure that the 1,000-movement threshold in condition (1)(b) of Rules GRUZ-R5 & RPROZ-R5 did not apply to agricultural aviation movements.
- 7.3.13 The reporting planner noted that condition (1)(b) already specifically stated that the total combined aircraft and helicopter movements was ‘excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site’. In the reporting planner’s view, that was in keeping with the intended rule framework applied in the PDP and was appropriate. In the reporting planner’s opinion, the additional exclusionary wording sought by Federated Farmers was unnecessary.
- 7.3.14 In response to the submission of Josh and Suzie Calder to delete conditions (1)(a) – (f) in Rules GRUZ-R5 & RPROZ-R5, the reporting planner concurred with the further submissions of Federated Farmers, Aerospread and the, that there needed to be a distinction between those ‘rural airstrips’ on farm used occasionally for fertiliser spreading or spraying, and those ‘airstrips’ that were used on a regular basis like an airport or depot, and this was in keeping with the rule framework currently proposed in the PDP.
- 7.3.15 The reporting planner also concurred with the further submission of Jill Fraser that conditions (1)(a) – (f) were essential to ensuring that the quality of the environment surrounding rural dwellings was maintained and that the intensity of rural airstrip activities was appropriate, in order to protect the wellbeing of people living in close proximity to such activities.
- 7.3.16 Whilst any activity not otherwise provided for is already effectively captured by Rules GRUZ-R18 & RPROZ-R18, the reporting planner accepted that the status of aircraft facilities that were used more like a depot could be made clearer. She considered this could be achieved through introduction of an additional Discretionary Activity rule in both the General Rural and Rural Production Zones, for ‘Airport/aerodrome (other than rural airstrip), and helicopter depot’, recommended as follows:

| <b><u>GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot</u></b>       |  |
|--|--|
| 1. <b><u>Activity Status: DIS</u></b><br><b><u>Where the following conditions are met: N/A</u></b> | 2. <b><u>Activity status where compliance not achieved:</u></b><br><b><u>N/A</u></b> |

| <b><u>RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot</u></b>      |  |
|--|--|
| 1. <b><u>Activity Status: DIS</u></b><br><b><u>Where the following conditions are met: N/A</u></b> | 2. <b><u>Activity status where compliance not achieved:</u></b><br><b><u>N/A</u></b> |

With the addition of the following definition for 'helicopter depot', as a consequential amendment:

|                                |   |
|--------------------------------|---|
| <b><u>HELICOPTER DEPOT</u></b> | <b><u>means a site regularly used as a base for the operation, servicing, refuelling, and storage of helicopters.</u></b> |
|--------------------------------|---|

- 7.3.17 In response to the submissions of Jill Fraser seeking amendments to Rules GRUZ-R5 & RPROZ-R5, the reporting planner disagreed that the description of the rule (which currently refers to 'new, or expansion of existing, rural airstrips and/or helicopter landing areas') would only capture physical extensions to a runway or buildings associated with a rural airstrip. In the reporting planner's view, as soon as any one of the conditions was exceeded, including the total combined aircraft and helicopter movements threshold in condition (1)(b), then an existing rural airstrip or helicopter landing area would no longer meet the requirements to be considered a Permitted Activity, and would require a resource consent. In the case where compliance with condition (1)(b) was not achieved, the activity would clearly fall to a Discretionary Activity pursuant to Rules GRUZ-R5(3) & RPROZ-R5(3).
- 7.3.18 The reporting planner did not support the inclusion of a threshold in terms of frequency of flights alongside the maximum total combined movements threshold. The reporting planner noted the PDP intentionally avoided a daily or weekly maximum, as this would not reflect the context of typical rural airstrip use in CHB which could exhibit short periods of high activity followed by long periods of inactivity, as outlined above. The reporting planner considered that having a daily or weekly threshold could inadvertently capture (and trigger consent for) a normal response to an intense period of frost events for example.
- 7.3.19 Similarly, the reporting planner did not consider an 'hours of operation' threshold was necessary for a 'rural airstrip' or 'helicopter landing area'. Whilst a limit on hours of operation was adopted in the Proposed Selwyn District Plan, in the context of CHB, this could inadvertently capture (and trigger consent for) normal frost mitigation responses, which could include very early morning helicopter activity.
- 7.3.20 The submission from Jill Fraser also sought certain matters be highlighted for consideration when assessing and evaluating resource consents for a rural airstrip that could not achieve the 500m separation distance from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site (refer condition (1)(a)(ii) of Rules GRUZ-R5 & RPROZ-R5), as a full Discretionary Activity.
- 7.3.21 The reporting planner concurred with the submitter that the following matters were appropriate points to consider: flight path for take-offs and landings (to avoid the site on which the noise sensitive activity is located); the total number and frequency of flights; the hours of operation of the airstrip; and whether there was any lighting of the airstrip proposed.
- 7.3.22 The reporting planner considered there may be some value in providing guidance in the form of additional specific assessment matters specifically for 'Rural airstrips and helicopter landing areas' where they did not achieve the minimum distance from existing noise sensitive activities in the surrounding area (condition (1)(a)(ii)), and recommended the following:

**GRUZ-AMXX / RPROZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 500m of existing noise sensitive activities on a different site)**

- 1. The number, frequency, and hours of flight operations.**
- 2. The position of the flight path for take-offs and landings.**
- 3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.**



#### **4. The necessity to locate on the site, and the availability and feasibility of other alternatives.**

- 7.3.23 With respect to consideration of resource consent applications on a non-notified basis, Jill Fraser sought that this should only occur with the consent of the property owners and/or tenants of noise sensitive activities located within 500m of a proposed rural airstrip or extensions to a rural airstrip. There was a clear statutory process for determining public and limited notification of a resource consent application set out in s95A and 95B of the RMA, which included consideration of any adverse effects on adjoining land and the wider environment. This statutory process was the appropriate process for determining notification in the situation referred to by the submitter.
- 7.3.24 On the basis of the above, the reporting planner recommended retention of Rules GRUZ-R5 & RPROZ-R5 in the PDP as notified.

#### **Standard NOISE-S4 Noise Limits – Agricultural Aviation Activities**

- 7.3.25 The NZAAA (supported by Aerospread and Hort NZ) were concerned about the daytime hours applying in Standard NOISE-S4 and sought adoption of the CAA daylight zone hours instead.
- 7.3.26 Given ‘agricultural aviation movements’, ‘rural airstrips’ and ‘helicopter landing areas’ are specific activities identified in Standard NOISE-S5, the concerns around daytime hours applied in Standard NOISE-S4 in relation to noise from aviation activities were, in the reporting planner’s view, were unfounded.

#### **Standard NOISE-S5(11) & (12) – Agricultural Aviation Movements**

- 7.3.27 Josh & Suzie Calder, Ballance Agri-Nutrients, Hort NZ, Federated Farmers, Aerospread, & the NZAAA all submitted on Standard NOISE-S5 (11) & (12) and effectively sought unlimited exemption from any noise standards for ‘agricultural aviation movements’.
- 7.3.28 As notified, Standard NOISE-S5 (11) exempted agricultural aviation movements from the noise limits in Standard NOISE-S4 for up to 14 days in any calendar year. Beyond those 14 days, the noise limits for ‘rural airstrips’ (clauses (13), (14) & (15) and ‘helicopter landing areas’ (clauses (16), (17) & (18)) applied.
- 7.3.29 The advice of Council’s acoustic expert was that the inclusion of a 14-day exemption was not to provide a blanket exemption from any and all noise limits, but to provide exemption for 14 days of the year where a high level of noise associated with agricultural aviation movements on a site was deemed reasonable and acceptable in the context of a working rural environment.
- 7.3.30 If the noise from agricultural aviation movements at a site was high for more than 14 days of the year, the implication was that the noise limits specifically applying to a ‘rural airstrip’ or ‘helicopter landing area’ should apply. In this case, a day-night average sound level limit would apply, as per Standards NOISE-S5(13) for rural airstrips or Standards NOISE-S5(16) & (17) for helicopter landing areas.

- 7.3.31 The reporting planner was of the view that this approach was reasonable in terms of managing adverse noise effects generated by aviation activities occurring in the rural environment, whilst also recognising that agricultural aviation movements were an essential component of primary production within a working rural environment. On that basis, the reporting planner recommended retention of Standard NOISE-S5(11) & (12) as notified.

#### Standard NOISE-S5(13), (14) & (15) – Rural Airstrips

- 7.3.32 Ballance Agri-Nutrients, Hort NZ, Aerospread, the NZAAA, Hort NZ and Federated Farmers all effectively sought deletion of the reference to the 14 days limit applying to agricultural aviation movements in Standard NOISE-S5(13), largely as a consequence of their submissions to remove similar 14-day limitation in clause (11) addressed above.
- 7.3.33 In response to Karen Middleberg’s request to enable ‘some’ rural airstrips to have an exemption to exceed the ‘14 days in any calendar year’ exemption, the reporting planner considered it is unclear which rural airstrips this should apply to. In the reporting planner’s view, a resource consent processed as a Discretionary Activity would enable an assessment of effects and determination as to the appropriateness of this for the particular rural airstrip in question, on a case-by-case basis.
- 7.3.34 For the reasons outlined and given the reporting planner’s recommendations in relation to Standard NOISE-S5(11) & (12) above, she recommended to retain the reference to ‘(excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year)’ in Standard NOISE-S5(13).
- 7.3.35 However, the reporting planner did not concur with Hort NZ that clause (13) should be amended so measurement for the Rural Lifestyle Zone was at the notional boundary of any building containing a noise sensitive activity, as for the General Rural and Rural Production Zones, rather than the property boundary of any site containing a noise sensitive activity applying in other zones. The reporting planner considered the size of rural lifestyle sites was significantly larger compared to sites within the urban and settlement zones, and a notional boundary approach to measurement was appropriate in that situation, and recommended the following amendment to Standard NOISE-S5(13):

| NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.   |   |
|--|---|
| <i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i> |   |
| Rural Airstrips  | <p>13. The day-night average sound level (<math>L_{dn}</math>) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55 dB <math>L_{dn}</math>, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, <b>and</b> Rural Production <b>and</b> <b>Rural Lifestyle</b> Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p> |

#### Standard NOISE-S5(16), (17) & (18) – Helicopter Landing Areas

- 7.3.36 Ballance Agri-Nutrients, Hort NZ, Aerospread, the NZAAA, Hort NZ and Federated Farmers all effectively sought deletion of the reference to the 14 days limit applying to agricultural aviation movements in Standard NOISE-S5(16), largely as a consequence of their submissions to remove similar 14-day limitation in clause (11) addressed above.
- 7.3.37 For the reasons outlined, and the recommendation in relation to Standard NOISE-S5(11) & (12) above, the reporting planner similarly recommended retention of the reference to '(excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year)' in Standard NOISE-S5 (16) as notified.
- 7.3.38 However, the reporting planner did concur with Hort NZ that clause (16) should be amended so measurement for the Rural Lifestyle Zone was at the notional boundary of any building containing a noise sensitive activity, as for the General Rural and Rural Production Zones, rather than the property boundary of any site containing a noise sensitive activity applying in other zones. The reporting planner considered the size of rural lifestyle sites was significantly larger compared to sites within the urban and settlement zones, and a notional boundary approach to measurement is appropriate in that situation, and recommended the following amendment to Standard NOISE-S5(16):

|  |  |
|--|--|
| NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.   |  |
| <i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i> |  |
| 16.  | The day-night average sound level ( $L_{dn}$ ) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB $L_{dn}$ measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural, <del>and Rural Production</del> <b>and Rural Lifestyle</b> Zones, or at the boundary of any site containing a noise sensitive activity in all other zones. |
| 17.  | Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB $L_{dn}$ , and in any case the limit must not be exceeded by 3 dB on any day.  |
| 18.  | Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas.   |

#### Definition of 'Noise Sensitive Activity'

- 7.3.39 The term 'Noise Sensitive Activity' was particularly relevant to the application of Standard NOISE-S5 in relation to 'rural airstrips' (clause 13) and 'helicopter landing areas' (clause 16). In both cases, the day-night average sound level is '*measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership*' (where 'notional boundary' is defined in the PDP as '*a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building*').
- 7.3.40 Submitters on this matter generally supported for the definition of 'Noise Sensitive Activity' in the PDP. However, Hort NZ sought to amend the definition to limit its application to buildings used for the noise sensitive activities listed.
- 7.3.41 The reporting planner concurred with Waka Kotahi and the Ministry of Education, that it was important that outdoor noise sensitive activities were included in the definition. In the reporting planner's view, to limit the definition so that it only applies to noise sensitive activities within buildings, and not the open area around the buildings, ignored the impact that noise could have on the occupiers of a property and the enjoyment of their property. The reporting planner noted that managing this impact was reflected the use of the property boundary, or 'notional boundary' adopted in the PDP, in terms of where noise measurements were taken from when assessing noise.

- 7.3.42 Therefore, the reporting planner recommended that the definition of ‘Noise Sensitive Activity’ in the PDP was retained as notified.

## **7.4 Evidence to the hearing**

- 7.4.1 Bruce Peterson and Bill MacGregor gave evidence for Aerospread. The evidence related to General District Matters, including in the areas of Interpretations, Noise-S4 and S5, GRUZ-R4 and R5 and RPROZ-R4 and R5.
- 7.4.2 Lynette Wharfe presented planning evidence for Hort NZ. Ms Wharfe did not agree with the s42A Report in respect of provisions for agricultural aviation and identified a number of issues with the rules and standards, including lack of clarity and achieving the outcome sought in the s32 Report to provide for agricultural aviation activities as permitted.
- 7.4.3 Rhea Dasent presented evidence for Federated Farmers that provisions for airstrips and aviation must not unnecessarily regulate those that are ancillary to the farming land use and only used occasionally for spraying or fertiliser application on the farm. Federated Farmers was also concerned that the definition of rural airstrips would inappropriately capture an airstrip on a farm which was only used temporarily when fertiliser or spraying was done on that same farm, and then reverted back to grazing for livestock once work was complete.
- 7.4.4 Natasha Reid presented planning evidence for Waka Kotahi. In her evidence she accepted all Officer recommendations as they related to the State Highway network.
- 7.4.5 Synopsis Legal gave evidence on behalf of Josh and Suzie Calder (S58) in relation to rural airstrips and noise. The legal submission focused on the workability and practical implementation of the permitted activity conditions for rural airstrips, which largely reiterated the concerns expressed by Aerospread.

## **7.5 Post hearing information**

- 7.5.1 The reporting planner’s right-of-reply addressed the definitions for Agricultural Aviation Movements, Rural Airstrips, & Helicopter Landing Areas and the rules and noise standards.
- 7.5.2 In response to the evidence from Federated Farmers, NZAAA & Aerospread, Hort NZ and Josh & Suzie Calder, the reporting planner revised her recommendation and made amendments to the relevant definitions and rules applying to aviation activities in the General Rural and Rural Production Zones (including NOISE-S5).

## **7.6 Evaluation and findings**

### **Overview of the issues in contention**

- 7.6.1 Before the Panel evaluated the issues regarding aviation activities in the District’s rural area, the Panel reviewed the intended approach and purpose of the PDP provisions.
- 7.6.2 In the s32 report for the Rural Area, the proposed policies and methods sought to, among other things, maintain –

*enabling provisions for primary production and associated ancillary activities (postharvest facilities, seasonal workers accommodation, agricultural aviation movements, rural airstrips etc) in the General Rural and Rural Production Zones, recognising the primacy of these zones for primary productive purposes<sup>2</sup>*

- 7.6.3 As part of the consultation on the Draft District Plan in 2020, two submitters sought inclusion of rules restricting private/commercial airstrips close to residential areas. Accordingly, the provisions for the GRUZ and RPROZ zones included rules for “limited small-scale rural airstrips and helicopter landing areas”:

*Rules and standards for ‘rural airstrips’, ‘helicopter landing areas’, and ‘agricultural aviation movements’ were specifically included in the rural zones (including corresponding definitions) to provide resource consent thresholds (e.g., setbacks, aircraft movements), whilst also expressly permitting intermittent agricultural aviation movements for purposes ancillary to primary production activities”<sup>3</sup>*

- 7.6.4 The nature and importance of aviation activities for the primary production sector in the District was outlined in the evidence of Federated Farmers, Hort NZ, NZAAA and Aerospread. The reporting planner acknowledged the importance of agricultural aviation who considered that “normal agricultural aviation activity be provided for as a Permitted Activity, reflecting the important function it plays in support of primary production.”<sup>4</sup>
- 7.6.5 The Panel agrees that agricultural aviation activities should not be unnecessarily regulated given they provide a critical function, are generally an accepted part of agricultural practice, and are also well regulated by other statutory agencies. No evidence was provided to the hearing to demonstrate that typical agricultural aviation activities such as topdressing in the District create a nuisance or generate complaints. The Panel was not satisfied that the use of airstrips on farms that are used intermittently for normal agricultural aviation activities would generate sufficient nuisance as to justify some level of control.
- 7.6.6 The Panel acknowledges that the RMA provides the ability to impose controls on land used for aviation activity where there is a demonstrated or feasibly potential issue with noise, particularly in locations where adjacent sensitive activities may be subject to prolonged or unreasonable exposure to aircraft noise. The only known issue was in respect to a small commercial airstrip being established near Ōtāne, for which a Certificate of Compliance was sought and granted by the Environment Court under the ODP.
- 7.6.7 The Panel accepts that small-scale commercial airstrips do have the potential to create adverse effects and establish reverse sensitivity issues, but we were not satisfied that the notified provisions sufficiently differentiated commercial airstrips from those rural airstrips on farms that are used intermittently for normal agricultural aviation activities in terms of creating a sufficient level of nuisance to justify the level of control as notified.
- 7.6.8 After reaching these overarching conclusions, the Panel then evaluated the submissions on the proposed provisions for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas.

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<sup>2</sup> Page 63, Rural Environment Section 32 Topic Report, May 2021

<sup>3</sup> Page 32, Rural Environment Section 32 Topic Report, May 2021

<sup>4</sup> Right-of-Reply, 5 August 2022, Response to Submitter Evidence/Statements where there is Disagreement, Issue 46

## Definitions

- 7.6.9 Before the Panel evaluated the issues regarding the definition of terms proposed to be used in managing aviation activities with the District's rural area, the Panel reviewed the overarching framework for defining the key terms relating to aviation activities.
- 7.6.10 First, the PDP relies on the definition of 'airport' in s2 of the RMA to define airports and aerodromes:
- airport** means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft*
- 7.6.11 This is a very broad definition, and would likely capture many forms of airfields and airstrips, from international airports to small rural airstrips. The Panel notes it uses "defined area of land", indicating that it has to be clearly marked off, formed or otherwise demarcated.
- 7.6.12 The principal airport in CHBD is the Waipukurau Aerodrome, for which there are specific provisions in the PDP and are the subject of other hearings.
- 7.6.13 In terms of rural airstrips, the notified PDP defined the term as meaning "means any area of land, building or structure intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, including agricultural aviation movements ancillary to primary production activities." The definition does not differ significantly from that for Airport, other than stating that includes agricultural aviation movements ancillary to primary production activities.
- 7.6.14 The Panel was advised by Bruce Peterson and Bill McGregor in their joint statement for the NZAAA and Aerospread, that their data indicated that there are 43 rural airstrips within CHBD. Their evidence referred the Panel to safety guidelines jointly prepared by the former Department of Labour and the Civil Aviation Authority of NZ, with input from a range of organisations<sup>5</sup>. They stated that these are a guide for farmers who either have or intend to develop an airstrip for agricultural aviation purposes, and set out the requirements for access, storage of fertiliser, handling, strip size/ orientation/ obstacle clearance/ surface condition etc. The Panel notes that these guidelines refer to "farm airstrips".
- 7.6.15 Related definitions are proposed to be provided for Aircraft, Aircraft Movement, Helicopter Movement, Agricultural Aviation Activity, Emergency Aviation Movements, Helicopter Landing Area and, through the right-of-reply, Helicopter Depot. Most of these definitions were not in contention or the subject of recommended amendments.
- 7.6.16 The Panel agrees with the reporting planner that a new definition for Helicopter Depots is required as these activities are proposed to be discretionary activities in the GRUZ and RPROZ Zones, along with Airports and Aerodromes (which are defined in section 2 of the RMA).
- 7.6.17 The key definitions in relation to managing agricultural aviation activities in rural areas relate to those for 'agricultural aviation activities' and 'rural airstrip'.

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<sup>5</sup> <https://www.worksafe.govt.nz/topic-and-industry/chemicals/farm-airstrips-associated-fertiliser-cartage>

## Definition of Agricultural Aviation Movements

- 7.6.18 The reporting planner made several recommended amendments to the proposed definition of ‘agricultural aviation activities’ so that the definition would read:

|   |   |
|---|---|
| <b>AGRICULTURAL AVIATION MOVEMENTS ACTIVITY</b> | means intermittent <u>operation of an aircraft from a rural airstrip or helicopter landing area</u> movements for purposes ancillary to primary production activities, <u>biosecurity and biodiversity purposes</u> , including <del>topdressing, spraying,</del> stock management, <u>pest control, the application of fertiliser or agrichemicals</u> application, and frost mitigation, and associated refuelling. |
|---|---|

- 7.6.19 The Panel agrees with replacing ‘movements’ with ‘activities’ as the term should relate to the overall activity rather than to just aircraft movements. The Panel also agrees with clarifying the purpose and nature of such activity.

- 7.6.20 In line with our overall recommendation, the Panel recommends that this definition be disassociated with particular types of landing facilities, which are covered by separate definitions. Accordingly, the recommended definition should read:

|   |  |
|---|--|
| <b>AGRICULTURAL AVIATION MOVEMENTS ACTIVITY</b> | means intermittent <u>operation of an aircraft and/or helicopter</u> movements for purposes ancillary to primary production activities, <u>biosecurity and biodiversity purposes</u> , including <del>topdressing, spraying,</del> stock management, <u>pest control, the application of fertiliser or agrichemicals</u> application, and frost mitigation, and associated refuelling. |
|---|--|

## Definitions of Rural Airstrip and Helicopter Landing Area

- 7.6.21 In terms of the definition Rural Airstrips, the Panel generally agrees with the recommendations in the reporting planner’s s42A report, as amended by her right-of-reply: in particular, to remove references to ‘buildings or structures’ as airstrips need not have such facilities and any that are used in conjunction with agricultural aviation activities would be captured as part of the use of the land as an airstrip. Deletion of ‘buildings or structures’ would make the definition consistent with that for ‘airport’.

- 7.6.22 However, the Panel recommends excluding the use of farm airstrips used for agricultural aviation activities (as now recommended to be defined), so the definition would not apply to the use of parts of farms that are used intermittently for agricultural aviation activities. The Panel also recommend using the term ‘defined’ rather than ‘specified’ to be consistent with the definition of airport.

- 7.6.23 The Panel also recommends making amendments to the definition of ‘Helicopter Landing Area’ to remove the reference to buildings and structures so that it is consistent with the definition of rural airstrip and airport.

- 7.6.24 The definitions are accordingly recommended to read as follows:

|                       |  |
|-----------------------|--|
| <b>RURAL AIRSTRIP</b> | Means any <u>defined</u> area of land <u>in the rural area</u> , <del>building or structure</del> intended or designed to be used, whether wholly or partly, for <del>the landing, departure, aircraft movement or storage, or the servicing of aircraft in the rural area,</del> <u>excluding any airstrip on land where the principal use of that land is for primary production and is used intermittently for agricultural aviation activities (farm airstrips).</u> |
|-----------------------|--|

|                                |   |
|--------------------------------|---|
| <b>HELICOPTER LANDING AREA</b> | Means any area of land, <del>building or structure</del> intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads. |
|--------------------------------|---|

#### Rules GRUZ-R4 & RPROZ-R4 – Provision for agricultural aviation activities

7.6.25 The Panel agrees with the reporting planner to retain the permitted activity status for agricultural aviation activities, subject to amendments to align the rule with the amended definition of agricultural aviation activities, and to include cross-references to the relevant Noise standards in the PDP.

7.6.26 The Rules are recommended to read as follows:

##### Agricultural Aviation Activities:

| GRUZ-R4 Agricultural aviation <del>movements ancillary to primary production</del> activities  |  |
|--|--|
| <p>1. Activity Status: PER<br/>Where the following conditions are <u>met</u>: N/A</p> <p><u>Note: NOISE-S5(11) &amp; (12) apply to noise associated with agricultural aviation activities.</u></p> | <p>2. Activity status where compliance not achieved: N/A</p> |
| RPROZ-R4 Agricultural aviation <del>movements ancillary to primary production</del> activities   |  |
| <p>1. Activity Status: PER<br/>Where the following conditions are <u>met</u>: N/A</p> <p><u>Note: NOISE-S5(11) &amp; (12) apply to noise associated with agricultural aviation activities.</u></p> | <p>2. Activity status where compliance not achieved: N/A</p> |

#### Rules GRUZ-R5 & RPROZ-R5 – Provision for rural airstrips

7.6.27 The Panel agrees that rural airstrips (as now recommended to be defined) and helicopter landing areas should be permitted activities under Rules GRUZ-R5(1) & RPROZ-R5(1), subject to a number of conditions and standards. Such activities are small-scale and provide support to the economic wellbeing of the rural area.

7.6.28 The Panel also agrees with the recommended changes in the reporting planner's right-of-reply to Rules GRUZ-R5 & RPROZ-R5 to remove the cap on aircraft and helicopter movements from rural airstrips as the practicality of determining such a limit would make this a difficult standard to monitor or enforce. The Panel also agrees to remove the limit on the gross floor area of ancillary buildings as these would be appropriately managed under the general standards for buildings in these rural zones.

7.6.29 The Panel also agrees with the recommended consent structure for non-compliance with the standards and conditions.

7.6.30 The recommended amendments to Rules GRUZ-R5 & RPROZ-R5 are shown below:



| GRUZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas  |  |
|---|--|
| <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The rural airstrip or helicopter landing area is located a minimum distance of:</p> <ol style="list-style-type: none"> <li>2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and</li> <li>500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and</li> <li>50m from a State Highway.</li> </ol> <p>b. <del>Total combined aircraft and helicopter movements do not exceed a total of 1,000 movements per calendar year (excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site).</del></p> <p>c. <del>Limited to 100m<sup>2</sup> gross floor area of buildings ancillary to the activity per site.</del></p> <p>d. Compliance with:</p> <ol style="list-style-type: none"> <li>GRUZ-S2;</li> <li>GRUZ-S3;</li> <li>GRUZ-S4;</li> <li>GRUZ-S5;</li> <li>GRUZ-S6;</li> <li>GRUZ-S7;</li> <li>GRUZ-S8;</li> <li>GRUZ-S9; and</li> <li>GRUZ-S10.</li> </ol> <p>e. <del>Compliance with GRUZ-S12 (setback from gas transmission network).</del></p> <p>f. Compliance with GRUZ-S13 (setbacks from National Grid).</p> | <p>2. Activity status where compliance with condition GRUZ-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. Assessment Matters:</p> <ol style="list-style-type: none"> <li>GRUZ-AM1.</li> <li>GRUZ-AM2.</li> </ol> <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> <li>TRAN – Transport.</li> <li>LIGHT – Light.</li> <li>NOISE – Noise.</li> </ol> <p>3. Activity status where compliance with conditions GRUZ-R5(1)(a), <del>GRUZ-R5(1)(b), GRUZ-R5(1)(c) and/or GRUZ-R5(1)(e)</del> is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R5(1)(f) is not achieved: NC</p> |

#### Provision for airports/aerodromes and helicopter depots

7.6.31 The Panel recommends including new provision for airports/aerodromes and helicopter depots as discretionary activities for the reasons outlined by the reporting planner.

7.6.32 The new rules and assessment matters would read as follows:

#### Airport/Aerodrome/Helicopter Depot:

| GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot    |  |
|---|--|
| <p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p> | <p>2. Activity status where compliance not achieved: N/A</p> |
| RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot   |  |
| <p>1. Activity Status: DIS</p> <p>Where the following conditions are met: N/A</p> | <p>2. Activity status where compliance not achieved: N/A</p> |

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Assessment Matters:

GRUZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust-effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

RPROZ-AMXX Rural Airstrips and Helicopter Landing Areas (located within 2km of a Residential, Settlement or Rural Lifestyle Zone boundary, within 500m of existing noise sensitive activities on a different site, or within 50m of a State Highway)

1. The number, frequency, and hours of flight operations.
2. The position of the flight path for take-offs and landings.
3. The extent to which the rural airstrip and/or helicopter landing area, and flight operations, will have adverse effects on amenity (such as noise, light, traffic, and dust effects) on the surrounding area.
4. The necessity to locate on the site, and the availability and feasibility of other alternatives.

Noise Standards relating to aviation movements, rural airstrips and helicopter landing areas

- 7.6.33 The Panel agrees with the recommended amendments to the proposed standards applying to rural airstrips and helicopter landing areas, for the reasons outlined by the reporting planner.
- 7.6.34 In relation to the exemption for agricultural aviation activities, the Panel accepts the application of the noise standards applying to rural airstrips and helicopter landing areas is the most appropriate approach to managing the noise emissions from agricultural aviation activities in general. We were advised by the Council acoustic specialist that it would be very likely that any agricultural aviation activity would be able to meet the standards.
- 7.6.35 Notwithstanding the additional advice from the Council's acoustic advisers, however, the Panel was not satisfied that the 14 days exemption from the application of the noise standards would be workable and enforceable. While we fully understand the purpose of the exemption in terms of avoiding the need for noise monitoring or assessments if the agricultural aviation activity has occurred for less than 14 days, we remain unconvinced that the problems identified by the submitters associated with the implementation of the exemption would make it an effective method. For example, there is no clear definition of what constitutes a 'day', and if either several hours flying in the morning or a 12-hour day of flying constitutes a 'day' or if, for instance, 8 hours of flying over several days cumulatively constitutes a 'day'. Further, it is unclear how days of activity would be quantified or measured with any certainty required for enforcement if occurring sporadically over a calendar year.
- 7.6.36 Given the importance of agricultural aviation activities to primary production, biosecurity and biodiversity in the District, and the absence of information to identify that these activities are creating reverse sensitivity issues in the District, the Panel has concluded that a blanket exemption should be applied to intermittent agricultural aviation activities associated with primary production, biosecurity and biodiversity in the District. In all other situations, the standards applying to rural airstrips would also apply to agricultural aviation activities where they are using a rural airstrip.
- 7.6.37 Accordingly, the Panel is recommending the following amendments (as highlighted) in addition to those recommended by the reporting planner:

**NOISE-S5 Specific Activities exempt from the Noise Limits in [NOISE-S4](#).**

*Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.*

|   |   |
|---|---|
| <b>Emergency Aviation Movements</b>               | 11. Exempt from NOISE-S4.   |
| <b>Agricultural Aviation Movements Activities</b> | 12. Exempt from NOISE-S14 for up to 14 days in any calendar year.<br>13. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).  |
| <b>Rural Airstrips</b>                            | 14. Exempt from NOISE-S4. The day-night average sound level ( $L_{dn}$ ) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation activities movements for up to 14 days in any calendar year) must not exceed 55 dB $L_{dn}$ , measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.<br>15. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.<br>16. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.                        |
| <b>Helicopter Landing Areas</b>                   | 17. Exempt from NOISE-S4. The day-night average sound level ( $L_{dn}$ ) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation activities movements for up to 14 days in any calendar year) must not exceed 50 dB $L_{dn}$ measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and, Rural Production, and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.<br>18. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB $L_{dn}$ , and in any case the limit must not be exceeded by 3 dB on any day.<br>19. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas. |

# PART C – SUMMARY OF RECOMMENDATIONS

## 8 Summary of recommendations

- 8.1.1 A summary table of recommended decisions against each submission point is included as Appendix B to Volume 3D.
- 8.1.2 A tracked changes version of recommended amendments is included as Appendix A to Volume 3D.

## 9 Consequential amendments and minor amendments

- 9.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan.
- 9.1.2 No consequential amendments have been identified in relation to this topic



**Annex C: Name and address of persons to be served with a copy of this notice.**

| <b>Party</b>                                       | <b>Name</b>                           | <b>Address</b>   | <b>Email</b>   | <b>Date Served</b> |
|--|---------------------------------------|--|--|--------------------|
| Central Hawkes Bay District Council                | Nicholas Aiken                        | PO Box 139, Bay View, Napier 4149                                  | <a href="mailto:districtplan@chbdc.govt.nz">districtplan@chbdc.govt.nz</a>   | 05-07-2023         |
| Aerospread Ltd                                     | Bruce Peterson                        | 44 Corunna Bay Hospital Hill Ahuriri, Napier 4110                  | <a href="mailto:bruce@aerospread.co.nz">bruce@aerospread.co.nz</a>   | 05-07-2023         |
| Horticulture NZ                                    | Leanne Roberts<br>Ailsa Robertson     | PO Box 10-232 Wellington,  | <a href="mailto:leanne@hortnz.co.nz">leanne@hortnz.co.nz</a><br><a href="mailto:ailsa.robertson@hortnz.co.nz">ailsa.robertson@hortnz.co.nz</a> | 05-07-2023         |
| Federated Farmers of NZ                            | Rhea Dasent                           | "POSTAL ADDRESS NOT PROVIDED" (NOTE# 1)                            | <a href="mailto:rdasent@fedfarm.org.nz">rdasent@fedfarm.org.nz</a>   | 05-07-2023         |
| Royal Forest and Bird Protection Society of NZ Inc | Natasha Sitarz                        | PO Box 2516 Christchurch , 8140                                    | <a href="mailto:n.sitarz@forestandbird.org.nz">n.sitarz@forestandbird.org.nz</a>   | 05-07-2023         |
| Josh and Susie Calder                              | Matthew Lawson<br>Lawson Robinson Ltd | PO Box 45 Napier, NZ 4182  | <a href="mailto:mlawson@lawsonrobinson.co.nz">mlawson@lawsonrobinson.co.nz</a>   | 05-07-2023         |
| Waka Kotahi NZTA                                   | Ryan Gaffaney                         | Private Bag 6019 Napier, 4142                                      | <a href="mailto:ryan.gaffaney@wsp.com">ryan.gaffaney@wsp.com</a>   | 05-07-2023         |
| Ministry of Education                              | Danielle Rogers<br>BECA Ltd           | PO Box 448 Hamilton, Waikato 3240                                  | <a href="mailto:danielle.rogers@beca.com">danielle.rogers@beca.com</a>   | 05-07-2023         |
| Ballance Agri-Nutrients Ltd                        | Dominic Adams                         | Private Bag 12 503 Tauranga Mail Centre Tauranga, 3143             | <a href="mailto:dominic.adams@ballance.co.nz">dominic.adams@ballance.co.nz</a>   | 05-07-2023         |
| Karen Middelberg                                   | Karen Middelberg                      | "Contact details withheld - You are required to serve this further | <a href="mailto:karen@jedburgh.co.nz">karen@jedburgh.co.nz</a>   | 05-07-2023         |

|                 |  |  |  |            |
|-----------------|--|--|--|------------|
| Jill Fraser     | Jill Fraser  | submission on the original submitter however Council will undertake this service on your behalf" (NOTE# 2) | <a href="mailto:jfthewillows@gmail.com">jfthewillows@gmail.com</a> | 05-07-2023 |
| <b>NOTE# 1:</b> | Central Hawkes Bay District Council list of original submitters advises that this submitter did not provide a postal address. The submitter was served with a copy of this appeal by email   |  |  |            |
| <b>NOTE# 2:</b> | Central Hawkes Bay District Council list of original submitters advises that this submitter did not provide a postal address.oe email address. On the 5 <sup>th</sup> of July 2023 the Central Hawkes Bay District Council provided the email addresses for the submitters but did not provide postal addresses. The 2 submitters were served with a copy of this appeal by email. |  |  |            |