

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Robert Schofield (Chair)

Loretta Lovell

Roger Maaka

Tim Aitken

Kate Taylor

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TOPIC:

**Rural Environment – Volume 1:
Strategic Direction & General Matters**

PREPARED BY:

Rowena Macdonald

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List of Submitters and Further Submitters addressed in this Report (*Whole Topic*)

Submitter Name	Submission Number(s)
Aerospread Ltd	S38
Ara Poutama Aotearoa the Department of Corrections (Corrections)	S97
Ballance Agri-Nutrients Limited (Balance Agri-Nutrients)	S76
Centralines Limited (Centralines)	S90
Chorus New Zealand Limited (Chorus)	S117
Egg Producers Federation of New Zealand (Egg Producers Federation)	S27
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Gerard Pain	S28
Hatuma Lime Co Ltd (Hatuma Lime)	S98
Hawke's Bay Regional Council (HBRC)	S11
Heretaunga Tamatea Settlement Trust (HTST)	S120
Heritage New Zealand Pouhere Taonga (Heritage NZ)	S55
Horticulture New Zealand (Hort NZ)	S81
IA & PD Waldrom	S6
James Bridge	S105
Jill Fraser	S41
Josh and Suzie Calder	S58
Karen Middelberg	S36
Kenneth (John) Maclennan	S12
Kevin Williams	S13
Kāinga Ora – Homes and Communities (Kāinga Ora)	S129
Livingston Properties Limited (Livingston Properties)	S127
Ministry of Education	S73
New Zealand Agricultural Aviation Association (NZAAA)	S43
New Zealand Motor Caravan Association (Motor Caravan Assoc)	S101
New Zealand Pork Industry Board (Pork Industry Board)	S42
Regeneration Holdings Ltd (Regeneration Holdings)	S124
Riverfield Holdings Ltd (Riverfield Holdings)	S123
Silver Fern Farms Limited (Silver Fern Farms)	S116
Spark New Zealand Trading Limited (Spark)	S118
Surveying the Bay Ltd (Surveying the Bay)	S94
Surveying the Bay Ltd (Surveying the Bay)	S128

Submitter Name	Submission Number(s)
Te Mata Mushrooms Land Company Limited (Te Mata Mushrooms)	S102
The Surveying Company (HB) Ltd (The Surveying Co)	S50
Thomas Collier	S107
Transpower New Zealand Ltd (Transpower)	S79
Vodafone New Zealand Limited (Vodafone)	S119
Waka Kotahi NZ Transport Agency (NZTA)	S78

Further Submitter Name	Further Submission Number(s)
Aerospread Ltd	FS10
Federated Farmers of New Zealand (Federated Farmers)	FS25
First Gas Limited (First Gas)	FS3
Heretaunga Tamatea Settlement Trust (HTST)	FS13
Horticulture New Zealand (Hort NZ)	FS17
James Bridge	FS4
Jill Fraser	FS2
Kāinga Ora – Homes and Communities (Kāinga Ora)	FS23
Livingston Properties Limited (Livingston Properties)	FS27
Ministry of Education	FS11
New Zealand Agricultural Aviation Association (NZAAA)	FS14
New Zealand Motor Caravan Association (Motor Caravan Assoc)	FS24
New Zealand Pork Industry Board (Pork Industry Board)	FS6
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8
Transpower New Zealand Limited (Transpower)	FS18
Tukituki Water Security Project (Tukituki Water)	FS1
Waka Kotahi NZ Transport Agency (NZTA)	FS16
Water Holdings Hawke's Bay (Water Holdings)	FS29

Volume 1 Strategic Direction & General Matters – List of Submitters and Further Submitters addressed

Submitter Name	Submission Number(s)
Chorus New Zealand Limited (Chorus)	S117
Egg Producers Federation of New Zealand (Egg Producers Federation)	S27
Federated Farmers of New Zealand (Fed Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Hatuma Lime Co Ltd (Hatuma Lime)	S98
Hawke's Bay Regional Council (HBRC)	S11
Heretaunga Tamatea Settlement Trust (HTST)	S120
Horticulture New Zealand (Hort NZ)	S81
James Bridge	S105
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
Ministry of Education	S73
New Zealand Pork Industry Board (Pork Industry)	S42
Silver Fern Farms Limited (Silver Fern Farms)	S116
Spark New Zealand Trading Limited (Spark)	S118
Te Mata Mushrooms Land Company Limited (Te Mata Mushrooms)	S102
The Surveying Company (HB) Ltd (The Surveying Co)	S50
Transpower New Zealand Ltd (Transpower)	S79
Vodafone New Zealand Limited (Vodafone)	S119

Further Submitter Name	Further Submission Number(s)
Horticulture New Zealand (Hort NZ)	FS17
Kāinga Ora - Homes and Communities (Kāinga Ora)	FS23
New Zealand Motor Caravan Association (Motor Caravan Assoc)	FS24
New Zealand Pork Industry Board (Pork Industry Board)	FS6
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8
Tukituki Water Security Project (Tukituki Water)	FS1
Water Holdings Hawke's Bay (Water Holdings)	FS29

1.0 Introduction

1.1 Qualifications and Experience

- 1.1.1 My full name is Rowena Clare Macdonald. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.
- 1.1.2 I hold a Bachelors degree in Resource and Environmental Planning (Honours) and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 25+ years. Prior to establishing Sage Planning, I was a planner with Works Consultancy Services/Opus International Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council as the lead planning consultants to assist with the full District Plan Review since August 2017.

1.2 Code of Conduct

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

1.3 Conflict of Interest

- 1.3.1 I confirm that I have no real or perceived conflict of interest.

1.4 Involvement with the Proposed Plan

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I was the lead author of the various discussion documents and draft plan provisions relating to the rural environment, the reporting officer on informal submissions to the Draft District Plan on this topic, and the lead author of the Section 32 Rural Environment Topic Report accompanying notification of the Proposed District Plan (PDP).

1.5 Preparation of this Report

- 1.5.1 My role in the preparation of this report has been to review, provide analysis on, and make recommendations on the submissions and further submissions received in relation to the contents of the RLR – Rural Land Resource chapter, the GRUZ – General Rural Zone chapter, the RPROZ – Rural Production Zone chapter, and the RLZ – Rural Lifestyle Zone chapter, and any associated definitions, as well as relevant provisions in the SUB – Subdivision and NOISE – Noise chapters.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of Report

2.1 Matters addressed by this Report

2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions on the rural environment.

2.2 Overview of the Rural Environment of Central Hawke's Bay

2.2.1 The rural environment in the Central Hawke's Bay District is currently encompassed within a single Rural Zone in the Operative District Plan, spanning from the Ruahine Ranges all the way to the coast including the area delineated as 'coastal margin' on the Planning Maps.

2.2.2 Land-based 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.

2.2.3 During the process of reviewing the District Plan provisions around rural issues in more detail during 2018, Council commissioned Lachie Grant of LandVision Ltd to assess the value of the rural land resource in Central Hawke's Bay, which included:

- looking at the definition of versatile land (later referred to as 'highly productive land') and the factors needed to be taken into consideration when classifying land as such; and
- carrying out a versatile land assessment with particular emphasis around the Ruataniwha Plains, to determine whether the 'Plains' is a resource of significance requiring additional District Plan protection.

2.2.4 The LandVision Report¹ concluded there are considerable productive and versatile land and soils in the District, which provide a significant base for arable, finishing, dairying, and viticulture land uses which can be collectively defined as 'versatile land' and that, because versatile soils and the accompanying versatile land are particularly rare in New Zealand, the versatile land in the District should be classified as 'a resource of national significance, or at the very least, regional significance'. Highly productive land in the Central Hawke's Bay District comprises approximately 25% of the District's total land area, and is centred in and around the Ruataniwha Plains and flat-to-rolling land surrounding the urban areas of Waipukurau, Waipawa and Otane.

2.2.5 In August 2019, the Government released a discussion document on a proposed 'National Policy Statement for Highly Productive Land' (NPS-HPL) for public submissions. The NPS-HPL is intended to address a perceived lack of clarity on how highly productive land should be managed under the RMA, and the concern that the value of this land for primary production is often given inadequate consideration, resulting in uncoordinated urban expansion over, and fragmentation of, highly productive land, leading to incremental, cumulative loss of this resource, and preventing the use of this finite resource by future generations.

2.2.6 The LandVision Report noted that very few other places in the country exhibit the concentration and extent of versatile soils/land (highly productive land) supporting a wide range of land uses as found in the central Hawke's Bay, and *'Therefore, it is imperative that the protection of the versatile soils/land of the District be one of the core objectives of the Central Hawke's Bay District Plan. This is vital in "sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations" and "safeguarding the life capacity of... soil" (RMA)*².

2.2.7 As a result of the above, the Proposed District Plan (PDP) has incorporated a 'Rural Land Resource' chapter in the 'Strategic Direction' section of the PDP, and replaces the single Rural Zone in the Operative Plan with three rural zones – being the General Rural Zone, the Rural Production Zone, and the Rural Lifestyle Zone. The Rural Production Zone in the PDP encompasses the majority of the District's

¹ 'Assessment on the need for a new rural zone for subdivision in the Central Hawke's Bay District – Report for the Central Hawke's Bay District Council', LandVision Limited, 24 January 2018.

² pg 19, LandVision Report.

concentration of highly productive land. The Rural Lifestyle Zone comprises areas adjoining the urban areas of Waipawa and Waipukurau that have been deemed appropriate for continued rural lifestyle subdivision and development. The General Rural Zone encompasses the remaining areas of rural land in the District.

- 2.2.8 The 'coastal margin' has been superseded by mapping of the 'coastal environment' which is now addressed separately in the 'CE – Coastal Environment' chapter in the PDP, submissions on which have been covered in Hearings Stream 1.
- 2.2.9 The Rural Zone provisions in the Operative Plan also incorporate rules applying to 'areas of significant natural conservation value' (ASNCVs) identified on the Planning Maps. ASNCVs have been superseded by 'significant natural areas' (SNAs) in the Proposed District Plan (PDP) which are now addressed separately in the 'ECO – Ecosystems & Indigenous Biodiversity' chapter in the PDP, submissions on which have again been covered in Hearings Stream 1.
- 2.2.10 Subdivision in the Rural Zone is currently a Controlled Activity down to a minimum lot size of 4000m² in the Operative Plan (subject to performance standards around general matters such as lot dimensions, property access, and servicing). Subdivision provisions in the PDP are significantly different, with larger minimum lot size thresholds, and differing controls for rural lifestyle subdivision across the three rural zones. Submissions on subdivision provisions specific to the rural zones are addressed as part of this Hearings Stream relating to the rural environment (addressed in Volume 2 of this report).

2.3 Statutory Requirements

- 2.3.1 The PDP has been prepared in accordance with the RMA and, in particular, the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).
- 2.3.2 As set out in the Section 32 Rural Environment Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the New Zealand Coastal Policy Statement (2010), the Hawke's Bay Regional Resource Management Plan including the Regional Policy Statement (2006), and the Hawke's Bay Regional Coastal Environment Plan (2014). These documents are discussed in detail within the Section 32 Topic Report.

2.4 Procedural Matters

- 2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, undertaken on the submissions relating to the rural environment provisions prior to the finalization of this section 42A report.
- 2.4.2 No further consultation with any parties regarding the rural environment provisions has been undertaken since notification of the provisions.

3.0 Consideration of Submissions Received

3.1 Overview of Submissions

- 3.1.1 As stated, this topic covers submissions received on the contents of the strategic RLR – Rural Land Resource chapter, the GRUZ – General Rural Zone chapter, the RPROZ – Rural Production Zone chapter, and the RLZ – Rural Lifestyle Zone chapter, and any associated definitions, as well as provisions in the SUB – Subdivision and NOISE – Noise chapters that specifically relate to the rural zones.
- 3.1.2 There are forty-one (41) submitters and 19 further submitters across the whole 'Rural Environment' topic.
- 3.1.3 Six-hundred and four (604) original submission points, and 410 further submission points were received on the provisions relating to this broad topic.
- 3.1.4 Of the 604 original submission points, 222 submission points are in support.

3.2 Structure of this Report

3.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report under 'Key Issues' grouped into four volumes, as follows:

Volume 1 – Strategic Direction & General Matters (primarily Definitions and RLR – Rural Land Resource chapter – 95 submissions)

3.2.2 The Key Issue headings addressed in Volume 1 of this report are:

- Key Issue 1: Rural Environment Definitions
- Key Issue 2: Strategic Direction – Rural Land Resource
- Key Issue 3: Functional Need for Rural Location

Volume 2 – Rural Zones, Rural Noise, Rural Subdivision (GRUZ, RPROZ, RLZ chapter, part NOISE – Noise chapter, part SUB – Subdivision chapter – 204 submissions)

3.2.3 The Key Issue headings addressed in Volume 2 of this report are:

- Key Issue 4: Rural Production Zone Objectives & Policies
- Key Issue 5: Rural Production Zone Rules, Standards, Assessment Matters etc
- Key Issue 6: General Rural Zone Issues, Objectives & Policies
- Key Issue 7: General Rural Zone Rules, Standards, Assessment Matters etc
- Key Issue 8: Rural Lifestyle Zone
- Key Issue 9: Shading from Trees
- Key Issue 10: Noise Provisions Specific to Rural Activities
- Key Issue 11: Subdivision Provisions Specific to Rural Zones

Volume 3 – Specific Rural Activities within the Rural Zones (Artificial Crop Protection Structures, Workers & Seasonal Worker Accommodation, Intensive Primary Production, Rural Industry, Rural Airstrips – 178 submissions)

3.2.4 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 Rural Industry – Definitions, Issues, Objectives & Policies
- Key Issue 16: Provision for 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

Volume 4 – Other Specific Activities within the Rural Zones (National Grid, Camping Grounds, Community Facilities, Educational Facilities, Visitor Accommodation, Emergency Services Activities, Firefighting Water Supplies – 122 submissions)

3.2.5 The Key Issue headings addressed in Volume 3 of this report are:

- Key Issue 18: Provision for the National Grid & Gas Transmission Network in the Rural Zones
- Key Issue 19: Provision for Camping Grounds, Community Facilities, Educational Facilities & Visitor Accommodation in the Rural Zones
- Key Issue 20: Provision for Emergency Services & Firefighting Water Supply in the Rural Zones

3.2.6 This volume of the report addresses submissions and further submissions on the 'Key Issues' relevant to 'Strategic Direction & General Matters' (Volume 1). This volume addresses the overarching approach to the rural environment and feeds strongly into the recommendations in subsequent volumes of this report.

4.0 Key Issue 1 – Rural Environment Definitions

4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.004	Horticulture New Zealand	ACCESSORY BUILDING (Definition)	Support	Retain the definition of 'Accessory Building', but clarify relationship with 'Ancillary Buildings and Structures (Primary Production)'.	Accept
.					
S42.001	New Zealand Pork Industry Board	ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION) (Definition)	Amend	Provide a definition and rule structure that provides relief from the rules for buildings and structures as they might apply to mobile pig shelters. Add mobile pig shelters to the definition of 'Ancillary Buildings and Structures (Primary Production)'.	Accept in part
.					
S81.006	Horticulture New Zealand	ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION) (Definition)	Support	Retain the definition of 'Ancillary Buildings and Structures (Primary Production)'.	Accept
.					
S81.009	Horticulture New Zealand	AUDIBLE BIRD SCARING DEVICE (Definition)	Support	Retain the definition of 'Audible Bird Scaring Device'.	Accept
.					
S81.011	Horticulture New Zealand	CROP SUPPORT STRUCTURES (Definition)	Support	Retain the definition of 'Crop Support Structures'.	Accept
.					
S121.244	Federated Farmers of New Zealand	FARM QUARRY (Definition)	Support	Retain the definition of 'Farm Quarry' as proposed.	Accept
FS9.244	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.234	Federated Farmers of New Zealand	FERTILISER (Definition)	Oppose	Delete the definition of 'Fertiliser'.	Reject
FS9.234	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.013	Horticulture New Zealand	FROST FANS (Definition)	Support	Retain the definition of 'Frost Fans'.	Accept
.					
S81.014	Horticulture New Zealand	GREENHOUSE (Definition)	Support	Retain the definition of 'Greenhouse'.	Accept
.					
S121.243	Federated Farmers of New Zealand	PLANTATION FOREST / PLANTATION	Oppose	Amend the definition of 'Plantation Forest/Plantation Forestry' as follows: 'as defined in the Resource Management (National Environment	Reject

		FORESTRY (Definition)		Standards for Plantation Forestry) Regulations 2017 (as set out in the box below) means a forest deliberately established for commercial purposes, being-- a. at least 4-ha50ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. ... c. ...'	
FS9.243	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S102.005	Te Mata Mushrooms Land Company Limited	PRIMARY PRODUCTION (Definition)	Support	Retain the definition of 'Primary Production' as proposed.	Accept
.					
S81.024	Horticulture New Zealand	PRIMARY PRODUCTION (Definition)	Support	Retain the definition of 'Primary Production'.	Accept
.					
S27.003	Egg Producers Federation of New Zealand	PRIMARY PRODUCTION (Definition)	Support	Retain as proposed.	Accept
.					
S117.017	Chorus New Zealand Limited	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept
FS9.445	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.247	Federated Farmers of New Zealand	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept
FS9.247	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.025	Horticulture New Zealand	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity'.	Accept
.					
S118.017	Spark New Zealand Trading Limited	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept
.					
S119.017	Vodafone New Zealand Limited	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept
.					
S129.006	Kāinga Ora - Homes and Communities (Kainga Ora)	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as notified.	Accept
.					
S116.003	Silver Fern Farms Limited	REVERSE SENSITIVITY (Definition)	Amend	Amend the definition of 'Reverse Sensitivity' as follows: 'the potential for the operation, maintenance, upgrade, or expansion	Reject

				of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity.'	
S42.007	New Zealand Pork Industry Board	REVERSE SENSITIVITY (Definition)	Support	Retain definition as proposed.	Accept
S98.004	Hatuma Lime Co Ltd	REVERSE SENSITIVITY (Definition)	Support	Retain the definition of 'Reverse Sensitivity' as proposed.	Accept
S42.008	New Zealand Pork Industry Board	SENSITIVE ACTIVITY (Definition)	Amend	Amend the definition of 'Sensitive Activity' to cover other activities that are equally sensitive to the effects of primary production in the rural zones. Eg: - Camping grounds - Community facilities - Commercial activities - Healthcare facilities	Accept in part
FS24.001	New Zealand Motor Caravan Association		Oppose in part	I seek that part of this submission is disallowed with camping grounds removed from the definition of "sensitive activity".	Reject
FS17.147	Horticulture New Zealand		Support		Accept in part
S27.004	Egg Producers Federation of New Zealand	SENSITIVE ACTIVITY (Definition)	Amend	Amend the definition as follows: Sensitive Activities Activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals, hospitals, community facilities and commercial activities (but doesn't include post-harvest activities).	Accept in part
FS6.3	NZ Pork Industry Board		Support		Accept in part
S121.249	Federated Farmers of New Zealand	SENSITIVE ACTIVITY (Definition)	Amend	Amend the definition of 'Sensitive Activity' as follows: 'activities sensitive to nuisance effects which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupa, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.' And add a new definition specific to National Grid as follows: 'Sensitive Activities has the same meaning as the National Policy Statement for Electricity Transmission, including schools, residential buildings and hospitals.'	Accept in part

FS9.249	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS6.6	NZ Pork Industry Board		Support		Accept in part
S73.006	Ministry of Education	SENSITIVE ACTIVITY (Definition)	Support	Retain definition of 'Sensitive Activity' as proposed.	Accept in part
FS24.005	New Zealand Motor Caravan Association		Support	I seek that the whole of this submission be allowed and the definition of "sensitive activity" is retained as proposed.	Reject
S79.013	Transpower New Zealand Ltd	SENSITIVE ACTIVITY (Definition)	Amend	Amend the definition of 'Sensitive Activity' as follows: ' activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.'	Accept in part
FS23.114	Kāinga Ora - Homes and Communities		Support in part		Accept in part
FS6.4	NZ Pork Industry Board		Oppose in part		Accept in part
FS17.10	Horticulture New Zealand		Support in part		Accept in part
S81.028	Horticulture New Zealand	SENSITIVE ACTIVITY (Definition)	Amend	Amend the definition of 'Sensitive Activity' as follows: 'activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, camping grounds , rest homes, retirement villages, day care facilities, educational facilities, community facilities , health care facilities and hospitals. And include a separate definition specifically in relation to the National Grid, as follows: 'SENSITIVITY[SENSITIVE?] ACTIVITY (NATIONAL GRID) includes schools, residential buildings and hospitals.'	Accept in part
FS6.5	NZ Pork Industry Board		Support		Accept in part
FS24.004	New Zealand Motor Caravan Association		Oppose in part	I seek that part of this submission be disallowed and camping grounds is not included in the definition of "sensitive activity".	Reject
S98.005	Hatuma Lime Co Ltd	SENSITIVE ACTIVITY (Definition)	Support	Retain the definition of 'Sensitive Activity' as proposed.	Accept in part
.					

S102.007	Te Mata Mushrooms Land Company Limited	SERVICE ACTIVITY (Definition)	Support	Retain the definition of 'Service Activity' as proposed.	Accept
.					
S81.029	Horticulture New Zealand	SHELTER BELT (Definition)	Amend	Amend the definition of 'Shelterbelt' as follows: 'a continuous line of trees or a hedge that exceeds 2m in height along all or part of a property boundary which has been planted for shelter purposes.'	Accept
.					
S81.030	Horticulture New Zealand	Definitions	Amend	Add a new definition of 'Special Audible Characteristic' from the National Planning Standard, as follows: 'SPECIAL AUDIBLE CHARACTERISTIC has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics - Environmental Noise.'	Reject
.					
S81.032	Horticulture New Zealand	Definitions	Amend	Add a new definition for 'Land-Based Primary Production' as follows: 'LAND-BASED PRIMARY PRODUCTION A subset of primary production, excluding aquaculture.' Or amend all references to 'land-based primary production' throughout the Plan.	Accept
.					
S81.033	Horticulture New Zealand	Definitions	Amend	Add a new definition for 'Highly Productive Land', which should clarify the spatial scope and include LUC 1, 2 and 3.	Reject
.					
S27.001	Egg Producers Federation of New Zealand	Definitions	Amend	Include the following definition: 'Free Range Poultry Farming means the primary production of poultry for commercial purposes, where: a. All of the birds farmed have access to open air runs; and b. Permanent vegetation around ground cover exists on the land where birds are permitted to range; and c. Weatherproof buildings are provided for birds to roost. Note: It is accepted that permanent vegetation ground cover is not practical in areas of regular foot traffic.'	Reject
.					

4.1.1 This section of this report addresses 35 submissions and 16 further submissions relating to 14 of the definitions in the PDP of relevance to the rural environment. This is not all the definitions of relevance to the rural environment. Other definitions of relevance are addressed separately in other sections of this report, where they are specific to a particular issue/activity – for example, the definitions of 'Intensive Primary Production' and 'Rural Airstrip' are addressed in the relevant key issues contained in Volume 3 (Rural Activities) of this report.

4.2 Matters Raised by Submitters

Definitions as Proposed

4.2.1 A number of submissions support retention of definitions as proposed, being:

- ACCESSORY BUILDING (Hort NZ, S81.004)
- AUDIBLE BIRD SCARING DEVICE (Hort NZ, S81.009)
- CROP SUPPORT STRUCTURES (Hort NZ, S81.011)
- FARM QUARRY (Federated Farmers, S121.244)
- FROST FANS (Hort NZ, S81.013)
- GREENHOUSE (Hort NZ, S81.014)
- PRIMARY PRODUCTION (Te Mata Mushrooms, S102.005; Hort NZ, S81.024; Egg Producers, S27.003)
- SERVICE ACTIVITY (Te Mata Mushrooms, S102.007)

4.2.2 Forest & Bird (FS9.244) oppose all submissions from Federated Farmers, including their submission above in support of the definition of ‘Farm Quarry’.

‘Accessory Building’ & ‘Ancillary Buildings and Structures (Primary Production)’

4.2.3 While supporting retention of the definitions of ‘Accessory Building’ and ‘Ancillary Buildings and Structures (Primary Production)’, Hort NZ (S81.004 & S81.006) seeks clarification of the relationship between these two definitions. They consider it should be clear whether buildings are ‘accessory’ or ‘ancillary’.

4.2.4 The Pork Industry Board (S42.001) also made a submission with respect to the definition of ‘Ancillary Buildings and Structures (Primary Production)’, seeking that a definition and rule structure be provided that provides relief from the rules for buildings and structures as they might apply to mobile pig shelters, and to add mobile pig shelters to the definition. The reason given is that *‘Mobile Pig Shelters (being partially or fully roofed) would fall within the definition of building and structure. The plan should provide relief from the rules for buildings and structures as they might apply to mobile pig shelters’*.

‘Fertiliser’

4.2.5 Federated Farmers (S121.234) seeks deletion of the definition for ‘Fertiliser’ on the basis that *‘A word search of the District Plan shows that fertiliser is used in the text only once, in the explanation of GRUZ-12. This definition appears redundant because the term is not used in the Plan’*.

‘Plantation Forest/Plantation Forestry’

4.2.6 Federated Farmers (S121.243) seeks amendment to the definition of ‘Plantation Forest/Plantation Forestry’ to increase the threshold for continuous forest cover from 1ha to 50ha, as follows:

<p>PLANTATION FOREST / PLANTATION FORESTRY</p>	<p>as defined in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 (as set out in the box below)</p> <p>means a forest deliberately established for commercial purposes, being—</p> <ol style="list-style-type: none"> a. at least 1 ha50 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. includes all associated forestry infrastructure; but c. does not include— <ol style="list-style-type: none"> i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or ii. forest species in urban areas; or iii. nurseries and seed orchards; or iv. trees grown for fruit or nuts; or v. long-term ecological restoration planting of forest species; or vi. willows and poplars space planted for soil conservation purposes.
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4.2.7 Federated Farmers recognises this definition from the National Environmental Standards for Plantation Forestry, but states:

'...the 1ha minimum will mean that farm forestry is inappropriately captured when it is only part of an existing farm. This will lead to farm forestry becoming restricted by CE-P2 for the Coastal Environment and viewed as an activity that is incompatible with the landscape values. Farm forestry is distinct from large scale forestry where whole properties are forested.

There is no purpose for farm forestry to be so restricted in ordinary Rural Zoned land, and farm forestry should be recognised as consistent with the amenity of the rural zones.

Support is given for shelterbelts and soil conservation planting being excluded from the definition of plantation forestry.'

'Reverse Sensitivity'

- 4.2.8 The Pork Industry Board (S42.007), Hort NZ (S81.025), Hatuma Lime (S98.004), Chorus (S117.017), Spark (S118.017), Vodafone (S119.017), Federated Farmers (S121.247) and Kāinga Ora (S129.006), all support retention of the definition of 'Reverse Sensitivity' as proposed.
- 4.2.9 Forest & Bird (FS9.445, FS9.247) oppose all the submissions of Federated Farmers and Chorus 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'*.
- 4.2.10 Silver Fern Farms (S116.003) seeks an amendment to the definition as follows:

REVERSE SENSITIVITY	the potential for the operation, maintenance, upgrade, or expansion of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity.
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- 4.2.11 The reasons given for the relief sought are as follows:

'Silver Fern Farms invests in the maintenance, upgrade and expansion of its facilities, with resultant environmental improvements. Reverse sensitivity issues have the potential to constrain Silver Fern Farms from undertaken such actions. As such, Silver Fern Farms seeks to ensure that this definition recognises that the adverse effects of reverse sensitivity issues extend beyond only the "operation" of activities.'

'Sensitive Activity' / 'Sensitive Activity (National Grid)'

- 4.2.12 The Ministry of Education (S73.006), supported by the Motor Caravan Assoc (FS24.005), and Hatuma Lime (S98.005), seek to retain the definition of 'Sensitive Activity' as proposed. The Ministry states that the definition *'provides protection to the appropriate parts of Educational Facilities'*.
- 4.2.13 The Pork Industry Board (S42.008), further supported by Hort NZ (FS17.147), opposes *'the narrow definition of sensitive activity which does not cover other activities some of which are proposed to be permitted in the RPROZ and GRUZ'*, and seeks to amend the definition of 'Sensitive Activity' to cover other activities that they consider are equally sensitive to the effects of primary production in the rural zones e.g. camping grounds, community facilities, commercial activities, and healthcare facilities.
- 4.2.14 The Egg Producers Federation (S27.004), supported by the Pork Industry Board (FS6.3), support the definition, however considers there are activities in the RPROZ that should be captured by Standard RPROZ-S12 (setback from existing intensive primary production activities), and seeks to amend the definition as follows:

SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals, hospitals, community facilities and commercial activities (but doesn't include post-harvest activities) .
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- 4.2.15 Hort NZ (S81.028), supported by the Pork Industry Board (FS6.5), also seeks to amend the definition to cover a broader range of sensitive activities, and to add a separate definition in relation to the National Grid, as follows:

SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, camping grounds , rest homes, retirement villages, day care facilities, educational facilities, health care facilities and hospitals.
<u>SENSITIVE ACTIVITY (NATIONAL GRID)</u>	<u>includes schools, residential buildings and hospitals.</u>

4.2.16 They state that 'The term 'sensitive activity' is used across a number of chapters in the Proposed Plan – one of its applications is in regard to the National Grid (e.g. in NU- Network Utilities)' and note that 'The NPSET – applicable to electricity transmission (on the national grid) – includes a definition of sensitive activities. We propose that this is included specifically for the national grid to ensure that there is not conflict'.

4.2.17 Federated Farmers (S121.249), supported by the Pork Industry Board (FS6.6), state that 'It appears the definition of sensitive activities in the District Plan is doing double-duty: one aspect is to manage nuisance effects like noise and dust; and the other is to meet the requirements of the National Policy Statement for Electricity Transmission' and seeks that the definition be separated accordingly. They seek to amend the definition or to add a new definition specific to the National Grid, as follows:

SENSITIVE ACTIVITY	activities sensitive to nuisance effects which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.
<u>SENSITIVE ACTIVITY (NATIONAL GRID)</u>	<u>Sensitive Activities has the same meaning as the National Policy Statement for Electricity Transmission, including schools, residential buildings and hospitals.</u>

4.2.18 Forest & Bird (FS9.249) opposes all Federated Farmers submissions 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'.

4.2.19 Transpower (S79.013) similarly seeks to amend the definition, as 'the term used in the PDP is wider than that typically sought and applied to the National Grid in respect of reverse sensitivity effects and would inappropriately capture activities beyond those that should be managed near the National Grid. As such, Transpower would support an amendment to the definition to make it clear what activities are included. In particular, Transpower considers that tightening the definition would enable better effect to be given to the rules specific to third party activities within the National Grid Yard'. They propose the following amendment³:

SENSITIVE ACTIVITY	<u>activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes</u> residential activities, marae, urupā, visitor accommodation, rest homes, retirement villages, day care facilities, educational facilities and hospitals.
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4.2.20 They also offer, as an alternative, that they would support a definition of sensitive activity specific to the National Grid.

4.2.21 Kāinga Ora (FS23.114) supports Transpower's proposed amendment, to the extent it is consistent with its primary submission. The Pork Industry Board (FS6.4) supports the alternative relief sought by Transpower for a definition that is specific to the National Grid and that does not conflict with the intent of defining activities sensitive to the effects of primary production. Hort NZ (FS17.10) supports Transpower's submission in part, as they seek changes to the definition of sensitive activity and also a separate definition for sensitive activities in the National Grid Yard to be consistent with the NPSET.

4.2.22 The Motor Caravan Assoc (FS24.001, FS24.004) opposes the submissions of the Pork Industry Board and Hort NZ as they look to capture camping grounds as an example of a sensitive activity that should be covered by the definition. The Association considers that:

³ Note: the relief sought in relation to the definition of 'sensitive activity' by Transpower has been altered, as it is assumed that Transpower did not intend to seek deletion of the word 'residential' from the definition.

'Camping grounds do not form part of sensitive activity and should be retained as such in the district plan. It is an activity that is temporary and transitional in nature and is not affected by some of the effects outlined in the definition of sensitive activity in the CHB proposed district plan.'

Many NZMCA campground parks are located in rural areas either or adjacent to rural zones. The NZMCA's experience has been that camping is generally very compatible with rural production and especially with pastoral farming and horticulture.

The on-site and off-site effects generated by the pork industry are often more significant than those arising from pastoral agriculture and horticulture. It is unreasonable to expect possible adjacent land uses to be compromised through more stringent regulatory processes simply to allow the pork industry freer licence to generate these adverse effects.'

'Shelterbelt'

4.2.23 Hort NZ (S81.029) seeks to remove the hedge height threshold in the definition of 'Shelter Belt', as follows:

SHELTER BELT	a continuous line of trees or a hedge that exceeds 2m in height along all or part of a property boundary which has been planted for shelter purposes.
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4.2.24 The reasons given for the relief sought are:

'ECO-R1 provides for as a permitted activity, trimming or clearance of indigenous vegetation within any planted shelterbelts; the 2m threshold would mean that a shelterbelt of a lesser height (which could include a shelterbelt in establishment at not yet at full height) from being a permitted activity.'

'Free Range Poultry Farming'

4.2.25 The Egg Producers Federation (S27.001) seeks inclusion of a new definition for 'Free Range Poultry Farming' as follows:

FREE RANGE POULTRY FARMING	means the primary production of poultry for commercial purposes, where: <ol style="list-style-type: none"> All of the birds farmed have access to open air runs; and Permanent vegetation around ground cover exists on the land where birds are permitted to range; and Weatherproof buildings are provided for birds to roost. Note: It is accepted that permanent vegetation ground cover is not practical in areas of regular foot traffic.'
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4.2.26 They consider that *'it would be beneficial to include free-range poultry farming defined under the plan to ensure clarity between free-range poultry farming and other production activities'*.

'Highly Productive Land'

4.2.27 Hort NZ (S81.033) seeks inclusion of a definition of 'Highly Productive Land' which should clarify the spatial scope and include LUC 1, 2 and 3. They note *'this term is used throughout the policy framework (which HortNZ supports), however greater clarity could be provided by defining the term'*.

'Land-based Primary Production'

4.2.28 Hort NZ (S81.032) seeks inclusion of a definition for 'Land-based Primary Production' as follows:

<u>LAND-BASED PRIMARY PRODUCTION</u>	<u>a subset of primary production, excluding aquaculture.</u>
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4.2.29 Alternatively, they seek that all references to 'land-based' should be removed throughout the Plan when referring to primary production.

4.2.30 They provide the following reasons for their submission:

'We understand the term 'land-based primary production' to mean those primary production activities, excluding aquaculture (which does not occur on land). However this is not clearly defined, despite being used in multiple places in the Plan, including:

- RLR and EW introductions
- Issues, objectives, policies and in a PER activity condition in the GRUZ and RPROZ zones.

This definition should include the full range of horticultural systems.'

'Special Audible Characteristic'

4.2.31 Hort NZ (S81.030) seeks inclusion of a definition for 'Special Audible Characteristic' as follows:

SPECIAL AUDIBLE CHARACTERISTIC	has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics - Environmental Noise.
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4.2.32 They consider *'The National Planning Standard has a definition for special audible characteristics which is relevant when assessing sound from frost fans. It would be appropriate that the definition is included in the Plan'*.

4.3 Analysis

Definitions as Proposed

4.3.1 Submissions seek retention of the following definitions:

- ACCESSORY BUILDING
- AUDIBLE BIRD SCARING DEVICE
- CROP SUPPORT STRUCTURES
- FARM QUARRY
- FROST FANS
- GREENHOUSE
- PRIMARY PRODUCTION
- SERVICE ACTIVITY

4.3.2 There are no other submissions relating to the above, apart from the further submission of Forest & Bird in respect of the definition of 'Farm Quarry' which arguably has no relevance to a submission in support in this instance. Therefore, no further analysis is considered necessary with respect to these definitions.

'Ancillary Buildings and Structures (Primary Production)'

4.3.3 The definitions of 'Accessory Building' and 'Ancillary Buildings and Structures (Primary Production)' in the PDP, are as follows:

ACCESSORY BUILDING	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)	means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.

4.3.4 In terms of the relationship between these two definitions, 'ancillary buildings and structures' are specifically related to the rules providing for primary production activities in the rural and settlement zones, being Rule LLRZ-R9, Rule GRUZ-R3, Rule RLZ-R2, RPROZ-R3 and SETZ-R11. 'Accessory building' is a term used more broadly in the PDP, and is not specific to a particular activity. In that sense, buildings ancillary to primary production activities are also 'accessory buildings', but 'accessory buildings' are not always ancillary to primary production.

4.3.5 In terms of mobile pig shelters (I note the examples of such shelters provided by the Pork Industry Board in section 2.2 of their full submission), these would clearly be buildings and structures ancillary to primary production, and therefore provided for as a Permitted Activity in the zone rules identified in the preceding paragraph. In that sense, I am comfortable incorporating reference to 'mobile pig shelters' in the definition to provide greater certainty, as follows:

ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)	means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, <u>mobile pig shelters</u> , barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.
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'Fertiliser'

4.3.6 As the term 'fertiliser' is used in the PDP more than once (in the definitions for 'agricultural aviation movements' and 'dust', as well as in the explanation of GRUZ-12), I consider it is appropriate to retain the definition in the PDP as proposed. Unless the submitter wishes to expand on a specific issue with the content of the definition itself, I do not support its deletion.

'Plantation Forest/Plantation Forestry'

4.3.7 The definition of 'Plantation Forest/Plantation Forestry' in the PDP is taken directly from the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017. The definition states that it relates to 'a forest deliberately established for commercial purposes' and, in that sense, I do not support altering the definition as requested to increase the threshold for continuous forest cover from 1ha to 50ha to avoid capturing farm forestry – whether plantation forestry is carried out by a forestry company or by a farm owner is immaterial, in my view. Altering the definition would also render it out-of-step with the NES. For these reasons, I do not agree with the amendment sought.

'Reverse Sensitivity'

4.3.8 The purpose of incorporating the concept of 'reverse sensitivity' in the PDP is to acknowledge existing lawfully established activities (particularly in the rural environment) have a legitimate expectation to be able to continue operating without being curtailed by newly established activities which may be sensitive to the existing operation. This concept is supported by the various submitters.

4.3.9 The amendment sought by Silver Fern Farms to the definition of 'Reverse Sensitivity', however, would expand the application of the concept of 'reverse sensitivity' beyond the initial existing activity. In my view, where a future upgrade or expansion triggers resource consent, then the RMA anticipates enabling other parties to participate in that process where they are deemed affected. The amendment sought would take away the ability of those parties to have any additional/new adverse effects addressed in respect of any future intensification of activities on the site concerned as a result of an upgrade or expansion. Therefore, I do not agree with amending the definition as sought.

'Sensitive Activity' (amend) / 'Sensitive Activity (National Grid)' (new)

4.3.10 I concur with some of the submitters that the term 'Sensitive Activity' is used across a number of chapters in the PDP, and that the definition is doing double-duty: to manage nuisance effects like noise and dust, as well as to meet the requirements of the National Policy Statement for Electricity Transmission. I agree that the definition should be separated, and that the definition in the NPSET should be included specifically in relation to the national grid, to ensure that there is not conflict, and recommend including the following additional definition:

<u>SENSITIVE ACTIVITY (NATIONAL GRID)</u>	<u>has the same meaning as in clause 3 of the National Policy Statement for Electricity Transmission (2008) (as set out in the box below)</u> <u>includes schools, residential buildings and hospitals.</u>
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4.3.11 A number of submitters consider the definition of 'Sensitive Activity' is too narrow, and that it should be expanded to cover other activities that they consider are equally sensitive to the effects of intensive primary production in the rural zones e.g. camping grounds, community facilities, commercial activities (but not post-harvest activities), and health care facilities.

4.3.12 The term 'Sensitive Activity' in this sense, relates most closely to application of setbacks from existing intensive primary production activities⁴ (Standard PKH-S8, Standard GRUZ-S11, Standard RPROZ-S12, Standard RLZ-S6) which all require a minimum 200m setback of buildings for sensitive activities 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.

4.3.13 In that sense, I agree that new community facilities and health care facilities are equally sensitive to the effects of intensive primary production (or industrial activities, hazardous substances etc), and these are

4 Note: the term 'sensitive activity/activities' is also used in a similar context in a number of other chapters in the PDP, including the RE – Renewable Energy, HAZS – Hazardous Substances, SUB – Subdivision, EW – Earthworks, COMZ – Commercial Zone, and GIZ – General Industrial Zone chapters.

provided for to a limited extent as a Permitted Activity in some circumstances (subject to compliance with standards).

- 4.3.14 Camping grounds are places where people sleep, eat, and play, although on a more short-term/transitory basis than other more permanent activities of a residential nature such as residential activities and visitor accommodation. In my view, they are sensitive to nuisance effects, as tents and campervans (and the like) are less able to effectively shut out such effects. In any case, establishment of new camping grounds generally triggers the need for a resource consent across the various zones in the PDP, as either a Restricted Discretionary or Discretionary Activity (e.g. Rule GRUZ-R11 and RPROZ-R11). Given this, reverse sensitivity is likely to be considered as part of assessing those applications where they may be located in close proximity to intensive primary production activities or industrial activities etc. Given this, I consider that camping grounds are appropriate to include in the definition of 'sensitive activity'.
- 4.3.15 On the basis of the above, I recommend amending the definition of 'Sensitive Activity' in the PDP, as follows:

SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, camping grounds , rest homes, retirement villages, day care facilities, educational facilities, community facilities, health care facilities and hospitals.
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'Shelter Belt'

- 4.3.16 I concur with the submitter that the hedge height threshold in the definition of 'Shelter Belt' creates an unintended scenario whereby a newly planted shelter belt would not be deemed to be a 'shelter belt' until such time as it reaches a height of 2m. I consider the remainder of the definition appropriately captures what is intended, in that a) it relates to a continuous line of trees/hedge; b) is planted along all or part of a property boundary; and c) has been planted for shelter purposes.
- 4.3.17 On the basis of the above, I recommend the definition be amended as follows:

SHELTER BELT	a continuous line of trees or a hedge that exceeds 2m in height along all or part of a property boundary which has been planted for shelter purposes.
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'Free Range Poultry Farming'

- 4.3.18 In my view, free range poultry farming clearly falls within the definition of 'Primary Production'. 'Primary production activities (including ancillary buildings and structures, except for post-harvest facilities, mining and quarrying' are provided for as a Permitted Activity in the rural zones (Rule GRUZ-R3, Rule RPROZ-R3, and Rule RLZ-R2) and in the rural and coastal settlement zones (Rule LLRZ-R9 and Rule SETZ-R11).
- 4.3.19 I consider 'ancillary buildings and structures' in this context would include 'open air runs' and 'weatherproof buildings for roosting'. Therefore, I do not consider separate provision is required and recommend rejecting the Egg Producers Federation submission seeking inclusion of a definition for 'Free Range Poultry Farming', accordingly.

'Highly Productive Land'

- 4.3.20 Highly productive land is used throughout the PDP, with a view to responding to the development of a Proposed National Policy Statement for Highly Productive Land (public submissions closed October 2019, with final decisions anticipated to be made by ministers and cabinet in the first half of 2022⁵).
- 4.3.21 Previously, there was a definition of 'versatile land of Central Hawke's Bay' included in the Draft District Plan (below), loosely based on a similar definition for 'versatile land' contained in the Hastings District Plan, which was in turn taken from the Hawke's Bay Regional Resource Management Plan (incorporating the Regional Policy Statement).

⁵ next steps outlined on the Ministry for Primary Industries website (Update – 12 October 2021).

VERSATILE LAND OF CENTRAL HAWKE’S BAY	<p>contiguous, flat to undulating terrain within the <u>District</u> that collectively supports regionally (and nationally) significant primary production and associated secondary services, based on:</p> <ul style="list-style-type: none"> • an exceptionally high proportion of Class 1-3 soils (which comprise almost 25% of the <u>District</u>) • Class 7 soils that are recognised as having very high value for viticultural production (which comprise almost 2%) • its proximity to a cluster of national and international processing industries and associated qualified labour force within the Hawke Bay Region • its proximity to the Port of Napier and other regionally strategic transport networks providing efficient transport of produce.
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4.3.22 For the PDP, the decision was made to remove the definition, on the basis that the land deemed ‘versatile’ (now referred to as ‘highly productive land’) has been effectively contained within its own purpose-built spatial layer (being the RPROZ – Rural Production Zone). The essence of the definition from the Draft Plan now forms part of the description for that zone in the PDP. The Introduction to the RPROZ – Rural Production Zone chapter in the PDP includes the following text:

RPROZ – Rural Production Zone

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 Ōtane.

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.

4.3.23 I consider the above text provides sufficient clarity around what is deemed ‘highly productive land’ in respect of the PDP, and I do not consider there is any benefit in also inserting a definition for ‘Highly Productive Land’. Having a specific definition suggests that the provisions of the Rural Production Zone are only intended to apply to pieces of land which individually meet the definition, which is not the case. The protections applied by the Rural Production Zone apply to the resource as a whole, including pieces within it that may not, of themselves, meet that definition.

‘Land-based Primary Production’

4.3.24 The term ‘Primary Production’ is subject to a mandatory definition contained in the National Planning Standards, and is defined as including ‘any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities’.

4.3.25 As ‘aquaculture activities’ is a term defined in section 2 of the RMA as involving the occupation of coastal marine area, the provisions in the PDP intentionally refer in places only to ‘land-based’ primary production, as a subset of ‘primary production’.

4.3.26 Accordingly, given the term ‘land-based primary production’ is used in the PDP, I agree that it would assist plan users to include a definition for this, as follows:

<u>LAND-BASED PRIMARY PRODUCTION</u>	<u>a subset of Primary Production, excluding aquaculture activities.</u>
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‘Special Audible Characteristic’ (new)

4.3.27 Whilst it is accepted there is a definition for special audible characteristics in the National Planning Standards, the term itself is not used anywhere in the PDP (and there are no submissions seeking such). Therefore, I do not consider that the definition should be added.

4.4 Recommendations

4.4.1 For the reasons outlined above, I recommend that the above definitions are retained, but that the definitions of ‘Ancillary Buildings and Structures (Primary Production)’, ‘Sensitive Activity’ and ‘Shelter Belt’ be amended, and new definitions be added for ‘Land-based Primary Production’ and ‘Sensitive Activity (National Grid)’ (as outlined in Recommended Amendments below).

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

- Hort NZ, S81.004, S81.006, S81.009, S81.011, S81.013, S81.014, S81.024, S81.025, S81.029, S81.032
- Federated Farmers, S121.244, S121.247
- Te Mata Mushrooms, S102.005, S102.007
- Egg Producers Federation, S27.003
- Chorus, S117.017
- Spark, S118.017
- Vodafone, S119.017
- Kāinga Ora, S129.006
- Pork Industry Board, S42.007
- Hatuma Lime, S98.004

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

- Pork Industry Board, S42.001, S42.008
- Egg Producers Federation, S27.004
- Federated Farmers, S121.249
- Ministry of Education, S73.006
- Transpower, S79.013
- Hort NZ, S81.028
- Hatuma Lime, S98.005

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

- Federated Farmers, S121.234, S121.243
- Silver Fern Farms, S116.003
- Hort NZ, S81.030, S81.033
- Egg Producers Federation, S27.001

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:

ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)	means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, mobile pig shelters , barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.
SENSITIVE ACTIVITY	activities which are sensitive to noise, dust, the use and storage of hazardous substances, spray residue, odour or visual effects of nearby activities. Includes residential activities, marae, urupā, visitor accommodation, camping grounds , rest homes, retirement villages, day care facilities, educational facilities, community facilities , health care facilities and hospitals.
SHELTER BELT	a continuous line of trees or a hedge that exceeds 2m in height along all or part of a property boundary which has been planted for shelter purposes.

And add the following new definitions:

<p><u>SENSITIVE ACTIVITY (NATIONAL GRID)</u></p>	<p><u>has the same meaning as in clause 3 of the National Policy Statement for Electricity Transmission (2008) (as set out in the box below)</u></p> <div data-bbox="704 323 1393 365" style="border: 1px solid black; padding: 2px;"> <p><u>includes schools, residential buildings and hospitals.</u></p> </div>
<p><u>LAND-BASED PRIMARY PRODUCTION</u></p>	<p><u>a subset of Primary Production, excluding aquaculture activities.</u></p>

4.6 Section 32AA Evaluation

- 4.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the direction in the Proposed District Plan as notified. They are considered minor, and will improve clarity without changing the policy approach, therefore S32AA re-evaluation is not warranted.

5.0 Key Issue 2 – Strategic Direction, Rural Land Resource

5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S50.029	The Surveying Company (HB) Ltd	[General]	Support	Retain general direction of the PDP to protect the District's highly productive soils. Retain the three distinct rural zones. Retain the provisions of the new Rural Lifestyle Zone.	Accept in part
.					
S11.001	Hawke's Bay Regional Council	RLR - Rural Land Resource	Support	No changes	Accept in part
.					
S81.001	Horticulture New Zealand	RLR - Rural Land Resource	Support	Retain 'RLR - Rural Land Resource' chapter, subject to submissions on specific provisions in this chapter.	Accept in part
FS8.057	Silver Fern Farms Limited		Support		Accept in part
S121.001	Federated Farmers of New Zealand	RLR-I1	Support	Retain RLR-I1 as proposed.	Accept in part
FS9.1	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.034	Horticulture New Zealand	RLR-I1	Amend	Amend the third paragraph of the explanation in RLR-I1 as follows: 'Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through: 1. 5. Reverse sensitivity can lead to constraints on established rural production operations.'	Accept in part
FS8.020	Silver Fern Farms Limited		Support		Accept in part
S102.011	Te Mata Mushrooms Land Company Limited	RLR-I1	Support	Retain RLR-I1 as proposed.	Accept in part
.					
S98.006	Hatuma Lime Co Ltd	RLR-I1	Support	Retain RLR-I1 as proposed.	Accept in part
.					
S121.002	Federated Farmers of New Zealand	RLR-O1	Support	Retain RLR-O1 as proposed.	Accept
FS9.2	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S116.005	Silver Fern Farms Limited	RLR-O1	Support	Retain RLR-O1.	Accept
.					
S81.035	Horticulture New Zealand	RLR-O1	Support	Retain RLR-O1.	Accept
.					

S102.012	Te Mata Mushrooms Land Company Limited	RLR-O1	Support	Retain RLR-O1, and/or amend if a 'Future Development Area' overlay for land near Takapau is adopted.	Accept (insofar as objective is retained)
FS8.003	Silver Fern Farms Limited		Oppose		Accept (insofar as objective is retained)
S121.003	Federated Farmers of New Zealand	RLR-O2	Support	Retain RLR-O2 as proposed.	Accept in part
FS9.3	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S116.006	Silver Fern Farms Limited	RLR-O2	Amend	Amend RLR-O2 as follows: 'The primary production role and associated amenity of the District's rural land resource is retained, and is protected from not compromised by inappropriate subdivision, use and development.'	Accept
.					
S98.007	Hatuma Lime Co Ltd	RLR-O2	Amend	Amend RLR-O2 as follows: 'The primary production role, lawfully established activities (such as quarries) and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.'	Reject
.					
S42.012	New Zealand Pork Industry Board	RLR-O2	Amend	Amend RLR-O2 as follows: 'The primary production role and associated amenity of the District's rural land resource environment is retained, and is not compromised by inappropriate subdivision, use and development.'	Reject
.					
S81.036	Horticulture New Zealand	RLR-O2	Support	Retain RLR-O2.	Accept in part
.					
S121.004	Federated Farmers of New Zealand	RLR-O3	Support	Retain RLR-O3 as proposed.	Accept
FS9.4	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S102.014	Te Mata Mushrooms Land Company Limited	RLR-O3	Support	Retain RLR-O3 as proposed.	Accept
.					
S116.007	Silver Fern Farms Limited	RLR-O3	Support	Retain RLR-O3.	Accept
.					
S98.008	Hatuma Lime Co Ltd	RLR-O3	Support	Retain RLR-O3 as proposed.	Accept
.					
S81.037	Horticulture New Zealand	RLR-O3	Support	Retain RLR-O3.	Accept
.					
S121.005	Federated Farmers of New Zealand	RLR-O4	Support	Retain RLR-O4 as proposed.	Accept
FS9.5	Royal Forest and Bird Protection Society of		Oppose		Reject

	New Zealand Incorporated				
S102.015	Te Mata Mushrooms Land Company Limited	RLR-O4	Support	Retain RLR-O4 as proposed.	Accept
.					
S98.009	Hatuma Lime Co Ltd	RLR-O4	Support	Retain RLR-O4 as proposed.	Accept
.					
S81.038	Horticulture New Zealand	RLR-O4	Support	Retain RLR-O4.	Accept
.					
S121.006	Federated Farmers of New Zealand	RLR-P1	Support	Retain RLR-P1 as proposed.	Accept
FS9.6	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S102.016	Te Mata Mushrooms Land Company Limited	RLR-P1	Support	Retain RLR-P1 as proposed.	Accept
.					
S116.009	Silver Fern Farms Limited	RLR-P1	Support	Retain RLR-P1.	Accept
.					
S81.039	Horticulture New Zealand	RLR-P1	Support	Retain RLR-P1.	Accept
.					
S121.007	Federated Farmers of New Zealand	RLR-P2	Support	Retain RLR-P2 as proposed.	Accept in part
FS9.7	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.040	Horticulture New Zealand	RLR-P2	Support	Retain RLR-P2, subject to retention of UFD-O2 as well, otherwise amend RLR-P2 to include reference to planned development as well.	Accept in part (insofar as RLR-P2 is retained and UFD-O2 is recommended to be retained...refer para 8.3.6 of Urban Report, amending UFD-O2)
FS8.022	Silver Fern Farms Limited		Support in part	Subject to retention of the amendments recommended by Silver Fern Farms' submission point S116.010.	Accept
S116.010	Silver Fern Farms Limited	RLR-P2	Amend	Amend RLR-P2 as follows: 'To avoid unplanned urban expansion onto the District's highly productive land in the Rural Production Zone where other feasible options exist.'	Accept
.					
S102.017	Te Mata Mushrooms Land Company Limited	RLR-P2	Support	Retain RLR-P2 and/or amend if a 'Future Development Area' overlay for land near Takapau is adopted.	Accept (insofar as policy is retained)
FS8.004	Silver Fern Farms Limited		Oppose		Accept (insofar as policy is retained)
S121.008	Federated Farmers of New Zealand	RLR-P3	Support	Retain RLR-P3 as proposed.	Accept in part
FS9.8	Royal Forest and Bird Protection Society of		Oppose		Reject

	New Zealand Incorporated				
S102.018	Te Mata Mushrooms Land Company Limited	RLR-P3	Support	Retain RLR-P3 as proposed.	Accept in part
.					
S116.011	Silver Fern Farms Limited	RLR-P3	Amend	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's rural land resource by through limiting lifestyle site subdivision in the General Rural Zone , and, particularly in the Rural Production Zone, and directing lifestyle site subdivision to locate primarily in the Rural Living Zone. '	Accept in part
.					
S81.041	Horticulture New Zealand	RLR-P3	Amend	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's rural land resource through limiting restricting lifestyle subdivision, particularly in the Rural Production Zone.'	Reject
.					
S105.003	James Bridge	RLR-P3	Oppose	Amend RLR-P3 as follows: 'To limit the amount of further fragmentation of the District's highly productive rural land resource through limiting lifestyle subdivision, particularly within the Rural Production Zone.'	Reject
.					
S121.009	Federated Farmers of New Zealand	RLR-P4	Support	Retain RLR-P4 as proposed.	Accept in part
FS9.9	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S79.016	Transpower New Zealand Ltd	RLR-P4	Amend	Amend RLR-P4 as follows: 'To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not unduly compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone, recognising that some non-primary production activities are more appropriately located within a rural location. '	Accept in part
FS17.16	Horticulture New Zealand		Support in part	Amend RLR-P4 as sought by HortNZ.	Accept in part
S81.042	Horticulture New Zealand	RLR-P4	Oppose	Amend RLR-P4 as follows: '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. To manage non-primary production activities that have an operational or functional need to locate in a rural location, provided they do not compromise primary production and the associated rural character. '	Accept in part
.					
S102.019	Te Mata Mushrooms Land Company Limited	RLR-P4	Amend	Amend RLR-P4 as follows: 'To provide for a wide range of activities to establish in the General Rural Zone and Rural Zone Production[Rural Production Zone?] , which complement the resources of the rural area, provided that they do not	Reject

				compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone.'	
FS8.005	Silver Fern Farms Limited		Oppose		Accept in part
S105.004	James Bridge	RLR-P4	Oppose	Amend RLR-P4 as follows: '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 highly productive rural land resource, particularly within the Rural Production Zone.'	Reject
FS17.17	Horticulture New Zealand		Oppose		Accept
S57.013	Fire and Emergency New Zealand	RLR-P4	Support	Retain RLR-P4 as notified.	Accept in part
.					
S116.012	Silver Fern Farms Limited	RLR-P4	Support	Retain RLR-P4.	Accept in part
.					
S121.010	Federated Farmers of New Zealand	RLR-P5	Support	Retain RLR-P5 as proposed.	Accept
FS9.10	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S98.010	Hatuma Lime Co Ltd	RLR-P5	Amend	Amend RLR-P5 as follows: 'To enable primary production and related activities to operate in rural areas provided in the General Rural Zone and Rural Zone Production[Rural Production Zone?] in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.'	Reject
.					
S42.013	New Zealand Pork Industry Board	RLR-P5	Support	Retain RLR-P5 as proposed	Accept
.					
S81.043	Horticulture New Zealand	RLR-P5	Support	Retain RLR-P5.	Accept
.					
S102.020	Te Mata Mushrooms Land Company Limited	RLR-P5	Amend	Amend RLR-P5 as follows: 'To enable primary production and related activities to operate in rural areas provided in the General Rural Zone and Rural Zone Production[Rural Production Zone?] in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.'	Reject
.					
S120.010	Heretaunga Tamatea Settlement Trust	RLR-PXX (new policy)	Amend	Add a new policy in the 'RLR - Rural Land Resource' chapter in the Proposed Plan as follows: 'Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.'	Reject

FS1.1	Tukituki Water Security Project		Support		Reject
FS8.021	Silver Fern Farms Limited		Support		Reject
FS29.1	Water Holdings Hawke's Bay		Support		Reject
S81.044	Horticulture New Zealand	RLR - Principal Reasons	Amend	Amend paragraph 2 of 'RLR - Principal Reasons' as follows: '... The Plan aims to prevent large numbers of small holdings for non-primary productive purposes in the rural environment.'	Reject
S81.045	Horticulture New Zealand	RLR-AER4	Oppose	Amend RLR-AER4 as follows: 'A diversity of activity in the rural area Activities in the rural area are primary production and related activities. '	Accept in part
FS8.023	Silver Fern Farms Limited		Support	Allow in part, as follows: 'A diversity of activity in the rural area Activities in the rural area are primary production and related activities (such as rural industry) '	Reject
S42.016	New Zealand Pork Industry Board	RLR-AER4	Support	Retain RLR-AER4 as proposed.	Reject

- 5.1.1 In summary, these 54 submissions and 22 further submissions relate to the RLR – Rural Land Resource chapter contained within the Strategic Direction section of the PDP, which sets out the strategic direction for sustainable management of the rural land resource of Central Hawke's Bay, in particular, the recognition of the District's significant concentration of highly productive land.
- 5.1.2 This is not all the submissions relating to this chapter. Other submissions relating to provisions in this chapter are addressed in other sections of this report, where they are specific to a particular issue/activity – for example, submissions seeking inclusion of specific references to 'rural industry', and submissions addressing lifestyle site subdivision provisions, are addressed in the relevant key issues contained in Volumes 2 and 3 of this report.

5.2 Matters Raised by Submitters

General Strategic Direction

- 5.2.1 The Surveying Co (S50.029) support the direction, underlying principles, methods and issues that the PDP is based upon, and make the following statement – *'We support the preservation of the District's highly productive soils and the move towards minimising ad hoc subdivision and development that detrimentally affects the productive capacity of the soils in this district. We generally support the retention of the zone boundaries and the provision of the new Rural Lifestyle Zone. We believe that the Plan is a strong step forward for Central Hawke's Bay and will better manage the growth for the present and future generations'*.
- 5.2.2 In particular, the Surveying Co support the protection of the District's highly productive soils, and the creation of the three distinct rural zones and consider this is a good way of ensuring productive land is maintained and enhanced.
- 5.2.3 Both HBRC (S11.001) and Hort NZ (S81.001), further supported by Silver Fern Farms (FS8.057), all support retention of the RLR – Rural Land Resource chapter in the PDP. Hort NZ and Silver Fern Farms' support for the chapter is subject to their submissions on the specific provisions contained within the chapter.

Issues

- 5.2.4 Federated Farmers (S121.001), Te Mata Mushrooms (S102.011), and Hatuma Lime (S98.006) support retention of Issue RLR-11 as a strategic direction within the PDP, as proposed.

- 5.2.5 Hort NZ (S81.034), supported by Silver Fern Farms (FS8.020), support the explanation accompanying Issue RLR-I1, however consider reverse sensitivity is one of the factors that can result from land fragmentation, and seeks an amendment to include this in the numbered list in the explanation, as follows:

RLR-I1 Incremental Loss of Highly Productive Land

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land's versatility.

There has been a history of ad hoc subdivision of small lifestyle blocks within the Central Hawke's Bay District for many years. Many of these blocks are located on highly productive and versatile land or soils. Although some lifestyle blocks do continue to be productive in terms of agricultural or horticultural product, more often than not they become un-productive and their productive potential is lost forever.

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.

5. Reverse sensitivity can lead to constraints on established rural production operations.

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

Objectives

Objective RLR-O1

- 5.2.6 Federated Farmers (S121.002), Silver Fern Farms (S116.005), and Hort NZ (S81.035) support retention of Objective RLR-O1 as proposed. Te Mata Mushrooms (S102.012) also supports retention of the objective, but also offers the option of amending it if a 'Future Development Area' overlay they are seeking, is adopted. Silver Fern Farms (FS8.003) opposes the submission of Te Mata Mushroom, but only as part of a blanket opposition to the 'Future Development Area' sought.

Objective RLR-O2

- 5.2.7 Federated Farmers (S121.003) and Hort NZ (S81.036) support retention of Objective RLR-O2 as proposed.
- 5.2.8 Silver Fern Farms (S116.006) generally supports the objective but considers that it should be amended to clarify that 'inappropriate' activities should be avoided, as follows:

RLR-O2 The primary production role and associated amenity of the District's rural land resource is retained, and is **protected from not compromised by** inappropriate subdivision, use and development.

- 5.2.9 Hatuma Lime (S98.007) consider the objective would be more appropriate if it was broadened to reference existing lawfully established activities which operate effectively in the rural environment, on the basis that:

'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 Hatuma Lime as this is the environment that their quarries 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.'

5.2.10 They seek the following amendment:

RLR-O2 The primary production role, **lawfully established activities (such as quarries)** and associated amenity of the District's rural land resource is retained, and is not compromised by inappropriate subdivision, use and development.

5.2.11 The Pork Industry Board (S42.012) considers *'It is not the amenity of the land resource that is to be retained – rather the amenity of the rural environment that is characterized by a range of factors including primary product activities that rely on the rural land resource and location aspects to operate'*, and seeks the following amendment:

RLR-O2 The primary production role and associated amenity of the District's **environmental rural land resource** is retained, and is not compromised by inappropriate subdivision, use and development.

Objective RLR-O3

5.2.12 Federated Farmers (S121.004), Te Mata Mushrooms (S102.014), Silver Fern Farms (S116.007), Hatuma Lime (S98.008), and Hort NZ (S81.037) all support retention of Objective RLR-O3 as proposed.

Objective RLR-O4

5.2.13 Federated Farmers (S121.005), Te Mata Mushrooms (S102.015), Hatuma Lime (S98.009), and Hort NZ (S81.038) all support retention of Objective RLR-O4 as proposed.

Policies

Policy RLR-P1

5.2.14 Federated Farmers (S121.006), Te Mata Mushrooms (S102.016), Silver Fern Farms (S116.009), and Hort NZ (S81.039) all support retention of Policy RLR-P1 as proposed.

Policy RLR-P2

5.2.15 Federated Farmers (S121.007) supports retention of Policy RLR-P2 as proposed.

5.2.16 Te Mata Mushrooms (S102.017) also supports retention of the policy, but also offers the option of amending it if a 'Future Development Area' overlay they are seeking, is adopted. Silver Fern Farms (FS8.004) opposes the submission of Te Mata Mushroom, but only as part of a blanket opposition to the 'Future Development Area' sought.

5.2.17 Hort NZ (S81.040) supports retention of Policy RLR-P2 as proposed.

5.2.18 Silver Fern Farms (S116.010) supports this policy (and similarly Hort NZ's submission (FS8.022)), insofar as it seeks to avoid unplanned urban expansion into areas of highly productive land, but considers the final clause of the policy is superfluous and should be amended, as follows:

RLR-P2 To avoid unplanned urban expansion onto the District's highly productive land **in the Rural Production Zone where other feasible options exist.**

5.2.19 They state that:

'Regardless of whether "other feasible options" exist or not, the conversion of highly productive land to urban uses, should in Silver Fern Farms' opinion, be preceded by formal planning processes (e.g., structure planning and rezoning). PDP Objective UFD-03, Method UFD-M1 and Method UFD-M3 indicate that this is the case.'

Policy RLR-P3

5.2.20 Federated Farmers (S121.008) and Te Mata Mushrooms (S102.018) support retention of Policy RLR-P3 as proposed.

5.2.21 Silver Fern Farms (S116.011) supports the general intent of this policy but considers it does not sufficiently assist the assessment of proposed for 'lifestyle site' subdivisions in the Rural Production Zone, and seeks the following amendments:

RLR-P3 To limit ~~the amount of~~ further fragmentation of the District's rural land resource through limiting lifestyle subdivision **in the General Rural Zone and**, particularly in the Rural Production Zone, **and directing lifestyle site subdivision to locate primarily in the Rural Living[sic] Zone.**

- 5.2.22 Silver Fern Farms seeks the amendment of provisions (e.g., Rule SUB-R5) that allow for 'lifestyle site' subdivision in the RPROZ, for the following reasons:

'Silver Fern Farms considers that the Discretionary status allocated to a "lifestyle site" subdivision that creates additional small lots is contrary to the strong direction of the PDP objectives and policies, and analysis in the Rural Environmental Section 32 report, that emphasise the "... regionally (if not nationally) significant concentration of highly productive land" in the District's rural areas.

Given Silver Fern Farms seeks a Non-Complying activity status (rather than the proposed Discretionary status) for "lifestyle site" subdivision that does not comply with Rule SUB-R5(5)(a), it also seeks amendment of this policy RLR-P3 to align with a Non-Complying activity status for "lifestyle site" subdivision in the RPROZ.'

- 5.2.23 Hort NZ (S81.041) seeks the following amendment, that *'makes it clearer that lifestyle subdivision will be restricted'*:

RLR-P3 To limit the amount of further fragmentation of the District's rural land resource through ~~restricting~~**limiting** lifestyle subdivision, particularly in the Rural Production Zone.

- 5.2.24 James Bridge (S105.003) considers *'The issue and objective that this policy is intended to give effect to is the loss of highly productive land. The generalisation of the policy to rural land generally is inconsistent with the associated issues and objectives, and is not supported by other issues and objectives identified within the Proposed Plan'*, and therefore seeks the following amendment:

RLR-P3 To limit the amount of further fragmentation of the District's **highly productive** rural land resource through limiting lifestyle subdivision, ~~particularly within~~ the Rural Production Zone.

Policy RLR-P4

- 5.2.25 Federated Farmers (S121.009), FENZ (S57.013), and Silver Fern Farms (S116.012) all support retention of Policy RLR-P4 as proposed.

- 5.2.26 Transpower (S79.016) largely supports the policy but seeks amendment *'to recognise that some activities (such as the National Grid which is a linear infrastructure network) often require and are more appropriately located within a rural location'*. The amendment sought by Transpower is as follows:

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 **unduly** compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone, **recognising that some non-primary production activities are more appropriately located within a rural location.**

- 5.2.27 Hort NZ (FS17.16) considers the amendment sought by Hort NZ would, in their view, address the issue identified by Transpower.

- 5.2.28 Hort NZ (S81.042) considers Policy RLR-P4 *'could provide for a wide range of activities to establish that may not be related to primary production. Any activities that seek to locate in the Rural area should have a functional or operational need to be in a rural location'*, and therefore seeks to replace the policy with the following:

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 To manage non-primary production activities that have an operational or functional need to locate in a rural location, provided they do not compromise primary production and the associated rural character.**

- 5.2.29 Te Mata Mushrooms (S102.019) (opposed by Silver Fern Farms (FS8.005)) seeks that the policy be amended to make it clear than it relates to the General Rural and Rural Production Zones, as follows:

RLR-P4 To provide for a wide range of activities to establish **in the General Rural Zone and Rural Zone Production[sic]**, 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.

- 5.2.30 As for Policy RLR-P3 above, James Bridge (S105.004) considers *'The issue and objective that this policy is intended to give effect to is the loss of highly productive land. The generalisation of the policy to rural land generally is inconsistent with the associated issues and objectives, and is not supported by other issues and objectives identified within the Proposed Plan'*, and seeks the following amendment:

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 **highly productive** rural land resource, **particularly within** the Rural Production Zone.

- 5.2.31 Hort NZ (FS17.17) opposes the above amendment sought by James Bridge, on the basis that *'the focus should be on all rural land, not just highly productive land'*.

Policy RLR-P5

- 5.2.32 Federated Farmers (S121.010), the Pork Industry Board (S42.013), and Hort NZ (S81.043) all support retention of Policy RLR-P5 as proposed.

- 5.2.33 Hatuma Lime (S98.010) and Te Mata Mushrooms (S102.202) both seek the inclusion of references to the General Rural and Rural Production Zones in the policy, as follows:

RLR-P5 To enable primary production and related activities to operate in rural areas **provided in the General Rural Zone and Rural Zone Production[sic]** in accordance with accepted practices without being compromised by other activities demanding higher levels of amenity.

New Policy

- 5.2.34 Heretaunga Tamatea Settlement Trust (HTST) (S120.010), supported by Tukituki Water (FS1.1), Silver Fern Farms (FS8.021) and Water Holdings (FS29.1), seeks the addition of a new policy, as follows:

RLR-PX Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.

- 5.2.35 Their submission states:

'HTST supports the objectives and policies relating to Rural land resource. The opportunities provided by the Settlement[sic] provides the ability for people who have been dispossessed of their land to return to it. As such HTST understands the importance of ensuring the sustainable management and economic value of the highly productive rural areas of the district. Ensuring a reliable source of stored water is essential to ensuring the productive capacity of the land.'

Principal Reasons

- 5.2.36 Hort NZ (S81.044) seeks amendment of paragraph 2 of the 'Principal Reasons' in the RLR – Rural Land Resource chapter of the PDP as follows:

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 **for non-primary productive purposes** 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. 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.

- 5.2.37 This is on the basis that *'The plan aims to prevent large number of small holdings in the rural environment. This is supported but should recognise that some horticulture does occur on small holdings'*.

Anticipated Environmental Results

- 5.2.38 The Pork Industry Board (S42.016) supports retention of Anticipated Environmental Result RLR-AER4 as proposed, as they consider *'A diversity of primary production, including intensive primary production must be an anticipated environmental result in the rural area'*.
- 5.2.39 Hort NZ (S81.045) note that *'The AER seeks a diversity of activity in the rural area yet the focus of the policies is clearly on primary production and related activities. The AER should reflect this approach'*, and therefore seeks to replace Anticipated Environment Result RLR-AER4 with the following:

RLR-AER4 **Activities in the rural area are primary production and related activities**A diversity of activity in the rural area.

- 5.2.40 Silver Fern Farms (FS8.023) agrees that *'the Anticipated Environmental Result should correlate with the directions of policy settings, and given the rural zones policy framework focusses on primary production and associated activities (such as rural industry)'*, and therefore agrees with the amendment sought by Hort NZ, *'but with direct reference to rural industry as a 'related activity', on the basis that rural industry has a functional need for a rural location and is key to a high-performing primary production sector'*, but with the addition of the words *'... (such as rural industry)'*.

Forest & Bird

- 5.2.41 Forest & Bird oppose all the submission of Federated Farmers (FS9.1, FS9.2, FS9.3, FS9.4, FS9.5, FS9.6, FS9.7, FS9.8, FS9.9, FS9.10) 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'*.

5.3 AnalysisGeneral Strategic Direction

- 5.3.1 The Surveying Co supports the direction, underlying principles, methods and issues that the PDP is based upon, and supports the protection of the District's highly productive soils and the retention of the three distinct rural zones and the provisions of the Rural Lifestyle Zone. This support is noted, and the decision sought is accepted insofar as the direction and provisions are largely retained, but subject to recommended amendments in response to submissions on specific provisions throughout this report.
- 5.3.2 HBRC supports retention of the RLR – Rural Land Resource chapter in the PDP as proposed. Hort NZ (further supported by Silver Fern Farms) also supports retention of this chapter in the PDP, subject to their submissions on the specific provisions contained within the chapter. Again, these submissions are accepted insofar as the chapter is retained, but subject to recommended amendments in response to submissions on specific provisions throughout this report.

Issues

- 5.3.3 I concur with the submitter that land fragmentation can contribute to increasing reverse sensitivity issues, whereby existing primary production activities can become more and more compromised or constrained by new activities which may be sensitive to the environmental effects generated by those existing primary production activities. The reverse sensitivity implications of land fragmentation is already acknowledged in the Introduction to the RLR – Rural Land Resource chapter.
- 5.3.4 Therefore, the amendment to the explanation for Issue RLR-I1, sought by Hort NZ, is appropriate in my view, and would further acknowledge this relationship. I recommend the explanation be amended accordingly, but worded slightly differently to the wording proposed by Hort NZ, as follows:

RLR-I1 Incremental Loss of Highly Productive Land

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land's versatility.

There has been a history of ad hoc subdivision of small lifestyle blocks within the Central Hawke's Bay District for many years. Many of these blocks are located on highly productive and versatile land or soils. Although some lifestyle blocks do continue to be productive in terms of agricultural or horticultural product, more often than not they become un-productive and their productive potential is lost forever.

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).
2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.

5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established primary production activities in the vicinity (reverse sensitivity).

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

Objective RLR-O1

- 5.3.5 The submitters all support retention of Objective RLR-O1 as proposed. No further analysis is necessary in this respect.
- 5.3.6 In terms of any decision on adoption of a 'Future Development Area' overlay, as sought by Te Mata Mushrooms, this matter is to be addressed as part of the hearing of submissions seeking rezonings/ new overlays (anticipated for Hearings Stream 6). If ultimately adopted, any related amendments sought to other parts of the PDP will be revisited at that time.

Objective RLR-O2

- 5.3.7 The submitters all generally support retention of Objective RLR-O2, but a number of them seek minor amendments to the wording.
- 5.3.8 I do not agree with Hatuma Lime that the objective should be broadened to reference 'lawfully established activities (such as quarries)'. In my view, the focus of the RLR – Rural Land Resource objectives is on protecting the productive capacity of the District's rural land resource and its primary production role. To broaden the objective to cover all lawfully established activities would significantly dilute that strategic direction, in my view. In any case, the relief sought is unnecessary because lawfully established activities have existing use rights pursuant to section 10 of the RMA. Further, I do not consider there is any reason to single out quarries.
- 5.3.9 Also, given that this chapter is focused on the primary production role of the District's rural land resource, I do not support the Pork Industry Board's request to replace the reference to the 'rural land resource' with the word 'environment'. However, to avoid ambiguity in the reading of the objective, it is recommended the words 'and associated amenity' is placed within brackets.
- 5.3.10 In addition, replacing the words 'not compromised by' with the words 'protected from' (as requested by Silver Fern Farms) is an appropriate amendment, in my view, as this better clarifies the intent that inappropriate subdivision, use and development should be avoided, and 'protection' is more in keeping with terminology used in sections 6 & 7 of the RMA.
- 5.3.11 Accordingly, I recommend Objective RLR-O2 be amended as follows:

RLR-O2 The primary production role (and associated amenity) of the District's rural land resource is retained, and is **protected from** not **compromised by** inappropriate subdivision, use and development.

Objective RLR-O3, Objective RLR-O4, and Policy RLR-P1

- 5.3.12 All submissions on Objectives RLR-O3 & RLR-O4 and Policy RLR-P1 support retention of them as proposed. No further analysis is necessary.

Policy RLR-P2

- 5.3.13 The submitters all generally support retention of Policy RLR-P2, but Silver Fern Farms seeks that the policy to avoid unplanned urban expansion onto the District's highly productive land be confined to the

Rural Production Zone, and that the words 'where other feasible options exist' be deleted as they consider the wording superfluous.

- 5.3.14 I concur that whether other feasible options exist or not, the conversion of highly productive land to urban uses should be preceded by formal planning processes (e.g. structure planning and rezoning). In my opinion, the amended wording more accurately reflects the approach in the PDP, from the strategic objectives all the way through to the methods and respective zone provisions. I therefore recommend the policy be amended, as follows:

RLR-P2 To avoid unplanned urban expansion onto the District's highly productive land **in the Rural Production Zone** ~~where other feasible options exist~~.

- 5.3.15 In terms of any decision on adoption of a 'Future Development Area' overlay, as sought by Te Mata Mushrooms, this matter is to be addressed as part of the hearing of submissions seeking rezonings/ new overlays (anticipated for Hearings Stream 6). If ultimately adopted, any related amendments sought to other parts of the PDP will be revisited at that time.

Policy RLR-P3

- 5.3.16 The submitters all generally support retention of Policy RLR-P3, but some submitters seek amendments to the wording of the policy.
- 5.3.17 The key thing is that the wording used in the policy most accurately reflects the rules and standards that flow from it. In the case of lifestyle subdivision, the subdivision provisions relating to the various rural zones in the PDP effectively limit lifestyle subdivision in the General Rural Zone (e.g. one lifestyle site per 3-year period), restrict lifestyle subdivision in the Rural Production Zone (e.g. provided for in even fewer circumstances), and rather directs such lifestyle subdivision to the Rural Lifestyle Zone. In that sense, the limitations on lifestyle site subdivision in the PDP are not exclusively related to highly productive land within the Rural Production Zone (James Bridge).
- 5.3.18 In that sense, I favour words to similar effect as the amendments sought by Silver Fern Farms as better expressing the direction taken in the PDP towards lifestyle subdivision in the rural environment (notwithstanding that they also seek a non-complying activity status for lifestyle site subdivision in the Rural Production Zone – which is addressed in Volume 2 of this report), as follows:

RLR-P3 To limit ~~the amount of~~ further fragmentation of the District's rural land resource through limiting lifestyle subdivision **in the General Rural Zone, and** particularly in the Rural Production Zone, **and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone**.

- 5.3.19 In my view, I do not consider that there is much distinction between using the word 'limiting' or 'restricting' (as sought by Hort NZ), and I do not have a firm preference. It would be helpful if the submitter could provide further planning or legal reasons why one term should be preferred over the other. In the meantime, I recommend retaining the word 'limiting'.

Policy RLR-P4

- 5.3.20 The submitters all generally support retention of Policy RLR-P4, but some seek various amendments.
- 5.3.21 In terms of the amendment sought by James Bridge, I concur with Hort NZ that the focus of the policy on managing activities that do not compromise the primary production role of the rural land resource is relevant to all rural land, not just highly productive land. This is evident in the similarities across the zone rules and standards applying in both the General Rural Zone and the Rural Production Zone, in providing for limited non-primary production activities (e.g. small-scale facilities that support and service rural communities). As it is relevant to all rural land, I do not consider it adds anything to the policy to specifically reference the two zones, as sought by Te Mata Mushrooms.
- 5.3.22 I concur with Transpower that some activities require a rural location (such as the National Grid). The accompanying rules and standards in the PDP recognise this, and therefore there is merit to ensuring the policy better reflects this. I also concur with Hort NZ that reference to 'associated amenity of the rural land resource' is better described as 'rural character'.
- 5.3.23 Given the above, I favour amending the policy in line with the wording sought by Transpower, but also adopting some of the wording sought by Hort NZ, as follows:

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 **unduly** compromise ~~the~~ primary production ~~role~~ and associated **rural character and** amenity ~~of the rural land resource~~, particularly in the Rural Production Zone,

recognising that some non-primary production activities have an operational or functional need to locate in a rural area.

Policy RLR-P5

- 5.3.24 The submitters all generally support retention of Policy RLR-P5 which is to enable primary production and related activities to operate in rural areas in accordance with accepted practices, without being compromised by other activities demanding higher levels of amenity.
- 5.3.25 As it is relevant to all rural land, I do not consider it adds anything to the policy to specifically reference the General Rural Zone and Rural Production Zone, as sought by Hatuma Lime and Te Mata Mushrooms. I recommend Policy RLR-P5 remain unchanged.

New Policy

- 5.3.26 I do not support inclusion of the following policy in the PDP, sought by Heretaunga Tamatea Settlement Trust:

RLR-PX Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained.

- 5.3.27 It is unclear from the submission what resource management issue this is addressing, and the linkages between issue, objectives, policies, and methods in the PDP are unclear to me. In my view, this is more a position statement than a District Plan policy, and does not flow through into any meaningful rules or other methods in support of the policy in the PDP.
- 5.3.28 It may be helpful if the submitter could provide further basis for inclusion of such a policy, and an accompanying section 32AA assessment, for the Hearings Panel to consider. In the absence of this, my recommendation is to reject this submission.

Principal Reasons

- 5.3.29 I do not consider there is anything to be gained by amending the Principal Reasons in the RLR – Rural Land Resource chapter seeking to clarify the intent to prevent small holdings in the rural environment only where they are for non-primary production purposes. While I accept that some horticulture does occur on existing small holdings, the subdivision provisions in the PDP act to prevent the creation of large numbers of small holdings overall, whatever their 'use/purpose' – the intent being to address continued uncontrolled fragmentation of the rural land resource, and the loss of versatility and productive capability that results. My recommendation is, therefore, to reject this submission.

Anticipated Environmental Results

- 5.3.30 Anticipated Environmental Result RLR-AER4 recognises that the provisions of the PDP are anticipated to result in a diversity of primary production and related activities in the rural area, however the wording could be misconstrued as anticipating a diversity of any and all types of activities. For this reason, I concur with Hort NZ that the anticipated result should be amended to correlate with the directions of policy settings and the policy framework for the rural zones to more accurately reflect their primary production focus, and I therefore recommend the following amendment (with a qualifier added – inserting the word 'primarily' – reflecting some other non-primary production activities that have a need for a rural location are also appropriate):

RLR-AER4 Activities in the rural area are primarily primary production and related activities. A diversity of activity in the rural area.

- 5.3.31 Submissions seeking specific provision for, and referencing to, rural industry throughout the PDP are comprehensively addressed together within Volume 3 (Rural Activities) of this report.

Forest & Bird

- 5.3.32 Forest & Bird oppose all the submission of Federated Farmers (FS9.1, FS9.2, FS9.3, FS9.4, FS9.5, FS9.6, FS9.7, FS9.8, FS9.9, FS9.10) 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'*.
- 5.3.33 In my view, the broad reasons given for blanket opposition to Federated Farmers submissions are not applicable in this context, and no further analysis is provided.

5.4 Recommendations

5.4.1 For the reasons outlined above, I recommend that the provisions in the RLR – Rural Land Resource chapter be retained / be amended / be deleted (as outlined in Recommended Amendments below).

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

- Federated Farmers, S121.002, S121.004, S121.005, S121.006, S121.010
- Silver Fern Farms, S116.005, S116.006, S116.007, S116.009, S116.010
- Hort NZ, S81.035, S81.037, S81.038, S81.039, S81.043
- Te Mata Mushrooms, S102.012, S102.014, S102.015, S102.016, S102.017
- Hatuma Lime, S98.008, S98.009
- Pork Industry Board, S42.013

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

- The Surveying Co, S50.029
- Hort NZ, S81.001, S81.034, S81.036, S81.040, S81.042, S81.045
- HBRC, S11.001
- Federated Farmers, S121.001, S121.003, S121.007, S121.008, S121.009
- Te Mata Mushrooms, S120.011
- Hatuma Lime, S98.006
- Te Mata Mushrooms, S102.018
- Silver Fern Farms, S116.011, S116.012
- Transpower, S79.016
- FENZ, S57.013

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

- Hatuma Lime, S98.007, S98.010
- Heretaunga Tamatea Settlement Trust, S120.010
- Hort NZ, S81.041, S81.044
- James Bridge, S105.003, S105.004
- Te Mata Mushrooms, S102.019, S102.020
- Pork Industry Board, S42.012, S42.016

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 amendment are made:

RLR-I1 Incremental Loss of Highly Productive Land

Land fragmentation and development that leads to the incremental and irreversible loss of highly productive land for primary production.

Explanation

In New Zealand highly productive land is under pressure from a range of competing uses. In particular, highly productive land is becoming increasingly fragmented, mostly as a result of rural subdivision. Rural subdivision is where a single parcel of rural land is divided into two or more parcels. The resulting smaller land parcels can often prevent the use of land for many types of primary production therefore affecting that particular piece of land's versatility.

There has been a history of ad hoc subdivision of small lifestyle blocks within the Central Hawke's Bay District for many years. Many of these blocks are located on highly productive and versatile land or soils. Although some lifestyle blocks do continue to be productive in terms of agricultural or horticultural product, more often than not they become un-productive and their productive potential is lost forever.

Land fragmentation can result in a loss of versatility and the productive capability of rural land, mostly through:

1. Land use change from primary production to non-primary production (lifestyle development, urban development, unrelated industrial/commercial developments etc).

2. Property values in traditional primary production areas increasing to the point that productive land uses become unprofitable.
3. Productive land uses becoming unprofitable because small lot sizes limit management options.
4. Degradation of soil ecosystem services/functions.

5. New sensitive activities establishing on rural land, with the potential to compromise or constrain the operation of existing lawfully established primary production activities in the vicinity (reverse sensitivity).

The District Plan therefore seeks to limit the amount of fragmentation of the District's highly productive land over time, and manage land use change and development of highly productive land to maintain the productive capacity of this scarce and valuable resource for current and future generations.

RLR-O2	The primary production role (and associated amenity) of the District's rural land resource is retained, and is <u>protected from not compromised by</u> inappropriate subdivision, use and development.
RLR-P2	To avoid unplanned urban expansion onto the District's highly productive land <u>in the Rural Production Zone where other feasible options exist.</u>
RLR-P3	To limit the amount of further fragmentation of the District's rural land resource through limiting lifestyle subdivision <u>in the General Rural Zone, and particularly in the Rural Production Zone, and directing lifestyle site subdivision primarily to the Rural Lifestyle Zone.</u>
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 <u>unduly</u> compromise the primary production role and associated <u>rural character and amenity of the rural land resource,</u> particularly in the Rural Production Zone, <u>recognising that some non-primary production activities have an operational or functional need to locate in a rural area.</u>
RLR-AER4	<u>Activities in the rural area are primarily primary production and related activities</u> A diversity of activity in the rural area.

5.6 Section 32AA Evaluation

- 5.6.1 The changes proposed are considered to improve the wording of provisions to better express the strategic direction for the rural land resource in the Proposed District Plan. They 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 3 – Functional Need for Rural Location

6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.111	Horticulture New Zealand	GRUZ-P7	Amend	Amend GRUZ-P7 as follows: 'To ensure incompatible activities do not locate in the General Rural Zone where the activity will: 1. ... 2. ...; and/or 3. ...; or. 4. Does not have a functional or operational need for a rural location.'	Accept in part
.					
S81.152	Horticulture New Zealand	RPROZ-P7	Amend	Amend RPROZ-P7 as follows: 'To ensure activities do not locate in the Rural Productive Zone where the activity: 1. has no functional or operational need for a rural location and will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone; ...'	Accept
.					
S81.134	Horticulture New Zealand	GRUZ-AM8	Amend	Retain reference to reverse sensitivity (and the need to assess this) in GRUZ-AM8(2)(a). And amend GRUZ-AM8 as follows: '... 6. The functional or operational need to locate in the Rural Production Zone[General Rural Zone?].'	Accept in part
.					
S73.035	Ministry of Education	GRUZ-AM8	Support	Retain GRUZ-AM8 as proposed.	Accept in part
FS17.116	Horticulture New Zealand		Oppose in part	Accept HortNZ submission to amend GRUZ-AM8 in the General Rural Zone.	Accept in part
S81.178	Horticulture New Zealand	RPROZ-AM9	Amend	Retain reference to reverse sensitivity (and the need to assess this) in RPROZ-AM9(2)(a). And amend RPROZ-AM9 as follows: '... 6. The functional or operational need to locate in the Rural Production Zone.'	Accept
.					
S73.036	Ministry of Education	RPROZ-AM9	Support	Retain RPROZ-AM9 as proposed.	Accept in part
.					

6.2 Matters Raised by Submitters

6.2.1 Hort NZ (S81.111, S81.152, S81.134 & S81.178) has sought amendments to Policies GRUZ-P7 & RPROZ-P7 and to Assessment Matters GRUZ-AM8 & RPROZ-AM9 in the Rural Zone chapters, to incorporate text around the functional or operational need for a rural location, as follows:

GRUZ-P7	To ensure incompatible activities do not locate in the General Rural Zone where the activity will: 1. undermine the primary productive purpose and predominant character of the General Rural Zone; 2. constrain the establishment and use of land for primary production; and/or 3. result in reverse sensitivity and/or lead to land use conflict.
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4. Does not have a functional or operational need for a rural location.

RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:

1. **has no functional or operational need for a rural location and** will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;
2. will constrain the establishment and use of land for primary production;
3. 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
4. will result in reverse sensitivity and/or lead to land use conflict.

GRUZ-AM8 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...
4. ...
5. ...

6. The functional or operational need to locate in the Rural Production Zone[sic].

RPROZ-AM9 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...
4. ...
5. ...

6. The functional or operational need to locate in the Rural Production Zone..

- 6.2.2 In terms of Policies GRUZ-P7 & RPROZ-P7, the submitter considers *'It is important that there is clear policy direction to ensure that non-rural activities with no direct relationship with primary production do not locate in the RPSOZ[sic] unless there is a clear functional or operational need'*.
- 6.2.3 In terms of Assessment Matters GRUZ-AM8 & RPROZ-AM9, the submitter considers *'There is a need to ensure that the assessment matters consider the need to locate in the rural production zone'*.
- 6.2.4 The Ministry of Education (S73.035 & S73.036) supported retention of Assessment Matter GRUZ-AM8 (opposed in part by Hort NZ (FS17.116), given their own submission to amend this provision), and Assessment Matter RPROZ-AM9, as proposed.

6.3 Analysis

- 6.3.1 I concur with the submitter that the policy direction in the General Rural Zone and Rural Production Zone focuses on ensuring activities with no direct relationship with primary production are directed to other more appropriate zones, but that the policies should more clearly articulate an allowance for non-primary production activities locating in the rural zones where they have the functional or operational need for a rural location.
- 6.3.2 Adding the additional text to the relevant assessment matters in the respective rural zones, as sought, also ensures the policy direction clearly flows through to the zone provisions and the matters to be considered when assessing applications.
- 6.3.3 Therefore, I recommend the following amendments to Policies GRUZ-P7 & Policy RPROZ-P7 and Assessment Matters GRUZ-AM8 & RPROZ-AM9:

GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity **will**:

1. **will** undermine the primary productive purpose and predominant character of the General Rural Zone;
2. **will** constrain the establishment and use of land for primary production; **and/or**
3. **will** result in reverse sensitivity and/or lead to land use conflict; **and/or**
4. **does not have a functional or operational need for a rural location.**

RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:

1. **has no functional or operational need for a rural location and** will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;
2. will constrain the establishment and use of land for primary production;
3. 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

4. will result in reverse sensitivity and/or lead to land use conflict.

GRUZ-AM8 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...
4. ...
5. ...

6. The functional or operational need to locate in the General Rural Zone.

RPROZ-AM9 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...
4. ...
5. ...

6. The functional or operational need to locate in the Rural Production Zone.

6.3.4 I note this also aligns with my recommended amendment to Policy RLR-P4 (refer paragraphs 5.3.20 to 5.3.22 in Key Issue 2 of this report).

6.4 Recommendations

6.4.1 For the reasons outlined above, I recommend that Policies GRUZ-P7 & RPROZ-P7, and Assessment Matters GRUZ-AM8 & RPROZ-AM9 be amended (as outlined in Recommended Amendments below).

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

- Hort NZ, S81.152, S81.134, S81.178

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

- Hort NZ, S81.111
- Ministry of Education, S73.036, S73.035

6.5 Recommended Amendments

6.5.1 I recommend the following amendments are made:

GRUZ-P7 To ensure incompatible activities do not locate in the General Rural Zone where the activity **will**:

1. **will** undermine the primary productive purpose and predominant character of the General Rural Zone;
2. **will** constrain the establishment and use of land for primary production; **and/or**
3. **will** result in reverse sensitivity and/or lead to land use conflict.; **and/or**
4. **does not have a functional or operational need for a rural location.**

RPROZ-P7 To ensure activities do not locate in the Rural Productive Zone where the activity:

1. **has no functional or operational need for a rural location and** will be inconsistent with the primary productive purpose and predominant character of the Rural Productive Zone;
2. will constrain the establishment and use of land for primary production;
3. 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
4. will result in reverse sensitivity and/or lead to land use conflict.

GRUZ-AM8 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...
4. ...
5. ...

6. The functional or operational need to locate in the General Rural Zone.

RPROZ-AM9 Community Facilities and Educational Facilities

1. ...
2. ...
3. ...

4. ...

5. ...

6. The functional or operational need to locate in the Rural Production Zone.

6.6 Section 32AA Evaluation

- 6.6.1 The changes proposed merely better articulate the existing approach to non-primary production activities that have a functional or operational need to locate in the rural environment as part of the strategic direction for the rural land resource adopted in the Proposed District Plan, without changing the policy approach. Therefore, S32AA re-evaluation is not warranted.