

Memorandum

Date: 29 June 2022

Subject: **Proposed Central Hawkes Bay District Plan - Hearing Steam 3**
Additional information requested by the Hearing Panel

From: Horticulture New Zealand (submitter S81)

The District Plan rule examples referred to in Lynette Wharfe's planning evidence

Appendix 1 includes examples of District Plans that have included a subset of primary production:

- Proposed Waikato District Plan (decision version) uses 'farming'.
- Proposed Selwyn District Plan (notified version) uses 'rural production'.
- Proposed New Plymouth District Plan (notified version) uses 'Agricultural, pastoral horticultural activities'.

APPENDIX 2 includes setback examples referred to in para 7.39 of Lynette Wharfe's planning evidence:

- Western Bay of Plenty District Plan setback of 30m.
- Tasman Resource Management Plan setback of 30m.
- Central Otago District Plan setback of 25m.

Appendix 3 includes examples of approaches to audible bird scaring rules.

In response to a question from the Hearing Panel in respect of the National Grid Yard:

Economic work referred to in the context of the Opotiki District Plan (economic impacts of a larger National Grid setback).

Attached as **Appendix 4** is a letter prepared for HortNZ in 2017 to quantify the economic impact in terms of lost production (area of planted area forgone) for kiwifruit in relation to the Opotiki District Plan process (and a 50kV line).

In response to a question from the Hearing Panel as to whether there is a nexus between water storage and highly productive land: Information mentioned in relation to the Northland example of water storage for the purpose of enabling high value land use change (as an example of the nexus).

Information on the water storage project(s) mentioned by Te Tai Tokerau Water Trust:

"Te Tai Tokerau Water Trust was created in mid-2020 to initiate water storage and distribution schemes in two areas in Northland that have high quality soils, and therefore horticultural potential. These areas are near Kaikohe in the Mid North and on the northern Pouto peninsula south of Dargaville and will provide infrastructure to develop approximately 7000ha of new horticulture.

...

*The Trust's objective is to develop these two water schemes to enable the establishment of commercially viable and environmentally sustainable horticulture which provides economic and employment opportunities in both regions."*¹

FAQ's page (in response to 'What can I use the water for?') – *"The scheme is primarily being developed to encourage the transition to higher value horticultural land use, as well as to supplement local town water supplies. Non-commercial uses such as stock drinking water will also be considered."*²

These water storage reservoirs have required land use consents, for example:

- The Matawii Water Storage Reservoir was referred for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (link to this decision here: https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/FINAL_MATAWII_DECISION_AND_APPENDICES_23-OCT-2020.pdf)
- Consent applications filed with Kaipara District Council for Te Waihekeora reservoir. Link to decision: <https://www.kaipara.govt.nz/uploads/resource-consents/2022/RM210241%20Commissioner's%20Decision%2022%20March%202022.pdf>

Website of Te Tai Tokerau Water Trust: <https://www.taitokerauwater.com/>

¹ <https://www.taitokerauwater.com/about>

² <https://www.taitokerauwater.com/faqs>

APPENDIX 1: Examples where District Plans have included a subset of primary production

PROPOSED WAIKATO DISTRICT PLAN – Decisions Version (decision notified January 2022)

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/decisions/proposed-waikato-district-plan#:~:text=Waikato%20District%20Council%20notified%20its,2%20on%2027%20July%202020.>

Uses farming as a subset of primary production.

FARMING means:

- a. Any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and includes:
- b. Processing, as an ancillary activity of farm produce grown on the same site, such as cutting, cleaning, grading, chilling, freezing, packaging and storage;
- c. Any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores;
- d. Loading areas for helicopters and airstrips for top dressing and spraying the same site; and
- e. On-farm agricultural and horticultural research activities;

It excludes:

- f. (f) Intensive farming; or
- g. (g) Further processing of those commodities from (a) into a different product.

PROPOSED SELWYN DISTRICT PLAN (notified October 2020)

<https://eplan.selwyn.govt.nz/review/#/Start>

Uses rural production as a subset of primary production.

RURAL PRODUCTION means:

- a. Any aquaculture, agricultural, pastoral, horticultural, or forestry activities, including farm quarrying;
- b. Includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
- c. Includes any land and buildings used for the production of the commodities from a) and used for the initial processing of commodities in b); but
- d. Excludes further processing of those commodities into a different product.

PROPOSED NEW PLYMOUTH DISTRICT PLAN (notified September 2019)

<https://districtplan.npdc.govt.nz/eplan/#/Start>

Uses agricultural, pastoral and horticultural activities as a subset of primary production.

AGRICULTURAL, PASTORAL AND HORTICULTURAL ACTIVITIES

means the use of land and/or buildings for rural land uses where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:

- agriculture, pastoral/livestock farming, dairying and horticulture;
- storage of products and initial processing of horticultural and agricultural products produced on site;
- the storage and disposal of solid and liquid animal waste;
- wood lots up to 5ha in area;
- domestic animal boarding and breeding;
- stock saleyards;
- rural research;
- farm quarries; and
- ancillary structures.

The Interpretation chapter includes a Rural Nesting Table, which includes the following in respect of primary production:

Primary production

- Aquaculture.
- Agricultural, pastoral horticultural activities:
 - Agriculture, pastoral/livestock farming, dairying and horticulture.
 - Storage and disposal of solid and liquid animal waste.
 - Wood lots up to 5ha in area.
 - Domestic animal boarding and breeding.
 - Stock sale yards.
 - Rural research.
 - Farm quarries.
- Mining.
- Quarrying activities:
 - Quarry.
- Forestry:
 - Plantation forestry.

APPENDIX 2 Setback examples referred to in para 7.39 of Lynette Wharfe's planning evidence

WESTERN BAY OF PLENTY DISTRICT PLAN (operative)

Section 18 Rural (18.4 Activity Performance Standards)

<https://eplan.westernbay.govt.nz/eplan/#Rules/0/15/1/0/0>

c. Yards

i. *Dwellings, minor dwellings, accommodation facilities, education facilities*

Minimum 30m.

Provided that:

A front *yard* may be reduced to not less than 10m in the following circumstance;

- a. For any additions or alterations to *dwellings, minor dwellings, accommodation facilities* or *education facilities* that were established with a reduced *yard*, provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard* and does not increase the existing *gross floor area* of that building by more than 20%.

Note:

For the purpose of this rule "existing gross floor area" shall mean the *gross floor area* of that building as approved by way of the most recent building consent for which an application was lodged prior to 19 November 2011.

A side or rear *yard* may be reduced to not less than 10m in one or more of the following circumstances;

- b. For titles in existence prior to 30 January 2010 and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before 30 January 2010 and which are of an area no greater than one hectare; or
- c. For titles that have obtained subdivision consent and which have an approved building site in accordance with [Rule 12.4.1 b.](#) with a reduced *yard* where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or
- d. For any additions or alterations to *dwellings, minor dwellings, accommodation facilities* or *education facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard*); or
- e. Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
 - Shall not be located any closer than 60m to any existing or consented *dwelling, minor dwelling, accommodation facility, education facility, rural contractors depot* (including vehicle accessways, driveways, vehicle parking and/or manoeuvring areas associated with a *rural contractors depot*), or approved building site assessed as part of a subdivision in accordance

with [Rule 12.4.1 b.](#), that is located on a title separate to that of the subject site and in different ownership;

- Shall not be located any closer than 35m to any other existing or consented *building/structure* that is located on a title separate to that of the subject site and in different ownership;
- Shall not be within 300m of any existing or consented *intensive farming activity* that is located on a title separate to that of the subject site and in different ownership.

Except that:

As provided for in [iii.](#), [iv.](#), [v.](#) and [vi.](#) below.

Explanatory Notes:

a. – e. above are provided for subject to submission to *Council* of a written statement from the applicant accepting any adverse environmental effect which may be created by the reduced yard.

The term “consented” within clause e. above refers to activities that have been approved through a building consent and/or resource consent (if required), and where the relevant consent or consents have not lapsed
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- c. For any additions or alterations to *dwellings, minor dwellings, accommodation facilities* or *education facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard*); or

- d. Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
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TASMAN RESOURCE MANAGEMENT PLAN (operative)

Volume 1, Part II – Land, Chapter 17 – zone rules

<https://www.tasman.govt.nz/my-council/key-documents/tasman-resource-management-plan/volume-1-text/part-2-land/>

Section 17.5: Rural 1 Zone Rules

17.5.3.1 Permitted Activities (Building Construction, Alteration, or Use)

Construction, alteration, or use of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

....

Setbacks

(h) The building is setback at least:

- (kb) Any habitable building is set back at least:
- (i) 30 metres from any internal boundary, except where:
 - (a) the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced; or
 - (b) the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres;
 - (ii) 130 metres from any barn, shed or roofed enclosure that houses poultry on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.

...

Equivalent provision in the Rural 2 Zone (17.6.3.1 Permitted Activities (Building Construction, Alteration, or Use) (n)).

CENTRAL OTAGO DISTRICT PLAN (operative)

<https://www.codc.govt.nz/publications/plans/district-plan/operative-plan>

Section 04 – Rural Resource Area

4.7.6 Standards

A. Bulk and Location Requirements

(a) Yards

Except as provided for in (c) below, a minimum side and rear yard of 25 metres and a front yard of 10 metres for buildings used for residential activity and/or an accommodation facility except on land subject to the Rural Residential notation; and a minimum yard of 10 metres for all other buildings and buildings used for residential activity and/or an accommodation facility on land subject to the Rural Residential notation shall be provided to all adjoining property boundaries (including roads) provided that a minimum yard of 20 metres shall be provided to all State highways and Arterial Roads listed in Schedule 19.7.

Note: See also Rule 4.7.6A(h) and Rule 12.7.7.

APPENDIX 3 Audible bird scaring devices

Central Hawkes Bay District has included rules for audible bird scaring devices in the Proposed District Plan. Hort NZ sought changes to the provisions to provide a higher decibel rating similar to other district plans.

The s42A Report recommends that the HortNZ submission be rejected to accommodate siren-type devices.

At the Rural hearing there was discussion about differentiating between percussive and siren type devices as the sound qualities are different. HortNZ undertook to provide the hearing panel with examples where the district council has differentiated between the type of devices.

Examples of such an approach are:

- Hastings
- Central Otago
- Marlborough
- Gisborne.

Hastings – 25.1.7A

There are separate rules for gas guns and avian distress alarms.

Gas guns have a sound limit of 85dBC peak.

Avian distress alarms have a sound limit of 50dB L_{Aeq} (15mins).

Central Otago – 4.7.6E b)

There are separate requirements for percussive and non-percussive devices.

Percussive devices include any device which emits a shock-wave arising from an explosion generating impulsive sound such as gas guns.

Percussive devices have a sound limit of 65dB ASEL or 70dB ASEL where sited more than 500m from Residential and Rural Settlement Resource Areas

Non-percussive devices have a limit to 55dBA L_{10} .

Marlborough – Vol 2: 3.3.5

The plan has a definition distinguishing between Category A and B devices.

Category A are percussive or explosive devices.

Category B are other devices to scare birds that are not Category A – would include sirens or avian distress alarms.

The sound level is the same – 65dB SEL but there are differences in terms of operation and number of devices per area.

Category B devices must not be operated for any continuous period exceeding two seconds and not more than 10 times in any hour per 5ha block.

Category A must not be operated at any greater than 4 events in any hour – an event being 3 discharges within a 30 second period.

Gisborne – Part D:4.6.1A (7)

The Plan differentiates between percussive or explosive devices and amplified signals, air horns or sirens.

The sound level is the same – 65dB SEL but there are differences in terms of operation and number of devices per area.

Percussive devices shall not exceed 6 events (of no more than 3 shots within a minute) in any 60min period.

Amplified signals, air horns or sirens shall not exceed 10 events per system in any 60 minute period and each event shall not exceed 20 seconds. There is a limitation on number of devices to one per single landholding or one per 8ha.

APPENDIX 4 Economic analysis for Opotiki

1 October 2017

Lynette Wharfe
Horticulture NZ
Wellington

Dear Ms Wharfe,

RE: Response to questions in relation to the lost production from areas under poles.

I have been asked by Ms Wharfe on behalf of Horticulture NZ to provide answers to the following questions in relation to the cost of lost production under electricity poles in the Bay of Plenty:

- What land area with potential for horticulture is affected by exculsion areas of 2.2, 6 and 10 m from a pole.
- What is the scale of economic effects.

1. What land area with potential for horticulture is affected

I calculated the area affected by the various distances by entering them into the online area calculator <https://www.calculateme.com/cArea/AreaOfCircle.htm> and came up with the areas shown in **Table 1**. In **Table 1** it also shows the difference in the area as a result of moving from the greater distance to the lesser distance.

Table 1: Calculation of the areas affected.

Metres from the pole	Area m2	Difference m2
10	314.16	
6	113.1	201.06
2.2	15.2	97.9

2. What is the scale of economic effects.

If we assume that the whole area designated is possible to be planted in kiwifruit then the likely returns are as shown in Table 2. The likely returns financial data is taken from a Zespri future predictions presentation.

Table 2: Potential Returns from Kiwifruit

	Green Kiwifruit	Gold Kiwifruit
Orchard Gate Return	62,000	130,000
Production Costs	34,500	40,000
Net Orchard Return	27,500	90,000

Then the data was calculated assuming that there were 321 poles affected for the impact on the two varieties for the impact of a distance from 6m to 10m and for the distance from 2.2m to 6m as shown in Table 3.

Table 3: Calculation of the impact of 1 pole affected and 321 poles affected for Green and Gold kiwifruit.

6m to 10m	Green Kiwifruit		Gold Kiwifruit	
	Calculation of individual pole impact	Calculation of 321 poles impact.	Calculation of individual pole impact	Calculation of 321 poles impact.
Orchard Gate Return	1,247	400,150	2,614	839,023
Production Costs	694	222,664	804	258,161
Net Orchard Return	553	177,486	1,810	580,862
2.2m to 6m				
Orchard Gate Return	607	194,841	1,273	408,537
Production Costs	338	108,419	392	125,704
Net Orchard Return	269	86,421	881	282,833

The impact of their being a distance change from 2.2m to 10m for 321 poles is \$863,695.

Yours sincerely

Stuart Ford
Agricultural Economist