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TOPIC:

**Rural Environment – Volume 3:
Rural Activities within the Rural Zones**

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Volume 2 Rural Activities – List of Submitters and Further Submitters addressed in this Report

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

Further Submitter Name	Further Submission Number(s)
Aerospread Ltd	FS10
Federated Farmers of New Zealand	FS25
First Gas Limited	FS3
Horticulture New Zealand	FS17
Jill Fraser	FS2
Livingston Properties Limited	FS27
New Zealand Agricultural Aviation Association	FS14
New Zealand Pork Industry Board	FS6
Royal Forest and Bird Protection Society of New Zealand Incorporated	FS9
Silver Fern Farms Limited	FS8
Ministry of Education	FS11
Waka Kotahi NZ Transport Agency	FS16

1.0 Consideration of Submissions Received

1.1 Overview of Submissions

- 1.1.1 As stated at the commencement of this report (Volume 1), this volume covers submissions received on the provisions in the 'GRUZ – General Rural Zone', 'RPROZ – Rural Production Zone', and 'RLZ – Rural Lifestyle Zone', relating specifically to rural activities.
- 1.1.2 There are fifteen (15) submitters and 12 further submitters on the provisions addressed in this volume.
- 1.1.3 One hundred and seventy-nine (179) original submission points, and 151 further submission points were received on the provisions relating to this topic.
- 1.1.4 Of the 179 original submission points, 40 submission points are in support.

1.2 Structure of this Report

- 1.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report under 'Key Issue' groupings across four volumes.
- 1.2.2 The Key Issue headings addressed in Volume 3 of this report are:
 - Key Issue 12: Provision for Artificial Crop Protection Structures, and Workers & Seasonal Workers Accommodation
 - Key Issue 13: Provision for Intensive Primary Production – Definitions, Issues, Objectives & Policies
 - 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
 - Key Issue 17: Provision for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas – Definitions, Rules & Related Noise Standards

2.0 Key Issue 12 – Provision for Artificial Crop Protection Structures, and Workers & Seasonal Workers Accommodation

2.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.008	Horticulture New Zealand	ARTIFICIAL CROP PROTECTION STRUCTURES (Definition)	Support	Retain the definition of 'Artificial Crop Protection Structures'.	Accept
.					
S81.114	Horticulture New Zealand	GRUZ-R3	Amend	<p>Include a specific permitted activity rule for 'Artificial Crop Protection Structures' as per alternative drafting for a standalone rule provided by the submitter, as follows:</p> <p>'[GRUZ-RXX?] Artificial Crop Protection Structures</p> <p>1. Activity Status – PER</p> <p>Where the following conditions are met:</p> <p>a. [Limited to:]</p> <p>i. Green or black cloth shall be used on vertical faces within 30m of the site boundary;</p> <p>ii. Green, black or white cloth shall be used on horizontal surfaces.</p> <p>b. Compliance with:</p> <p>i. [GRUZ-S2?] Height of buildings</p> <p>ii. [GRUZ-S7?] Electricity safe distances</p> <p>iii. [GRUZ-S13?] National Grid Yard</p> <p>2. Activity status where compliance with conditions [GRUZ-RXX(1)?] is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The effects of not meeting the conditions in [GRUZ-RXX(1)?] in respect to cloth colour and building height.</p> <p>b. The effects of not meeting setbacks to electricity lines and the National Grid.'</p>	Accept in part <i>(refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.020)</i>
.					
S81.125	Horticulture New Zealand	GRUZ-S3	Amend	<p>Amend GRUZ-S3 as follows:</p> <p>'Height in Relation to Boundary</p> <p>All</p> <p>1. ...</p> <p>2. ...</p> <p>This does not apply to artificial crop protection structures.'</p>	Accept
.					
S81.127	Horticulture New Zealand	GRUZ-S5	Oppose	Include a new setback specific to 'artificial crop protection structures' as follows:	Accept in part <i>(refer also Key Issue 7 re: other</i>

				'Artificial Crop Protection Structures 4. Minimum setback from internal boundaries of 1m.'	<i>parts of this submission point)</i>
.					
S81.157	Horticulture New Zealand	RPROZ-R3	Amend	<p>Include a specific permitted activity rule for 'Artificial Crop Protection Structures' as per alternative drafting for a standalone rule provided by the submitter, as follows:</p> <p>'RPROZ-RXX Artificial Crop Protection Structures</p> <p>1. Activity Status – PER</p> <p>Where the following conditions are met:</p> <p>a. [Limited to:?]</p> <p>i. Green or black cloth shall be used on vertical faces within 30m of the site boundary;</p> <p>ii. Green, black or white cloth shall be used on horizontal surfaces.</p> <p>b. Compliance with:</p> <p>i. RPROZ-S3 Height of buildings</p> <p>ii. RPROZ-S8 Electricity safe distances</p> <p>iii. RPROZ-S15 National Grid Yard</p> <p>2. Activity status where compliance with conditions RPROZ-RXX(1) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The effects of not meeting the conditions in RPROZ-RXX(1) in respect to cloth colour and building height.</p> <p>b. The effects of not meeting setbacks to electricity lines and the National Grid.'</p>	Accept in part <i>(refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.028)</i>
.					
S81.168	Horticulture New Zealand	RPROZ-S2	Amend	Amend RPROZ-S2(2) as follows: '2. Netting, structures (including artificial crop protection structures and crop support structures), 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.'	Accept in part
.					
S121.221	Federated Farmers of New Zealand	RPROZ-S2	Support	Retain RPROZ-S2 as proposed.	Accept in part
FS9.221	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.170	Horticulture New Zealand	RPROZ-S4	Amend	Amend RPROZ-S4 as follows: 'Height in Relation to Boundary All 1. ... 2. ...	Accept

				This does not apply to artificial crop protection structures.'	
.					
S81.172	Horticulture New Zealand	RPROZ-S6	Oppose	Include a new setback specific to 'artificial crop protection structures' as follows: 'Artificial Crop Protection Structures 5. Minimum setback from internal boundaries of 1m.'	Accept in part <i>(refer also Key Issue 4 re: other parts of this submission point)</i>
.					
S81.027	Horticulture New Zealand	SEASONAL WORKERS ACCOMMODATION (Definition)	Support	Retain the definition of 'Seasonal Workers Accommodation'.	Accept
.					
S81.113	Horticulture New Zealand	GRUZ-R2	Amend	Amend GRUZ-R2(1) as follows: Delete either (1)(a)(i) 'i. A maximum gross floor area of 125m2.' or (1)(a)(ii) 'ii. A maximum number of people to be accommodated on site of 24'. And include: 'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation.' And exclude the upgrading of existing facilities from new requirements.	Reject
.					
S116.038	Silver Fern Farms Limited	RPROZ-R2	Support	Retain RPROZ-R2.	Accept
.					
S81.156	Horticulture New Zealand	RPROZ-R2	Amend	Amend RPROZ-R2(1) as follows: Delete either (1)(a)(i) 'A maximum gross floor area of 125m2' or (1)(a)(ii) 'A maximum number of people to be accommodated on site of 24'. And include: 'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation.' And exclude the upgrading of existing facilities from new requirements.	Reject
.					
S42.010	New Zealand Pork Industry Board	Definitions	Amend	Add new definition for 'Workers Accommodation' as follows: 'means a residential unit for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area. Includes farm managers, workers and staff.'	Reject
.					
S42.046	New Zealand Pork Industry Board	GRUZ-R1	Amend	Amend GRUZ-R1(1)(a)(v) as follows: 'v. one minor residential unit or	Reject

				<p>one workers' accommodation per site:</p> <p>In the case of a residential unit:</p> <p>a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and</p> <p>b. must share vehicle access with the principal residential unit on the site; and</p> <p>c. must be located no further than 50m from a principal residential unit on the site.</p> <p>In the case of workers accommodation:</p> <p>a. limited to a maximum gross floor area of 120m² (exclusive of garages, and decks); and</p> <p>b. must share vehicle access with the principal residential unit on the site.'</p>	
.					
S42.070	New Zealand Pork Industry Board	RPROZ-R1	Amend	<p>Amend RPROZ-R1(1)(a)(iii) as follows.</p> <p>'iii. one minor residential unit or one workers accommodation per site:</p> <p>In the case of a residential unit:</p> <p>a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and</p> <p>b. must share vehicle access with the principal residential unit on the site;</p> <p>c. and must be located no further than 25m 50m from a principal residential unit on the site.</p> <p>In the case of workers accommodation:</p> <p>d. limited to a maximum gross floor area of 120m² (exclusive of garages, and decks); and</p> <p>e. must share vehicle access with the principal residential unit on the site.'</p>	Reject
.					

- 2.1.1 In summary, these 16 submissions and 1 further submission seek new or amended provisions in the PDP specifically for 'artificial crop protection structures' and for 'workers accommodation', and seek amendments to the PDP provisions addressing 'seasonal workers accommodation'.

2.2 Matters Raised by Submitters

Artificial Crop Protection Structures

- 2.2.1 Hort NZ has submitted on the 'artificial crop protection structures' provisions in the PDP, addressed in section 3.4.2 of their submission as follows:

'Artificial Crop Protection Structures (ACPS) are structures that use permeable materials to cover and protect crops and are now essential for horticulture production of some crops. They are quite distinct from Greenhouses.

Benefits of these structures include; protect fruit from sunburn, windburn and hail, assist with spray coverage, reduce mowing and weeding, assist pruning and picking, and less birds get into the crops.

Netting can also be required – either short or long term – as part of a biosecurity response, it is important there is flexibility in the ability for this to take place.

Crop Support Structures (CSS) extend to a variety of structures upon which various crops rely for growth and support and are positioned and designed to direct growth to establish canopies. They include 'A', 'T' and 'Y' frames, pergolas and fences.

We support providing for these structures as a permitted activity in the rural environment but seek a more nuanced framework for some of the permitted activity conditions for Artificial Crop Protection Structures – as these can be caught by the definition of 'building':

- Height in relation to boundary – we seek that ACPS are excluded from this standard, as these structures are permeable, allowing daylight and sunlight to pass through. Height and setback controls appropriately manage potential adverse effects.
- Building coverage – we support the exclusions in the building coverage standard, however seek minor amendments to refer directly to these defined terms.
- Setbacks from neighbours – due to the nature of these structures, we consider a specific approach to setbacks would be more suitable, as HortNZ considers they are different in nature to a 'building'.

Definition

- 2.2.2 Hort NZ (S81.008) seeks retention of the definition for 'Artificial Crop Protection Structures' in the PDP as proposed.

ARTIFICIAL CROP PROTECTION STRUCTURES	structures of cloth to protect or cover crops but does not include greenhouses.
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New Permitted Activity Rule

- 2.2.3 Hort NZ (S81.114 & S81.157) seeks the inclusion of standalone Permitted Activity rules for 'Artificial Crop Protection Structures' in both the Rural Production Zone and General Rural Zone (for the reasons outlined in paragraph 2.2.1 above), as follows:

<u>RPROZ-R21 Artificial crop protection structures</u>	
<p>1. <u>Activity Status: PER</u> <u>Where the following conditions are met:</u></p> <p>a. <u>Limited to:</u></p> <p>i. <u>Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u></p> <p>ii. <u>Green, black or white cloth shall be used on horizontal surfaces.</u></p> <p>b. <u>Compliance with:</u></p> <p>i. <u>Height of buildings</u></p> <p>ii. <u>Electrical safe distances</u></p> <p>iii. <u>National Grid Yard</u></p>	<p>2. <u>Activity status where compliance with condition RPROZ-R21(1) is not achieved: RDIS</u> <u>Matters over which discretion is restricted: RPROZ-AM15</u></p> <p>a. <u>The effects of not meeting the conditions in respect to cloth colour and building height.</u></p> <p>b. <u>The effects of not meeting setbacks to electricity lines and the National Grid.</u></p>

- 2.2.4 Their submissions also seek amendments to Rules GRUZ-R3 and RPROZ-R3 to delete the requirement to meet Standards GRUZ-S12 and RPROZ-S14 respectively (being the setback from gas transmission network) – supported by First Gas (FS3.020). Note: this aspect of these submission points is addressed separately in Key Issue 18 in Volume 4 of this report.

Standard RPROZ-S2 Total Building Coverage

- 2.2.5 Federated Farmers (S121.221), opposed by Forest & Bird (FS9.221) supports the 'generous' building coverage in Standard RPROZ-S2 'which should be sufficient for milking sheds, haybarns, covered feedpads and other buildings', and seeks it be retained as proposed.
- 2.2.6 Hort NZ (S81.168) considers that 'Specifically referring to artificial crop protection structures and crop support structures (defined terms) in the exclusions would provide greater clarity. The limitation regarding 'directly in the soil' does not appear to be an effects-based control', and seeks the following amendments:

RPROZ-S2 Total Building Coverage	
All	<ol style="list-style-type: none"> Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except: <ol style="list-style-type: none"> for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser. Netting, structures (including artificial crop protection structures), 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.

Standard GRUZ-S3 & RPROZ-S4 Height in Relation to Boundary

- 2.2.7 Hort NZ (S81.125 & S81.170) seeks the following amendment, for the reasons outlined in paragraph 2.2.1 above:

GRUZ-S3 (and equivalent RPROZ-S4) Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 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"> 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; domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 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. <u>This does not apply to artificial crop protection structures.</u>

Standard GRUZ-S5 & RPROZ-S6 Setback from Neighbours

- 2.2.8 Hort NZ identifies that 'there is clear policy direction on the plan which seeks to avoid compromising primary production (e.g. RLR-P4, and P5)', and considers a 5m setback is too large for artificial crop protection structures in a rural environment, given the nature of these structures.
- 2.2.9 For these reasons, Hort NZ (S81.127 & S81.172) seeks to add a specific setback requirement in Standard GRUZ-S5, and equivalent for Standard RPROZ-S6, as follows:

GRUZ-S5 Setback from Neighbours	
...	...
<u>Artificial Crop Protection Structures</u>	4. <u>Minimum setback from internal boundaries of 1m.</u>

RPROZ-S6 Setback from Neighbours	
...	...
<u>Artificial Crop Protection Structures</u>	4. <u>Minimum setback from internal boundaries of 1m.</u>

Workers Accommodation

- 2.2.10 The Pork Industry Board seeks specific provision for 'workers accommodation' provisions in the PDP, addressed in section 2.5 of their submission as follows:

'Farming pigs is very different from farming other livestock. Stockpersons are far more intimately involved with the care of pigs than other livestock. Pigs have a greater need for shelter and their social and dietary requirements are more complex than sheep and cattle. Animal care is a daily responsibility, as pigs are not like ruminants which derive their nutrition from grass: pigs are monogastric like humans, and require a balanced diet fed daily. As such, providing accommodation on site for workers is an important component of many commercial pig farming operations, which often require the onsite provision of farm works accommodation to provide onsite farm assistance, animal husbandry and security.'

NZPork notes that there are no specific provisions for worker accommodation in the proposed plan. The provision of a minor residential unit with 100m² limitation and requirement that the minor residential unit is no more than 50m from the principal residential unit do not support a viable farm workers accommodation.'

- 2.2.11 The Pork Industry Board (S42.046, S42.070 & S42.010) seeks amendments to Rule GRUZ-R1, and equivalent Rule RPROZ-R1, to provide for 'workers accommodation', and also offer a definition, as follows:

<u>WORKERS ACCOMMODATION</u>	<u>means a residential unit for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area. Includes farm managers, workers and staff.</u>
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GRUZ-R1 (and equivalent RPROZ-R1) Residential activities

<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. one residential unit per site with an area less than 20 hectares, and ii. one additional residential unit (i.e. a total of two) per site with an area of between 20 hectares and less than 50 hectares, and iii. two additional residential units (i.e. a total of three) per site with an area of between 50 hectares and less than 100 hectares, and iv. three additional residential units (i.e. a total of four) per site with an area of 100 hectares or greater, and v. one minor residential unit <u>or one workers accommodation</u> per site: <u>In the case of a residential unit:</u> <ul style="list-style-type: none"> a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and b. must share vehicle access with the principal residential unit on the site; and c. must be located no further than 50m from a principal residential unit on the site. <u>In the case of workers accommodation:</u> <ul style="list-style-type: none"> a. <u>limited to a maximum gross floor area of 120m² (exclusive of garages, and decks); and</u> b. <u>must share vehicle access with the principal residential unit on the site.</u> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). <p>d. Compliance with GRUZ-S13 (setbacks from National Grid).</p> <p>Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).</p>	<p>2. Activity status where compliance with condition GRUZ-R1(1)(b) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R1(1)(1) and/or GRUZ-R1(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R1(1)(d) is not achieved: NC</p>
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Seasonal Workers Accommodation

- 2.2.12 Hort NZ has submitted on the seasonal worker accommodation provisions in the PDP, addressed in section 3.4.1 of their submission as follows:

'Seasonal worker accommodation provides for temporary and often communal living arrangements; it is quite distinct from permanent worker accommodation which might support a full-time employee and their family. It is a definable activity that requires a specific resource management response to reflect the nature of the activity.'

Immigration New Zealand (INZ) administer the Recognised Seasonal Employer (RSE) scheme. There are strict RSE worker accommodation standards that must be complied with to qualify RSE employers to recruit RSE workers. In some areas of New Zealand, INZ specifically require that employers provide purpose-built accommodation for their RSE workers (unless criteria are met), to ensure that RSE workers are not occupying housing that would normally be available to local residents. This applies on the Hawkes Bay – where employers cannot rent a residential house not previously used to accommodate RSE workers, or buy a house to accommodate RSE workers.

There are also minimum dimension which apply to bedroom and living spaces, for example, bedrooms sleeping more than 2 people: 9 m² for the first two people and 4.5 m² for every extra person.⁵

Regardless of the current New Zealand border restrictions, the Proposed District Plan will provide a planning framework for the community for at least the next decade and therefore, we support Seasonal Worker Accommodation being specifically provided for within the Rural Zones.

It is also important the rules to[sic] not unreasonable impact on existing accommodation that may be upgraded – we proposed an amendment to this effect.'

Definition

- 2.2.13 Hort NZ (S81.027) seeks retention of the definition for 'Seasonal Workers Accommodation' in the PDP as proposed.

Rules GRUZ-R2 & RPROZ-R2

- 2.2.14 Silver Fern Farms (S116.038) seeks retention of Rule RPROZ-R2 as proposed. They consider that provision for seasonal work accommodation in the RPROZ as a Permitted activity is appropriate *'given the range of primary production and rural industry activities undertaken in this zone. As such Silver Fern Farms supports this rule'*.
- 2.2.15 Hort NZ (S81.113 & S81.156) seeks amendments to Rule GRUZ-R2, and equivalent Rule RPROZ-R2, to delete either condition (1)(a)(i) or (1)(a)(ii), to include *'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation'*, and to exclude the upgrading of existing facilities from new requirements. Hort NZ *'do not consider that there is a need for both a control on area and number of workers, and as a certain area is required to meet accommodation requirements. We also propose the Code of Practice for Seasonal Worker Accommodation is referred to - for example this is included in the Western Bay of Plenty District Plan'*.
- 2.2.16 Hort NZ's submission provided a weblink to the Code of Practice referenced in the Western Bay of Plenty District Plan, and to the Worksafe Fact Sheet on 'Worker Accommodation' – I have attached both these in Appendix C.

GRUZ-R2 (and equivalent RPROZ-R2) Seasonal workers accommodation

<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. <u>Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation</u>A maximum gross floor area of 125m².</p> <p>ii. <u>A maximum number of people to be accommodated on site of 24.</u></p>	<p>2. Activity status where compliance with condition GRUZ-R2(1)(b) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>a. Assessment matters:</p> <p>i. GRUZ-AM1.</p> <p>ii. GRUZ-AM2.</p> <p>iii. GRUZ-AM3.</p> <p>b. Assessment matters in the following chapters:</p> <p>i. TRAN – Transport.</p> <p>ii. LIGHT – Light.</p> <p>iii. NOISE – Noise.</p>
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<ul style="list-style-type: none"> iii. All new buildings are relocatable in design or able to be reconfigured to buildings accessory to land-based primary production. iv. The site is not a 'lifestyle site' (a site created through the lifestyle site subdivision provisions of the District Plan). b. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. c. Compliance with: <ul style="list-style-type: none"> i. GRUZ-S11 (setback from existing intensive primary production); and ii. GRUZ-S12 (setback from gas transmission network). d. Compliance with GRUZ-S13 (setbacks from National Grid). <p>Note: Under the Hawke's Bay Regional Resource Management Plan, there are also requirements in respect of new domestic sewage systems (including minimum land area requirements).</p>	<ul style="list-style-type: none"> 3. Activity status where compliance with condition GRUZ-R2(1)(a) is not achieved: RDIS Matters over which discretion is restricted: <ul style="list-style-type: none"> a. Whether the proposed building location will allow for efficient use of the remaining undeveloped land for primary production activities. b. Whether the scale and design of the proposed building complements the character of the area. c. Whether the siting of the activity will impact on the amenity of adjoining properties, or any dwelling established in an adjoining zone within 100m of the activity. d. Whether soil values have been taken into account in selecting the site for the building. e. Whether traffic generation associated with the number of occupants will adversely impact on the road network. f. Where located within the coastal environment area, the degree to which the proposed buildings will be compatible and integrate with the natural character and amenity of the surrounding area, including the scale, design and appearance of buildings. 4. Activity status where compliance with condition GRUZ-R2(1)(c) is not achieved: DIS 5. Activity status where compliance with condition GRUZ-R2(1)(d) is not achieved: NC
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2.3 Analysis

Artificial Crop Protection Structures

- 2.3.1 There is one submission on the definition of 'Artificial Crop Protection Structure' in the PDP which is in support of retaining it as notified – no further analysis is considered necessary in this respect.
- 2.3.2 I accept the submission of Hort NZ that such structures are quite distinct from greenhouses and crop support structures, and I accept that the way the provisions are written in the PDP, they may unintentionally be caught by the definition of 'building'. If deemed a 'building', various bulk and location standards of the respective zone then apply (such as height in relation to boundary, building coverage, and setbacks from neighbours). Those zone standards are primarily intended to address potential adverse effects such as effects on privacy, shading and visual amenity, which I consider are less applicable to the unique nature of artificial crop protection structures. Artificial crop protection structures support primary production activities (to cover and protect crops) and are anticipated in the rural environment of Central Hawke's Bay, and their use of permeable materials allowing daylight and sunlight to pass through, means they are less likely to cause issues for adjoining properties in terms of effects on privacy, shading or visual amenity.
- 2.3.3 However, I do 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, this 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 reflects the intent of the standard, which is to limit the loss of productive soils. Where a greenhouse is established on hardstand, any productive soils beneath are likely lost, whereas the productive soils supporting crops grown under or within greenhouses where they are directly in the soil of the site are still available for current and future generations. This is an important distinction, and I recommend that this aspect of the standard be retained as notified.
- 2.3.4 For the above reasons, I consider 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)), as follows (with slightly altered wording to that proposed by Hort NZ):

GRUZ-RX Artificial Crop Protection Structures**1. Activity Status: PER****Where the following conditions are met:****a. Limited to:**

- i. Use of green or black cloth on vertical faces within 30m of the site boundary;
- ii. Use of green, black, or white cloth on horizontal surfaces.

b. Compliance with:

- i. GRUZ-S2 Height of buildings;
- ii. GRUZ-S7 Electrical safety distances; and
- iii. GRUZ-S13 Setbacks from National Grid.

2. Activity status where compliance not achieved: RDIS**Matters over which discretion is restricted:**

- a. The effects of not meeting the conditions in respect to cloth colour and building height.
- b. The effects of not meeting electricity safety distances and setbacks from the National Grid.

RPROZ-RX Artificial Crop Protection Structures**1. Activity Status: PER****Where the following conditions are met:****a. Limited to:**

- i. Use of green or black cloth on vertical faces within 30m of the site boundary;
- ii. Use of green, black, or white cloth on horizontal surfaces.

b. Compliance with:

- i. RPROZ-S3 Height of buildings;
- ii. RPROZ-S8 Electrical safety distances; and
- iii. RPROZ-S15 Setbacks from National Grid.

2. Activity status where compliance not achieved: RDIS**Matters over which discretion is restricted:**

- a. The effects of not meeting the conditions in respect to cloth colour and building height.
- b. The effects of not meeting electricity safety distances and setbacks from the National Grid.

RPROZ-S2 Total Building Coverage

All

- 1. Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except:
 - a. for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser.
- 2. Netting, structures (including artificial crop protection structures), 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.

GRUZ-S3 Height in Relation to Boundary

All

- 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:
 - 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;
 - b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m;
 - c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof.
- 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.

Note: This does not apply to artificial crop protection structures.

RPROZ-S4 Height in Relation to Boundary	
All	<ol style="list-style-type: none"> 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"> 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; domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 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. <p><u>Note: This does not apply to artificial crop protection structures.</u></p>

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

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

Workers Accommodation

- 2.3.5 The Pork Industry Board seeks specific provision for 'workers accommodation' in the PDP.
- 2.3.6 The over-arching approach in the PDP is to protect that rural land resource from fragmentation and from being compromised by inappropriate subdivision, use and development, including from ad hoc urban expansion. Hence, Rules GRUZ-R1 & RPROZ-R1 provide for a limited number of residential units per site, with a view to focusing on the type of rural residential living that can reasonably be expected in support of the carrying out of primary production activities. In my view, workers accommodation is synonymous with, not distinct from, residential activities generally.
- 2.3.7 The rules in the PDP provide for residential activities in the General Rural and Rural Production Zones on a graduated basis, allowing additional residential units the bigger the property. This provides for a principal residence, additional residential units (for workers accommodation), and seasonal workers accommodation (the latter covered in Rules GRUZ-R2 & RPROZ-R2, and addressed separately below).
- 2.3.8 In addition, recognising that there are sometimes intergenerational requirements for residential living, including on a rural property, the PDP also makes provision for an additional minor residential unit. Minor residential units are constrained in terms of size and location relative to the principal residential unit on the property. Additional residential units provided for, however, are not constrained in this way, reflecting that they have a different purpose to minor residential units in terms of their accommodation role in supporting primary production on the property. Permitted additional residential units can be sited anywhere on the property, according to where they are best located, for example, close to farming infrastructure such as yards or sheds etc for convenience and security reasons.
- 2.3.9 The PDP assigns a Discretionary Activity status to additional residential units beyond what is provided for as a Permitted Activity, which allows consideration of the proposal on a case-by-case basis, including assessment of the proposal against the objectives and policies for the respective zone.
- 2.3.10 For these reasons, I do not consider separate provision for workers accommodation (including associated definition) in the General Rural or Rural Production Zones is necessary or warranted.

Seasonal Workers Accommodation

- 2.3.11 There is a good level of support for the 'seasonal workers accommodation' provisions in the PDP in terms of providing for temporary and/or communal living arrangements, that are quite distinct from permanent worker accommodation which might support a full-time employee and their family.

- 2.3.12 There is one submission on the definition of 'Seasonal Workers Accommodation' which is in support of retaining it as notified – no further analysis is considered necessary in this respect.
- 2.3.13 Hort NZ however, have 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' (attached as Appendix C to this report).
- 2.3.14 The 'Code of Practice' is referenced in the Operative Western Bay of Plenty District Plan, which states in the explanatory statement to section 22 of the Plan *'The post harvest industry has developed a Code of Practice for Seasonal Worker Accommodation which allows for a departure from certain clauses in the Building Act 2004. This Code variation enables a financial contribution methodology to be tailored to these types of facilities. Due to the lower standard of services within these facilities, usage of them for non-related workers and tourists will not be allowed'*.
- 2.3.15 The Western Bay of Plenty District Plan provides for seasonal worker accommodation for a maximum of 75 persons associated with the post harvest activity as a Permitted Activity (Rule 22.3.1(d)), subject to performance standards, including specific standards applying to seasonal worker accommodation (Rule 22.4.1(e)) as follows:

Seasonal worker accommodation shall:

- i. Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation. The standard of construction for these facilities shall be no lesser than the Code requires;
- ii. Be located no less than 100m from any dwelling, lawfully established prior to 7 February 2009 and which is located on any other site not zoned Post Harvest. This may be reduced with the written consent of neighbouring property owners;
- iii. Provide an outdoor recreation area with a minimum area of 50m² per every ten workers accommodated or part thereof;
- iv. Provide an indoor recreation or communal area with a minimum of 25m² per every ten workers accommodated or part thereafter;
- v. Be located no closer than 10m from any other building located on the site where the seasonal worker accommodation is a detached building or buildings;
- vi. Operate only for seasonal worker accommodation associated with the post harvest facility and/or kiwifruit and/or avocado orchard operations associated with that facility;
- vii. Have a current Travel Management Plan for the purposes of minimising unnecessary traffic movements in relation to the facility and kept at the facility office for inspection upon request.

- 2.3.16 The 'Code' comprises the following:

1. All buildings proposed to accommodate able bodied workers will comply fully with all the relevant clauses of the New Zealand Building Code. The interpretation of section 118(1)(a) of the Building Act 2004 that will be applied in this code of practice will mean that access and sanitary facilities for people with disabilities will not be required where the workers are required by the nature of their employment to be able bodied.
2. Where the buildings will accommodate able bodied workers under the RSE Scheme, the industry will abide by the rules of the scheme and any agreements as to living conditions for workers that have been agreed with the Department of Labour.
3. Any processing or factory facilities will be treated as if there is potential for wheelchair users to access and work in those buildings.
4. In the event that a worker becomes reliant on a wheelchair for movement, or is otherwise disabled, either temporarily or permanently, through accident or illness and requires accessible sanitary or other facilities, the industry accepts that alternative accommodation will be provided for any period for which it remains appropriate for the worker to be engaged.
5. Building owners agree to only accommodate people in able bodied worker accommodation who, by the nature of their employment, do not rely on a disabled access and facilities. In the event that the building is proposed to accommodate other employees or to undergo a change of use so that this code of practice would no longer apply, then the building owner undertakes to approach the relevant territorial authority and to address any additional requirements for the building's new use. This may include triggering the requirement to provide access and facilities for people with disabilities under section 115 of the Act.
6. Any building consent applications for able bodied worker accommodation that intend to refer to this code of practice should be lodged with the code enclosed.
7. Any building consent applications for able bodied worker accommodation under this code of practice must include provide a written statement confirming that the applicant will comply with its policies.

- 2.3.17 The maximum floor area (125m²) and persons accommodated (24 persons) conditions in Rules GRUZ-R2(1)(a) & RPROZ-R2(1)(a) in the PDP act as a simple and measurable threshold beyond which seasonal workers accommodation proposals will be subject to greater scrutiny via a resource consent process.
- 2.3.18 A larger footprint or a greater number of people accommodated is then subject to a Restricted Discretionary Activity consent process. In my view, the matters over which discretion is restricted are directly relevant to footprint and number of people accommodated, in terms of consideration of effects on productive soils or available productive land, traffic generation effects, and impacts on the character of the area and the amenity of adjoining properties (refer matters (a) to (e) in Rules GRUZ-R2(3) & RPROZ-R2(3)).
- 2.3.19 In contrast, I do not consider the Code provides any relevant limitations that can be applied in a District Plan rule framework setting, and relates almost exclusively to Building Consent application or Department of Labour matters, as opposed to matters relevant to potential effects on the environment.
- 2.3.20 Therefore, I do 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.

2.4 Recommendations

- 2.4.1 For the reasons outlined above, I recommend that Rules GRUZ-R1 & RPROZ-R1, and Rules GRUZ-R2 & RPROZ-R2 be retained as notified, and that new rules be added for 'Artificial Crop Protection Structures' in the General Rural Zone and Rural Production Zone, along with amendments to Standards RPROZ-S2, GRUZ-S3, RPROZ-S4, GRUZ-S5 & RPROZ-S6 (as outlined in Recommended Amendments below).
- 2.4.2 I recommend that the following submission(s) be **accepted**:
- Hort NZ, S81.008, S81.027, S81.125, S81.170
 - Silver Fern Farms, S116.038
- 2.4.3 I recommend that the following submission(s) be **accepted in part**:
- Hort NZ, S81.114, S81.127, S81.157, S81.168, S81.172
 - Federated Farmers, S121.221
- 2.4.4 I recommend that the following submission(s) be **rejected**:
- Pork Industry Board, S42.010, S42.046, S42.070
 - Hort NZ, S81.113, S81.156
- 2.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

2.5 Recommended Amendments

- 2.5.1 I recommend the following amendment are made:

Add additional rules in the General Rural Zone and Rural Production Zone, as follows:

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

RPROZ-RX Artificial Crop Protection Structures**1. Activity Status: PER****Where the following conditions are met:****a. Limited to:**

- i. Use of green or black cloth on vertical faces within 30m of the site boundary;
- ii. Use of green, black, or white cloth on horizontal surfaces.

b. Compliance with:

- i. RPROZ-S3 Height of buildings;
- ii. RPROZ-S8 Electrical safety distances; and
- iii. RPROZ-S15 Setbacks from National Grid.

2. Activity status where compliance not achieved: RDIS**Matters over which discretion is restricted:**

- a. The effects of not meeting the conditions in respect to cloth colour and building height.
- b. The effects of not meeting electricity safety distances and setbacks from the National Grid.

And amend the following:

RPROZ-S2 Total Building Coverage

- | | |
|-----|--|
| All | <ol style="list-style-type: none"> 1. Maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area or 1500m², whichever is the lesser, except: <ol style="list-style-type: none"> a. for sites containing post-harvest facilities, the maximum building coverage is 35% of the net site area or 2500m², whichever is the lesser. 2. Netting, structures <u>(including artificial crop protection structures)</u>, 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. |
|-----|--|

GRUZ-S3 Height in Relation to Boundary

- | | |
|-----|---|
| All | <ol style="list-style-type: none"> 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"> 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; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 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. |
|-----|---|

Note: This does not apply to artificial crop protection structures.**RPROZ-S4 Height in Relation to Boundary**

- | | |
|-----|---|
| All | <ol style="list-style-type: none"> 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"> 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; b. domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; c. solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. 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. |
|-----|---|

Note: This does not apply to artificial crop protection structures.**GRUZ-S5 Setback from Neighbours**

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

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

2.6 Section 32AA Evaluation

- 2.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 2.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

3.0 Key Issue 13 – Provision for Intensive Primary Production – Definitions, Issues, Objectives & Policies

3.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S42.005	New Zealand Pork Industry Board	Definitions	Amend	Add new definition of 'Intensive Outdoor Primary Production' as follows: '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. Excludes extensive pig farming.'	Accept in part
FS17.2	Horticulture New Zealand		Oppose in part	Replace 'Intensive primary production' definition with 'Intensive Indoor Primary Production' as in the National Planning Standards. Accept new definition of Intensive Outdoor primary production as sought by the submitter.	Accept
S42.004	New Zealand Pork Industry Board	Definitions	Amend	Add new definition of 'Intensive Indoor Primary Production' as follows (as per National Planning Standards): '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.'	Accept
FS17.1	Horticulture New Zealand		Oppose in part	Replace 'Intensive primary production' definition with 'Intensive Indoor Primary Production' as in the National Planning Standards.	Accept in part
S42.006	New Zealand Pork Industry Board	Definitions	Amend	Add new definition for 'Extensive Pig Farming' as follows: 'means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.'	Reject
.					
S121.238	Federated Farmers of New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend	Amend the definition of 'Intensive Primary Production' as follows: 'refers to any of the following: a. commercial livestock (excluding the farming of mustelids) kept and fed permanently in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover	Reject

				b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.'	
FS8.019	Silver Fern Farms Limited		Support		Reject
FS9.238	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS17.7	Horticulture New Zealand		Oppose		Accept
S102.006	Te Mata Mushrooms Land Company Limited	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend	Amend the definition of 'Intensive Primary Production' as follows: 'refers to any of the following: a. ... b. ... c. farming of mushrooms or other fungi and the production of compost. ...'	Reject
.					
S42.003	New Zealand Pork Industry Board	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend	Replace the definition of 'Intensive Primary Production' as follows: 'means any activity defined as intensive indoor primary production or intensive outdoor primary production.'	Accept
.					
S81.018	Horticulture New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Oppose	Delete the definition of 'Intensive Primary Production'. And replace with the National Planning Standards definition 'Intensive Indoor Primary Production', being: 'INTENSIVE INDOOR PRIMARY PRODUCTION 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.'	Accept
.					
S27.002	Egg Producers Federation of New Zealand	INTENSIVE PRIMARY PRODUCTION (Definition)	Amend	Amend the definition of 'intensive primary production' as follows: Intensive Indoor Primary Production refers to any of the following: a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets	Accept in part

				<p>e. farming of mushrooms or other fungi</p> <p>d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site. 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 free range poultry farming.</p>	
.					
S42.011	New Zealand Pork Industry Board	RLR - Introduction	Amend	Amend the second paragraph of the Introduction as follows: Land-based p Primary production, including intensive primary production , underpins the economic, social, and cultural well-being of the Central Hawke's Bay District....	Accept
.					
S42.014	New Zealand Pork Industry Board	RLR-M1	Amend	<p>Amend RLR-M1 Area-Specific Provisions as follows:</p> <p>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) 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.</p> <p>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.</p>	Accept
.					
S42.015	New Zealand Pork Industry Board	RLR - Principal Reasons	Amend	Amend the last paragraph of RLR-Principal Reasons as follows: '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	Accept

				should be located within the appropriate zones where the effects can be suitably accommodated.'	
.					
S42.039	New Zealand Pork Industry Board	GRUZ - Introduction	Amend	Amend first sentence of GRUZ-Introduction as follows: '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. '	Accept
FS17.80	Horticulture New Zealand		Support		Accept
S42.040	New Zealand Pork Industry Board	GRUZ-I2	Amend	Amend GRUZ-I2 as follows: 'Protecting Rural Amenity, and the Quality of the Rural Environment, and Primary Production Capability. Land-based primary production, 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. '	Accept in part
FS17.81	Horticulture New Zealand		Support in part	Accept submission but delete reference to 'land based' primary production.	Accept
S42.041	New Zealand Pork Industry Board	GRUZ-I2	Support	Retain the following in the explanation statement in GRUZ-I2 as proposed: para 1 - '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.' para 9 - '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.' para 10 - '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).'	Accept
.					

S42.087	New Zealand Pork Industry Board	GRUZ-I2 [applies in RPROZ as well]	Amend	Amend GRUZ-I2 as follows: 'Protecting Rural Amenity, and the Quality of the Rural Environment, and Primary Production Capability Land-based primary production, 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. '	Accept in part
.					
S42.042	New Zealand Pork Industry Board	GRUZ-O1	Amend	Amend GRUZ-O1 as follows: 'The General Rural Zone is predominantly used for primary production activities including intensive primary production and ancillary activities.'	Accept
.					
S102.051	Te Mata Mushrooms Land Company Limited	GRUZ-PXX (new policy)	Amend	Add a new policy in the 'General Rural Zone' chapter of the Proposed Plan as follows: 'Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, rural industry, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.'	Reject
FS8.0010	Silver Fern Farms Limited		Oppose		Accept
FS17.87	Horticulture New Zealand		Support in part	Ensure recognition of the economic benefits of primary production.	Reject
S42.043	New Zealand Pork Industry Board	GRUZ-P1	Amend	Amend GRUZ-P1 as follows: 'To allow enable land-based primary production, intensive primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept in part
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S121.182	Federated Farmers of New Zealand	GRUZ-P5	Oppose	Amend GRUZ-P5 as follows: 'To require sufficient separation between sensitive activities sensitive to nuisance effects and existing primary production and intensive primary production activities , and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject

FS9.182	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S98.015	Hatuma Lime Co Ltd	GRUZ-P5	Support	Retain GRUZ-P5 as proposed.	Accept
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S81.109	Horticulture New Zealand	GRUZ-P5	Support	Retain GRUZ-P5.	Accept
.					
S42.044	New Zealand Pork Industry Board	GRUZ-P5	Support	Retain GRUZ-P5 as proposed.	Accept
.					
S102.045	Te Mata Mushrooms Land Company Limited	GRUZ-P5	Amend	Amend GRUZ-P5 as follows: 'To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for.'	Reject
.					
S27.023	Egg Producers Federation of New Zealand	GRUZ-P5	Support	Retain as proposed.	Accept
.					
S42.065	New Zealand Pork Industry Board	RPROZ - Introduction	Amend	Amend paragraph 3 in RPROZ-Introduction as follows: '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).'	Accept
FS17.118	Horticulture New Zealand		Support		Accept
S42.066	New Zealand Pork Industry Board	RPROZ-O1	Amend	Amend RPROZ-O1 as follows: 'The Rural Production Zone is predominantly used for primary production activities including intensive primary production and ancillary activities.'	Accept
.					
S102.075	Te Mata Mushrooms Land Company Limited	RPROZ-PXX (new policy)	Amend	Add a new policy in the 'Rural Production Zone' chapter in the Proposed Plan as follows: 'Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, service	Reject

				activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.'	
FS8.013	Silver Fern Farms Limited		Oppose		Accept
FS17.125	Horticulture New Zealand		Support in part	Ensure recognition of the economic benefits of primary production.	Reject
S42.067	New Zealand Pork Industry Board	RPROZ-P1	Amend	Amend RPROZ -P1 as follows: 'To allow enable land-based primary production, intensive primary production and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept
.					
S121.211	Federated Farmers of New Zealand	RPROZ-P5	Oppose	Amend RPROZ-P5 as proposed: 'To require sufficient separation between sensitive activities sensitive to nuisance effects and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject
FS9.211	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S102.070	Te Mata Mushrooms Land Company Limited	RPROZ-P5	Amend	Amend RPROZ-P5 as follows: 'To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for. '	Reject
FS17.129	Horticulture New Zealand		Oppose		Accept
S42.068	New Zealand Pork Industry Board	RPROZ-P5	Support	Retain RPROZ-P5 as proposed.	Accept
.					
S81.150	Horticulture New Zealand	RPROZ-P5	Amend	Retain RPROZ-P5, but amend to refer to 'intensive indoor primary production'.	Accept in part
.					

S27.013	Egg Producers Federation of New Zealand	RPROZ-P5	Support	Retain as proposed.	Accept
.					

- 3.1.1 In summary, these 33 submissions and 15 further submissions support retention of, or seek 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'.

3.2 Matters Raised by Submitters

Definition of Intensive Primary Production

- 3.2.1 The Pork Industry Board (S42.003, S42.004, s42.005, & S42.006) supports the retention of a definition of 'Intensive Primary Production' where this is supported by the addition of definitions to cover the typical range of primary production activities that can be deemed intensive – *'this being both indoor and outdoor primary production activities'*.
- 3.2.2 They also consider 'Commercial boarding and/or breeding of cats, dogs and other domestic pets' is not a Primary Production activity, and that this should be deleted from the definition. And *'For clarity and plan administration a definition of Extensive Pig Farming should be included and a reference to industry codes of practice for ground cover maintenance (refer attached Good Management Practices for Outdoor Pig Farming)'*.
- 3.2.3 The following outlines the above requested amendments to the definitions in the PDP:

INTENSIVE PRIMARY PRODUCTION	<u>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</u> <u>refers to any of the following:</u> a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
<u>INTENSIVE INDOOR PRIMARY PRODUCTION</u>	<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>
<u>INTENSIVE OUTDOOR PRIMARY PRODUCTION</u>	<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. Excludes extensive pig farming.</u>
<u>EXTENSIVE PIG FARMING</u>	<u>means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.</u>

- 3.2.4 Hort NZ (S81.018, FS17.1, 17.2) seeks to replace the definition of 'Intensive Primary Production' with the National Planning Standards definition of 'Intensive Indoor Primary Production', and has made further submissions in partial support of the Pork Industry Board on this basis. Specifically, they do not support greenhouses being considered primary production in the context of the rules in the PDP, as set out in section 3.4.5 of their submission as follows:

'In the Proposed Plan, greenhouses are included in the definition of 'Intensive Primary Production', through (d) which reads: 'commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site'.

HortNZ does not consider that the definition for Intensive primary production should include greenhouses for the following reasons.

The proposed approach is inconsistent with the National Planning Standards

This is not an effects-based approach, and is not consistent with the approach taken in the National Planning Standards, which defines 'Intensive indoor primary production' as: "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".

The 'Recommendations on submissions report for the first set of national planning standards' explain this in regard to greenhouses as follows: "We agree ...that horticulture activities should not be considered 'intensive primary production'. Horticulture undertaken within a glasshouse or greenhouse generally does not produce the same type or scale of odour or noise effects as the activities listed in the definition". HortNZ agrees with this commentary.

Aside from this issue – the drafting relating to "limited or no dependence on natural soil quality of the site" somewhat subjective and without an effects basis with regard to how these activities are managed in the plan.

...

- 3.2.5 The Egg Producers Federation (S27.002) supports the definition of 'Intensive Primary Production', however recommend it is amended as follows 'to not unintentionally capture free range poultry farming, as this could lead to ambiguity when applying provisions':

INTENSIVE PRIMARY PRODUCTION	<p><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 free range poultry farming.</u></p> <p>refers to any of the following:</p> <ul style="list-style-type: none"> a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
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- 3.2.6 Federated Farmers (S121.238) seeks the following amendment to the definition of 'Intensive Primary Production' in the PDP:

INTENSIVE PRIMARY PRODUCTION	<p>refers to any of the following:</p> <ul style="list-style-type: none"> a. commercial livestock (excluding the farming of mustelids) kept and fed <u>permanently</u> in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
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- 3.2.7 Their reasons are as follows:

'Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of intensive primary production. These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right.

Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.'

- 3.2.8 Silver Fern Farms (FS8.019) supports the amendment sought by Federated Farmers 'to ensure the **temporary** keeping of stock indoors (such as within a meat processing plant) is not inadvertently defined as 'Intensive Primary Production'".

- 3.2.9 Hort NZ (FS17.7) opposes the Federated Farmers submission, as they seek that the definition be replaced with the National Planning Standard definition of 'Intensive Indoor Primary Production'.
- 3.2.10 Te Mata Mushrooms (S102.006) seeks the following amendment to the definition of 'Intensive Primary Production' in the PDP:

INTENSIVE PRIMARY PRODUCTION	<p>refers to any of the following:</p> <ol style="list-style-type: none"> commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets farming of mushrooms or other fungi and the production of compost commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
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- 3.2.11 This is on the basis that:

'To date, the farming of mushrooms and the ancillary activity of producing compost to enable growing of mushrooms has been treated collectively as an Intensive Primary Production Activity.'

'The definition of intensive primary production facilities would be more appropriate if it also referred to the activity of producing compost production.'

RLR – Rural Land Resource Chapter

- 3.2.12 The Pork Industry Board (S42.011, S42.014 & S42.015) seeks amendments to the Introduction, Method RLR-M1, and to the Principal Reasons in the RLR – Rural Land Resource chapter in the Strategic Direction section of the PDP, 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 pPrimary 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**) 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.

3.2.13 The reasons for the above amendments sought are as follows:

'Support the clear Strategic Direction and inclusion of Strategic Objectives, Policies and Methods that recognise and respond to the resource management issues associated with the rural land resource.

Importantly, it needs to be recognised that by definition, primary production is any agricultural activity and that includes intensive primary production activity (indoor and outdoor).

Intensive and extensive outdoor primary production often relies on the rural land resource noting, that in the case of extensive outdoor pig farming this will typically occur on flat, free draining land capable of sustaining ground cover because of the productive capability for grass growth.

Intensive indoor primary production relies on the broader resources of the rural environment including feed grown on and offsite as well as the activity space and separation the rural environment provides from sensitive activities. This is recognised in the National Planning Standards zone descriptions.

General rural zone: Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural production zone: Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

The proposed plan framework and cascade to the provisions addressing intensive primary production would be improved by recognising the value of the activity and that intensive primary production activities (indoor and outdoor) may, by locational necessity, locate on highly productive land where there are economic and operational benefits associated with concentrating such enterprises in specific rural localities.'

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

3.2.14 The Pork Industry Board (S42.039, S42.065, S42.040, S42.087, S42.041, S42.042, S42.066, S42.043 & S42.067) supports but seeks amendments to the Introduction, Issue GRUZ-I2, Objective GRUZ-O1, and Policy GRUZ-P1, as follows:

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-I2	Protecting Rural Amenity and the Quality of the Rural Environment <u>and Primary Production Capability</u> Land-based primary production, <u>intensive primary production</u> , 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 <u>or result in conflict that affects primary production capability</u> . 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. ...
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 <u>allowenable land-based</u> primary production, <u>intensive primary production</u> and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.
RPROZ-P1	To <u>allowenable land-based</u> primary production, <u>intensive primary production</u> and ancillary activities which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.

- 3.2.15 The reasons given are that consistent with the Zone descriptions of the National Planning Standards, the provisions above would benefit from describing the zones as used primarily for primary production including intensive primary production, and that the changes align with the principal reasons for adopting policies and methods stated in the respective zone chapters in the PDP.
- 3.2.16 Hort NZ (FS17.80, FS17.81 & FS17.118) supports the Pork Industry Board submissions in terms of the amendment sought to the GRUZ Introduction and the amendment sought to Issue GRUZ-I2 but with deletion of the words 'land based' before 'primary production', and also supports the Pork Industry Board submission in terms of the amendment sought to the RPROZ Introduction. Their support for these amendments is on the basis that *'There should be a clear focus on primary production in the General Rural Zone'*.

Policies GRUZ-P5 & RPROZ-P5

- 3.2.17 The Pork Industry Board (S42.044 & S42.068), the Egg Producers Federation (S27.023 & S27.013), Hort NZ (S81.109 & S81.150), and Hatuma Lime (S98.015) all support retention of Policies GRUZ-P5 and RPROZ-P5 as proposed.
- 3.2.18 Federated Farmers (S121.182 & S121.211) seeks amendments to Policies GRUZ-P5 and RPROZ-P5, as follows:
- | | |
|----------|---|
| GRUZ-P5 | To require sufficient separation between sensitive activities <u>sensitive to nuisance effects</u> and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. |
| RPROZ-P5 | To require sufficient separation between sensitive activities <u>sensitive to nuisance effects</u> and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. |
- 3.2.19 Federated Farmers submits that *'sensitive activities needs to be separated into two categories: sensitivity to nuisance effects of odour and noise, and reverse sensitivity to electricity transmission according to the National Policy Statement for Electricity Transmission. A house on a farmed property will not cause sensitivity effects on oneself, so the policy needs to be limited to separate properties. The rules do not require setbacks from normal farming and houses or property boundaries and to do so does not support the objective that farming is a positive aspect of rural amenity, so the policy must also be limited to intensive production and non-production activities'*.
- 3.2.20 Te Mata Mushrooms (S102.045 & S102.070) supports the use of a separation distance between intensive primary production activities to manage land use conflict and reverse sensitivity effects, but considers the policy would be more appropriate if it gave more guidance for property boundary matters, and therefore seeks amendments to Policies GRUZ-P5 and RPROZ-P5, as follows:

GRUZ-P5	To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. <u>Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for.</u>
RPROZ-P5	To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict. <u>Reduced separation distances may be appropriate at property boundaries, and a restricted discretionary activity consent process can be used to determine whether an appropriate level of effects at a property boundary can be provided for.</u>

- 3.2.21 They consider *'The actual effects avoided, remedied or mitigated by using a separation distance are noise, odour, outlook, visual, dust, overall intensive use from traffic movements. If a lesser separation distance can achieve an appropriate level of effects management at a property boundary, a RDA status of consent application would give an appropriate level of scrutiny instead of a non-complying activity status'*.
- 3.2.22 Hort NZ (FS17.129) opposes the amendment of Policy RPROZ-P5 sought by Te Mata Mushrooms, as they consider *'The proposed policy framework provides sufficient scope to assessed reduced setbacks through a consent process'*.

New Policy

- 3.2.23 Te Mata Mushrooms (S102.051 & S102.075), supported in part by Hort NZ (FS17.87 & FS17.125), seeks an additional policy in the General Rural Zone and Rural Production Zone *'to recognise the economic benefits of intensive primary production, as well as the flow on to post harvest facilities, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community'*, as follows:

GRUZ-PX	<u>Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, rural industry, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.</u>
RPROZ-PX	<u>Recognise the economic benefits derived from well functioning and operating intensive primary production activities, as well as the flow on to post harvest facilities, rural industry, service activities, the generation of employment and overall increase of social and cultural wellbeing to the local community.</u>

- 3.2.24 This is opposed by Silver Fern Farms (FS8.0010 & FS8.013) as *'Te Mata Mushrooms' submission points seek amendments to enable 'service activities' to locate in the General Rural Zone ("GRUZ") and the RPROZ. Silver Fern Farms considers that 'the wide range of activities that fall under the definition of 'service activities' creates uncertainty and risk of reverse sensitivity effects arising where service activities that are sensitive to and/or incompatible with the effects of primary production and rural industry locate in the GRUZ or RPROZ'*.

Forest & Bird

- 3.2.25 Forest & Bird oppose all the submission of Federated Farmers (FS9.238, FS9.182, FS9.211) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

3.3 Analysis

Definition of 'Intensive Primary Production'

- 3.3.1 There is general support for retention of a definition of 'Intensive Primary Production', with various requests to amend it, replace it with or add the National Planning Standards definition for 'Intensive Indoor Primary Production', and to also add definitions for 'Intensive Outdoor Primary Production', and 'Extensive Pig Farming'.
- 3.3.2 There is also a submission to delete 'commercial boarding and/or breeding of cats, dogs and other domestic pets' from the definition of 'Intensive Primary Production', a submission requesting that production of compost is included, and a submission to ensure that free-range poultry farming is not captured.

- 3.3.3 The intent of the definition of 'Intensive Primary Production' in the PDP is 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 adoption of the National Planning Standards definition would be appropriate.
- 3.3.4 I concur with Hort NZ that horticulture undertaken within a glasshouse or greenhouse is 'primary production' and not 'intensive primary production'. In this instance, the issue is more about potential loss of productive soils where such soils are permanently covered by hardstand. I note the total building coverage standard in the Rural Production Zone (Standard RPROZ-S2) excludes from the building coverage calculations where crops are grown under or within greenhouses where they are directly in the soil of the site (refer specific discussion on this in paragraph 2.3.3 in Key Issue 11 of this report).
- 3.3.5 I concur with the Pork Industry Board that the 'commercial boarding and/or breeding of cats, dogs and other domestic pets' does not sit comfortably as an intensive primary production activity. This is a carry-over from the Operative District Plan. In my view, this better fits within the definition of 'commercial activity' (defined in the PDP as *'means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices)'*).
- 3.3.6 In any event, 'commercial boarding and/or breeding of cats, dogs and other domestic pets' has its own separate rule in the Rural Zones, as a Discretionary Activity (Rules GRUZ-R15 & RPROZ-R15) and is therefore already dealt with separately from 'Intensive Primary Production'. On the basis that the activity is better assessed as a type of commercial activity, I do not consider that the definition of 'intensive primary production' should include 'commercial boarding and/or breeding of cats, dogs and other domestic pets'. In any case, with the recommendation to adopt the National Planning Standards definition of 'intensive indoor primary production' there is no ability to continue to specify the 'commercial boarding and/or breeding of cats, dogs and other domestic pets' anyway.
- 3.3.7 Similarly, with the recommendation to adopt the National Planning Standards definition of 'intensive indoor primary production' there is no ability to amend the definition to specify 'the production of compost', as sought by Te Mata Mushrooms, either.
- 3.3.8 In my view, both free-range poultry farming, and extensive pig farming, would not be unintentionally captured by the definition of 'intensive primary production', as I consider they fall comfortably within the definition of 'primary production' (defined in the PDP as *'a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and 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 the commodities in b); but d. excludes further processing of those commodities into a different product'*). Based on information from both submitters, these activities would not preclude the maintenance of pasture or ground cover, and would therefore not be captured by the definition of 'intensive primary production', or the proposed definition of 'intensive outdoor primary production'.
- 3.3.9 On the basis of the above, I recommend 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><u>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</u></p> <p><u>refers to any of the following:</u></p> <ul style="list-style-type: none"> a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
<u>INTENSIVE INDOOR PRIMARY PRODUCTION</u>	<p><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></p>

**INTENSIVE OUTDOOR
PRIMARY PRODUCTION**

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.

- 3.3.10 I consider the references to 'that principally occur within buildings' and 'that principally occurs outdoors' in the above proposed definitions sufficiently address the concerns of Federated Farmers and Silver Fern Farms in terms of avoiding capturing situations where livestock are only temporarily off pasture or where there is temporary keeping of livestock indoors.

RLR – Rural Land Resource Chapter

- 3.3.11 I concur with the Pork Industry Board that, by definition, primary production is any agricultural activity and that includes intensive primary production activity (indoor and outdoor), and that such activities establish 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.
- 3.3.12 I therefore agree that intensive primary production should be referenced in the Strategic Direction section of the PDP, and I recommend 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 pPrimary 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**) 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

- 3.3.13 Similarly, I concur 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. I also agree that the amendments proposed by the submitter better align with the first sentence in the explanation in Issue GRUZ-I1 (Note: the RPROZ issues are 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.
- 3.3.14 I, therefore, recommend 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-I2 Protecting Rural Amenity and the Quality of the Rural Environment **and Primary Production Capability**
Land-based pPrimary 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 <u>allowenable land-based</u> primary production <u>(including intensive primary production)</u> and ancillary activities...
RPROZ-P1	To <u>allowenable land-based</u> primary production <u>(including intensive primary production)</u> and ancillary activities...

Policies GRUZ-P5 & RPROZ-P5

- 3.3.15 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.
- 3.3.16 These policies specifically relate to the rules for intensive primary production activities (Rules GRUZ-R14 & RPROZ-R14), and also the setback standards from neighbours and from existing intensive primary production activities (Standards GRUZ-S5, RPROZ-S6, GRUZ-S11 & RPROZ-S12).
- 3.3.17 In that sense, I do 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.

- 3.3.18 Relevant to this matter, I note my recommendation in relation to Key Issue 1 which is to separate the definition of 'sensitive activities' into two categories in response to submissions from Hort NZ, Federated Farmers and Transpower. As a result of those submissions, I have recommended a new definition for 'Sensitive Activity (National Grid)' based on the definition contained in the National Policy Statement for Electricity Transmission to separately address reverse sensitivity to electricity transmission activities (which then relates to Standards GRUZ-S13 & RPROZ-S15 Setback from National Grid).
- 3.3.19 I do not support the additional wording proposed by Te Mata Mushrooms, which appears to insert a degree of flexibility into these policies to outline the process for considering reduced separation distances. I agree with Hort NZ in this respect, that the policy framework in the PDP provides sufficient scope to assess reduced setbacks through a resource consent process. Further, I do not consider the wording proposed is appropriate wording for a policy.

New Policy

- 3.3.20 I do 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.
- 3.3.21 In my view, the policy sought is too broad in terms of the wide range of activities referenced, and with the additional wording proposed for the General Rural and Rural Production Zone introductions, issues, objectives and policies as recommended above, the value of primary production including intensive primary production to Central Hawke's Bay will be sufficiently well recognised in the proposed policy framework.
- 3.3.22 Further, positive effects are able to be considered as part of assessing a resource consent for intensive primary production activities through the section 104 RMA assessment. Section 104(1)(a) requires the consent authority to have regard to any actual or potential effects, including positive effects.

3.4 Recommendations

- 3.4.1 For the reasons outlined above, I recommend that the definitions, introduction, issues, objectives and policies, methods, and principal reasons in the RLR – Rural Land Resource, GRUZ – General Rural Zone, and RPROZ – Rural Production Zone chapters of the PDP relating to intensive primary production be amended (as outlined in Recommended Amendments below).
- 3.4.2 I recommend that the following submission(s) be **accepted**:
- Egg Producers Federation, S27.013, S27.023
 - Pork Industry Board, S42.003, S42.004, S42.011, S42.014, S42.015, S42.039, S42.041, S42.042, S42.044, S42.065, S42.066, S42.067, S42.068
 - Hort NZ, S81.018, S81.109
 - Hatuma Lime, S98.015
- 3.4.3 I recommend that the following submission(s) be **accepted in part**:
- Egg Producers Federation, S27.002
 - Pork Industry Board, S42.005, S42.040, S42.043, S42.087
 - Hort NZ, S81.150
- 3.4.4 I recommend that the following submission(s) be **rejected**:
- Pork Industry Board, S42.006
 - Te Mata Mushrooms, S102.006, S102.045, S102.051, S102.070, S102.075
 - Federated Farmers, S121.182, S121.211, S121.238
- 3.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

3.5 Recommended Amendments

3.5.1 I recommend the following amendment(s) is made:

INTENSIVE PRIMARY PRODUCTION	<u>means any activity defined as intensive indoor primary production or intensive outdoor primary production.</u> <u>refers to any of the following:</u> a. commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover b. land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets c. farming of mushrooms or other fungi d. commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site.
<u>INTENSIVE INDOOR PRIMARY PRODUCTION</u>	<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>
<u>INTENSIVE OUTDOOR PRIMARY PRODUCTION</u>	<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>

RLR 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 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) 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.

RLR 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.

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-I2 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

...

GRUZ-O1 The General Rural Zone is predominantly used for primary production activities (**including intensive primary production**) and ancillary activities.

RPROZ-O1 The Rural Production Zone is predominantly used for primary production activities (**including intensive primary production**) and associated ancillary activities.

GRUZ-P1 To **allowenable land-based** primary production (**including intensive primary production**) and ancillary activities...

RPROZ-P1 To **allowenable land-based** primary production (**including intensive primary production**) and ancillary activities...

3.6 Section 32AA Evaluation

- 3.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 3.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.192	Federated Farmers of New Zealand	GRUZ-R14	Support	Retain GRUZ-R14 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming).	Accept
FS9.192	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.121	Horticulture New Zealand	GRUZ-R14	Oppose	Add to GRUZ-R14(2) as follows: '2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. GRUZ-AM9. ...'	Reject <i>(refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.026)</i>
.					
S102.057	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Oppose	Amend GRUZ-R14(4) as follows: '4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(d) is not achieved: NC'	Accept
FS6.11	NZ Pork Industry Board		Support in part		Reject
S102.055	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Oppose	Amend GRUZ-R14(2) as follows: '2. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) and/or GRUZ-R14(1)(b) is not achieved: RDIS ...'	Accept in part
FS6.10	NZ Pork Industry Board		Support in part		Accept in part
S102.054	Te Mata Mushrooms Land Company Limited	GRUZ-R14	Support	Retain GRUZ-R14(1) and 'Controlled' activity status.	Accept
.					
S42.053	New Zealand Pork Industry Board	GRUZ-R14	Oppose	Amend GRUZ-R14(3) as follows: '3. Activity status where compliance with condition GRUZ-R14(1)(c) and/or GRUZ-R14(1)(a) is not achieved: DIS' Amend GRUZ-R14(4) as follows: '4. Activity status where compliance with conditions GRUZ-R14(1)(a) and/or GRUZ-R14(1)(d) is not achieved: NC'	Reject
.					
S42.052	New Zealand Pork Industry Board	GRUZ-R14	Oppose	Retain GRUZ-R14(1) Activity Status: CON Amend Matters of Control.	Reject
.					
S27.025	Egg Producers Federation of New Zealand	GRUZ-R14	Amend	Amend GRUZ-R14 as follows: 'Intensive primary production activities (other than commercial boarding and/or	Reject

				breeding of cats, dogs, and other domestic pets) 1. Activity Status: CON PER Where the following conditions are met: ... Matters over which controlled discretion is reserved: ...'	
.					
S121.197	Federated Farmers of New Zealand	GRUZ-S11	Amend	Retain GRUZ-S11 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming) with the following amendment: 'Setback from Existing Intensive Primary Production Activities Activities Sensitive to nuisance effects Activities 1.'	Accept in part
FS9.197	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S27.027	Egg Producers Federation of New Zealand	GRUZ-S11	Support	Retain as proposed.	Accept
FS6.13	NZ Pork Industry Board		Support		Accept
S42.057	New Zealand Pork Industry Board	GRUZ-S11	Amend	Amend GRUZ-S11 as follows: 'Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.'	Reject
.					
S42.059	New Zealand Pork Industry Board	GRUZ-AM3	Support	Retain RPROZ-AM3 as notified.	Accept
.					
S81.137	Horticulture New Zealand	GRUZ-AM9	Oppose	Amend GRUZ-AM9 as follows: 'Intensive Indoor Primary Production Activities (located more than 500 metres from a General Residential, Large Lot Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary) ...'	Reject
.					
S42.060	New Zealand Pork Industry Board	GRUZ-AM9	Oppose	Amend the assessment matters for 'Intensive Primary Production'.	Reject
.					
S42.061	New Zealand Pork Industry Board	GRUZ-M3	Support	Retain GRUZ-M3 as proposed.	Accept
.					
S121.219	Federated Farmers of New Zealand	RPROZ-R14	Support	Retain RPROZ-R14 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming).	Accept
FS9.219	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject

S81.165	Horticulture New Zealand	RPROZ-R14	Oppose	Add to RPROZ-R14(2) as follows: '2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM10. ...'	Reject (refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.034)
.					
S102.080	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Oppose	Amend RPROZ- R14(2) as follows: '2. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) and/or RPROZ-R14(1)(b) is not achieved: RDIS'	Accept in part
FS6.14	NZ Pork Industry Board		Support in part		Accept in part
S102.082	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Oppose	Amend RPROZ-R14(4) as follows: '4. Activity status where compliance with conditions RPROZ -R14(1)(a)(i) and/or RPROZ -R14(1)(d) is not achieved: NC'	Accept
FS6.15	NZ Pork Industry Board		Support in part		Reject
S42.077	New Zealand Pork Industry Board	RPROZ-R14	Oppose	Amend RPROZ-R14(3) as follows: 3. Activity status where compliance with condition RPROZ-R14(1)(c) and/or RPROZR14(1)(a) is not achieved: DIS And amend RPROZ -R14(4) as follows: 4. Activity status where compliance with conditions RPROZ-R14(1)(a) and/or RPROZR14(1)(d) is not achieved: NC	Reject
.					
S42.076	New Zealand Pork Industry Board	RPROZ-R14	Oppose	Retain RPROZ-R14(1) Activity Status: CON Amend Matters of Control.	Reject
.					
S102.079	Te Mata Mushrooms Land Company Limited	RPROZ-R14	Support	Retain RPROZ- R14(1), and 'Controlled' activity status.	Accept
.					
S27.015	Egg Producers Federation of New Zealand	RPROZ-R14	Amend	Amend RPROZ-R14 as follows: 'Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets) 1. Activity Status: CON PER Where the following conditions are met: ... Matters over which controlled discretion is reserved: ...'	Reject
.					
S42.079	New Zealand Pork Industry Board	RPROZ-S2	Oppose	Delete RPROZ-S2 as it relates to intensive primary production.	Reject
.					
S121.227	Federated Farmers of New Zealand	RPROZ-S12	Amend	Retain RPROZ-S12 (on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds which are complementary to pastoral farming) with the following amendment:	Accept in part (insofar as standard is retained)

				'Activities Sensitive to nuisance effects' Activities 1. Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.'	
FS9.227	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S27.017	Egg Producers Federation of New Zealand	RPROZ-S12	Support	Retain as proposed.	Accept
FS6.17	NZ Pork Industry Board		Support		Accept
S102.086	Te Mata Mushrooms Land Company Limited	RPROZ-S12	Oppose	Amend RPROZ-R12[S12?] as follows: 'Sensitive Activities 1. Minimum setback of buildings from a property boundary with an from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities[activity?], is 200 metres.'	Reject
.					
S42.081	New Zealand Pork Industry Board	RPROZ-S12	Amend	Amend RPROZ-S12 as follows: 'Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.'	Reject
.					
S42.083	New Zealand Pork Industry Board	RPROZ-AM3	Support	Retain RPROZ-AM3 as notified.	Accept
.					
S42.084	New Zealand Pork Industry Board	RPROZ-AM10	Oppose	Amend the assessment matters for 'Intensive Primary Production'.	Reject
.					
S42.085	New Zealand Pork Industry Board	RPROZ-M3	Support	Retain RPROZ-M3 as proposed.	Accept
.					
S42.064	New Zealand Pork Industry Board	RLZ-S6	Amend	Amend RLZ-S6 as follows: 'Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 400 metres.'	Reject
.					

4.1.1 In summary, these 32 submissions and 10 further submissions support 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'.

4.2 Matters Raised by Submitters

Rules GRUZ-R14 & RPROZ-R14

- 4.2.1 Federated Farmers (S121.192 & S121.219) supports retention of Rules GRUZ-R14 and the equivalent rule RPROZ-R14 as proposed, on the condition that the definition of 'Intensive Primary Production' excludes activities such as calf-rearing and wintering sheds which are complementary to pastoral farming. Their reasons given are as follows:

'Activities like calf rearing, feed pads, stand off pads, or wintering sheds should not be included in the definition of intensive primary production. These are activities complementary to pastoral farming, where livestock are only temporarily off pasture and returned to pasture when conditions are right.'

Stand-off pads, herd homes and feed pads are part of environmentally sustainable farm practices to prevent soil and water degradation, and should not be discouraged by the District Plan.

Sensitive activities needs to be more specific, and refer to activities sensitive to nuisance effects of odour and noise.'

- 4.2.2 Te Mata Mushrooms (S102.054, S102.055, S102.057 & S102.79, S102.80 & S102.82) seeks retention of clause 1 of Rules GRUZ-R14 and RPROZ-R14 as proposed, but seeks amendments to clauses 2, 3 & 4 of both rules, as follows:

GRUZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

<p>1. Activity Status: CON Where the following conditions are met:</p> <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"> any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m. from a property boundary is 200m. <p>b. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <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"> Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. 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. Methods of disposal of stormwater and wastewater for the activity. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. 	<p>2. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) and/or GRUZ-R14(1)(b) is not achieved: RDIS 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"> GRUZ-AM1. GRUZ-AM2. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise. <p>3. Activity status where compliance with condition GRUZ-R14(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(d) is not achieved: NC</p>
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RPROZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)	
<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <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> <ul style="list-style-type: none"> i. any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m. ii. from a property boundary is 200m. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). <p>d. Compliance with RPROZ-S15 (setbacks from National Grid).</p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. 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. g. Methods of disposal of stormwater and wastewater for the activity. 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>2. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) and/or RPROZ-R14(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted (where relevant to the infringing standard(s)):</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM4. <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise.
	<p>3. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS</p>
	<p>4. Activity status where compliance with conditions RPROZ-R14(1)(a)(i) and/or RPROZ-R14(1)(d) is not achieved: NC</p>

4.2.3 The reasons given in the case of Rule GRUZ-R14 and equivalent Rule RPROZ-R14 are:

'The Restricted Discretionary Activity status is also appropriate for proposed intensive primary production activities which do not comply with Rule 14.1(a)(ii), property boundary setback. This is because the actual and potential adverse effects are localised and can be quantified and managed. A reduce[sic] separation distance (ie less than 200m) from a property boundary may have functional and practical reasons. Design and site management may be able to avoid adverse effects on adjoining property and are effectively and efficiently captured in specific Assessment Criteria. Relief sought is an RDA status, rather than a non-complying status whereby there is a non-compliance with Rule 14.1(a)(ii).'

And

'A non-complying activity status indicates that the intensive primary production activity is likely to be inappropriate for the Rural Production Zone. In relation to separation distance from a zone boundary or GRUZ-R14(1)(d), that may be appropriate.

However, when a non-compliance with a property boundary separation distance an RDA status is more appropriate compared to a Non-complying Activity status, as a RDA requires a consent process that isolates the matters of concern – that being proximity to a property boundary and focuses the consent on the actual and potential effects of the infringement.

An RDA activity status would better provide for the PRP[sic] Objectives and Policies.'

- 4.2.4 The Pork Industry Board (FS6.10, FS6.11 & FS6.14, FS6.15) supports the amendments sought by Te Mata Mushrooms in part, but *'Oppose a non-complying activity status for intensive primary production activities where minimum setbacks are not achieved'*.
- 4.2.5 The Pork Industry Board (S42.052, S42.053 & S42.076, S42.077) supports the activity status of Controlled in clause 1 of Rules GRUZ-R14 and RPROZ-R14, but seeks amendments to the 'matters for control', as they consider *'The proposed matters of control are confusing and it is not clear in the objective and policy framework or section 32 why these have been applied to intensive primary production'*, and refer to each of the matters, as follows:

Matters over which control is reserved:

- e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.
- 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.
- g. Methods of disposal of stormwater and wastewater for the activity.
- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.

- 4.2.6 In relation to (e) above, *'It is not clear why the effects of traffic generated from Intensive Primary Production on the character and amenity of the rural zone are a relevant concern and what control Council consider might be appropriate that might then not conflict with the viability of the primary production activity. It is not clear why the effects of the hours of operation from Intensive Primary Production on the character and amenity of the rural zone are a relevant concern and what control Council consider might be appropriate that might then not conflict with the viability of the primary production activity which by their nature are 24/7 activities'*.
- 4.2.7 In relation to item (f) above, *'It is not clear what materials (use and storage) are of concern'*.
- 4.2.8 In relation to item (g) above, *'It is not clear why these discharges are of concern for this activity and not other permitted activities and no section 32 assessment justifying the duplication of stormwater or wastewater related controls under the regional plan'*.
- 4.2.9 In relation to item (h) above, *'It is not clear what effects from this primary production activity require a setback consideration from all wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3'*.
- 4.2.10 The Pork Industry Board also *'Oppose the non-complying activity status for intensive primary production activities where minimum setbacks are not achieved[sic]. The activity status is unnecessarily onerous when a discretionary activity status provide robust effects and policy assessment in circumstances of non-compliance'*, and seeks a Discretionary activity status where compliance with the matters in condition 1(a) is not achieved (as opposed to Non-Complying, as proposed).
- 4.2.11 Hort NZ (S81.121 & S81.165) oppose these rules with regard to the definition of intensive primary production activities capturing greenhouses, as *'It is unclear how this rule would apply to greenhouses'*.
- 4.2.12 They seek amendments to Rules GRUZ-R14 and RPROZ-R14 to delete the requirement to meet Standards GRUZ-S12 and RPROZ-S14 in those rules respectively (being the setback from gas transmission network) as these standards only apply to 'residential activities' and are therefore redundant here. This is supported by First Gas (FS3.026 & FS3.034). Note: this aspect of their submission is addressed separately in Key Issue 18 in Volume 4 of this report.
- 4.2.13 Their submission also seeks Rules GRUZ-R14(2) & RPROZ-R14(2) to also include Assessment Matters GRUZ-AM9 & RPROZ-AM10 (Intensive Primary Production Activities (located more than 500 metres from a General Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary)) respectively, as additional matters to which discretion is restricted. These rules apply where compliance with the various standards listed in condition (1)(b) are not achieved.
- 4.2.14 The Eggs Producers Federation (S27.025 & S27.015) submit that intensive primary production should be able to establish as a permitted activity in the General Rural Zone and Rural Production Zone *'as this is consistent with the policy framework for the zones. Instead of a blanket controlled activity, we suggest that Restricted Discretionary Activity resource consent be required if any conditions are not met, with assessment matters being the effects of any infringement'*. They seek that the 'matters for control' in clause 1 of Rules GRUZ-R14 and RPROZ-R14, become the 'matters for discretion'.

Standard RPROZ-S2 Total Building Coverage

- 4.2.15 The Pork Industry Board (S42.079) seeks deletion of Standard RPROZ-S2 as it relates to intensive primary production, on the basis that they *'Oppose the building coverage limitation of 35% of the net site area or 1500m², whichever is the lesser, that would apply to intensive primary production. This would conflict with the purpose of the zone principal reasons for adopting the policies and methods I.e, this zone provides extensively for land-based primary production activities (including post-harvest facilities and intensive primary production).'*

Standards GRUZ-S11, RPROZ-S12 & RLZ-S6 Setback from Existing Intensive Primary Production Activities

- 4.2.16 The Egg Producers Federation (S27.027 & S27.017), supported by the Pork Industry Board (FS6.13 & FS6.17), supports retention of Standard GRUZ-S11 and the equivalent Standard RPROZ-S12, as proposed.
- 4.2.17 Federated Farmers (S121.197 & S121.227) offers conditional support, on the condition that the definition of 'Intensive Primary Production' excludes activities like calf-rearing and wintering sheds. They seek amendment of the title of the activities to which Standards GRUZ-S11 and RPROZ-S12 apply, as follows **'Sensitive Activities'** ~~Activities sensitive to nuisance effects~~, as they consider *'Sensitive activities needs to be more specific, and refer to activities sensitive to nuisance effects of odour and noise'*.
- 4.2.18 Te Mata Mushrooms (S102.086) seeks the following amendment to the setback standard applying in the Rural Production Zone specifically (Standard RPROZ-S12) as follows:

RPROZ-S12 Setback from Existing Intensive Primary Production Activities	
Sensitive Activities	1. Minimum setback of buildings from any buildings from a property boundary with an enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.

- 4.2.19 Their reasons are:

'The separation distance between new sensitive activities from buildings etc associated with intensive primary production is 200m. However, this 200m is more appropriate if measured from the property boundary of a site that has an intensive primary production activity, same as what is required under Rule 14.1(b)(ii) for a new IPP in relation a property boundary.

In addition, it is uncertain whether the separation distance specified is to be measured only from buildings used in conjunction with an IPP, or land as well.'

- 4.2.20 The Pork Industry Board (S42.057, S42.081 & S42.064) supports the requirement for a setback of sensitive activities from existing intensive primary production activities, but considers *'the setback should be increased to reflect the assessment criteria for subdivision in the rural zones: SUB-AM13(2)(c)'*.
- 4.2.21 They seek an increase in the setback applying in Standards GRUZ-S11, RPROZ-S12 and RLZ-S6 for the General Rural Zone, Rural Production Zone, and also the Rural Lifestyle Zone, to 400m (from the 200m as proposed).

Assessment Matters GRUZ-AM3, RPROZ-AM3, GRUZ-AM9 and RPROZ-AM10

- 4.2.22 The Pork Industry Board (S42.059 & S42.083) supports retention of Assessment Matter GRUZ-AM3 and equivalent Assessment Matter RPROZ-AM3, as proposed.

GRUZ-AM3 & RPROZ-AM3	Setback for Sensitive Activities from Existing Intensive Primary Production Activities
1.	The likelihood of the proposed activity to generate reverse sensitivity effects on the intensive primary production activity and the potential impact these effects may have on the continuing effective and efficient operation of the intensive primary production activity.
2.	The extent to which alternative locations have been considered.

- 4.2.23 Hort NZ (S81.137) seeks amendment of the title for Assessment Matter GRUZ-AM9 to refer to 'Intensive **Indoor** Primary Production Activities...', in line with their submissions on the definition for 'Intensive Primary Production'.

- 4.2.24 The Pork Industry Board (S42.060 & S42.084) seeks amendments to Assessment Matter GRUZ-AM9 and equivalent Assessment Matter RPROZ-AM10, as they consider *'The proposed assessment matters are confusing and it is not clear in the objective and policy framework or section 32 why these have been applied to intensive primary production'*, and refer to each of the matters, as follows:

GRUZ-AM9 & RPROZ-AM10 Intensive Primary Production Activities (located more than 500 metres from a General Residential, Rural Lifestyle, Settlement, or Commercial Zone boundary)

1. The traffic generated by the proposal.
2. Any noxious, offensive, or objectionable odour arising from the activity beyond the site boundary or any storage of materials associated with the operation of the activity.
3. The effects arising from the stormwater/wastewater management of the activity.
4. The hours of the operation of the activity and the potential for noise effects to arise.
5. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.

- 4.2.25 In relation to item 1 above, *'It is not clear why the effects of traffic generated from Intensive Primary Production on zones identified is a relevant concern and what control Council consider might be appropriate that might then not conflict with the viability of the primary production activity'*.
- 4.2.26 In relation to item 2 above, *'It is not clear what materials (use and storage) are of concern'*.
- 4.2.27 In relation to item 3 above, *'It is not clear why these discharges are of concern for this activity no section 32 assessment justifying the duplication of stormwater or wastewater related controls under the regional plan'*.
- 4.2.28 In relation to item 4 above, *'It is not clear why the effects of the hours of operation from Intensive Primary Production on the identified zones is a relevant concern and what control Council consider might be appropriate that might then not conflict with the viability of the primary production activity which by their nature are 24/7 activities'*.
- 4.2.29 In relation to item 5 above, *'It is not clear what effects from this primary production activity require a setback consideration from all wāhi tapu wāhi taonga and sites of significance identified in SASM-SCHED3 and why this is relevant as a consideration of no compliance with the 500m zone boundary setback'*.

Methods GRUZ-M3 & RPROZ-M3

- 4.2.30 The Pork Industry Board (S42.061 & S42.085) supports retention of Method GRUZ-M3 and equivalent Method RPROZ-M3, as proposed, in terms of supporting the promotion of management plans and industry codes of practice *'as a means of self-regulation and as a method to manage ground cover maintenance for pig farming'*.

GRUZ-M3 & RPROZ-M3 Industry Codes of Practice and Management Plans

Promote the use of management plans and industry codes of practice as a means of self-regulation.

Forest & Bird

- 4.2.31 Forest & Bird oppose all the submission of Federated Farmers (FS9.192, FS9.197, FS9.219, FS9.227) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

4.3 Analysis

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, I consider the issue raised by Federated Farmers around the definition of 'intensive primary production' unintentionally capturing activities like calf-rearing, feed pads, stand off pads, and wintering sheds has been addressed. I do not consider these would be captured with the recommended definitions in place.
- 4.3.2 Hort NZ considers 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 is restricted where compliance with the standards is not achieved. Rules GRUZ-R14(2) and RPROZ-R14(2) relate to activities where compliance with conditions GRUZ-R14(1)(b) and RPROZ-R14(1)(b) is not achieved. Conditions GRUZ-R14(1)(b) and RPROZ-R14(1)(b) relate to the general standards applying

in the respective zones (being Standards GRUZ-S2 to GRUZ-S10, and Standards RPROZ-S2 to RPROZ-S11), such as total building coverage, height of buildings, height in relation to boundary, setbacks from roads and neighbours, shading, access, parking and loading, light, and noise. Therefore, Rules GRUZ-R14(2) and RPROZ-R14(2) establish the assessment matters over which discretion is restricted, as being those that are relevant to the infringed standard(s) only.

- 4.3.3 Assessment Matters GRUZ-AM9 and RPROZ-AM10 are 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, adding these assessment matters to the list of matters in Rules GRUZ-R14(2) and RPROZ-R14(2) is not in keeping with the rule framework adopted in the PDP. On that basis, I do not recommend adding them to the list of matters to which discretion is restricted in these rules.
- 4.3.4 I do not support a Permitted Activity status for intensive primary production activities in the General Rural Zone and Rural Production Zone, as sought by the Egg Producers Federation. In my view, whilst intensive primary production activities are clearly anticipated in these zones, the level of potential effects associated with such activities warrants some degree of oversight and control through appropriate conditions of consent. In my view, a Controlled activity status is appropriate and reasonable, whilst still offering a level of certainty that such activities can locate in these zones.
- 4.3.5 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, I offer 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,
 - 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.
- 4.3.6 The Pork Industry Board also query what control (presumably conditions) Council consider might be appropriate that might then not conflict with the viability of the primary production activity, which they suggest are 24/7 activities by their nature. In my view, and again without limiting the range of situations that could be presented to Council as part of an application for an intensive primary production activity, Council may consider various options to control such effects which could, for instance, include imposing conditions that may limit certain types of noise or traffic generating activities at night, or conditions limiting heavy traffic movements at certain times of the day or night etc. In my view, these matters for control are appropriate and reasonable.
- 4.3.7 Te Mata Mushrooms seeks 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 seek 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).
- 4.3.8 I consider this has some merit, given design and site management may be able to avoid adverse effects on adjoining property, and I agree that this is effectively captured in the respective Assessment Matters GRUZ-AM9 and RPROZ-AM10. I also agree that applying a Non-Complying activity status implies that an intensive primary production activity is inappropriate if it cannot meet the applicable setbacks. I agree this is appropriate in relation to separation distance from a zone boundary, but is 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.
- 4.3.9 Similarly, I do not support a blanket Discretionary activity status where compliance with the matters in condition 1(a) are not achieved, as sought by the Pork Industry Board. In my view, intensive primary production activities should not be an activity necessarily anticipated within 500m of a settlement, rural lifestyle, or residential zone boundary. As stated, I consider applying a Non-Complying activity status in those circumstances is appropriate and reasonable.

- 4.3.10 In terms of the definition of 'intensive primary production' potentially capturing greenhouses, I refer to recommendations for definitions in Key Issue 13 above (refer paragraphs 3.3.1 to 3.3.9). I consider the amended definition and proposed additional definitions I have recommended, will largely address the concerns of Hort NZ with respect to clarification around application of Rules GRUZ-R14 and RPROZ-R14 to greenhouses.
- 4.3.11 On the basis of my responses above, I recommend 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

<p>1. Activity Status: CON Where the following conditions are met:</p> <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"> any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m. from a property boundary is 200m. <p>b. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <p>c. Compliance with GRUZ-S12 (setback from gas transmission network).</p> <p>d. Compliance with GRUZ-S13 (setbacks from National Grid). Matters over which control is reserved:</p> <p>e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</p> <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>	<p>2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS 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"> GRUZ-AM1. GRUZ-AM2. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise. <p>2A. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <p>a. <u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <u>GRUZ-AM9.</u> <p>3. Activity status where compliance with condition GRUZ-R14(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(d) is not achieved: NC</p>
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RPROZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)²

<p>1. Activity Status: CON Where the following conditions are met:</p> <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"> any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m. from a property boundary is 200m. 	<p>2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS 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"> RPROZ-AM1. RPROZ-AM2. RPROZ-AM4. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport.
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¹ Note: the title has been amended as a consequence of recommendations in relation to the definition of 'intensive primary production' – refer paragraphs 3.3.5 & 3.3.6 of this report.

² as above

<p>b. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). <p>d. Compliance with RPROZ-S15 (setbacks from National Grid).</p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. 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. g. Methods of disposal of stormwater and wastewater for the activity. h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. 	<ul style="list-style-type: none"> ii. LIGHT – Light. iii. NOISE – Noise. <p><u>2A. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)):</u></p> <p><u>a. Assessment Matters:</u></p> <ul style="list-style-type: none"> i. <u>RPROZ-AM10.</u> <p>3. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with conditions RPROZ-R14(1)(a)(i) and/or RPROZ-R14(1)(d) is not achieved: NC</p>
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Standard RPROZ-S2 Total Building Coverage

- 4.3.12 I do not agree with the Pork Industry Board's assertion that Standard RPROZ-S2 conflicts with the purpose of the Rural Production Zone. 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 has been clearly signaled 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 is to limit permanent loss of the highly productive soils, which includes loss from being developed over.
- 4.3.13 Given this, a building coverage threshold is a critical method employed by the PDP and, in my view, a 35% or 1500m² building coverage threshold, whichever is the lesser, is fairly generous. It also aligns with the building coverage threshold applying in the equivalent Plains Production Zone in the neighbouring Hastings District Plan.
- 4.3.14 It is important to note that non-compliance with this threshold triggers the need for a resource consent as a Restricted Discretionary Activity which, in my view, is not unreasonable in the circumstances.
- 4.3.15 Therefore, I recommend that Standard RPROZ-S2 be retained as notified.

Standards GRUZ-S11, RPROZ-S12 & RLZ-S6 Setback from Existing Intensive Primary Production Activities

- 4.3.16 There is general support for the setback standard applying to sensitive activities locating in the respective rural zones from existing intensive primary production activities – Standards GRUZ-S11, RPROZ-S12 & RLZ-S6.
- 4.3.17 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, I note my recommendation in relation to Key Issue 1 which is 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, I have recommended a new definition for 'Sensitive Activity (National Grid)' reflecting the definition contained in the National Policy Statement for Electricity Transmission to separately address reverse sensitivity to electricity transmission activities (which then relates to Standards GRUZ-S13 & RPROZ-S15 Setback from National Grid). I consider this sufficiently differentiates from the 'sensitive activities' anticipated to be subject to the setback requirements applying in Standards GRUZ-S11, RPROZ-S12 & RLZ-S6. Therefore, I consider the amendment sought by Federated Farmers is unnecessary.

- 4.3.18 I do 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. In my view, the standard as written provides a setback that is meaningful - acknowledging that rural sites can be very large in size, and the intensive primary production activities contained therein could be located some considerable distance from their own boundary. To apply an additional 200m setback requirement in those situations would be excessive in my view.
- 4.3.19 This is a different scenario to that applying to new intensive primary production activities as, in those situations, it is beholden on the new activity to ensure that any adverse effects they generate are adequately avoided, remedied or mitigated and the setback from their own boundary provides a threshold for providing an appropriate level of scrutiny in terms of triggering activity status.
- 4.3.20 In terms of whether the separation distance specified is to be measured only from buildings used in conjunction with an intensive primary production activity, or the land as well, I consider the standard is reasonably clear that it relates to 'buildings or enclosures housing animals reared intensively', and also to 'organic matter and effluent storage, treatment and utilization associated with intensive primary production activities'. The former relates to the buildings, and the latter outlines situations where the standard would apply to the land.
- 4.3.21 I do 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. The reason given by the submitter is 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 my view, the 400m referred to in Assessment Matter SUB-AM13(2)(c) serves a different purpose and reflects a precautionary approach to assessing potential reverse sensitivity effects of new rural lifestyle sites establishing within the vicinity of an existing intensive primary production activity – it has no particular bearing on the zone setbacks applying in Standards GRUZ-S11, RPROZ-S12 and RLZ-S6.
- 4.3.22 Given the above, I recommend retaining Standards GRUZ-S11, RPROZ-S12 and RLZ-S6 as notified.

Assessment Matters

Assessment Matters GRUZ-AM3 and RPROZ-AM3

- 4.3.23 The submitter (Pork Industry Board) supports retention of Assessment Matter GRUZ-AM3 and its equivalent Assessment Matter RPROZ-AM3, and there are no other submissions pertaining to these provisions. Therefore, no further analysis is considered necessary.

Assessment Matters GRUZ-AM9 and RPROZ-AM10

- 4.3.24 In line with my 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 incorporates 'intensive indoor primary production' and 'intensive outdoor primary production' (and to include accompanying new definitions), I do 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 relate (being Standards GRUZ-S11 and RPROZ-S12) apply to both buildings but also 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'.
- 4.3.25 With the recommended amendments to Rules GRUZ-R14 and RPROZ-R14 in response to submissions and further submissions above, Assessment Matters GRUZ-AM9 and RPROZ-AM10 would act as the matters to which discretion is restricted where the activity is unable to comply with minimum setback from a property boundary in clause (1)(a)(ii) of the respective rules.
- 4.3.26 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, I offer the following:
- 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.

4.3.27 Therefore, in terms of the submissions of the Pork Industry Board in relation to Assessment Matter GRUZ-AM9 and its equivalent Assessment Matter RPROZ-AM10, I consider the matters are clear and appropriate, and directly relate to valid actual and potential effects generated by intensive primary production activities e.g. traffic generation, odour effects, on-site servicing effects, impacts of operating hours, and consideration of cultural impacts on sites and areas of significance to Māori identified in the PDP.

4.3.28 I note these matters closely relate to the matters to which control is reserved when considering intensive primary production activities that are able to meet the Controlled Activity conditions in Rules GRUZ-R14(1) – also addressed above. The difference would be that as a Controlled Activity, resource consent for a complying intensive primary production activity must be granted but can be subject to conditions in relation to the matters for control, whereas as a Restricted Discretionary Activity consent can be granted (with or without conditions in relation to those matters) but may also be declined where the adverse effects warrant it.

4.3.29 Based on the above, I recommend that Assessment Matters GRUZ-AM9 and RPROZ-AM10 be retained as notified.

Methods GRUZ-M3 & RPROZ-M3

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

4.4 Recommendations

4.4.1 For the reasons outlined above, I recommend that Standards RPROZ-S2, GRUZ-S11, RPROZ-S12 & RLZ-S6, Assessment Matters GRUZ-AM3, RPROZ-AM3, GRUZ-AM9 & RPROZ-AM10, and Methods GRUZ-M3 & RPROZ-M3 be retained, but that Rules GRUZ-R14 & RPROZ-R14 be amended (as outlined in Recommended Amendments below).

4.4.2 I recommend that the following submission(s) be **accepted**:

- Federated Farmers, S121.192, S121.219,
- Te Mata Mushrooms, S102.054, S102.057, S102.079, S102.082
- Egg Producers Federation, S27.017, S27.027,
- Pork Industry Board, S42.059, S42.061, S42.083, S42.085

4.4.3 I recommend that the following submission(s) be **accepted in part**:

- Te Mata Mushrooms, S102.055, S102.080,
- Federated Farmers, S121.197, S121.227

4.4.4 I recommend that the following submission(s) be **rejected**:

- Hort NZ, S81.121, S81.137, S81.165,
- Pork Industry Board, S42.052, S42.053, S42.057, S42.060, S42.064, S42.076, S42.077, S42.079, S42.081, S42.084
- Egg Producers Federation, S27.015, S27.025
- Te Mata Mushrooms, S102.086

4.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

4.5 Recommended Amendments

4.5.1 I recommend the following amendments are made:

GRUZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

<p>1. Activity Status: CON Where the following conditions are met:</p> <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"> any Settlement, Rural Lifestyle, Large Lot Residential (Coastal) or General Residential Zone boundary is 500m. from a property boundary is 200m. <p>b. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <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> <p>e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</p> <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>	<p>2. Activity status where compliance with condition GRUZ-R14(1)(b) is not achieved: RDIS 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"> GRUZ-AM1. GRUZ-AM2. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise. <p><u>2A. Activity status where compliance with condition GRUZ-R14(1)(a)(ii) is not achieved: RDIS</u> <u>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</u></p> <p>a. <u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <u>GRUZ-AM9.</u> <p>3. Activity status where compliance with condition GRUZ-R14(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with conditions GRUZ-R14(1)(a)(i) and/or GRUZ-R14(1)(d) is not achieved: NC</p>
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RPROZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)

<p>1. Activity Status: CON Where the following conditions are met:</p> <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"> any Settlement, Rural Lifestyle, or General Residential Zone boundary is 500m. from a property boundary is 200m. <p>b. Compliance with:</p> <ol style="list-style-type: none"> RPROZ-S2; RPROZ-S3; RPROZ-S4; RPROZ-S5; RPROZ-S6; RPROZ-S7; RPROZ-S8; RPROZ-S9; 	<p>2. Activity status where compliance with condition RPROZ-R14(1)(b) is not achieved: RDIS 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"> RPROZ-AM1. RPROZ-AM2. RPROZ-AM4. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise. <p><u>2A. Activity status where compliance with condition RPROZ-R14(1)(a)(ii) is not achieved: RDIS</u> <u>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</u></p> <p>a. <u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <u>RPROZ-AM10.</u>
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<ul style="list-style-type: none"> ix. RPROZ-S10; and x. RPROZ-S11. c. Compliance with: <ul style="list-style-type: none"> i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network). d. Compliance with RPROZ-S15 (setbacks from National Grid). <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation. 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. g. Methods of disposal of stormwater and wastewater for the activity. h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity. 	<ul style="list-style-type: none"> 3. Activity status where compliance with condition RPROZ-R14(1)(c) is not achieved: DIS 4. Activity status where compliance with conditions RPROZ-R14(1)(a)(i) and/or RPROZ-R14(1)(d) is not achieved: NC
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4.6 Section 32AA Evaluation

- 4.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 4.6.2 The above recommendations are considered editorial or minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

5.0 Key Issue 15 – Provision for Post-Harvest Facilities and Rural Industry – Definitions, Issues, Objectives & Policies

5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.026	Horticulture New Zealand	Definitions	Amend	Add a new definition for 'Rural Industry' from the National Planning Standard, as follows: 'RURAL INDUSTRY' means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.'	Accept
FS8.017	Silver Fern Farms Limited		Support		Accept
S116.004	Silver Fern Farms Limited	Definitions	Support	Introduce a new definition for 'Rural Industry' as follows: 'RURAL INDUSTRY' means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.'	Accept
.					
S102.008	Te Mata Mushrooms Land Company Limited	POST-HARVEST FACILITY (Definition)	Amend	Amend the definition of 'Post-Harvest Facility' to clarify wording. And add a new definition of 'Rural Service Activities' as follows: 'RURAL SERVICE ACTIVITIES' means activities that are related to primary production activities, forestry harvesting and intensive primary production including but not limited to seed cleaning, rural contractors, rural engineering or repair services, rural transport, fuel and machinery hire, stock transportation and grain drying, ancillary retail activities to support the rural workforce.' And add in a new definition of 'Rural Industrial Activity' as follows: 'RURAL INDUSTRIAL ACTIVITY' means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials derived from the rural environment and (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the rural industrial activity.'	Accept in part
FS17.8	Horticulture New Zealand		Oppose in part		Accept in part
S81.023	Horticulture New Zealand	POST-HARVEST FACILITY (Definition)	Support	Retain the definition of 'Post-Harvest Facility'.	Accept in part
.					
S102.013	Te Mata Mushrooms Land Company Limited	RLR-O2	Amend	Amend RLR-O2 as follows: 'The primary production role, lawfully established rural industries and intensive rural production activities	Reject

				and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'	
FS8.001	Silver Fern Farms Limited		Support		Reject
FS17.14	Horticulture New Zealand		Support in part	Include 'related rural industry' in RLR-O2	Reject
S116.008	Silver Fern Farms Limited	RLR-O4	Amend	Amend RLR-O4 as follows: 'Residential activities living and other activities that are unrelated to primary production or rural industry are directed to locations zoned for those purposes and that are not situated on highly productive land.'	Reject
.					
S116.013	Silver Fern Farms Limited	RLR-P5	Amend	Amend RLR-P5 as follows: 'To enable primary production and related activities, such as rural industry , to operate, upgrade and expand in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity, particularly in the Rural Production Zone. '	Reject
.					
S102.021	Te Mata Mushrooms Land Company Limited	RLR-M1	Amend	Amend RLR-M1 as follows: '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 activities to occur such as primary production activities, including intensive indoor primary production, associated rural industry, and other activities that require a rural location , 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. The Rural Production Zone is to provide for land uses that are predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone enables a range of activities that support primary production activities, including associated rural industry and other activities that require a rural location. Standards in this Zone reflect the more intensive nature of activities, 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. To provide for a planned and coordinated area of greenfield	Accept in part (Note: The proposed Future Development Area aspect of this submission will be addressed in Hearing Stream 6)

				business land, an area east of Takapau settlement is identified as a Future Development Area whereby a Structure Plan or Development Plan will be developed to integrate the various land uses, servicing, access and infrastructure, and boundary treatments.'	
FS8.006	Silver Fern Farms Limited		Oppose		Accept in part (Note: The proposed Future Development Area aspect of this submission will be addressed in Hearing Stream 6)
FS17.18	Horticulture New Zealand		Support in part	Amend to clarify that the Rural zones may include rural industry or other activities that require a rural location.	Accept in part
S116.014	Silver Fern Farms Limited	RLR-M3	Amend	Amend RLR-M3 as follows: '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 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 a resource consent(s) , the effects of the activities on amenity standards will not be considered a nuisance.'	Accept
.					
S116.015	Silver Fern Farms Limited	RLR - Principal Reasons	Amend	Amend 'RLR - Principal Reasons' as follows: '... 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 and related activities such as rural industry . There is a limit on the scale of commercial and urban industrial activities in the rural environment and beyond the floor area standards outlined within the zones these types of activity should be located	Accept in part

				within the appropriate zones where the effects can be suitably accommodated.'	
S102.036	Te Mata Mushrooms Land Company Limited	GRUZ-I2	Amend	<p>Amend GRUZ-I2 as follows:</p> <p>'Protecting Rural Amenity and the Quality of the Rural Environment</p> <p>Land-based primary production, and other complementary rural, rural industry and service activities, 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.</p> <p>...</p> <p>Explanation</p> <p>...</p> <p>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).</p> <p>A Future Development Area east of Takapau settlement is to provide for intensive primary production activities, rural industrial activities, general industrial activities, dairy processing plant and renewable energy (solar farm), and commercial activities.</p> <p>To activate the Future Development Area for this range of activities, a structure plan or Development Plan shall be prepared in order to coordinate servicing, access and the various land use activities anticipated, to provide amenity along the stream and connect with the surrounding area, including the nearby Takapau settlement. In the interim, the area would continue to operate with the Rural Production Zone rules, albeit with some greater recognition rural industry and service activities.</p> <p>...'</p>	Reject <i>(Note: The proposed Future Development Area aspect of this submission will be addressed in Hearing Stream 6)</i>
FS8.008	Silver Fern Farms Limited		Oppose		Pending <i>(Note: The proposed Future Development Area aspect of this submission will be addressed in Hearing Stream 6)</i>
S102.038	Te Mata Mushrooms Land Company Limited	GRUZ-OXX (new objective)	Amend	Add a new objective in the 'General Rural Zone' chapter of the Proposed Plan (after GRUZ-O2) as follows:	Reject

				'Recognise that the character of the General Rural Zone may change in areas where the land supports the following activities: a. primary production activities, b. intensive primary production activities, c. rural industry and service activities, d. ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that different[differ?] to those captured in Objective GRUZ-O2.'	
FS17.82	Horticulture New Zealand		Support in part	Ensure that any changes to the objectives have a clear focus on providing for primary production activities in the GRUZ.	Accept in part
S102.037	Te Mata Mushrooms Land Company Limited	GRUZ-O1	Amend	Amend GRUZ-O1 as follows (and any consequential amendments): 'The General Rural Zone [is?]is predominantly-used] to enable for primary production activities, intensive primary production, rural industry and service activities , and ancillary activities that require a rural location. '	Accept in part
FS17.83	Horticulture New Zealand		Support in part	Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the GRUZ.	Accept
S102.050	Te Mata Mushrooms Land Company Limited	GRUZ-PXX (new policy)	Amend	Add a new policy in the 'General Rural Zone' chapter of the Proposed Plan as follows: 'To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the General Rural Zone.'	Reject
FS8.009	Silver Fern Farms Limited		Oppose		Accept in part
FS17.86	Horticulture New Zealand		Support in part	Accept need to recognise rural industry in the policy framework.	Reject
S102.041	Te Mata Mushrooms Land Company Limited	GRUZ-P1	Oppose	Amend GRUZ-P1 as follows: 'To allow land-based primary production, intensive primary production, rural industry and service activities , and ancillary activities that require a rural location which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.'	Accept in part
FS17.88	Horticulture New Zealand		Oppose	Reject the submission to amend GRUZ-P1	Accept in part
S121.180	Federated Farmers of New Zealand	GRUZ-P3	Amend	Amend GRUZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural commercial and rural industry 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.'	Reject
FS8.045	Silver Fern Farms Limited		Oppose		Accept

FS9.180	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.108	Horticulture New Zealand	GRUZ-P3	Amend	Amend GRUZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural-commercial activities rural industry 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.'	Reject
FS8.044	Silver Fern Farms Limited		Oppose		Accept
FS27.2	Livingston Properties Limited		Oppose		Accept
S102.043	Te Mata Mushrooms Land Company Limited	GRUZ-P3	Support	Retain GRUZ-P3 as proposed.	Accept
.					
S81.139	Horticulture New Zealand	RPROZ - Introduction	Amend	Retain 'RPROZ - Introduction', but amend final paragraph to refer to 'rural industry' as follows: '... There are a small number of rural industries commercial-or-industrial activities within the Zone that are of small scale and largely servicing primary production and rural communities.'	Accept in part
.					
S102.063	Te Mata Mushrooms Land Company Limited	RPROZ-OXX (new objective)	Amend	Add a new objective in the 'Rural Production Zone' chapter of the Proposed Plan (after RPROZ-O4) as follows: 'The character of the Rural Production Zone may change in areas where the land supports the following activities: a. primary production activities, b. intensive primary production activities, c. rural industry and service activities, d. ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that [differ?] different to those captured in Objective RPROZ - O4.'	Reject
FS8.011	Silver Fern Farms Limited		Oppose		Accept in part
FS17.119	Horticulture New Zealand		Support in part	Ensure that any changes to the objectives have a clear focus on providing for primary production activities in the RPROZ	Accept in part
S116.028	Silver Fern Farms Limited	RPROZ-O1	Amend	Amend RPROZ-O1 as follows: 'The Rural Production Zone is predominantly used for primary production activities, ancillary activities and associated rural activities including rural industry ancillary activities.'	Reject
FS17.121	Horticulture New Zealand		Support in part	Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the	Accept in part

				RPROZ. Include a separate objective for rural industry.	
S102.060	Te Mata Mushrooms Land Company Limited	RPROZ-O1	Oppose	Amend RPROZ-O1 as follows: 'The Rural Production Zone [is?]is predominantly used to enable for primary production activities, intensive primary production and intensive indoor primary production and ancillary activities. The zone enables a range of activities that support primary production activities, including associated rural industry, unless an urban zone is more suitable, and other activities that require a rural location. ' And make any consequential amendments.	Accept in part
FS8.014	Silver Fern Farms Limited		Oppose in part		Accept in part
FS17.120	Horticulture New Zealand		Support in part	Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the RPROZ. Include a separate objective for rural industry.	Accept in part
S116.031	Silver Fern Farms Limited	RPROZ-O4	Amend	Amend RPROZ-O4 as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: 1. ... 2. ... 3. sounds and smells associated with legitimate primary production and rural industry activities; 4. ... 5. ... 6. ...'	Accept in part
.					
S102.074	Te Mata Mushrooms Land Company Limited	RPROZ-PXX (new policy)	Amend	Add a new policy in the 'Rural Production Zone' chapter in the Proposed Plan as follows: 'To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the Rural Production Zone.' And make any consequential amendments.	Reject
FS8.012	Silver Fern Farms Limited		Oppose		Accept in part
FS17.124	Horticulture New Zealand		Support in part	Accept need to recognise rural industry in the policy framework.	Reject
S102.066	Te Mata Mushrooms Land Company Limited	RPROZ-P1	Oppose	Amend RPROZ-P1 as follows: 'To allow land-based primary production, intensive primary production and intensive indoor primary production and ancillary activities. A range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Accept in part
FS17.126	Horticulture New Zealand		Oppose	Reject the submission to amend RPROZ-P1	Accept in part

S116.033	Silver Fern Farms Limited	RPROZ-P1	Amend	Amend RPROZ-P1 as follows: 'To allow land-based primary production, rural industry , and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.'	Reject
.					
S121.209	Federated Farmers of New Zealand	RPROZ-P3	Amend	Amend RPROZ-P3 as follows: 'To manage the scale of post-harvest facilities and rural commercial and rural industry 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.'	Reject
FS8.048	Silver Fern Farms Limited		Oppose		Accept
FS9.209	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.148	Horticulture New Zealand	RPROZ-P3	Amend	Amend RPROZ-P3 as follows: To manage the scale of post-harvest facilities and rural industry rural commercial activities to...	Reject
.					
S102.068	Te Mata Mushrooms Land Company Limited	RPROZ-P3	Support	Retain RPROZ-P3 as proposed.	Accept
.					
S116.034	Silver Fern Farms Limited	RPROZ-P5	Amend	Amend RPROZ-P5 as follows: 'To require sufficient separation between sensitive activities and existing primary production, and intensive primary production, and rural industry activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.'	Reject
.					
S116.035	Silver Fern Farms Limited	RPROZ-P7	Amend	Amend RPROZ-P7 as follows: 'To ensure activities do not locate in the Rural Productive Zone where the activity: 1. ... 2. will constrain the establishment and use of land for primary production or rural industry ; 3. ... 4. ...'	Reject
.					
S116.037	Silver Fern Farms Limited	RPROZ-P9	Amend	Amend RPROZ-P9 as follows: 'To avoid the establishment of commercial or industrial activities (excluding rural industry) that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.'	Reject
.					

- 5.1.1 In summary, these 32 submissions and 26 further submissions support retention of, or seek 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.

5.2 Matters Raised by Submitters

Definitions

- 5.2.1 Hort NZ (S81.023) supports retention of the definition of 'Post-Harvest Facility' as proposed, as being *'an important part of the horticultural activity'*.

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"> i. pack-houses, cool-stores and wineries ii. use of the site for the collection and distribution of horticultural products (including grapes) iii. preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets iv. collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products v. the on-site servicing and maintenance of vehicles and equipment associated with the activities <p>b. Excludes:</p> <ul style="list-style-type: none"> i. retail sales <p>other industrial activities (e.g. forestry and dairy processing facilities)</p>
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- 5.2.2 Hort NZ (S81.026) and Silver Fern Farms (S116.004 & FS8.017) both seek the introduction of a definition for 'Rural Industry', as follows:

<u>RURAL INDUSTRY</u>	<u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>
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- 5.2.3 Hort NZ submit that *'The National Planning Standard includes a definition for rural industry which is useful to differentiate between industrial activities and those which are aligned with primary production'*.
- 5.2.4 Silver Fern Farms submit that *'In the absence of separate recognition for "rural industry" that is suitable for / reliant on a rural location, Silver Fern Farms considers that the Non-Complying activity status will unduly constrain the operation, maintenance, upgrade, and expansion of the Plant. Silver Fern Farms considers that the relief it seeks will resolve this issue without compromising the Council's intention to limit the ad-hoc spread of urban industrial activities into rural zones, and aligns with Direction 6, Standard 17 (Implementation) of the National Planning Standards'*.
- 5.2.5 Te Mata Mushrooms (S102.008) seeks amendment of the definition of 'Post-Harvest Facility' to *'Confirm whether other industrial activities (e.g. forestry and dairy processing)' are excluded'* and *'Confirm the relationship with the activities included as post harvest facilities and what is included in primary production activities as 'initial processing'. Is there an overlap?'*
- 5.2.6 They also seek the introduction of definitions for 'Rural Service Activities' and 'Rural Industrial Activity', as follows:

RURAL SERVICE ACTIVITIES	means activities that are related to primary production activities, forestry harvesting and intensive primary production including but not limited to seed cleaning, rural contractors, rural engineering or repair services, rural transport, fuel and machinery hire, stock transportation and grain drying, ancillary retail activities to support the rural workforce.
RURAL INDUSTRIAL ACTIVITY	means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials derived from the rural environment and (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the rural industrial activity.

5.2.7 Their submission is that:

'Post harvest facilities are different to those activities typically described as rural service activities such as service activities that are related to farming, forestry harvesting and intensive primary production including but not limited to seed cleaning, rural contractors, small-scale rural engineering or repair services, rural transport and machinery hire, stock transportation and grain drying.

A definition of Rural Service activities is appropriate, but managed in a similar way to Post Harvest facilities.

Post harvest facilities capture a range of rural industrial activities, but potentially not all. A separate Rural Industrial Activity definition is appropriate to provide for these types of activities, and differentiate them from industrial activities.'

5.2.8 Hort NZ (FS17.8) opposes this in part, as Hort NZ seeks that the Planning Standards definition for 'Rural Industry' be included in the Plan rather than the definition sought by Te Mata Mushrooms, and notes that *'the definition of post-harvest facility specifies the produce included as post-harvest'*.RLR – Rural Land Resource Chapter

5.2.9 Te Mata Mushrooms (S102.013), supported by Silver Fern Farms (FS8.001), seeks amendment to Objective RLR-O2, as follows:

RLR-O2	The primary production role, <u>lawfully established rural industries and intensive rural production activities</u> and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.
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5.2.10 They give the following reasons:

'The expectation that the rural land resource, and its use by primary production activities is not compromised by inappropriate subdivision, use and development is supported by TMM as this is the environment that their future rural and rural industrial activities will operate in and inappropriate subdivision in close proximity to them could result in incompatible land uses or expectations with the respect to the rural environment.

To that end, Objective RLR-O2 would be more appropriate if was broadened to reference existing and new lawfully established rural industry or intensive rural production activity, which operates effectively in the rural environment.'

5.2.11 Hort NZ (FS17.14) supports this in part, in that *'It is appropriate that rural industry is provided for in the strategic direction. Intensive rural production is included in the definition of primary production so does not need to be specified'*. They offer inclusion of 'related rural industry' in Objective RLR-O2, as an alternative.

5.2.12 Silver Fern Farms (S116.008 & S116.013) seeks amendments of Objective RLR-O4 and Policy RLR-P5, as follows:

RLR-O4	Residential activities <u>living</u> and other activities that are unrelated to primary production <u>or rural industry</u> are directed to locations zoned for those purposes and that are not situated on highly productive land.
RLR-P5	To enable primary production and related activities, <u>such as rural industry</u> , to operate, <u>upgrade and expand</u> in rural areas in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity, <u>particularly in the Rural Production Zone</u> .

5.2.13 The reasons given are that *"Residential living" is not defined in the PDP however, "residential activity" is defined. Silver Fern Farms suggests the defined term be used to ensure the Objective is correctly interpreted. Furthermore, given its position stated elsewhere, Silver Fern Farms considers that "rural industry" should also be referred to in this objective'*.

5.2.14 Te Mata Mushrooms (S102.021) seeks amendments to Method RLR-M1, as follows:

RLR-M1	Area-Specific Provisions
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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 activities to occur **such as primary production activities, including intensive indoor primary production, associated rural industry, and other activities that require a rural location**, 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.

The Rural Production Zone is to provide for land uses that are predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone enables a range of activities that support primary production activities, including associated rural industry and other activities that require a rural location.

Standards in this Zone reflect the more intensive nature of activities, 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.

To provide for a planned and coordinated area of greenfield business land, an area east of Takapau settlement is identified as a Future Development Area whereby a Structure Plan or Development Plan will be developed to integrate the various land uses, servicing, access and infrastructure, and boundary treatments.

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.

- 5.2.15 Note: the amendment in this submission point also includes reference to a Future Development Area east of Takapau, which will be addressed separately as part of Hearing Stream 6, when all rezoning/development area requests sought in submissions are anticipated to be considered.
- 5.2.16 With respect to the first part of this submission point, Te Mata Mushrooms give the following reasons:
- 'The National Planning Standards (Nov 2019) require adherence to a particular use of zones in District Plans, giving TLAs flexibility to introduce overlays or precincts within zones or across multiple zones (Section 4, Directions for Part 3).*
- Table 13 of the NPS sets out the zone names and descriptions. With respect to the "General Rural Zone" the following is set out:*
- Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.*
- The 'associated rural industry and other activities that require a rural location' is an important component of what should be provided for in the General Rural Zone, as this environment is likely to be the most appropriate place for such land uses.'*
- 5.2.17 Hort NZ (FS17.18) supports this in part, in so far as supporting amendments clarifying that the Rural Zones may include rural industry or other activities that require a rural location.
- 5.2.18 Silver Fern Farms (FS8.006) opposes the submissions of Te Mata Mushroom in respect of the proposed Future Development Overlay east of Takapau, which Silver Fern Farms consider would inappropriately compromise the continued operation of their established rural industry activity – as noted above, this aspect is to be addressed as part of Hearing Stream 6.
- 5.2.19 Silver Fern Farms (S116.014 & S116.015) seeks amendment to Method RLR-M3 and to the Principal Reasons in the RLR – Rural Land Resource chapter of the PDP *'to improve its clarity, given the quite significant differences between, and roles of, the three proposed rural zones'*, as follows:

RLR-M3 Land Information Memorandum

When requested, people wishing to establish in the rural 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 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 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 **and related activities such as rural industry**. 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.

RPROZ Introduction, Issue GRUZ-I2, Objectives GRUZ-O1 & RPROZ-O1, RPROZ-O4, Policies GRUZ-P1 & RPROZ-P1, Policies GRUZ-P3 & RPROZ-P3, Policy RPROZ-P5, Policy RPROZ-P7, and Policy RPROZ-P9

- 5.2.20 Hort NZ (S81.139) supports the inclusion of Rural Production Zone and special recognition of Class 1-3 soils in the Introduction to the RPROZ – Rural Production Zone chapter, but seeks the following amendment to the final paragraph, as follows:

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 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 small number of **rural industries commercial or industrial activities** within the Zone that are of a small scale and largely servicing the primary production sector and rural communities.

- 5.2.21 HortNZ submits that *'Para 6 refers to commercial or industrial activities within the zone that largely service primary production. The National Planning Standards includes a definition for rural industry that includes industry or business undertaken in a rural environment that directly supports, services or is dependent on primary production. It is considered appropriate that the term rural industry is used in the Plan to describe and provide for such activities'*.
- 5.2.22 Te Mata Mushrooms (S102.036) seeks amendment to Issue GRUZ-I2 as *'Recognition of complementary rural industry and service activities is to be provided for'*, as follows:

GRUZ-I2 Protecting Rural Amenity and the Quality of the Rural Environment

Land-based primary production, and other complementary rural, **rural industry and service activities**, 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.

...

- 5.2.23 Note: the amendment in this submission point also includes reference to a Future Development Area east of Takapau, which will be addressed separately as part of Hearing Stream 6, when all rezoning/development area requests sought in submissions are anticipated to be considered.
- 5.2.24 Silver Fern Farms (FS8.008) opposes the submissions of Te Mata Mushroom in respect of the proposed Future Development Overlay east of Takapau, which Silver Fern Farms consider would inappropriately compromise the continued operation of their established rural industry activity – as noted above, this aspect is to be addressed as part of Hearing Stream 6.
- 5.2.25 Te Mata Mushrooms (S102.037 & S102.060) seeks to amend Objective GRUZ-O1 and equivalent Objective RPROZ-O1 as *'The range of land use activities to be provided for / relate to the ... Zone is not reflected as per the NPS same corresponding zone. Expand on "ancillary activities"',* as follows:

GRUZ-O1 The General Rural Zone is **to enable predominantly used for** primary production activities, **intensive primary production, rural industry and service activities**, and ancillary activities **that require a rural location**.

RPROZ-O1 The Rural Production Zone is to enable predominantly used for primary production activities, intensive primary production and intensive indoor primary production and associated ancillary activities. The zone enables a range of activities that support primary production activities, including associated rural industry, unless an urban zone is more suitable, and other activities that require a rural location.

5.2.26 Hort NZ (FS17.83 & FS17.120) supports this in part, in that *'The wording of GRUZ-O1/RPROZ-O1 is consistent with the National Planning Standards as being predominantly for primary production and activities that support primary production'*, but considers there should be a separate objective for rural industry in the Rural Production Zone, and seek to *'Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the GRUZ/RPROZ'*.

5.2.27 Silver Fern Farms (FS8.014) opposes this in respect of Objective RPROZ-O1, for the following reasons:

'Silver Fern Farms agrees that the PDP should define "rural industry" and expressly provide for this activity in the GRUZ and RPROZ via policy references and permitted and restricted discretionary consenting pathways.

However, Silver Fern Farms prefers its proposed amendments to RPROZ-O1 (see submission point S116.028) to those proposed by Te Mata Mushrooms. It considers that the changes sought by Te Mata Mushrooms introduce undesirable imprecision via the phrases "...a range of activities" and "...unless an urban zone is more suitable".

5.2.28 Silver Fern Farms (S116.028) seeks the following amendment to Objective RPROZ-O1 *'to recognise "rural industry" as a legitimate activity in the RPROZ'*:

RPROZ-O1 The Rural Production Zone is predominantly used for primary production activities, ancillary activities and associated rural activities including rural industry~~ancillary activities~~.

5.2.29 Hort NZ (FS17.121) supports this in part, in that *'The wording of RPROZ-O1 is consistent with the National Planning Standards as being predominantly for primary production and activities that support primary production'*, but considers there should be a separate objective for rural industry, and seek to *'Ensure that any changes to the objective wording retain a clear focus on providing for primary production activities in the RPROZ'*.

5.2.30 Silver Fern Farms (S116.031) seeks to amend Objective RPROZ-O4 *'to recognise the legitimate effects of "rural industry" activities'*, as follows:

RPROZ-O4 The predominant character of the Rural Production Zone is maintained, which includes:

1. low-density built form, with open space and few structures;
2. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, and artificial crop protection structures and crop support structures;
3. sounds and smells associated with legitimate primary production and rural industry activities;
4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. 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).

5.2.31 Te Mata Mushrooms (S102.041 & S102.066) seeks to amend Policies GRUZ-P1 and equivalent RPROZ-P1 as *'The range of land use activities to be provided for / relate to the ...Zone is not reflected as per the NPS same corresponding zone'*, as follows:

GRUZ-P1 To allow land-based primary production, intensive primary production, rural industry and service activities, and ancillary activities that require a rural location which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.

RPROZ-P1 To allow land-based primary production, intensive primary production and intensive indoor primary production and ancillary activities, A range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.

5.2.32 Hort NZ (FS17.88 & FS17.126) opposes this as *'GRUZ-P1 is focused on the primary production activities, which includes intensive primary production, which are the predominant activity in the zone. The framework for other activities should be in separate policies – as sought by HortNZ'*.

- 5.2.33 Silver Fern Farms (S116.033) seeks to amend Policy RPROZ-P1 *'to recognise the legitimate presence of "rural industry" activities in the RPROZ'*, as follows:

RPROZ-P1	To allow land-based primary production, rural industry , and ancillary activities, which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.
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- 5.2.34 Te Mata Mushrooms (S102.043 & S102.068) supports retention of Policy GRUZ-P3 and equivalent Policy RPROZ-P3, as proposed.

- 5.2.35 Federated Farmers (S121.180 & S121.209) supports retention of Policies GRUZ-P3 and RPROZ-P3 but seeks to include 'rural industry' *'as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone'*, as follows:

GRUZ-P3	To manage the scale of post-harvest facilities and rural commercial and rural industry 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 rural commercial and rural industry 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.

- 5.2.36 Hort NZ (S81.108 & S81.148) supports the specific provision for post-harvest facilities and rural industry in these policies *'as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone'*, but seeks the following amendments:

GRUZ-P3	To manage the scale of post-harvest facilities and rural-commercial activities rural industry 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 rural-commercial activities rural industry 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.

- 5.2.37 Silver Fern Farms (FS8.044, FS8.045) opposes the amendments to Policy GRUZ-P3 to add reference to the 'scale' of rural industry activities as proposed by Federated Farmers and Hort NZ, and disagrees that these additions are consistent with the National Planning Standards. In their view:

'The description of the General Rural Zone in the National Planning Standards recognises that rural industry requires a rural location. As such, amendment of the GRUZ policy directions to artificially constrain the scale of rural industry in the GRUZ will be unlikely to add value to the consenting process for activities that are inherently of a large scale - such as dairy and meat processing plants.'

- 5.2.38 Livingston Properties (FS27.2) also opposes the amendments to Policy GRUZ-P3 proposed by Hort NZ as it is *'interested in carrying out rural commercial activities on its land in a manner that avoids, remedies or mitigates adverse effects and this should continue to be recognised by policy GRUZ-P3'*.

- 5.2.39 Silver Fern Farms (FS8.048) also opposes the amendments to Policy RPROZ-P3 proposed by Federated Farmers, for the following reasons:

'Rural industry activities commonly have operational and functional needs specifically relating to their large scale, effects and proximity to the rural sector. Rural industry has little or no ability to locate in non-rural zones.'

This is recognised in the National Planning Standards which, in describing the GRUZ and RPROZ, specify '...a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location' (bold added). It is a key distinction from commercial activities servicing the rural sector, which may have greater locational choice.'

Given the inherent functional and operational needs of rural industry for large rural sites and robust buildings – and the scope within large landholdings to avoid or mitigate the effects of large-scale built form - it would be inappropriate to constrain the scale of this activity via a generic policy setting.'

Environmental effects associated with the scale of an activity are not restricted to post-harvest facilities, rural commercial, and rural industry activities. 'Scale' may be relevant to all kinds of proposal. To this end, Policy RPROZ-P4 provides clear direction 'To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area'. This policy provides adequate policy direction about the effects of building 'scale'.

Therefore, Silver Fern Farms' view is that 'scale' is best assessed on a case-by-case basis, with the context and merits of individual proposals considered in light of RPROZ-P4.'

- 5.2.40 Silver Fern Farms (S116.034, S116.035 & S116.037) seeks to amend Policies RPROZ-P5, RPROZ-P7 and RPROZ-P9 'to recognise the effects of "rural industry" activities undertaken in the RPROZ', 'the potential adverse reverse sensitivity effects of incompatible activities on "rural industry" activities undertaken in (and reliant on a location in) the RPROZ', and to confirm that this activity 'is not required to be avoided', as follows:

RPROZ-P5	To require sufficient separation between sensitive activities and existing primary production, and intensive primary production, and rural industry activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.
RPROZ-P7	To ensure activities do not locate in the Rural Productive Zone where the activity: <ol style="list-style-type: none"> will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone; will constrain the establishment and use of land for primary production or rural industry; exhibits no exceptional or unusual features that would differentiate it from possible later applications, which in combination would lead to incremental creep of urban activities and/or sporadic urban activities onto the highly productive land of the District; and/or will result in reverse sensitivity and/or lead to land use conflict.
RPROZ-P9	To avoid the establishment of commercial or industrial activities (excluding rural industry) that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.

New Objectives and Policies

- 5.2.41 Te Mata Mushrooms (S102.038, S102.050, S102.063 & S102.074) seeks inclusion of the following new objectives and policies in the GRUZ – General Rural Zone and RPROZ – Rural Production Zone chapters:

GRUZ-OX	<u>Recognise that the character of the General Rural Zone may change in areas where the land supports the following activities:</u> <ol style="list-style-type: none"> <u>primary production activities,</u> <u>intensive primary production activities,</u> <u>rural industry and service activities,</u> <u>ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that different[sic] to those captured in Objective GRUZ-O2.</u>
RPROZ-OX	<u>The character of the Rural Production Zone may change in areas where the land supports the following activities:</u> <ol style="list-style-type: none"> <u>primary production activities,</u> <u>intensive primary production activities,</u> <u>rural industry and service activities,</u> <u>ancillary activities that require a rural location, whereby these above types of activities have buildings and structures that [differ?] different to those captured in Objective RPROZ -O4.</u>
GRUZ-PX	<u>To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the General Rural Zone.</u>
RPROZ-PX	<u>To enable the development and use of rural industrial activities and service activities, which support primary production and intensive production activities, within the Rural Production Zone.</u>

- 5.2.42 They submit that:

'The characteristics set out in GRUZ-O2[RPROZ-O4] are agreed. However, further recognition of change is appropriate, whereby characteristics associated with buildings and structures relating to intensive primary production, rural industry and service activities, and ancillary activities that require a rural location are to be factored into an additional objective.'

and

'An additional policy giving specific direction for rural industrial activities and service activities to be able to locate within the General Rural Zone[Rural Production Zone], and support the main function of the zone, which is set out in the NPS zone description.'

- 5.2.43 Hort NZ (FS17.82, FS17.86, FS17.119 & FS17.124) supports these proposed additional objectives and policies in part, on the following basis:

'HortNZ seeks changes to GRUZ-O2/RPROZ-O4 to better reflect buildings and structures for primary production. Provision for any non-primary production activities should relate to the functional or operational need to locate in the GRUZ/RPROZ so that the scope does not widen for inappropriate activities to locate in the rural zone.'

and

'There needs to be recognition of rural industry but HortNZ seeks that this is achieved by amending GRUZ-P3/RPROZ-P3.'

- 5.2.44 Silver Fern Farms (FS8.009, FS8.011, FS8.012) opposes the proposed new policy for the GRUZ – General Rural Zone chapter, and the proposed new objective and policy for the RPROZ – Rural Production Zone chapter, for the following reasons:

'Te Mata Mushrooms' submission points seek amendments to enable 'service activities' to locate in the General Rural Zone ("GRUZ") and the RPROZ. Silver Fern Farms considers that the wide range of activities that fall under the definition of 'service activities' creates uncertainty and risk of reverse sensitivity effects arising where service activities that are sensitive to and/or incompatible with the effects of primary production and rural industry locate in the GRUZ or RPROZ.'

5.3 Analysis

'Post-Harvest Facility'

- 5.3.1 There is support for the definition of 'Post-Harvest Facility' in the PDP. I do however acknowledge that there is 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)' are to be excluded from the definition. I recommend 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 is included in primary production activities as 'initial processing', I accept there is some potential overlap.
- 5.3.3 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'.
- 5.3.4 In my view, a 'post-harvest facility' is independent of, and not ancillary to, 'primary production' occurring on the site. Where there is potential for overlap is where a 'facility' is carrying out initial processing, and is exclusively servicing primary production occurring on the same site – this could arguably be deemed 'initial processing' as part of 'primary production'.
- 5.3.5 To further clarify and differentiate this in the PDP, I recommend 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'.
- 5.3.6 On the basis of the above, I recommend 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"> i. pack-houses, cool-stores and wineries ii. use of the site for the collection and distribution of horticultural products (including grapes) iii. preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets iv. collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products v. the on-site servicing and maintenance of vehicles and equipment associated with the activities <p>b. Excludes:</p> <ul style="list-style-type: none"> i. retail sales <u>ii. other industrial activities (e.g. forestry and dairy processing facilities)</u> <u>other industrial activities (e.g. forestry and dairy processing facilities)</u> <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>
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New Definitions for 'Rural Industry' / 'Rural Industrial Activity' / 'Rural Service Activity'

- 5.3.7 Hort NZ and Silver Fern Farms seek introduction of the term 'Rural Industry' into the PDP (along with specific provisions) and adoption of the accompanying definition as set out in the National Planning Standards.
- 5.3.8 I consider there is merit in differentiating between industrial activities generally, and those which directly support, service, or are dependent on primary production and that require a rural location. In my view, the PDP goes some way towards achieving this with the introduction of provisions for 'post-harvest facilities' (and accompanying definition). The PDP takes the approach that industrial activities that do not operationally or functionally require a rural location are best located in an appropriately serviced industrial zone. However, I acknowledge that there are rural industries requiring a rural location that would not constitute 'post-harvest facilities', such as a dairy factory, meat processing plant, or sawmill.
- 5.3.9 On this basis, I recommend 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:

<u>RURAL INDUSTRY</u>	<u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>
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- 5.3.10 I note that Te Mata Mushrooms proposes a definition for 'Rural Industrial Activity'. However, given that 'rural industry' and 'rural industrial activity' are effectively the same, the National Planning Standards definition should be adopted.
- 5.3.11 Te Mata Mushrooms also proposes 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 consider such activities should be managed in a similar way to post-harvest facilities.
- 5.3.12 In my view, the PDP already provides 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, a home business or commercial activity reverts to a Discretionary Activity where it exceeds the Permitted Activity conditions around scale. Therefore, I do not consider that separate provision for, or references to 'rural service activities' is necessary.

RLR – Rural Land Resource Chapter*Objectives & Policies*

- 5.3.13 I do 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 revolve 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 is inherently consistent with that approach. As outlined above, new industry that does not have a functional or operational requirement for a rural location is best directed to appropriately serviced industrial zones.
- 5.3.14 I recommend that the amendment sought by Te Mata Mushrooms is rejected (noting the amendment to Objective RLR-O2 proposed as a result of recommendations outlined in Key Issue 2 of this report).
- 5.3.15 Silver Fern Farms also seeks amendments to Objective RLR-O4 and Policy RLR-P5 to reference rural industry. In my view, Objective RLR-O4 reflects 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, I do not support broadening the objective or the policy in the way sought. Policy RLR-P5 refers to 'enabling primary production and related activities' – it would be inappropriate to similarly 'enable' rural industry, as this suggests it should have a permitted or controlled activity status, which is not supported (refer recommendations in Key Issue 16 in response to submissions addressing applicable rules and standards).
- 5.3.16 I note recommended amendments for Policy RLR-P4 (refer Key Issue 2) include recognition that some non-primary production activities have an operational or functional need to locate in a rural area. This is a more appropriate way to acknowledge the place of other activities such as 'rural industry'.

Methods & Principal Reasons

- 5.3.17 I do not support the amendments sought by Te Mata Mushrooms in respect of Method RLR-M1. I note 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. Rural industry does not inherently require a rural location. However, post-harvest facilities generally do, and I therefore recommend inclusion of references to post-harvest facilities, as opposed to rural industry. In my view, the area-specific provisions for the General Rural Zone and Rural Production Zone are 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.

- 5.3.18 I broadly support amending Method RLR-M3 and RLR – Principal Reasons as sought by Silver Fern Farms, as this will provide additional clarity. However, I do not support the addition of specific reference to rural industry proposed for the last paragraph of the Principal Reasons, as I consider 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. I note the amendment to the Principal Reasons proposed as a result of recommendations outlined in Key Issue 13 of this report to better reference primary production, including intensive primary production, as requiring a rural location.

- 5.3.19 On this basis, I recommend 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*

- 5.3.20 I concur that the Introduction should accurately reflect the small number of established rural industries present in the Rural Production Zone, but these are not necessarily small-scale (e.g. Silver Fern Farms). Therefore, I recommend the following amendment to the last paragraph of the RPROZ – Introduction, in response to the submission of Hort NZ (also incorporating the amendments recommended from Key Issue 13):

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

- 5.3.21 I do 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. I consider 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. Therefore, I recommend that the submission of Te Mata Mushrooms in this respect, be rejected.

Objectives GRUZ-O1 & RPROZ-O1

- 5.3.22 I do not support the majority of the amendments sought by Te Mata Mushrooms for Objectives GRUZ-O1 & RPROZ-O1. In my view, these objectives accurately reflect the strategic direction for the rural land resource contained in the RLR – Rural Land Resource chapter of the PDP, and form the basis for the rule framework contained in the respective zones. I note the amendments to these objectives, proposed as a result of recommendations outlined in Key Issue 13 of this report, to reference intensive primary production – an aspect also covered in the amendments sought by Te Mata Mushrooms.
- 5.3.23 The descriptors in the National Planning Standards are guides for determining what zone titles, out of the fixed list provided, best reflect the choice of zones adopted in a District Plan. It is my understanding that the National Planning Standards do not then translate this into mandatory direction as to the provisions that should then ultimately apply in that particular zone – this remains the prerogative of the respective Council, in reflecting each territorial authority's specific circumstances and local aspirations.
- 5.3.24 For the National Planning Standards zone descriptors to apply as suggested by Te Mata Mushrooms, then similarly-titled zones in all District Plans would, by implication, contain virtually identical provisions. Any review of the few current Proposed District Plans drafted in accordance with the directions outlined in the first set of National Planning Standards confirms this not to be the case.
- 5.3.25 The primary focus of the General Rural and Rural Production Zones, in the context of Central Hawke's Bay, is to support primary production-related activities in line with the purpose of the RMA and, in particular, safeguarding the life-supporting capacity of the valuable soil resource, and sustaining the potential of the District's concentration of highly productive land to meet the reasonably foreseeable

needs of future generations. An objective that 'enables' rural industry and service activities to establish in these zones is not consistent with this approach.

- 5.3.26 I also agree with Silver Fern Farms that the changes sought by Te Mata Mushrooms introduce undesirable imprecision via the phrases '*...a range of activities*' and '*...unless an urban zone is more suitable*'.
- 5.3.27 For the same reasons, I do 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 agree 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.
- 5.3.28 For these reasons, I recommend that the amendments sought above in relation to Objectives GRUZ-O1 & RPROZ-O1 be rejected (noting there are amendments recommended in response to submissions in Key Issue 13 of this report).

Objective RPROZ-O4

- 5.3.29 I support recognising the presence of the small number of established rural industries in the Rural Production Zone within Objective RPROZ-O4, and recommend amendment of 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 The predominant character of the Rural Production Zone is maintained, which includes:

1. **overall** low-density built form, with open space and few structures;
2. a predominance of **rural and land-based** primary production activities and associated buildings such as barns and sheds, **post-harvest facilities, seasonal workers accommodation**, and artificial crop protection structures and crop support structures, **which may vary across the district and seasonally**;
3. **the sounds, and smells, and traffic** associated with **legitimate** primary production activities, **and established rural industries, anticipated from a working rural environment**;
4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. 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).

Policies GRUZ-P1 & RPROZ-P1

- 5.3.30 For the same reasons as outlined above in relation to Objectives GRUZ-O1 and RPROZ-O1, I do not support the majority of the amendments sought by Te Mata Mushrooms for Policies GRUZ-P1 & RPROZ-P1. Again, I note the amendments to these policies, proposed as a result of recommendations outlined in Key Issue 13 of this report, to reference intensive primary production – an aspect also covered in the amendments sought by Te Mata Mushrooms.
- 5.3.31 For the National Planning Standards zone descriptors to apply as suggested by Te Mata Mushrooms, then similarly-titled zones in all District Plans would, by implication, contain virtually identical provisions, which is not the case and, in my opinion, is not the intention.
- 5.3.32 The primary focus of the General Rural and Rural Production Zones, in the context of Central Hawke's Bay, is to support primary production-related activities in line with the purpose of the RMA and, in particular, safeguarding the life-supporting capacity of the valuable soil resource, and sustaining the potential of the District's concentration of highly productive land to meet the reasonably foreseeable needs of future generations. A policy that 'allows' (or 'enables') rural industry and service activities to establish in these zones is not consistent with this approach, or the applicable activity status (refer recommendations in Key Issue 16 in response to submissions addressing applicable rules and standards).
- 5.3.33 Similarly, I do not support the amendments to Policy RPROZ-P1 to include reference to '*...A range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location...*' as sought by Te Mata Mushrooms, or to directly reference '*...rural industry*' as sought by Silver Fern Farms, either. I agree with Hort NZ that the wording of this policy should retain a clear focus on providing for primary production activities in the Rural Production Zone.

- 5.3.34 For these reasons, I recommend 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

- 5.3.35 There is a high level of support for Policies GRUZ-P3 and RPROZ-P3, however Federated Farmers and Hort NZ both seek amendments to replace the term 'rural commercial activities' with the term 'rural industry'.
- 5.3.36 This is opposed by Silver Fern Farms, in what appears to be a concern that the amendments sought would introduce a scale constraint on 'rural industry'. Livingston Properties also oppose the amendments sought on the basis that they are interested in carrying out rural commercial activities on their land.
- 5.3.37 I do not support inclusion of 'rural industry' in these policies. The primary focus of the General Rural and Rural Production Zones, in the context of Central Hawke's Bay and as reflected in the RLR – Rural Land Resource chapter of the PDP, is 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 approach in the rural zones is to provide for primary production in the first instance, and then to provide for other supporting activities that similarly require a rural location provided they do not compromise the primary production role of the zones.
- 5.3.38 Policies GRUZ-P3 and RPROZ-P3 implement the objectives for the rural zones in the PDP, which are then implemented by the rules and Permitted Activity site coverage conditions applying to post-harvest facilities (Rules GRUZ-R6(1)(a) & RPROZ-R6(1)(a)) and the Activity Thresholds applying to commercial activities (Standards GRUZ-S1 & RPROZ-S1) in the General Rural and Rural Production Zones.
- 5.3.39 Silver Fern Farms is also correct that subsequent Policies GRUZ-P4 & RPROZ-P4 provide the policy direction around managing the effects of building 'scale' (*To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural area*).
- 5.3.40 The term 'rural commercial activities' is not used elsewhere in the PDP nor in the subsequent zone rules and standards framework. It should more correctly refer to 'commercial activities' which is the term used throughout the PDP (e.g. Rules GRUZ-R9 & RPROZ-R9 (Commercial activities not otherwise provided for) and Standards GRUZ-S1 & RPROZ-S1 (Activity Thresholds for commercial activities)). I note that while this is not a change specifically sought in any submission, I consider it a change able to be made under clause 16(2), First Schedule, RMA to alter information where the alteration is of minor effect.
- 5.3.41 In response to the above, I therefore recommend 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 rural 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 rural 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

- 5.3.42 Policy RPROZ-P5 requires '*sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries*'. As above, this policy sets out the course of action to achieve the objectives for the Rural Production Zone in the PDP, which are then subsequently implemented by the rules and other methods in the PDP, specifically in this case, Permitted Activity conditions applying setbacks from neighbours and specific separation requirements for and from intensive primary production activities in the Rural Production Zone. Expanding the application of this policy to include 'rural industry' would be inconsistent with this approach.
- 5.3.43 Policy RPROZ-P7(2) refers to ensuring activities do not locate in the Rural Production Zone where they '*will constrain the establishment and use of land for primary production*'. For the reasons already

set out, I do not support expanding this policy to include 'rural industry', as sought by Silver Fern Farms.

- 5.3.44 I consider 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 are of a scale that is incompatible with the predominant character and amenity of the rural area*', still accurately reflects the subsequent rule framework as notified, and as recommended subsequently in Key Issue 16 of this report. Therefore, I do not consider there is a need to specifically exclude 'rural industry' in referring to industrial activities in this policy.
- 5.3.45 On the basis of the above, I recommend 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

- 5.3.46 As stated above, the primary role of the General Rural Zone and, even more so, the Rural Production Zone in the PDP is to provide for primary production, including intensive primary production, in the first instance, and then to provide for a range of activities that support primary production where these require a rural location – in this case, the PDP makes targeted provision for post-harvest facilities and for small-scale commercial activities as Permitted Activities in these zones. And as stated above, recommendations in subsequent Key Issue 16 of this report, recommend a new Discretionary Activity rule providing for 'Rural Industry (excluding Post-Harvest Facilities)' in the Rural Production Zone. However, all remaining industrial activities are Non-Complying Activities, reflecting that the PDP aims to direct these to the appropriate industrial zone in the first instance.
- 5.3.47 In my view, 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. I also consider 'rural industry and service activities' is too broad an activity. The proposed objectives appear to pave the way for activities that may not achieve the purpose of the zone and may have adverse effects on the environment.
- 5.3.48 The proposed policies sought by Te Mata Mushrooms refer to enabling the development and use of 'rural industrial and service activities'. In my view, 'to enable' suggests such activities should have a Permitted or Controlled activity status, which would prevent appropriate assessment of whether the activity is properly located in the rural area or whether its adverse effects, including on the highly productive land resource are such that consent should be declined (this is further discussed in Key Issue 16 of this report).
- 5.3.49 The PDP expresses a clear preference for protecting the rural resource for productive uses, and while supportive activities are provided for, there needs to be appropriate opportunity for assessment. The suggested objectives and policies suggest primary production and rural industry and service activities are equally important, which does not reflect the higher order objectives and policies such as Objective RLR-O1 & RLR-O2, Policy RLR-P2 and, in particular, Policy RLR-P4, which provides:

RLR-P4	To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone.
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- 5.3.50 That hierarchy of providing for other activities *provided* they do not compromise the primary production role of the land resource is not appropriately reflected in the new objectives and policies sought by Te Mata Mushrooms, which suggests all are equally important.

5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that the definition of 'Post-Harvest Facility' be amended, a definition for 'Rural Industry' inserted, and Method RLR-M1, Method RLR-M3, RLR – Principal Reasons, RPROZ Introduction, Objective RPROZ-O4, and Policies GRUZ-P3 & RPROZ-P3 be amended (as outlined in Recommended Amendments below).
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- Hort NZ, S81.026
 - Te Mata Mushrooms, S102.043, S102.068
 - Silver Fern Farms, S116.004, S116.014

5.4.3 I recommend that the following submission(s) be **accepted in part**:

- Hort NZ, S81.023, S81.139
- Te Mata Mushrooms, S102.008, S102.021, S102.037, S102.041, S102.060, S102.066
- Silver Fern Farms, S116.015, S116.031

5.4.4 I recommend that the following submission(s) be **rejected**:

- Hort NZ, S81.108, S81.148
- Te Mata Mushrooms, S102.013, S102.036, S102.038, S102.050, S102.063, S102.074
- Silver Fern Farms, S116.008, S116.013, S116.028, S116.033, S116.034, S116.035, S116.037
- Federated Farmers, S121.180, S121.209

5.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

5.5 Recommended Amendments

5.5.1 I recommend the following amendments are made:

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"> i. pack-houses, cool-stores and wineries ii. use of the site for the collection and distribution of horticultural products (including grapes) iii. preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets iv. collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products v. the on-site servicing and maintenance of vehicles and equipment associated with the activities <p>b. Excludes:</p> <ul style="list-style-type: none"> i. retail sales ii. <u>other industrial activities (e.g. forestry and dairy processing facilities)</u> iii. <u>initial processing of primary produce, where this is exclusively carried out as an ancillary activity to primary production occurring on the same site</u>
<u>RURAL INDUSTRY</u>	<u>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>

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.

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.

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 **fewsmall-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.

RPROZ-O4

The predominant character of the Rural Production Zone is maintained, which includes:

1. **overall** low-density built form, with open space and few structures;
2. a predominance of **rural and land-based** primary production activities and associated buildings such as barns and sheds, **post-harvest facilities, seasonal workers accommodation**, and artificial crop protection structures and crop support structures, **which may vary across the district and seasonally**;
3. **the sounds, and smells, and traffic** associated with **legitimate** primary production activities, **and established rural industries, anticipated from a working rural environment**;
4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
6. 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).

GRUZ-P3

To manage the scale of post-harvest facilities and **rural**-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 **rural**-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 Section 32AA Evaluation

- 5.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 5.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

6.0 Key Issue 16 – Provision for Post-Harvest Facilities and Rural Industry – Rules, Standards, Assessment Matters etc

6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S102.059	Te Mata Mushrooms Land Company Limited	GRUZ-RXX (new rule)	Amend	<p>Add a new rule in the 'General Rural Zone' chapter of the Proposed Plan as follows:</p> <p>'Rural Industrial Activities and Rural Service Activities</p> <p>1. Activity Status: Permitted</p> <p>Where the following conditions are met:</p> <p>a. Limited to 2500m² gross floor area per site.</p> <p>b. Compliance with:</p> <p>i. GRUZ-S2 (Height of Buildings);</p> <p>ii. GRUZ-S3 (Height in Relation to Boundary);</p> <p>iii. GRUZ-S4 (Setback from Roads and Rail Network);</p> <p>iv. GRUZ-S5 (Setback from Neighbours);</p> <p>v. GRUZ-S6 (Shading of Land and Roads);</p> <p>vi. GRUZ-S7 (Electricity Safety Distances);</p> <p>vii. GRUZ-S8 (Transport);</p> <p>viii. GRUZ-S9 (Light); and</p> <p>ix. GRUZ-S10 (Noise).</p> <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> <p>e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</p> <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> <p>2. Activity status where compliance with condition GRUZ-R20(1)(b) 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> <p>i. GRUZ-AM1.</p> <p>ii. GRUZ-AM2.</p>	Accept in part

				iii. GRUZ-AM3. b. Assessment matters in the following chapters: i. TRAN - Transport. ii. LIGHT - Light. iii. NOISE - Noise. 3. Activity status where compliance with condition GRUZ-R20(1)(c) is not achieved: DIS 4. Activity status where compliance with condition GRUZ-R20(1)(d) is not achieved: NC'	
FS17.94	Horticulture New Zealand		Oppose in part	Provide for rural industry in the rule framework.	Accept
S102.052	Te Mata Mushrooms Land Company Limited	GRUZ-R3	Amend	Clarify what 'initial processing' as set out in the definition of 'Primary Production' is permitted by GRUZ-R3, and what is considered to be post-harvest facilities.	Accept
.					
S81.116	Horticulture New Zealand	GRUZ-R6	Amend	Add to GRUZ-R6(2) as follows: '2. Activity status where compliance with condition GRUZ-R6(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. GRUZ-AM6. ...'	Reject <i>(refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.021)</i>
.					
S81.118	Horticulture New Zealand	GRUZ-R9	Oppose	Amend GRUZ-R9 as follows: 'Commercial activities not otherwise provided for Rural Industry 1. Activity Status: PER Where the following conditions are met: a. ... b. ... c.' And add to GRUZ-R9(2) as follows: '2. Activity status where compliance with condition GRUZ-R9(1)(c) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. GRUZ-AM7. ...'	Reject <i>(refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.022)</i>
FS27.4	Livingston Properties Limited		Oppose		Accept
S102.058	Te Mata Mushrooms Land Company Limited	GRUZ-R19	Oppose	Amend GRUZ-R19 as follows (or similar wording): 'Industrial activities (other than post-harvest facilities, and rural industrial activities) ...' And add a new definition of 'Rural Industrial Activity' (refer submission point S102.008).	Accept in part

FS17.106	Horticulture New Zealand		Support in part	It should be clear that rural industry is not included in GRUZ-R19.	Accept
S81.130	Horticulture New Zealand	GRUZ-AM7	Amend	Amend GRUZ-AM7 as follows: ' Commercial Activities Rural Industry , Visitor Accommodation, Home Businesses...'	Reject
.					
S81.133	Horticulture New Zealand	GRUZ-AM7	Support	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM7(4).	Accept
.					
S116.039	Silver Fern Farms Limited	RPROZ-RXX (new rule)	Support	<p>Add a new rule in the 'Rural Production Zone' chapter in the Proposed Plan as follows (or amendments that achieve a similar outcome):</p> <p>'RPROZ-R21 Rural industry</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. RPROZ-S2(1)(a) - RPROZ-S11 inclusive.</p> <p>b. RPROZ-S13 - RPROZ-S15 inclusive.</p> <p>Matters over which control is reserved:</p> <p>c. 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>d. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.</p> <p>e. RPROZ-AM14 General.2. Activity status where compliance with condition RPROZ-R21(1) is not achieved: RDIS.'</p> <p>And make a consequential amendment to the 'RPROZ - Rule Overview Table' to include this new rule.</p>	Accept in part
FS8.059	Silver Fern Farms Limited		Amend	<p>As shown below with underlining and strikethrough:</p> <p>RPROZ-R21 Rural industry</p> <p>1.Activity Status: PERCON</p> <p>Where the following conditions are met:</p> <p>a. RPROZ-S2(1)(a) - RPROZ-S11 inclusive.</p> <p>b. RPROZ-S13 - RPROZ-S15 inclusive.</p>	Accept in part
FS17.134	Horticulture New Zealand		Oppose in part	Provide for rural industry in the rule framework.	Accept
S102.084	Te Mata Mushrooms Land Company Limited	RPROZ-RXX (new rule)	Amend	<p>Add a new rule in the 'Rural Production Zone' chapter in the Proposed Plan as follows:</p> <p>'Rural Industrial Activities and Rural Service Activities</p> <p>1. Activity Status: Permitted</p> <p>Where the following conditions are met:</p> <p>a. Limited to 2500m2 gross floor area per site,</p> <p>b. Compliance with:</p> <p>i. RPROZ -S2 [Total Building Coverage];</p>	Accept in part

				<p>ii. RPROZ -S3 (Height of buildings);</p> <p>iii. RPROZ -S4 (Height in Relation to Boundary);</p> <p>iv. RPROZ -S5 (Setback from Roads and Rail Network);</p> <p>v. RPROZ -S6 (Setback from Neighbours);</p> <p>vi. RPROZ -S7 (Shading of Land and Roads);</p> <p>vii. RPROZ -S8 (Electricity Safety Distances);</p> <p>viii. RPROZ -S9 (Transport);</p> <p>ix. RPROZ -S10 (Light); and</p> <p>x. RPROZ -S11 (Noise).</p> <p>c. Compliance with:</p> <p>i. RPROZ -S13 (building restrictions near Waipukurau Aerodrome); and</p> <p>ii. RPROZ -S14 (setback from gas transmission network). d. Compliance with RPROZ -S15 (setbacks from National Grid).</p> <p>Matters over which control is reserved:</p> <p>e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</p> <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 SASMSCHED3 that are located within the site of the activity.</p> <p>2. Activity status where compliance with condition RPROZ-R20(1)(b) 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> <p>i. RPROZ -AM1.</p> <p>ii. RPROZ -AM2.</p> <p>iii. RPROZ -AM3.</p> <p>b. Assessment matters in the following chapters:</p> <p>i. TRAN - Transport.</p> <p>ii. LIGHT - Light.</p> <p>iii. NOISE - Noise.</p> <p>3. Activity status where compliance with condition RPROZ-R20(1)(c) is not achieved: DIS</p> <p>4. Activity status where compliance with condition RPROZ -R20(1)(d) is not achieved: NC'</p>	
FS17.133	Horticulture New Zealand		Oppose in part	Provide for rural industry in the rule framework.	Accept
S102.076	Te Mata Mushrooms Land Company Limited	RPROZ-R3	Amend	Clarify what 'initial processing' as set out in the definition of 'Primary Production' is permitted by RPROZ-R3, and what is considered to be post-harvest facilities.	Accept

.					
S102.078	Te Mata Mushrooms Land Company Limited	RPROZ-R6	Support	Retain RPROZ-R6, and the activity status applied in RPROZ-R6(1), (2) and (3).	Accept
.					
S81.159	Horticulture New Zealand	RPROZ-R6	Amend	Add to RPROZ-R6(2) as follows: '2. Activity status where compliance with condition RPROZ-R6(1)(b) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. RPROZ-AM7. ...'	Reject (refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.030)
.					
S81.162	Horticulture New Zealand	RPROZ-R9	Amend	Amend RPROZ-R9 as follows: 'Commercial activities not otherwise provided for Rural Industry 1. Activity Status: PER Where the following conditions are met: a. ... b. ... c. ... d....' And add to RPROZ-R9(2) as follows: '2. Activity status where compliance with condition RPROZ-R9(1)(c) is not achieved: RDIS Matters over which discretion is restricted (where relevant to the infringed standard(s)): a. Assessment matters: i. ... ii. ... iii. ... iv. RPROZ-AM8. ...'	Reject (refer also Key Issue 18 re: other parts of this submission point, and associated further submission FS3.031)
.					
S102.083	Te Mata Mushrooms Land Company Limited	RPROZ-R19	Oppose	Amend RPROZ-R19 as follows (or similar wording): 'RPROZ -R19 Industrial activities (other than post-harvest facilities, rural industrial activities) ...'	Accept in part
.					
S116.040	Silver Fern Farms Limited	RPROZ-AMXX (new assessment matter)	Support	A new assessment matter in the 'Rural Production Zone' chapter in the Proposed Plan as follows (or amendments that achieve a similar outcome): 'RPROZ-AM15 Rural industry 1. The functional and operational needs of rural industry which include: a. To establish and operate in rural locations where potential adverse reverse sensitivity issues can be avoided or mitigated and where primary production activities and / or other rural resources are located. b. To establish large buildings, structures and supporting infrastructure to enable large scale processing and manufacturing to occur.	Reject

				c. To emit odours, noise and light on a 24-hour 7-day basis. d. To use heavy vehicles and machinery to transport livestock, goods, materials and equipment to, from, and within, sites.'	
S81.177	Horticulture New Zealand	RPROZ-AM8	Amend	Amend RPROZ-AM8 as follows: 'Commercial Activities Rural Industry, Visitor Accommodation, Home Businesses ...' And retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM8(4).	Reject
FS8.058	Silver Fern Farms Limited		Oppose		Accept

6.1.1 In summary, these 16 submissions and 7 further submissions address 'initial processing' as part of primary production activities, rules relating to post-harvest facilities, and seek new provisions to specifically provide for rural industry in the Rural Zones in the PDP in some way.

6.2 Matters Raised by Submitters

Rules GRUZ-R3 & RPROZ-R3 Primary Production Activities

6.2.1 Te Mata Mushrooms (S102.052 & S102.076) seek clarification as to 'what "initial processing" as set out in the definition of Primary Production activities is permitted by this Rule and what is considered to be post-harvest facilities'.

6.2.2 They identify that these rules would permit the following:

- 'e. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
- f. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
- g. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
- h. excludes further processing of those commodities into a different product.*

Any agricultural or horticultural activities, such as farming of sheep, cattle, pigs, goats, fruit and veges and any buildings and structures required to do initial processing of commodities on site.

Excludes mining and quarrying – these provided for in earthwork rules.

Post harvesting facilities are provided for in a different rule.'

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

6.2.3 Hort NZ (S81.116 & S81.159) seeks inclusion of Assessment Matter GRUZ-AM6 and RPROZ-AM7 as matters for discretion in Rules GRUZ-R6 and RPROZ-R6 (post-harvest facilities), respectively. Note: the part of these submissions referring to setback from gas transmission network standards, is addressed in Key Issue 18 in Volume 4 of this report.

6.2.4 Te Mata Mushrooms (S102.078) supports retention of Rule RPROZ-R6, and the activity status applied, as notified.

Rules to Specifically Provide for Rural Industry

6.2.5 Silver Fern Farms (S116.039 & FS8.059) seeks the addition of a new rule providing for rural industry as a Controlled Activity in the Rural Production Zone, as follows:

RPROZ-RXX Rural Industry

<p>1. <u>Activity Status: CON</u> <u>Where the following conditions are met:</u> a. <u>Compliance with:</u> i. <u>RPROZ-S2;</u> ii. <u>RPROZ-S3;</u> iii. <u>RPROZ-S4;</u> iv. <u>RPROZ-S5;</u> v. <u>RPROZ-S6;</u> vi. <u>RPROZ-S7;</u> vii. <u>RPROZ-S8;</u> viii. <u>RPROZ-S9;</u> ix. <u>RPROZ-S10; and</u> x. <u>RPROZ-S11.</u> b. <u>Compliance with:</u> i. <u>RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and</u> ii. <u>RPROZ-S14 (setback from gas transmission network).</u> iii. <u>RPROZ-S15 (setbacks from National Grid).</u> <u>Matters over which control is reserved:</u> c. <u>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.</u> d. <u>Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3 that are located within the site of the activity.</u> e. <u>RPROZ-AM14 General.</u></p>	<p>2. <u>Activity status where compliance with condition RPROZ-RXX(1) is not achieved: RDIS</u> <u>Matters over which discretion is restricted:</u></p>
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- 6.2.6 Hort NZ (FS17.134) opposes the proposed new rule for 'Rural Industry' in the Rural Production Zone as sought by Silver Fern Farms in part, on the basis that Hort NZ also *'seeks provision in the rules for rural industry but seek that it be provided through changes to RPROZ-R9 rather than a new rule'*.
- 6.2.7 Te Mata Mushrooms (S102.059 & S102.084) also seeks the addition of a new rule in both the General Rural Zone and the Rural Production Zone, specifically *'to provide for rural industrial activities and rural service activities that support primary production activities in these zones'*, specifying use of the same rule format as for post-harvest facilities, as follows:

GRUZ-R20 Rural Industrial Activities and Rural Service Activities

<p>1. <u>Activity Status: PER</u> <u>Where the following conditions are met:</u> a. <u>Limited to 2500m² gross floor area per site.</u> b. <u>Compliance with:</u> i. <u>GRUZ-S2;</u> ii. <u>GRUZ-S3;</u> iii. <u>GRUZ-S4;</u> iv. <u>GRUZ-S5;</u> v. <u>GRUZ-S6;</u> vi. <u>GRUZ-S7;</u> vii. <u>GRUZ-S8;</u> viii. <u>GRUZ-S9; and</u> ix. <u>GRUZ-S10.</u> c. <u>Compliance with GRUZ-S12 (setback from gas transmission network).</u> d. <u>Compliance with GRUZ-S13 (setbacks from National Grid).</u> <u>Matters over which control is reserved:</u> e. <u>Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.</u> f. <u>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.</u></p>	<p>2. <u>Activity status where compliance with condition GRUZ-R20(1)(b) is not achieved: RDIS</u> <u>Matters over which discretion is restricted:</u> a. <u>Assessment Matters:</u> i. <u>GRUZ-AM1.</u> ii. <u>GRUZ-AM2.</u> iii. <u>GRUZ-AM3.</u> b. <u>Assessment matters in the following chapters:</u> i. <u>TRAN – Transport.</u> ii. <u>LIGHT – Light.</u> iii. <u>NOISE – Noise.</u></p> <p>3. <u>Activity status where compliance with condition GRUZ-R20(1)(c) is not achieved: DIS</u></p> <p>4. <u>Activity status where compliance with condition GRUZ-R20(1)(d) is not achieved: NC</u></p>
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- g. Methods of disposal of stormwater and wastewater for the activity.
- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM SCHED3 that are located within the site of the activity.

RPROZ-R20 Rural Industrial Activities and Rural Service Activities**1. Activity Status: PER**

Where the following conditions are met:

- a. Limited to 2500m² gross floor area per site.
- b. Compliance with:
- i. RPROZ-S2;
 - ii. RPROZ-S3;
 - iii. RPROZ-S4;
 - iv. RPROZ-S5;
 - v. RPROZ-S6;
 - vi. RPROZ-S7;
 - vii. RPROZ-S8;
 - viii. RPROZ-S9;
 - ix. RPROZ-S10; and
 - x. RPROZ-S11.
- c. Compliance with:
- i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and
 - ii. RPROZ-S14 (setback from gas transmission network).
- d. Compliance with RPROZ-S15 (setbacks from National Grid).
- Matters over which control is reserved:**
- e. Effects on character and amenity of the zone from traffic generated by the proposal and the hours of operation.
- 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.
- g. Methods of disposal of stormwater and wastewater for the activity.
- h. Setbacks from wāhi tapu, wāhi taonga and sites of significance identified in SASM SCHED3 that are located within the site of the activity.

2. Activity status where compliance with condition RPROZ-R20(1)(b) is not achieved: RDIS
Matters over which discretion is restricted:

- a. **Assessment Matters:**
- i. RPROZ-AM1.
 - ii. RPROZ-AM2.
 - iii. RPROZ-AM3.
- b. **Assessment matters in the following chapters:**
- i. TRAN – Transport.
 - ii. LIGHT – Light.
 - iii. NOISE – Noise.

3. Activity status where compliance with condition RPROZ-R20(1)(c) is not achieved: DIS**4. Activity status where compliance with condition RPROZ-R20(1)(d) is not achieved: NC**

- 6.2.8 At the same time, Te Mata Mushrooms (S102.058 & S102.083) seeks an amendment to Rules GRUZ-R19 and PPROZ-R19 'to enable Rural Industrial activities to be provided in the General Rural Zone/Rural Production Zone by way of a new permitted activity rule and removed from Rule GRUZ-R19/RPROZ-R19 so these types of activities are not caught by the Non-Complying Activity Status', as follows:

GRUZ-R19 Industrial activities (other than post-harvest facilities, rural industrial activities)

1. Activity Status: NC
Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

RPROZ-R19 Industrial activities (other than post-harvest facilities, rural industrial activities)

1. Activity Status: NC
Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

- 6.2.9 Again, Hort NZ (FS17.94 & FS17.133) opposes the proposed new rules for 'Rural industrial activities and rural service activities' as sought by Te Mata Mushrooms in part, for the same reason they opposed the new rule for 'Rural industry' sought by Silver Fern Farms, above.

- 6.2.10 Hort NZ (FS17.106) however, has supported the proposed amendment of Rule GRUZ-R19 (in part), as they consider *'it should be clear that rural industry is not included in GRUZ-R19'*.
- 6.2.11 As indicated, Hort NZ (S81.118 & S81.162) offers an alternative approach to Te Mata Mushrooms and Silver Fern Farms in providing for rural industry in the General Rural Zone and Rural Production Zone rules. They prefer changes to Rules GRUZ-R9 and RPROZ-R9 involving renaming them to refer to 'Rural industry' (which currently relate to 'Commercial activities not otherwise provided for'), as follows:

GRUZ-R9 Commercial activities not otherwise provided for Rural industry

- | | |
|--|---|
| <p>1. Activity Status: PER
Where the following conditions are met:</p> <p>a. Any retail sales are limited to produce reared or produced on the site.</p> <p>b. Compliance with GRUZ-S1 (the relevant activity thresholds).</p> <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. GRUZ-S2; ii. GRUZ-S3; iii. GRUZ-S4; iv. GRUZ-S5; v. GRUZ-S6; vi. GRUZ-S7; vii. GRUZ-S8; viii. GRUZ-S9; and ix. GRUZ-S10. <p>d. Compliance with GRUZ-S12 (setback from gas transmission network).</p> <p>e. Compliance with GRUZ-S13 (setbacks from National Grid).</p> | <p>2. Activity status where compliance with condition GRUZ-R9(1)(c) is not achieved: RDIS
Matters over which discretion is restricted:</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. GRUZ-AM1. ii. GRUZ-AM2. iii. GRUZ-AM3. iv. <u>GRUZ-AM7.</u> <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. |
| | <p>3. Activity status where compliance with condition GRUZ-R9(1)(a) and/or GRUZ-R9(1)(d) is not achieved: DIS</p> |
| | <p>4. Activity status where compliance with condition GRUZ-R9(1)(b) and/or GRUZ-R9(1)(e) is not achieved: NC</p> |

RPROZ-R9 Commercial activities not otherwise provided for Rural industry

- | | |
|--|---|
| <p>1. Activity Status: PER
Where the following conditions are met:</p> <p>a. Any retail sales are limited to produce reared or produced on the site.</p> <p>b. Compliance with RPROZ-S1 (the relevant activity thresholds).</p> <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S2; ii. RPROZ-S3; iii. RPROZ-S4; iv. RPROZ-S5; v. RPROZ-S6; vi. RPROZ-S7; vii. RPROZ-S8; viii. RPROZ-S9; ix. RPROZ-S10; and x. RPROZ-S11. <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. RPROZ-S12 (setback from existing intensive primary production); and ii. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and iii. <u>RPROZ-S14 (setback from gas transmission network).</u> <p>e. Compliance with RPROZ-S15 (setbacks from National Grid).</p> | <p>2. Activity status where compliance with condition RPROZ-R9(1)(c) is not achieved: RDIS
Matters over which discretion is restricted:</p> <p>a. Assessment Matters:</p> <ul style="list-style-type: none"> i. RPROZ-AM1. ii. RPROZ-AM2. iii. RPROZ-AM3. iv. RPROZ-AM4. v. <u>RPROZ-AM8.</u> <p>b. Assessment matters in the following chapters:</p> <ul style="list-style-type: none"> i. TRAN – Transport. ii. LIGHT – Light. iii. NOISE – Noise. |
| | <p>3. Activity status where compliance with condition RPROZ-R9(1)(a) and/or RPROZ-R9(1)(d) is not achieved: DIS</p> |
| | <p>4. Activity status where compliance with condition RPROZ-R9(1)(b) and/or RPROZ-R9(1)(e) is not achieved: NC</p> |

- 6.2.12 Note: the aspect of their submission seeking deletion of requirements to comply with Standards GRUZ-S12 and RPROZ-S14 in relation to setbacks from the gas transmission network (and the associated further submissions from First Gas – FS3.022 & FS3.031), is addressed separately in Key Issue 18 in Volume 4 of this report.

- 6.2.13 Livingston Properties (FS27.4) appears to oppose the amendment sought in respect of Rule GRUZ-R9 proposed by Hort NZ, however the reason for their further submission refers to Standard GRUZ-S1, as follows: *'LPL is interested in carrying out rural commercial activities on its land, including hospitality activities, and is therefore supportive of standard GRUZ-S1 being retained'*. I wonder if the submitter meant to further submit on Hort NZ submission relating to Standard GRUZ-S1 (S81.123)? The further submitter may wish to clarify this at the hearing.
- 6.2.14 Hort NZ's proposed amendments to Rule GRUZ-R9 and RPROZ-R9 above, include adding Assessment Matters GRUZ-AM7 and RPROZ-AM8 to the list of matters over which discretion is restricted in these rules, respectively.
- 6.2.15 In that light, Hort NZ (S81.130 & S81.177) also seeks to amend the title of the afore-mentioned assessment matters to refer to 'Rural Industry' instead of 'Commercial Activities'. Silver Fern Farms (FS8.058) opposes the renaming of Assessment Matter RPROZ-AM8, as they oppose the consolidation of assessment matters for 'rural industry' with 'visitor accommodation and home business' activities, which they consider are activities with fundamentally different features and effects.

Assessment Matters

- 6.2.16 Hort NZ (S81.133) supports retention of the reference to reverse sensitivity (and the need to assess this) in Assessment Matter GRUZ-AM7(4), as they consider *'It is important that an assessment of effects takes into account potential for reverses sensitivity'*.
- 6.2.17 Silver Fern Farms (S116.040) seeks a new assessment matter in the Rural Production Zone, specifically addressing 'rural industry', as follows:

RPROZ-AM15 Rural industry

1. The functional and operational needs of rural industry which include:

- a. To establish and operate in rural locations where potential adverse reverse sensitivity issues can be avoided or mitigated and where primary production activities and / or other rural resources are located.
- b. To establish large buildings, structures and supporting infrastructure to enable large scale processing and manufacturing to occur.
- c. To emit odours, noise and light on a 24-hour 7-day basis.
- d. To use heavy vehicles and machinery to transport livestock, goods, materials and equipment to, from, and within, sites.

- 6.2.18 They suggest *'This assessment matter would be applied to Restricted Discretionary applications arising from an application for "rural industry" that does comply with the matters of control specified under Silver Fern Farms' proposed Rule RPROZ-R21(1) (see the preceding row of this table)'*.

6.3 Analysis

Rules GRUZ-R3 & RPROZ-R3 Primary Production Activities

- 6.3.1 Te Mata Mushrooms seeks clarification as to what 'initial processing', as set out in the definition of 'primary production activities', is permitted by Rules GRUZ-R3 and RPROZ-R3, and what is 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 my view, 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, it has been recommended 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

- 6.3.4 Hort NZ considers 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 is restricted where compliance with the standards is not achieved.

- 6.3.5 Rules GRUZ-R6(2) and RPROZ-R6(2) relate to activities where compliance with conditions GRUZ-R6(1)(b) and RPROZ-R6(1)(b) respectively, are not achieved.
- 6.3.6 Conditions GRUZ-R6(1)(b) and RPROZ-R1(1)(b) relate to the general standards applying in the General Rural Zone and Rural Production Zone (being Standards GRUZ-S2 to S10 and RPROZ-S2 to S11), such as total building coverage, height of buildings, height in relation to boundary, setbacks from roads and neighbours, shading, access, parking and loading, light, and noise. Therefore, Rules GRUZ-R6(2) and RPROZ-R1(2) establish the assessment matters over which discretion is restricted, as being those that are relevant to the infringed standard(s) only.
- 6.3.7 Assessment Matters GRUZ-AM6 and RPROZ-AM7 are a broader set of assessment matters for assessing the effects of post-harvest facilities exceeding the 2,500m² gross floor area threshold per site, which directly relates to condition (1)(a), not condition (1)(b). Therefore, adding these assessment matters to the list of matters is not in keeping with the rule framework adopted in the PDP.
- 6.3.8 On that basis, I do 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.
- 6.3.9 For clarification, where the assessment matters in GRUZ-AM6 and RPROZ-AM7 do act as a useful list for consideration is 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)). This is acknowledged and anticipated in the 'Note' that sits at the front of the Assessment Matters sections in the various chapters across the PDP, which states as follows: *'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).'*

Rules to Specifically Provide for Rural Industry

- 6.3.10 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.
- 6.3.11 Te Mata Mushrooms seeks the addition of new rules providing for 'Rural Industrial Activities' in the General Rural and Rural Production Zones as a Permitted Activity, with a 2,500m² gross floor area threshold applied, and subject to compliance with the general standards applying the respective zones (the same as applies to 'Post-Harvest Facilities' in those zones in Rules GRUZ-R6 and RPROZ-R6). They also seek consequential amendments to Rules GRUZ-R19 and RPROZ-R19 relating to other 'Industrial Activities' to exclude 'rural industrial activities' from these rules (again, the same exclusion as already applies to 'post-harvest facilities' in these rules as notified).
- 6.3.12 Similarly, Silver Fern Farms seeks 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 are not met, a Restricted Discretionary Activity status would then apply.
- 6.3.13 Hort NZ favours 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').
- 6.3.14 The approach in the PDP, as reflected in the RLR – Rural Land Resource chapter, has been to provide for primary production in the rural zones in the first instance, and then to provide for other supporting activities that similarly require a rural location provided they do not compromise the primary production role of the rural zones.
- 6.3.15 As stated, the PDP introduces provision for 'post-harvest facilities' in the General Rural and Rural Production Zones (along with an accompanying definition). There is reasonably generous provision for 'post-harvest facilities' up to 2,500m² gross floor area in the General Rural Zone and Rural Production Zone as a Permitted Activity, subject to compliance with the various zone standards. The PDP takes the approach that industrial activities that do not directly support primary production and do not require a rural location, are best directed to an appropriately serviced industrial zone. This is closely aligned with the approach in the neighbouring Hastings District Plan.
- 6.3.16 However, I acknowledge that potentially there are rural industries that require a rural location and may be appropriate in the rural zones, that may not constitute 'post-harvest facilities'. I consider there is merit in differentiating between 'industrial activities' generally, and those which are not 'post-harvest facilities' but still directly support, service, or are dependent on primary production and that require a rural location. I consider such industries are appropriately termed 'rural industry'. Note: inclusion of

this term in the PDP (and its accompanying National Planning Standards definition) has been recommended in response to submissions in Key Issue 15 of this report.

- 6.3.17 In my view, 'rural industry' warrants a greater level of scrutiny than the types of 'facilities' that fall within the definition of 'post-harvest facilities' and, therefore, do not support provision for such industry as a Permitted or Controlled Activity as sought by Te Mata Mushrooms and Silver Fern Farms.
- 6.3.18 Further, I do 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 my view, Rules GRUZ-R9 and RPROZ-R9 are 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).
- 6.3.19 Given the above, I recommend 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:

GRUZ-RXX Rural industry (other than post-harvest facilities)

- | | |
|---|--|
| 1. <u>Activity Status: DIS</u>
<u>Where the following conditions are met: N/A</u>
<u>Subject to (but not limited to) the following assessment matter:</u>
a. <u>The necessity of a rural location.</u> | 2. <u>Activity status where compliance is not achieved: N/A</u> |
|---|--|

RPROZ-RXX Rural industry (other than post-harvest facilities)

- | | |
|---|--|
| 1. <u>Activity Status: DIS</u>
<u>Where the following conditions are met: N/A</u>
<u>Subject to (but not limited to) the following assessment matter:</u>
a. <u>The necessity of a rural location.</u> | 2. <u>Activity status where compliance is not achieved: N/A</u> |
|---|--|

GRUZ-R19 Industrial activities (other than post-harvest facilities and rural industry)

- | | |
|---|---|
| 1. Activity Status: NC
Where the following conditions are met: N/A | 2. Activity status where compliance not achieved: N/A |
|---|---|

RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)

- | | |
|---|---|
| 1. Activity Status: NC
Where the following conditions are met: N/A | 2. Activity status where compliance not achieved: N/A |
|---|---|

Assessment Matters

- 6.3.20 The submission on clause 4 of Assessment Matter GRUZ-AM7 is in support of retaining the reference to reverse sensitivity as notified – no further analysis is considered necessary in this respect.
- 6.3.21 Silver Fern Farms' submission seeking insertion of a new assessment matter relating to 'Rural Industry' in the Rural Production Zone is on the back of seeking a Controlled Activity status, and where the standards are not met, a Restricted Discretionary Activity status for such activities. The new assessment matters sought are the matters which they propose discretion should be restricted to, on the basis that their proposed new rule for 'rural industry' is adopted.
- 6.3.22 Whilst I have recommended inclusion of a separate rule for 'rural industry' in the General Rural and Rural Production Zones above, this is on the basis of a Discretionary Activity. In that situation, identification of specific assessment matters is not required (although not precluded – there are examples of assessment matters for discretionary activities in the PDP and, as outlined above, the 'Note' that sits at the front of the Assessment Matters sections in the various chapters across the PDP

states: 'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors)').

- 6.3.23 Further, I consider the assessment matters sought appear to revolve around providing for the needs of the rural industry (e.g. to establish large buildings and supporting infrastructure, to emit odours, 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.
- 6.3.24 On this basis, I do not support inserting the new assessment matters for 'rural industry' in the Rural Production Zone, as sought by Silver Fern Farms.

6.4 Recommendations

- 6.4.1 For the reasons outlined above, I recommend that Rules GRUZ-R3, RPROZ-R3, GRUZ-R6 and RPROZ-R6 be retained, and that new rules in the General Rural and Rural Production Zones to provide specifically for 'rural industry' be inserted, and that Rules GRUZ-R19 and RPROZ-R19 be amended (as outlined in Recommended Amendments below).
- 6.4.2 I recommend that the following submission(s) be **accepted**:
- Hort NZ, S81.133
 - Te Mata Mushrooms, S102.052, S102.076, S102.078
- 6.4.3 I recommend that the following submission(s) be **accepted in part**:
- Te Mata Mushrooms, S102.058, S102.059, S102.083, S102.084
 - Silver Fern Farms, S116.039
- 6.4.4 I recommend that the following submission(s) be **rejected**:
- Hort NZ, S81.116, S81.118, S81.130, S81.159, S81.162, S81.177
 - Silver Fern Farms, S116.040
- 6.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

6.5 Recommended Amendments

- 6.5.1 I recommend the following amendment(s) is made:

GRUZ-RXX Rural industry (other than post-harvest facilities)

- | | |
|--|--|
| <p>1. <u>Activity Status: DIS</u>
 <u>Where the following conditions are met: N/A</u>
 <u>Subject to (but not limited to) the following assessment matter:</u>
 a. <u>The necessity of a rural location.</u></p> | <p>2. <u>Activity status where compliance is not achieved: N/A</u></p> |
|--|--|

RPROZ-RXX Rural industry (other than post-harvest facilities)

- | | |
|--|--|
| <p>1. <u>Activity Status: DIS</u>
 <u>Where the following conditions are met: N/A</u>
 <u>Subject to (but not limited to) the following assessment matter:</u>
 a. <u>The necessity of a rural location.</u></p> | <p>2. <u>Activity status where compliance is not achieved: N/A</u></p> |
|--|--|

GRUZ-R19 Industrial activities (other than post-harvest facilities **and rural industry**)

- | | |
|--|--|
| <p>1. Activity Status: NC
 Where the following conditions are met: N/A</p> | <p>2. Activity status where compliance not achieved: N/A</p> |
|--|--|

RPROZ-R19 Industrial activities (other than post-harvest facilities and rural industry)

1. Activity Status: NC
Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

6.6 Section 32AA Evaluation

- 6.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 6.6.2 The above recommendations would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

7.0 Key Issue 17 – Provision for Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas – Definitions, Rules & Related Noise Standards

7.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S38.011	Aerospread Ltd	[General]	Amend	To be practical and to keep compliance simple, where covered by other regulatory bodies i.e CAA in the case of aviation, refer back to them.	Reject
.					
S81.005	Horticulture New Zealand	AGRICULTURAL AVIATION MOVEMENTS (Definition)	Support	Retain the definition of 'Agricultural Aviation Movements'.	Accept
.					
S43.009	New Zealand Agricultural Aviation Association	HELICOPTER LANDING AREA (Definition)	Oppose	Adopt the definitions used by the Civil Aviation Authority for primary and secondary operating bases, and operating areas (main base, remote base, aerodrome, airstrip, heliport, and landing zone).	Reject
FS17.5	Horticulture New Zealand		Support in part	Amend the definition of helicopter landing area either as sought by HortNZ's submission or use CAA terms.	Reject
FS14.1	NZ Agricultural Aviation Association		Support in part	Amend the definition of helicopter landing area either as sought by HortNZ or use CAA terms.	Reject
FS10.1	Aerospread Ltd		Support in part	Amend the definition of helicopter landing area either as sought by HortNZ or use CAA terms.	Reject
S81.015	Horticulture New Zealand	HELICOPTER LANDING AREA (Definition)	Oppose	Amend the definition of 'Helicopter Landing Area' to exclude intermittent use for agricultural aviation movements OR Replace with the definition of 'Helicopter Depot' as in the Draft Plan ('a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters').	Reject
.					
S121.248	Federated Farmers of New Zealand	RURAL AIRSTRIP (Definition)	Oppose	Amend the definition of 'Rural Airstrip' as follows: 'means any area of land, building or structure intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, including excluding agricultural aviation movements ancillary to primary production activities.'	Reject
FS17.9	Horticulture New Zealand		Oppose in part	Amend definition to provide clarity that a 'rural airstrip' is for	Reject

				the intermittent use of aircraft ancillary to primary production activities.	
FS14.3	NZ Agricultural Aviation Association		Oppose in part	Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.	Reject
FS9.248	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS10.3	Aerospread Ltd		Oppose in part	Amend definition to provide clarity that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities.	Reject
S58.004	Josh and Suzie Calder	RURAL AIRSTRIP (Definition)	Amend	Amend definition to ensure that the definition of 'Rural Airstrip' includes airstrips from which aircraft involved in agricultural aviation fly from and to at the start and finish of each working day. Make all other necessary adjustments to the Plan in order to give effect to this.	Reject
FS14.2	NZ Agricultural Aviation Association		Oppose		Accept in part
FS10.2	Aerospread Ltd		Oppose		Accept in part
S78.004	Waka Kotahi NZ Transport Agency	NOISE SENSITIVE ACTIVITY (Definition)	Support	Retain definition of 'Noise Sensitive Activity' as written.	Accept
FS11.001	The Ministry of Education		Support		Accept
S81.022	Horticulture New Zealand	NOISE SENSITIVE ACTIVITY (Definition)	Oppose	Amend the definition of 'Noise Sensitive Activity' as follows: 'means any buildings used for the following activities: a. Residential activity b. ... '	Reject
FS16.2	Waka Kotahi NZ Transport Agency		Oppose	Retain the standard Noise Sensitive Activity definition as notified in proposed plan.	Accept
FS11.002	The Ministry of Education		Oppose		Accept
S73.005	Ministry of Education	NOISE SENSITIVE ACTIVITY (Definition)	Support	Retain definition of 'Noise Sensitive Activity' as proposed.	Accept
.					
S43.010	New Zealand Agricultural Aviation Association	NOISE-S4	Oppose	Adopt the CAA definition of Day from the CAA Rule Part 1 and the daylight tables published in the NZAIP as the guide for daylight operations for agricultural aircraft operation.	Reject
FS14.4	NZ Agricultural Aviation Association		Support in part	Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.	Accept in part
FS10.4	Aerospread Ltd		Support in part	Ensure that agricultural aviation activities can be undertaken in	Accept in part

				early morning and late afternoon.	
FS17.69	Horticulture New Zealand		Support in part	Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon.	Accept in part
S121.109	Federated Farmers of New Zealand	NOISE-S5	Oppose	Delete NOISE-S5(11) & (12).	Reject
FS9.109	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS14.10	NZ Agricultural Aviation Association		Support		Reject
FS10.9	Aerospread Ltd		Support		Reject
FS17.71	Horticulture New Zealand		Support		Reject
S58.003	Josh and Suzie Calder	NOISE-S5	Amend	Remove NOISE-S5(11) & (12) and simply make 'Agricultural Aviation Movements' exempt. Make all other necessary adjustments to the Plan in order to give effect to this.	Reject
FS14.7	NZ Agricultural Aviation Association		Support		Reject
FS10.6	Aerospread Ltd		Support		Reject
S81.100	Horticulture New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(11) to provide a total exemption for 'agricultural aviation movements'.	Reject
FS14.9	NZ Agricultural Aviation Association		Support		Reject
FS10.8	Aerospread Ltd		Support		Reject
S38.001	Aerospread Ltd	NOISE-S5	Amend	Amend NOISE-S5(11) to unlimited days for agricultural aviation movements.	Reject
FS14.5	NZ Agricultural Aviation Association		Support		Reject
S38.002	Aerospread Ltd	NOISE-S5	Oppose	Delete NOISE-S5(12).	Reject
FS14.11	NZ Agricultural Aviation Association		Support		Reject
S43.001	New Zealand Agricultural Aviation Association	NOISE-S5	Oppose	Amend NOISE-S5(11) to unlimited days for agricultural aviation activity.	Reject
FS14.6	NZ Agricultural Aviation Association		Support		Reject
FS17.70	Horticulture New Zealand		Support		Reject
FS10.5	Aerospread Ltd		Support		Reject
S43.002	New Zealand Agricultural Aviation Association	NOISE-S5	Oppose	Delete NOISE-S5(12).	Reject
FS14.12	NZ Agricultural Aviation Association		Support		Reject
FS10.10	Aerospread Ltd		Support		Reject
S76.001	Ballance Agri-Nutrients Limited	NOISE-S5	Oppose	Amend NOISE-S5(11) and (12) as follows: 'Agricultural Aviation Movements	Reject

				11. Exempt for up to 14 days in any calendar year. 12. 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)).'	
FS14.8	NZ Agricultural Aviation Association		Support		Reject
FS10.7	Aerospread Ltd		Support		Reject
S121.110	Federated Farmers of New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) 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 Ldn, 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 Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject
FS9.110	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS10.15	Aerospread Ltd		Support		Reject
FS14.18	NZ Agricultural Aviation Association		Support		Reject
S38.003	Aerospread Ltd	NOISE-S5	Amend	Amend Noise -S5(13) to delete reference to 14 days usage in any calendar year in relation to agricultural aviation movements.	Reject
FS14.14	NZ Agricultural Aviation Association		Support		Reject
S36.001	Karen Middelberg	NOISE-S5	Amend	Amend NOISE-S5(13) to enable some rural airstrips to have an exemption to exceed the '14-days in any calendar year' limit applying to 'agricultural aviation movements'.	Reject
FS14.13	NZ Agricultural Aviation Association		Support		Reject
FS10.11	Aerospread Ltd		Support		Reject
S43.003	New Zealand Agricultural Aviation Association	NOISE-S5	Amend	Amend NOISE-S5(13) as follows: '...and agricultural aviation movements for up to 14 days in any calendar year.'	Reject
FS14.15	NZ Agricultural Aviation Association		Support		Reject
FS17.72	Horticulture New Zealand		Support		Reject
FS10.12	Aerospread Ltd		Support		Reject

S76.002	Ballance Agri-Nutrients Limited	NOISE-S5	Oppose	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) 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 Ldn, 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 Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject
FS14.16	NZ Agricultural Aviation Association		Support		Reject
FS10.13	Aerospread Ltd		Support		Reject
S81.101	Horticulture New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(13) as follows: 'Rural Airstrips 13. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55dB Ldn, 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. 14. ... 15. ...'	Accept in part
FS14.17	NZ Agricultural Aviation Association		Support		Accept in part
FS10.14	Aerospread Ltd		Support		Accept in part
S121.111	Federated Farmers of New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) 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 Ldn 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 Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject

FS9.111	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS14.23	NZ Agricultural Aviation Association		Support		Reject
FS10.19	Aerospread Ltd		Support		Reject
S38.004	Aerospread Ltd	NOISE-S5	Oppose	Amend Noise -S5(16) to delete reference to 14 days usage in any calendar year in relation to agricultural aviation movements.	Reject
FS14.19	NZ Agricultural Aviation Association		Support		Reject
S43.004	New Zealand Agricultural Aviation Association	NOISE-S5	Amend	Amend NOISE-S5(16) as follows: '...and agricultural aviation movements for up to 14 days in any calendar year.'	Reject
FS14.20	NZ Agricultural Aviation Association		Support		Reject
FS17.73	Horticulture New Zealand		Support		Reject
FS10.16	Aerospread Ltd		Support		Reject
S76.003	Ballance Agri-Nutrients Limited	NOISE-S5	Oppose	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) 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 Ldn 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 Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.'	Reject
FS14.21	NZ Agricultural Aviation Association		Support		Reject
FS10.17	Aerospread Ltd		Support		Reject
S81.102	Horticulture New Zealand	NOISE-S5	Oppose	Amend NOISE-S5(16) as follows: 'Helicopter Landing Areas 16. The day-night average sound level (Ldn) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55dBLdn, 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	Accept in part

				site containing a noise sensitive activity in all other zones. 17. ... 18. ...'	
FS14.22	NZ Agricultural Aviation Association		Support		Accept in part
FS10.18	Aerospread Ltd		Support		Accept in part
S121.189	Federated Farmers of New Zealand	GRUZ-R4	Amend	Amend GRUZ-R4 as follows: 'Agricultural aviation movements and landing areas , ancillary to primary production activities ...'	Reject
FS14.24	NZ Agricultural Aviation Association		Support		Reject
FS17.98	Horticulture New Zealand		Support		Reject
FS9.189	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS10.20	Aerospread Ltd		Support		Reject
S121.218	Federated Farmers of New Zealand	RPROZ-R4	Amend	Amend RPROZ-R4 as follows: 'Agricultural aviation movements and landing areas , ancillary to primary production activities ...'	Reject
FS14.30	NZ Agricultural Aviation Association		Support		Reject
FS17.138	Horticulture New Zealand		Support		Reject
FS10.25	Aerospread Ltd		Support		Reject
FS9.218	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S38.007	Aerospread Ltd	GRUZ-R4	Support	Retain GRUZ-R4	Accept
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S38.009	Aerospread Ltd	RPROZ-R4	Support	Retain RPROZ-R4.	Accept
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S76.004	Ballance Agri-Nutrients Limited	GRUZ-R4	Support	Retain GRUZ-R4.	Accept
.					
S76.006	Ballance Agri-Nutrients Limited	RPROZ-R4	Support	Retain RPROZ-R4.	Accept
.					
S81.115	Horticulture New Zealand	GRUZ-R4	Support	Retain GRUZ-R4.	Accept
.					
S81.158	Horticulture New Zealand	RPROZ-R4	Support	Retain RPROZ-R4.	Accept
.					
S43.005	New Zealand Agricultural Aviation Association	GRUZ-R4	Support	Retain GRUZ-R4.	Accept
.					

S43.007	New Zealand Agricultural Aviation Association	RPROZ-R4	Support	Retain RPROZ-R4.	Accept
.					
S121.190	Federated Farmers of New Zealand	GRUZ-R5	Oppose	<p>Amend GRUZ-R5 as follows:</p> <p>'New, or expansion of existing, rural airstrips and/or helicopter landing areas</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Limited to 100m2 gross floor area of buildings ancillary to the activity per site.</p> <p>Exclusion: emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site are excluded from the above.</p> <p>d. ...</p> <p>...</p> <p>And amend the definition of 'Rural Airstrips' to exclude those ancillary to primary production.</p>	Reject <i>(Note: rule already excludes these movements)</i>
FS14.29	NZ Agricultural Aviation Association		Support	Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Reject
FS10.24	Aerospread Ltd		Support	Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Reject
FS17.100	Horticulture New Zealand		Support	Amend GRUZ-R5 as sought by the submitter to provide an exclusion for agricultural aviation movements ancillary to primary production activities.	Reject
FS9.190	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S38.008	Aerospread Ltd	GRUZ-R5	Amend	Make clear that GRUZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Reject
FS14.25	NZ Agricultural Aviation Association		Support		Reject
S38.010	Aerospread Ltd	RPROZ-R5	Amend	Make clear that RPROZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Reject
FS14.31	NZ Agricultural Aviation Association		Support		Reject
S43.006	New Zealand Agricultural Aviation Association	GRUZ-R5	Amend	Make clear that GRUZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Reject

FS14.26	NZ Agricultural Aviation Association		Support		Reject
FS17.99	Horticulture New Zealand		Support		Reject
FS10.21	Aerospread Ltd		Support		Reject
S43.008	New Zealand Agricultural Aviation Association	RPROZ-R5	Amend	Make clear that RPROZ-R5 will not apply to facilities for agricultural aviation activity ancillary to primary production activities.	Reject
FS14.34	NZ Agricultural Aviation Association		Support		Reject
FS17.139	Horticulture New Zealand		Support		Reject
FS10.28	Aerospread Ltd		Support		Reject
S58.001	Josh and Suzie Calder	GRUZ-R5	Amend	Delete all the permitted activity conditions (being conditions a - f) of GRUZ-R5(1). Make all other necessary adjustments to the Plan in order to give effect to this.	Reject
FS14.27	NZ Agricultural Aviation Association		Oppose	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	Accept in part
FS10.22	Aerospread Ltd		Oppose	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	Accept in part
FS25.100	Federated Farmers of New Zealand		Support in part		Accept in part
S58.002	Josh and Suzie Calder	RPROZ-R5	Amend	Delete all the permitted activity conditions (being conditions a - f) of RPROZ-R5(1). Make all other necessary adjustments to the Plan in order to give effect to this.	Reject
FS2.3	Jill Fraser		Oppose		Accept
FS10.29	Aerospread Ltd		Oppose	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	Accept in part
FS14.35	NZ Agricultural Aviation Association		Oppose	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	Accept in part
S76.005	Ballance Agri-Nutrients Limited	GRUZ-R5	Amend	Amend GRUZ-R5 to clarify that the rule will not apply to facilities for agricultural aviation	Reject

				movements ancillary to primary production activities.	
FS14.28	NZ Agricultural Aviation Association		Support in part	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	Accept in part
FS10.23	Aerospread Ltd		Support in part	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	Accept in part
S76.007	Ballance Agri-Nutrients Limited	RPROZ-R5	Amend	Amend RPROZ-R5 to clarify that the rule will not apply to facilities for agricultural aviation movements ancillary to primary production activities.	Reject
FS14.36	NZ Agricultural Aviation Association		Support in part	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	Accept in part
FS10.30	Aerospread Ltd		Support in part	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	Accept in part
S41.003	Jill Fraser	RPROZ-R5	Amend	<p>In assessing and evaluating resource consents for full discretionary activities (where a rural airstrip is within 500m of a noise sensitive activity, RPROZ-R5(1)(a)(ii)), the following matters should be highlighted for consideration:</p> <ol style="list-style-type: none"> 1. The flight path for take-offs and landings - this should not be over the site(s) on which the noise sensitive activity is located. 2. The total number and frequency of flights (a maximum number per calendar year or an average across a calendar year does not address the frequency of flights on any given day (noting that agricultural aircraft movements on the same site as the airstrip are excluded from these maximums). 3. The hours of operation of the rural airstrips. 4. Where any lighting of the airstrip is proposed. <p>And the consent of the property owners and/or tenants of noise sensitive activities located within 500m of a proposed rural airstrip</p>	Accept in part

				or extensions to a rural airstrip should be required for the resource consent to be considered on a non-notified basis.	
FS14.33	NZ Agricultural Aviation Association		Oppose	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	Accept in part
FS10.27	Aerospread Ltd		Oppose	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	Accept in part
FS25.128	Federated Farmers of New Zealand		Oppose		Accept in part
S41.002	Jill Fraser	RPROZ-R5	Amend	<p>I support the retention of this rule but seek some amendments to the description of the activity, the conditions for this permitted activity, and matters for discretion where rural airstrips are within 500m of the notional boundary of a noise sensitive activity.</p> <p>The description of the activity (RPROZ-R5 New, or expansion of existing, rural airstrips or helicopter landing areas) should include any increase in the intensity of aircraft movements on existing rural airstrips not just the physical extensions to a runway or buildings associated with the airstrip.</p> <p>Amend condition RPROZ-R5(1)(b) so that the frequency of flights is also considered along with the maximum of 1000 flight movements per calendar year. A suggestion to address this would be to have a daily or weekly maximum to avoid situations where flight movements are concentrated over a much shorter period of time and thereby creating a more intensive activity and effects on neighbouring noise sensitive activities.</p> <p>Add another condition so that flight movements occur within certain hours of operation and early morning (before 7am) and late night (after 10pm) flight movements are avoided for permitted activities.</p>	Accept in part
FS25.127	Federated Farmers of New Zealand		Oppose		Accept in part
FS14.32	NZ Agricultural Aviation Association		Oppose	Amend the rule framework to make a clear distinction between rural airstrips and helicopter landing areas used intermittently for agricultural aviation ancillary	Accept in part

				to primary production activities and facilities that are used on a regular basis	
FS10.26	Aerospread Ltd		Oppose	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	Accept in part

7.1.1 In summary, these 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.

7.2 Matters Raised by Submitters

General

7.2.1 Aerospread Ltd (S38.011) seeks to 'keep compliance simple' and that 'where covered by other regulatory bodies refer back to them i.e. CAA in the case of aviation', with the following explanation:

'Agricultural aviation is a very small industry that contributes billions of dollars across the primary sector. As an operator there are many regulatory challenges that we face. Most of the rules are already in place like the (AIRCARE Fly Neighbourly Course for noise) and if something does fall outside the rules lets please work on a case by case basis to get the outcomes wanted by all parties not another blanket approach'.

Aviation and Airstrip Definitions

'Agricultural Aviation Movements'

7.2.2 Hort NZ (S81.005) supports retention of the definition of 'Agricultural Aviation Movements' in the PDP, as notified.

AGRICULTURAL AVIATION MOVEMENTS	means intermittent aircraft and helicopter movements for purposes ancillary to primary production activities, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, and associated refueling.
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'Helicopter Landing Area'

7.2.3 Hort NZ (S81.015) seeks to amend the definition of 'Helicopter Landing Area' to exclude intermittent use for agricultural aviation movements, or to replace it with the definition of 'Helicopter Depot' as contained in the Draft District Plan, as follows:

HELICOPTER LANDING AREA	means any area of land, building or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads. <u>Excludes intermittent use for agricultural aviation movements.</u>
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or:

HELICOPTER LANDING AREA	means <u>a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters</u> any area of land, building or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads.
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7.2.4 The Agricultural Aviation Association (S43.009 & FS14.1) also opposes the definition of 'Helicopter Landing Area' in the PDP, and seeks adoption of the definitions used by the Civil Aviation Authority for primary and secondary operating bases, and operating areas 'for commonality of terminology across the country', or adoption of the amendments to the definition as sought by Hort NZ (above), for the following reasons:

'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.'

- 7.2.5 This is supported in part by Hort NZ (FS17.5) and Aerospread Ltd (FS10.1) in terms of amending the definition of 'Helicopter Landing Area' to either adopt the definition sought by Hort NZ or adoption of Civil Aviation Authority terms. Aerospread Ltd consider *'There needs to be clarity as to the use of areas for helicopter landings and using the Civil Aviation Authority terms could assist'*.

'Rural Airstrip'

- 7.2.6 Federated Farmers (S121.248) seeks amendment of the definition of 'Rural Airstrip' in the PDP, as follows:

RURAL AIRSTRIP	means any area of land, building or structure intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, includingexcluding agricultural aviation movements ancillary to primary production activities.
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- 7.2.7 They consider *'The definition of rural airstrips will inappropriately capture an airstrip on a farm which is only used when fertiliser or spraying is done on that same farm. These airstrips will be located within a primary production property at a distance from neighbours or settlements, so adverse effects will be internalised. When not in use for aircraft, the airstrip will be used for grazing as part of the farm'*.
- 7.2.8 This amendment is opposed in part by Hort NZ (FS17.9), the Agricultural Aviation Association (FS14.3), and Aerospread Ltd (FS10.3). They consider *'It should be clear that a 'rural airstrip' is for the intermittent use of aircraft ancillary to primary production activities'* and they seek that the definition be amended accordingly, to clarify this.
- 7.2.9 Josh and Suzie Calder (S58.004) seek an amended definition of 'Rural Airstrip' to ensure that it includes airstrips from which aircraft involved in agricultural aviation fly from and to at the start and finish of each working day.
- 7.2.10 This amendment is opposed by the Agricultural Aviation Association (FS14.2) and Aerospread Ltd (FS10.2), who consider that *'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'*.

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

- 7.2.11 Aerospread Ltd (S38.007 & S38.009), the Agricultural Aviation Association (S43.005 & S43.007), Ballance Agri-Nutrients (S76.004 & S76.006), and Hort NZ (S81.115 & S81.158) all support clear rules that provide for activities inherent to primary production and seeks retention of Rules GRUZ-R4 and RPROZ-R4 as notified.
- 7.2.12 Federated Farmers (S121.189 & S121.218), supported by Aerospread Ltd (FS10.20 & FS10.25), the Agricultural Aviation Association (FS14.24 & FS14.30) & Hort NZ (FS17.98 & FS17.138), support the permitted status of aviation movements as part of farming, however, are not sure why movements have been separated from the airstrip/landing area, and seeks that the title of the rule be amended as follows:

GRUZ-R4 Agricultural aviation movements and landing areas, ancillary to primary production activities

1. Activity Status: PER
Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

RPROZ-R4 Agricultural aviation movements and landing areas, ancillary to primary production activities

1. Activity Status: PER
Where the following conditions are met: N/A

2. Activity status where compliance not achieved: N/A

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

- 7.2.13 Federated Farmers (S121.190), supported by Aerospread Ltd (FS10.24), the Agricultural Aviation Association (FS14.29) & Hort NZ (FS17.100), seeks to amend Rule GRUZ-R5 as follows (along with seeking amendment of the definition of 'rural airstrips' to exclude those ancillary to primary production):

GRUZ-R5 New, or expansion of existing, rural airstrips and/or helicopter landing areas	
<p>1. Activity Status: PER 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"> 2km from any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle Zone boundary, and 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and 50m from a State Highway. <p>b. 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).</p> <p>c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.</p> <p><u>Exclusion: emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site are excluded from the above.</u></p> <p>d. Compliance with:</p> <ol style="list-style-type: none"> GRUZ-S2; GRUZ-S3; GRUZ-S4; GRUZ-S5; GRUZ-S6; GRUZ-S7; GRUZ-S8; GRUZ-S9; and GRUZ-S10. <p>e. Compliance with GRUZ-S12 (setback from gas transmission network).</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 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"> GRUZ-AM1. GRUZ-AM2. <p>b. Assessment matters in the following chapters:</p> <ol style="list-style-type: none"> TRAN – Transport. LIGHT – Light. NOISE – Noise. <p>3. Activity status where compliance with conditions GRUZ-R5(1)(a), GRUZ-R5(1)(b), GRUZ-R5(1)(c) and/or GRUZ-R9(1)(e) is not achieved: DIS</p> <p>4. Activity status where compliance with condition GRUZ-R5(1)(f) is not achieved: NC</p>

- 7.2.14 Federated Farmers offer the following reasons:

'This rule must not apply to farm airstrips and helicopter landing areas that are ancillary to the farming land use and only used occasionally for spraying or fertiliser application on the farm. This use is distinct from a depot or base, and should not be regulated the same.

The definition of rural airstrips will inappropriately capture an airstrip on a farm which is only used when fertiliser or spraying is done on that same farm. Given this is the General Rural Zone, it is likely these airstrips will be located at significant distances from neighbours or settlements, so adverse effects will be internalised. When not in use for aircraft, they will revert back to grazing for livestock.

The 100m² building footprint is inadequate for fertiliser storage on a farm airstrip.'

- 7.2.15 The further submissions in support state: *'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'.*
- 7.2.16 Aerospread Ltd (S38.008 & S38.010), supported by the Agricultural Aviation Association (FS14.25 & FS14.31), seeks that it should be made clear that Rules GRUZ-R5 and RPROZ-R5 *'should not apply to agricultural aviation movements ancillary to primary production activities. We do not support restrictions on 1,000 movements per annum where they apply to agricultural aviation both fix-wing and helicopter. We do not support restricting the building footprint to 100sm where it applies to fertilizer storage on rural airstrips'.*

- 7.2.17 Similarly, the Agricultural Aviation Association (S43.006, S43.008, FS14.26 & FS14.34), supported by Aerospread Ltd (FS10.21 & FS10.28) and Hort NZ (FS17.99 & FS17.139), seeks clarification that Rules GRUZ-R5 and RPROZ-R5 *'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 fertilizer on rural airstrips'*. The further submissions in support consider that amending Rules GRUZ-R4 and RPROZ-R4 as sought by Federated Farmers above, assists this outcome.
- 7.2.18 Again, Ballance Agri-Nutrients (S76.005 & S76.007), supported by Aerospread Ltd (FS10.23 & FS10.30) and the Agricultural Aviation Association (FS14.28 & FS14.36) seeks similar clarification as above.
- 7.2.19 Josh & Suzie Calder (S58.001 & S58.002) seek deletion of conditions (1)(a) – (f) in Rules GRUZ-R5 and RPROZ-R5, being the conditions for permitted activity status for new or expansion of existing rural airstrips, and all other necessary adjustments to the PDP in order to give effect to this. They provide the following reasons:
- 'Rural Airstrips are an essential and integral part of primary production activities within the rural zones in Central Hawke's Bay district.*
- The limitations which rule GRUZ-R5 seeks to impose on the creation of new or the expansion of the existing rural airstrips will severely limit the utilisation of airstrips within the district. Once a rural airstrip is developed it is often used for multiple properties within a district. The limitation on aircraft movements will result the need for more farm properties to have their own rural airstrip in order to comply with the rules and limitations of activities which is inefficient and not a cost-effective or sustainable use of the natural land resources.*
- The limitation on the number of days use will result in additional pressure on agricultural pilots to cram as much activity into the fourteen day exemption as possible which gives rise to health and safety concerns. Similar concerns arise out of the possibility of the rural sector attempting to use older, unused and unsafe airstrips in order to get around the restrictions on use.*
- The district plan provisions will discourage farmers from upgrading and maintaining their airstrips due to a decrease in usage. This is contrary to work that has been done within the industry and with Federated Farmers, CAA and the Department of Labour/ Worksafe to ensure that all airstrips meet the best possible standards.*
- Aerial top dressing and the use of airstrips is an integral part of farming activities and contributes millions to the Central Hawke's Bay economy. These restrictions will reduce the time that aircraft are able to work within any given part of the district and has the potential of lowering farm production and creating health and safety concerns for agricultural aviation operators.*
- People living within the rural zone should expect that from time to time, rural activities will be undertaken that will give rise to effects that are not the same as those anticipated in residential environments. Issues of reverse sensitivity arise and should not be allowed to detract from the overriding objectives of the rural zone.'*
- 7.2.20 Federated Farmers (FS25.100) supports the Calder submission in part, with respect to Rule GRUZ-R5. They agree with the submitter that *'rural airstrips and helicopter landing areas are important for primary production, however there needs to be a distinction between those on farm used occasionally for fert spreading or spraying, and those that are used daily like a depot'*.
- 7.2.21 Aerospread (FS10.22 & FS10.29) and the Agricultural Aviation Association (FS14.27 & FS14.35) both oppose the Calder submissions. Similar to Federated Farmers, they consider that *'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'*, and favour amending the rule framework to make the distinction clearer.
- 7.2.22 Jill Fraser (FS2.3) also opposes the Calder submission in respect to Rule RPROZ-R5, stating that *'These permitted activity conditions are essential to ensuring that the quality of the environment surrounding rural dwellings is maintained and that the intensity of rural airstrip activities is appropriate in proximity to these dwellings. The quality of the environment in which people live has direct impacts on wellbeing and it is important that there are baseline criteria or performance standards to protect the wellbeing of people living in close proximity to rural airstrips'*.

- 7.2.23 Jill Fraser (S41.002 & S41.003) supports Rule RPROZ-R5, but seeks amendments to the description of the activity, the conditions for this permitted activity, and matters for discretion where rural airstrips are within 500m of the notional boundary of a noise sensitive activity, as follows:

'The description of the activity: new or extensions to existing rural airstrips or helicopter landing areas - the key concern here is that this description should include any increase in the intensity of aircraft movements on existing rural airstrips not just the physical extensions to a runway or buildings associated with the airstrip. While the 1000 movement figure excludes agricultural aviation movements on the same site it should be made clear that this figure includes agricultural aviation movements required or generated to service other farms in the area in addition to recreational, commercial or private aviation movements

Amend condition (b) so that the frequency of flights is also considered along with the maximum of 1000 flight movements per calendar year. A suggestion to address this would be to have a daily or weekly maximum to avoid situations where flight movements are concentrated over a much shorter period of time and thereby creating a more intensive activity and effects on neighbouring noise sensitive activities.

Add another condition so that flight movements occur within certain hours of operation and early morning (before 7am) and late night (after 10pm) flight movements are avoided for permitted activities.

While I understand that in assessing and evaluating resource consents for full discretionary activities (where a rural airstrip is within 500m of a noise sensitive activity) the following matters should be highlighted for consideration:

- 1. The flight path for take-offs and landings - this should not be over the site(s) on which the noise sensitive activity is located*
- 2. the total number and frequency of flights (a maximum number per calendar year or an average across a calendar year does not address the frequency of flights on any given day (noting that agricultural aircraft movements on the same site as the airstrip are excluded from these maximums).*
- 3. the hours of operation of the rural airstrips*
- 4. Whether any lighting of the airstrip is proposed*

For such discretionary activities 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 should be required for such applications to be considered on a non-notified basis.'

- 7.2.24 Aerospread Ltd (FS10.26 & FS10.27), the Agricultural Aviation Association (FS14.32 & FS14.33), and Federated Farmers (FS25.127 & FS25.128), all oppose the submissions of Jill Fraser with respect to Rule RPROZ-R5, on the basis that *'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'*. They seek that the rule framework be amended *'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'*.

Noise Standards relating to Aviation Movements and Airstrips

Definition of 'Noise Sensitive Activity'

- 7.2.25 Waka Kotahi (S78.004) and the Ministry of Education (S73.005 & FS11.001) both support retention of the definition of 'Noise Sensitive Activity' in the PDP, as notified.
- 7.2.26 Hort NZ (S81.022) considers *'The noise sensitive activity should be the buildings used for the activity, not open area around the building – e.g. marae'* and seeks amendment of the definition for 'Noise Sensitive Activity', as follows:

NOISE SENSITIVE ACTIVITY	<p>means any <u>buildings used for the following activities</u>:</p> <ul style="list-style-type: none"> a. buildings used for residential activity b. marae & urupa c. place of worship d. visitor accommodation e. teaching areas and sleeping/wellness rooms in an educational facility f. home-based education and care service g. day care facility h. hospital or sleeping/wellness rooms in a health care facility i. rest home or retirement village <p>but does not include an activity if it was not lawfully established.</p>
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- 7.2.27 The above amendment is opposed by both Waka Kotahi (FS16.2) and the Ministry of Education (FS11.002). Waka Kotahi considers *'It is important that outdoor noise sensitive activities are included in the definition'* and *'The Ministry rejects the amendment to the definition as it supports the proposed definition to provide protection to the appropriate noise sensitive areas within Educational Facilities'*.

Standard NOISE-S4 Noise Limits – Agricultural Aviation Activities

- 7.2.28 The Agricultural Aviation Association (S43.010 & FS14.4) is concerned about the definition of operating day for noise measurement in Standard NOISE-S4, being 07:00 to 19:00 hours, and instead seeks adoption of the Civil Aviation Authority definition of 'Day' from CAA Rule Part 1 and the daylight tables published in the NZAIP as the guide for daylight operations for agricultural aircraft operation, for the following reasons:

'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 Information Publication (NZAIP) used as the guide for operations and the definition of Day adopted from the CAA Rule Part 1.'

- 7.2.29 This is supported by Aerospread Ltd (FS10.4) and Hort NZ (S17.69) in part, as they consider *'There needs to be flexibility in the time when agricultural aviation can be undertaken to reflect suitable weather conditions for the activity'*. They seek to *'Ensure that agricultural aviation activities can be undertaken in early morning and late afternoon'*.

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

- 7.2.30 Aerospread Ltd (S38.001, S38.002, FS10.5 & FS10.10) and the Agricultural Aviation Association (S43.001, S43.002, FS14.5, FS14.6, FS14.11 & FS14.12), seeks that clause (11) be amended to provide for unlimited days for agricultural aviation movements and deletion of clause (12).
- 7.2.31 Hort NZ (FS17.70) also supports the Agricultural Aviation Association submission to amend clause (11) to provide for unlimited days for agricultural aviation movements.
- 7.2.32 Josh & Suzie Calder (S58.003), Ballance Agri-Nutrients (S76.001), Hort NZ (S81.100), and Federated Farmers (S121.109), supported by Aerospread Ltd (FS10.6, FS10.7, FS10.8 & FS10.9) & the Agricultural Aviation Association (FS14.7, FS14.8, FS14.9 & FS14.10), seek to remove both clauses (11) & (12) and to instead simply provide a total exemption from the noise standards for all agricultural aviation movements (along with all other necessary amendments to the PDP to give effect to this).

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.

Agricultural Aviation Movements	<p>11. Exempt for up to 14 days in any calendar year.</p> <p>12. 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)).</p>
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Standard NOISE-S5(13), (14) & (15) – Rural Airstrips

- 7.2.33 As a consequence of changes sought to Standard NOISE-S5(11) above, Ballance Agri-Nutrients (S76.002), Hort NZ (S81.101, FS17.72), Aerospread Ltd (S38.003, FS10.12, FS10.13, FS10.14), and the Agricultural Aviation Association (S43.003, FS14.14, FS14.15, FS14.16, FS14.17), all seek amendments to clause (13) to delete the limit for up to 14 days in any calendar year applying to agricultural aviation movements, as follows:

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.

Rural Airstrips	<p>13. The day-night average sound level (L_{dn}) 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 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 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>
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- 7.2.34 Federated Farmers (S121.110), supported by Aerospread Ltd (FS10.15) & the Agricultural Aviation Association (FS14.18), similarly seeks deletion of the entire reference to '~~and agricultural aviation movements for up to 14 days in any calendar year~~', on the basis that '*Support is extended to this implementation method which we consider to be an appropriate planning response for the stated objectives and policies, however a consequential amendment is required to give effect to the issues raised in relation to NOISE-S5 (11) and (12)*'.

- 7.2.35 Again, Karen Middleberg (S36.001), supported by Aerospread Ltd (FS10.11) & the Agricultural Aviation Association (FS14.13), similarly seeks to enable 'some' rural airstrips to have an exemption to exceed the '14 days in any calendar year' limit applying to 'agricultural aviation movements', for the following reasons:

'That due to the essential need to apply fertiliser for farming operations and that some rural airstrips are the only ones available at certain times of the year due to weather conditions, it may mean they exceed the 14 day limit for use, I would like to see the ability to have an exemption for these strips to enable them to exceed this limit'.

- 7.2.36 Hort NZ's submission, supported by Aerospread Ltd and the Agricultural Aviation Association, also seeks to amend clause (13) so the Rural Lifestyle Zone is measured at the notional boundary, as for the General Rural and Rural Production Zones.

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

- 7.2.37 As a consequence of changes sought to Standard NOISE-S5(11) above, Ballance Agri-Nutrients (S76.003), Hort NZ (S81.102, FS17.73), Aerospread Ltd (S38.004, FS10.16, FS10.17, FS10.18), and the Agricultural Aviation Association (S43.004, FS14.19, FS14.20, FS14.21, FS14.22), all seek amendments to clause (16) to delete the limit 'for up to 14 days in any calendar year' applying to agricultural aviation movements, as follows:

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.

Helicopter Landing Areas	<p>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 and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p>
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| <p>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.</p> <p>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.</p> |
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- 7.2.38 Federated Farmers (S121.111), supported by Aerospread Ltd (FS10.19) & the Agricultural Aviation Association (FS14.23), similarly seeks deletion of the entire reference to '~~and agricultural aviation movements for up to 14 days in any calendar year~~', on the basis that *'Support is extended to this implementation method which we consider to be an appropriate planning response for the stated objectives and policies, however a consequential amendment is required to give effect to the issues raised in relation to NOISE-S5 (11) and (12)'*.
- 7.2.39 Hort NZ's submission, supported by Aerospread Ltd and the Agricultural Aviation Association, also seeks to amend clause (16) so the Rural Lifestyle Zone is measured at the notional boundary, as for the General Rural and Rural Production Zones.

Forest & Bird

- 7.2.40 Forest & Bird oppose all the submission of Federated Farmers (FS9.109, FS9.110, FS9.111, FS9.189, FS9.190, FS9.218, FS9.248) on the basis that *'the amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

7.3 Analysis

Overview of Approach to Agricultural Aviation Movements, Rural Airstrips, and Helicopter Landing Areas in the PDP

- 7.3.1 By way of background and some context which may be useful to the Panel and report readers, the issue of airstrips arose in Central Hawke's Bay in 2018 with private development of an airstrip off Elsthorpe Road, near Otane, intended to act as the home base for a commercial crop dusting activity. A Certificate of Compliance under the Operative Central Hawke's Bay District Plan was granted in early 2019, following application to Council. This case highlighted gaps in the current provisions in the Operative District Plan to address such activities.
- 7.3.2 The following outlines the approach taken in the PDP with the view to addressing those gaps to ensure that the PDP can appropriately respond to the issue of airstrips in the future, without unduly constraining widely accepted agricultural aviation practices associated with primary production activities occurring within the rural environment.
- 7.3.3 Following a search of other District Plans across the country, the most comparable district addressing this issue at the time was Selwyn District Council. The PDP borrowed from the approach in the Proposed Selwyn District Plan in this regard (excerpts attached as Appendix D to this report) – but heavily adapted to the Central Hawke's Bay context.

Relevant Definitions in the PDP:

AIRCRAFT	has the same meaning as in section 2 of the RMA (as set out in the box below)
	means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.
AIRCRAFT MOVEMENT	means a single flight operation (landing or departure) of any aircraft, excluding helicopters.
HELICOPTER MOVEMENT	means a single helicopter flight operation (landing or departure) of any helicopter.

AGRICULTURAL AVIATION MOVEMENTS	means intermittent aircraft and helicopter movements for purposes ancillary to primary production activities, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, and associated refueling.
EMERGENCY AVIATION MOVEMENTS	means intermittent aircraft and helicopter movements associated with the following: <ul style="list-style-type: none"> (a) landing or departing in an emergency (b) emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency (c) using an airstrip due to unforeseen circumstances as a necessary alternative to an airstrip elsewhere (d) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983 (e) flights certified by the Minister of Defence as necessary for reasons of National security in accordance with section 4 of the Defence Act (f) undertaking firefighting or search and rescue duties.
RURAL AIRSTRIP	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.
HELICOPTER LANDING AREA	means any area of land, building or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, including heliports and helipads.
AIRPORT / AERODROME	has the same meaning as 'airport' in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 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. </div>
NOISE SENSITIVE ACTIVITY	means any: <ul style="list-style-type: none"> (a) buildings used for residential activity (b) marae & urupa (c) place of worship (d) visitor accommodation (e) teaching areas and sleeping/wellness rooms in an educational facility (f) home-based education and care service (g) day care facility (h) hospital or sleeping/wellness rooms in a health care facility (i) rest home or retirement village but does not include an activity if it was not lawfully established.
NOTIONAL BOUNDARY	means 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.

Agricultural Aviation Movements

- 7.3.4 'Agricultural aviation movements ancillary to primary production activities' (refer definition above) are a Permitted Activity in the General Rural and Rural Production Zones (Rules GRUZ-R4 & RPROZ-R4), reflecting that they are an important function of primary production. The intention is that landing areas used intermittently for aircraft and helicopters involved in agricultural aviation activities for primary production purposes (e.g. agrichemical and fertilizer applications and frost protection) are provided for, are captured in subsequent rules (Rules GRUZ-R5 & RPROZ-R5), as below.

Rural Airstrips and Helicopter Landing Areas

- 7.3.5 New, or expansion of existing, 'rural airstrips' (refer definition above) and 'helicopter landing areas' (refer definition above) are a Permitted Activity in the General Rural and Rural Production Zones (Rules GRUZ-R5(1) & RPROZ-R5(1)), subject to the conditions below:
- a. The rural airstrip or helicopter landing area is located a minimum distance of:
 - i. 2km from any General Residential, Settlement, or Rural Lifestyle Zone boundary, and
 - ii. 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site, and
 - iii. 50m from a State Highway.
 - b. 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).
 - c. Limited to 100m² gross floor area of buildings ancillary to the activity per site.
- 7.3.6 Condition (a)(i) requires such activities to be a minimum distance of 2km from any General Residential, Large Lot Residential, Settlement, or Rural Lifestyle Zone boundary, reflecting potential for adverse effects on amenity for nearby populated areas.
- 7.3.7 Condition (a)(ii) requires such activities to be a minimum distance of 500m from the 'notional boundary' (refer definition above) of an existing or consented 'noise sensitive activity' (refer definition above) not located on the same site, reflecting potential for adverse effects on amenity for sensitive activities in the immediately surrounding area.
- 7.3.8 Condition (a)(iii) requires such activities to be a minimum distance of 50m from a State Highway, reflecting potential for adverse effects on air and road safety on arterial roads.
- 7.3.9 Condition (b) imposes a total combined 'aircraft movement' and 'helicopter movement' (refer definitions above) threshold of no more than 1,000 movements per calendar year (excluding 'emergency aviation movements' (refer definition above) and 'agricultural aviation movements ancillary to primary production activities' (refer definition above) undertaken on the same site). This was adopted to enable consideration of such activities that might generate more than the normal expected level of aviation movements for a rural environment, and roughly equates to 20 movements per week, or 2 x landings and departures per day for 5 days of the week. A 'per year' total was adopted reflecting that in the Central Hawke's Bay context there can be periods of high levels of aviation activity (e.g. early morning responses to frost events, seasonal topdressing or crop dusting) followed by periods of inactivity across the year in a rural setting, particularly seasonally, so the per year approach was considered appropriate in acknowledging this and to avoid unintentionally capturing a rural airstrip that is intensively used for only a few days/weeks of the year.
- 7.3.10 Condition (c) imposes a 100m² gross floor area limit for buildings ancillary to the activity per site. This aligns with Activity Thresholds applying to 'commercial activities' in the General Rural and Rural Production Zones.
- 7.3.11 Where the conditions (a), (b), and (c) are not met, the activity falls to a Discretionary Activity (Rules GRUZ-R5(3) & RPROZ-R5(3)).
- 7.3.12 To be deemed a Permitted Activity, such activities are also required to comply with the general zone standards (conditions (d)) (including compliance with the Noise provisions in the PDP). Where condition (d) is not met, the activity falls to a Restricted Discretionary Activity (Rules GRUZ-R5(2) & RPROZ-R5(2)). Conditions (e) & (f) also apply in order to be deemed a Permitted Activity.

Airports/Aerodromes and Helicopter Depots

- 7.3.13 Airports/aerodromes (i.e. not falling within the definition of 'rural airstrip') and helicopter depots are not specifically provided for in the General Rural and Rural Production Zones, and would fall to the respective default rule for the zone (Rules GRUZ-R18 & RPROZ-R18 Any activity not otherwise provided for) as a Discretionary Activity.

Noise Standards

- 7.3.14 In terms of noise, the approach in the PDP is to exempt 'emergency aviation movements' (Standard NOISE-S5(10)), and to exempt 'agricultural aviation movements' for up to 14 days in any calendar year, otherwise the noise standards applying to 'rural airstrips' and 'helicopter landing areas' apply (Standard NOISE-S5(11) & (12)).
- 7.3.15 The PDP then provides specific noise standards for 'rural airstrips' that impose a day-night average sound level of 55dBA 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 Zones, or at the boundary of any site containing a noise sensitive activity in all other zones (Note: this explicitly excludes emergency aviation movements, and the exempted level of agricultural aviation movements above) (Standard NOISE-S5(13), (14) & (15)).
- 7.3.16 The PDP provides similar specific noise standards for 'helicopter landing areas' (Standard NOISE-S5(16), (17) & (18)).
- 7.3.17 In terms of the application of noise standards, these are similar to the approach in the Proposed Selwyn District Plan but reflect the wider approach to aircraft movements and airstrips etc proposed for Central Hawke's Bay, and advice from Council's acoustic expert, Steve Peakall from Marshall Day Acoustics.

General Submission

- 7.3.18 In response to the general submission of Aerospread, whilst I understand the issue of regulatory compliance for the aviation industry is complex, the provisions in the PDP are there to address the land use activity component, as opposed to the aviation safety component. In that respect, it is not appropriate to defer to other regulatory bodies such as the Civil Aviation Authority (CAA) for an RMA matter – that is, Civil Aviation Authority approvals do not consider matters such as noise effects from airstrips on nearby residential properties. Having said that, the intent in the PDP has been to borrow existing practices from elsewhere and, where possible, to keep the rule framework simple.

Aviation and Airstrip Definitions*'Agricultural Aviation Movements'*

- 7.3.19 There is 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'

- 7.3.20 Hort NZ seeks to exclude the intermittent use for agricultural aviation movements from the definition of 'helicopter landing area', or to replace it with a definition that reflects more a helicopter base/depot. The Agricultural Aviation Association (supported by Aerospread Ltd) similarly wish to adopt the terms used by the CAA, being main base, remote base, aerodrome, airstrip, heliport and landing zone.
- 7.3.21 The terminology used in the PDP is the same or similar as that adopted in the Proposed Selwyn District Plan, and I have not found any alternative terminology used in other District Plans from a quick search online. Alternative definitions have not been provided. I have looked at the general definitions contained in the 'Civil Aviation Rules' on the CAA website, and cannot find definitions for 'main base', 'remote base', 'airstrip', or 'landing zone'. In any case, I do not consider that there is a need, or any particular benefit, to the adoption of the terms proposed.
- 7.3.22 In my view, the definition of 'helicopter landing area' is appropriate in the context of the proposed plan provisions – in that the provisions of the PDP seek 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).

- 7.3.23 I also do not support excluding agricultural aviation movements from the definition. The movements themselves are provided for as a Permitted Activity in Rules GRUZ-R4 & RPROZ-R4. However, Rules GRUZ-R5 & RPROZ-R5 relate 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 acknowledges that agricultural aviation movements to and from a landing area can support multiple properties, which could amount to a significant number of movements. I consider this is the appropriate way to address agricultural aviation movements associated with 'helicopter landing areas'.

'Rural Airstrip'

- 7.3.24 Federated Farmers seeks to amend the definition of 'rural airstrip' in the PDP to exclude agricultural aviation movements ancillary to primary production activities.
- 7.3.25 As for 'helicopter landing areas' above, agricultural aviation movements themselves are provided for as a Permitted Activity in Rules GRUZ-R4 & RPROZ-R4. However, Rules GRUZ-R5 & RPROZ-R5 relate to the 'rural airstrip', and the total combined movements limit specifically excludes 'agricultural aviation movements ancillary to primary production activities' where undertaken on the same site. This acknowledges that agricultural aviation movements to and from a rural airstrip can support multiple properties, which could amount to a significant number of movements. I consider this is the appropriate way to address agricultural aviation movements associated with 'rural airstrips'. Intermittent use of a farm airstrip when fertiliser or spraying is done on that same farm would not be captured.
- 7.3.26 As outlined above, the rules applying to 'rural airstrips' do not provide for airports/aerodromes that are not captured by the definition of 'rural airstrip', or those 'rural airstrips' that are not able to comply with the Permitted Activity conditions in Rules GRUZ-R5(1)(a) or RPROZ-R5(1)(a). In those situations, the activity is either a Discretionary Activity pursuant to Rules GRUZ-R5(3) & RPROZ-R5(3) or, as an activity not otherwise provided for, would fall to being a Discretionary Activity pursuant to Rules GRUZ-R18 & RPROZ-R18.

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

- 7.3.27 There is a high level of support for Rules GRUZ-R4 & RPROZ-R4, in terms of supporting clear rules that provide for activities inherent to primary production – in this case, providing for agricultural aviation movements ancillary to primary production activities as a Permitted Activity.
- 7.3.28 In terms of seeking amendments to these rules to include 'landing areas', as sought by Federated Farmers, the purpose of these rules is around the movements themselves, whereas rural airstrips/landing areas are intentionally covered separately by Rules GRUZ-R5 & RPROZ-R5, as outlined above in the overview to this issue.
- 7.3.29 On that basis, I do not support the amendments sought by Federated Farmers, and recommend retention of Rules GRUZ-R4 & RPROZ-R4 in the PDP as notified.

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

- 7.3.30 Federated Farmers seeks 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'*
- 7.3.31 Aerospread Ltd, the Agricultural Aviation Association, and Ballance Agri-Nutrients, also wish to ensure that the 1,000-movement threshold in condition (1)(b) of Rules GRUZ-R5 & RPROZ-R5 does not apply to agricultural aviation movements.
- 7.3.32 I note that condition (1)(b) already specifically states that the total combined aircraft and helicopter movements is 'excluding emergency aviation movements and agricultural aviation movements ancillary to primary production activities undertaken on the same site'. In my view, that is in keeping with the intended rule framework applied in the PDP and is appropriate. In my opinion, the additional exclusionary wording sought by Federated Farmers is unnecessary.
- 7.3.33 Further, in response to these same submitters' concerns regarding condition (1)(c) of Rules GRUZ-R5 & RPROZ-R5, I am unclear as to the typical size of buildings storing fertiliser on a 'rural airstrip'. In any case, if more than 100m² gross floor area, I do not consider that to be an unreasonable threshold to enable consideration of any potential adverse effects – particularly as this aligns with other Activity Thresholds in the General Rural Zone (e.g. as applied to 'home businesses' and 'commercial activities' in Standard GRUZ-S1).

- 7.3.34 As outlined above, the PDP provides for 'rural airstrips' and 'helicopter landing areas' as Permitted Activities subject to compliance with conditions and general standards, and does not specifically provide for airports/aerodromes not falling within the definition of 'rural airstrip', and helicopter bases/depots. These are not specifically provided for in the General Rural and Rural Production Zones, and would fall to the respective default rule for the zone (Rules GRUZ-R18 & RPROZ-R18 Any activity not otherwise provided for) as a Discretionary Activity.
- 7.3.35 In response to the submission of Josh and Suzie Calder to delete conditions (1)(a) – (f) in Rules GRUZ-R5 & RPROZ-R5, I concur with the further submissions of Federated Farmers, Aerospread Ltd and the Agricultural Aviation Association, that there needs to be a distinction between those 'rural airstrips' on farm used occasionally for fertiliser spreading or spraying, and those 'airstrips' that are used on a regular basis like an airport or depot, and this is in keeping with the rule framework currently proposed in the PDP (as outlined above).
- 7.3.36 I also concur with the further submission of Jill Fraser, that conditions (1)(a) – (f) are essential to ensuring that the quality of the environment surrounding rural dwellings is maintained and that the intensity of rural airstrip activities is appropriate, in order to protect the wellbeing of people living in close proximity to such activities.
- 7.3.37 Whilst any activity not otherwise provided for is already effectively captured by Rules GRUZ-R18 & RPROZ-R18, I accept that the status of aircraft facilities that are used more like a depot could be made clearer. 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', as follows:

GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

1. **Activity Status: DIS**
Where the following conditions are met: N/A

2. **Activity status where compliance not achieved:**
N/A

RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

1. **Activity Status: DIS**
Where the following conditions are met: N/A

2. **Activity status where compliance not achieved:**
N/A

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

HELICOPTER DEPOT

means a site regularly used as a base for the operation, servicing, refueling, and storage of helicopters.

- 7.3.38 In response to the submissions of Jill Fraser seeking amendments to Rules GRUZ-R5 & RPROZ-R5, I disagree 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 my view, as soon as any one of the conditions is 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) is not achieved, the activity would clearly fall to a Discretionary Activity pursuant to Rules GRUZ-R5(3) & RPROZ-R5(3).
- 7.3.39 Further, the only agricultural aviation movements that are currently excluded in relation to condition (1)(b) are those relating to movements on the same site – therefore, it is clear to me that such movements required or generated to service other farms in the area would contribute to the total combined movements calculation, in addition to any recreational, commercial, or private aviation movements.
- 7.3.40 I do not support the inclusion of a threshold in terms of frequency of flights alongside the maximum total combined movements threshold. The PDP intentionally avoids a daily or weekly maximum, as this would not reflect the context of typical rural airstrip use in Central Hawke's Bay which can exhibit short periods of high activity followed by long periods of inactivity, as outlined above. Having a daily or weekly threshold could inadvertently capture (and trigger consent for) a normal response to an intense period of frost events.

- 7.3.41 Similarly, I do not consider an 'hours of operation' threshold is necessary for a 'rural airstrip' or 'helicopter landing area'. Whilst a limit on hours of operation is adopted in the Proposed Selwyn District Plan, in the context of Central Hawke's Bay, this could inadvertently capture (and trigger consent for) normal frost mitigation response, which can include very early morning helicopter activity. I also note that the CAA regulations apply daylight zone hours between morning civil twilight (the beginning of the day) and official end of evening civil twilight (the end of daylight) times. My understanding is that most rural airstrips are constrained by these daylight zone hours, which are likely well-understood by pilots.
- 7.3.42 The submission from Jill Fraser also seeks certain matters be highlighted for consideration when assessing and evaluating resource consents for a rural airstrip that cannot 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.
- 7.3.43 I concur that the 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 is any lighting of the airstrip proposed, as sought by the submitter, are all reasonable and appropriate matters to consider.
- 7.3.44 Whilst, as a full Discretionary Activity, matters for discretion would not be restricted, there are various examples of assessment matters for Discretionary Activities in the PDP, and corresponding advice at the beginning of 'Assessment Matters' sections throughout the PDP stating *'For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors)'*.
- 7.3.45 I consider 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 do not achieve the minimum distance from existing noise sensitive activities in the surrounding area (condition (1)(a)(ii)), and recommend 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.

- 7.3.46 With respect to consideration of resource consent applications on a non-notified basis, Jill Fraser seeks 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 is a clear statutory process for determining public and limited notification of a resource consent application set out in section 95A and 95B of the RMA, which includes consideration of any adverse effects on adjoining land and the wider environment. This statutory process is the appropriate process for determining notification in the situation referred to by the submitter.
- 7.3.47 On the basis of the above, I recommend retention of Rules GRUZ-R5 & RPROZ-R5 in the PDP as notified.

Noise Standards relating to Aviation Movements, Airstrips & Landing Areas

Overview of Noise Provisions in the PDP as they apply to Aviation Movements, Airstrips & Landing Areas

- 7.3.48 It is important to differentiate the zone rules from the noise standards in relation to treatment of aviation activities in the PDP. The zone rules addressed above, relate to agricultural aviation movements ancillary to primary production within the rural zones (Rules GRUZ-R4 & RPROZ-R4), and to the establishment or operation of rural airstrips and/or helicopter landing areas within the rural zones (Rules GRUZ-R5 & RPROZ-R5).
- 7.3.49 In the case of 'agricultural aviation movements ancillary to primary production', there are no standards required to be met in order to be a Permitted Activity. However, under the National Planning Standards framework, the 'Noise' chapter in the PDP is located in the 'General District-Wide Matters' section of the PDP, which means that the rules and standards in the Noise chapter apply across the District, and therefore in addition to the zone provisions.
- 7.3.50 Conversely, as part of meeting the Permitted Activity conditions for 'rural airstrips' and 'helicopter landing areas', there is an explicit requirement to meet Standard GRUZ-S10 (Noise) in the General

Rural Zone or the equivalent Standard RPROZ-S11 (Noise) in the Rural Production Zone, which both require that '*Activities must comply with the provisions of the NOISE – Noise chapter*'.

Standard NOISE-S4 Noise Limits – Agricultural Aviation Activities

- 7.3.51 The Agricultural Aviation Association (supported by Aerospread and Hort NZ) are concerned about the daytime hours applying in Standard NOISE-S4, and seeks adoption of the CAA daylight zone hours instead.
- 7.3.52 Standard NOISE-S4 applies general noise limits for receiving zones. However, Standard NOISE-S5 outlines a range of specific activities that are exempt from the noise limits in Standard NOISE-S4. The exemptions in Standard NOISE-S5 include various levels of exemptions for 'activities involving stock, vehicles and mobile machinery associated with primary production', 'agricultural aviation movements', 'rural airstrips', 'helicopter landing areas', 'audible bird scaring devices', and 'frost fans'. I note in relation to 'rural airstrips' that Standard NOISE-S4 is specifically applied to aircraft maintenance and engine testing aspects only (refer Standard NOISE-S5(15)).
- 7.3.53 Given 'agricultural aviation movements', 'rural airstrips' and 'helicopter landing areas' are specific activities identified in Standard NOISE-S5, the concerns around daytime hours applying in Standard NOISE-S4 in relation to noise from aviation activities are, in my view, unfounded.

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

- 7.3.54 Josh & Suzie Calder, Ballance Agri-Nutrients, Hort NZ, Federated Farmers, Aerospread Ltd, & the Agricultural Aviation Association all submitted on Standard NOISE-S5 (11) & (12) effectively seeking unlimited exemption from any noise standards for 'agricultural aviation movements'.
- 7.3.55 As notified, Standard NOISE-S5 (11) exempts 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)) apply.
- 7.3.56 On the advice of Council's acoustic expert, the inclusion of a 14-day exemption is 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 is deemed reasonable and acceptable in the context of a working rural environment.
- 7.3.57 If the noise from agricultural aviation movements at a site was high for more than 14 days of the year, the implication is 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.
- 7.3.58 I remain of the view that this approach is reasonable in terms of managing adverse noise effects generated by aviation activities occurring in the rural environment, whilst also recognising that agricultural aviation movements are an essential component of primary production within a working rural environment. On that basis, I recommend retention of Standard NOISE-S5(11) & (12) as notified.

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

- 7.3.59 Ballance Agri-Nutrients, Hort NZ, Aerospread Ltd, the Agricultural Aviation Association, Hort NZ and Federated Farmers all effectively seek 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.
- 7.3.60 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, it is unclear which rural airstrips this should apply to. In my view, a resource consent process 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.
- 7.3.61 For the reasons outlined, and given my recommendation in relation to Standard NOISE-S5(11) & (12) above, I recommend 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(13).
- 7.3.62 However, I do concur with Hort NZ that clause (13) should be amended so measurement for the Rural Lifestyle Zone is 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. I consider the size of rural lifestyle sites is significantly larger compared to sites within the urban and settlement zones, and a notional boundary approach to measurement is appropriate in that situation, and recommend the following amendment to Standard NOISE-S5(13):

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.

Rural Airstrips	<p>13. The day-night average sound level (L_{dn}) 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 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.</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>
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Standard NOISE-S5(16), (17) & (18) – Helicopter Landing Areas

- 7.3.63 Ballance Agri-Nutrients, Hort NZ, Aerospread Ltd, the Agricultural Aviation Association, Hort NZ and Federated Farmers all effectively seek 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.
- 7.3.64 For the reasons outlined, and my recommendation in relation to Standard NOISE-S5(11) & (12) above, I similarly recommend 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.
- 7.3.65 However, I do concur with Hort NZ that clause (16) should be amended so measurement for the Rural Lifestyle Zone is 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. I consider the size of rural lifestyle sites is significantly larger compared to sites within the urban and settlement zones, and a notional boundary approach to measurement is appropriate in that situation, and recommend the following amendment to Standard NOISE-S5(16):

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.

Helicopter Landing Areas	<p>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, and Rural Production and Rural Lifestyle Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>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.</p> <p>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.</p>
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Definition of 'Noise Sensitive Activity'

- 7.3.66 The term 'Noise Sensitive Activity' is 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').

- 7.3.67 There is general support for the definition of 'Noise Sensitive Activity' in the PDP. However, Hort NZ seeks to amend the definition to limit its application to buildings used for the noise sensitive activities listed.
- 7.3.68 I concur with Waka Kotahi and the Ministry of Education, that it is important that outdoor noise sensitive activities are included in the definition. In my view, to limit the definition so that it only applies to noise sensitive activities within buildings, and not the open area around the buildings, ignores the impact that noise can have on the occupiers of a property. This also reflects the use of the property boundary or 'notional boundary' adopted in the PDP, in terms of where noise measurements are taken from when assessing noise.
- 7.3.69 Therefore, I recommend that the definition of 'Noise Sensitive Activity' in the PDP is retained as notified.

7.4 Recommendations

- 7.4.1 For the reasons outlined above, I recommend that the definitions for 'Agricultural Aviation Movements', 'Helicopter Landing Area', 'Rural Airstrip' and 'Noise Sensitive Activity' and Rules GRUZ-R4 & RPROZ-R4, GRUZ-R5 & RPROZ-R5 be retained, that new rules in the General Rural and Rural Production Zones to provide specifically for 'airport/aerodrome (other than rural airstrip), and helicopter depot', accompanying new definition for 'Helicopter Depot', and new assessment matters for 'rural airstrips and helicopter landing areas' be inserted, and that Standard NOISE-S5(13) & (16) be amended (as outlined in Recommended Amendments below).
- 7.4.2 I recommend that the following submission(s) be **accepted**:
- Aerospread Ltd, S38.007, S38.009
 - Agricultural Aviation Assoc., S43.005, S43.007
 - Ministry of Education, S73.005
 - Ballance Agri-Nutrients, S76.004, S76.006
 - Waka Kotahi, S78.004
 - Hort NZ, S81.005, S81.115, S81.158
- 7.4.3 I recommend that the following submission(s) be **accepted in part**:
- Jill Fraser, S41.003, S41.002
 - Hort NZ, S81.101, S81.102
- 7.4.4 I recommend that the following submission(s) be **rejected**:
- Karen Middelberg, S36.001
 - Aerospread Ltd, S38.001, S38.002, S38.003, S38.004, S38.008, S38.010, S38.011
 - Agricultural Aviation Assoc., S43.001, S43.002, S43.003, S43.004, S43.006, S43.008, S43.009, S43.010
 - J & S Calder, S58.001, S58.002, S58.003, S58.004
 - Ballance Agri-Nutrients, S76.001, S76.002, S76.003, S76.005, S76.007
 - Hort NZ, S81.015, S81.022, S81.100
 - Federated Farmers, S121.109, S121.110, S121.111, S121.189, S121.190, S121.218, S121.248
- 7.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

7.5 Recommended Amendments

- 7.5.1 I recommend the following amendments are made:

GRUZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

1. Activity Status: DIS
Where the following conditions are met: N/A

2. Activity status where compliance not achieved:
N/A

RPROZ-RXX Airport / aerodrome (other than rural airstrip), and helicopter depot

- | | |
|--|--|
| 1. <u>Activity Status: DIS</u>
<u>Where the following conditions are met: N/A</u> | 2. <u>Activity status where compliance not achieved:</u>
<u>N/A</u> |
|--|--|

And add the following definition of 'helicopter depot' as a consequential amendment:

<u>HELICOPTER DEPOT</u>	<u>means a site regularly used as a base for the operation, servicing, refueling, and storage of helicopters.</u>
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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.**

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.

Rural Airstrips	<ol style="list-style-type: none"> 13. The day-night average sound level (L_{dn}) 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 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, <u>and</u> Rural Production <u>and</u> <u>Rural Lifestyle</u> Zones, or at the boundary of any site containing a noise sensitive activity in all other zones. 14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning. 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.
Helicopter Landing Areas	<ol style="list-style-type: none"> 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, <u>and</u> Rural Production <u>and</u> <u>Rural Lifestyle</u> 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.

7.6 Section 32AA Evaluation

- 7.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 7.6.2 The above recommendations are considered minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.