

SUBMISSION

SUBMISSION ON

Proposed Central Hawkes Bay District Plan

6 August 2021

To: Central Hawkes Bay District Council

Name of Submitter: Horticulture New Zealand

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OVERVIEW

Submission structure

- 1 Part 1: HortNZ's role and background to horticulture in the Central Hawkes Bay District.
- 2 Part 2: Commentary and submissions on the Proposed District Plan

Our submission

Horticulture New Zealand (HortNZ) thanks Central Hawkes Bay District Council for the opportunity to submit on the proposed District Plan and welcomes any opportunity to continue to work with Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out in our submission below.

HortNZ's Role

Background to HortNZ

HortNZ represents the interests of 6000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers.

There is approximately 120,000 hectares of horticultural land in New Zealand - approximately 80,000 ha of this is fruit and vegetables. The remaining 40,000 ha is primarily made up of wine grapes and hops, which HortNZ does not represent.

It is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

Submission

1. Horticulture in the Central Hawkes Bay

There are over 70 growers in the Central Hawke's Bay District. They are predominantly process vegetable growers - growing crops such as peas, green beans and sweetcorn on contract for Heinz Wattie's, and McCain's whose post-harvest processing facilities are located only 50 km away in Hastings. The ongoing maintenance and improvement of local roads is particularly important to these growers, whose transportation to the processing facilities in Hastings is carefully timed to ensure the produce arrives as fresh as possible.

There are also reasonable areas planted in squash and tomatoes (for processing), and there are also a number of orchards, with a post-harvest facility located near Waipawa. Growing is generally focused on the highly productive soils of the Ruataniwha and Takapau Plains, as well as around the Otane area.

According to the Agricultural Production Statistics there was 1,844 hectares of horticultural land in the District in 2017.¹

Central Hawke's Bay is an important growing area that provides a climate unique in the North Island, with high summer temperatures, and frosts during winter. This seasonal variation is particularly important for some crops, and its occurrence at a northern location (compared the South Island) means that growing seasons differ from the South Island, which helps ensure longer periods of time that produce growth within New Zealand can meet the demands of the domestic fruit and vegetable market.

The proximity of the CHB growing area to the Port of Napier is also advantageous for the many horticultural exports grown in the area, and ensures a competitive advantage for that produce because of shorter periods of time between harvesting, and arriving at overseas markets.

2. Context and high-level policy context

2.1. Food security and the values of highly productive land

Population growth not only increases demand on housing supply, it also generates and necessitates an increased demand on food supply. There is a general assumption that New Zealand is the land of plenty and we will always have enough locally-grown food to feed our population, supplemented by imported food where there is demand. However prime fruit and vegetable growing land is being squeezed by rapid growth in a number of areas.

Current projections around New Zealand's expected population increase and annual food volumes available for consumption in New Zealand show that domestic vegetable supply will not be able to sustain our future population

¹ Statistics New Zealand, Agricultural Production Statistics 2017

consumption needs.² Already many New Zealanders, are struggling to meet the recommended daily intake of 3 plus vegetables and 2 plus fruit a day. In 2019/20, only 33.5% of New Zealand adults and 44.1% of children meet the recommended fruit and vegetable intake guidelines.³

Land is a finite natural resource that needs to be managed to meet the needs of people now and those of future generations. In our view, sustainable food production is the primary value associated with the productive land resource.

We accept that there needs to be flexibility to develop highly productive land in some places. What is important in our view, is that urban development and productive land are considered together to provide a planned approach.

2.2. Climate change adaptation

The expansion of vegetable rotations and fruit growing presents an opportunity for farmers to diversify their land uses and reduce their greenhouse gas emissions.

The Climate Change Commission's recently released advice to Government on emissions budgets and direction for the first emissions reduction plan (2022-2025) assumes in their 'demonstration path' land use change to horticulture at a rate of 2000 ha per year from 2025. Under alternative scenarios (such as where EV uptake is less, there are less on-farm reductions in emissions) this increased to an additional 3,500 ha per year from 2021.⁴

The Government is required to have the first emissions budget and an emissions reduction plan in place by 31 December 2021.

The Resource Management Amendment Act 2020 made changes to Section 66, to include emissions reduction plans and national adaptation plans as matters to have regard to when developing regional plans. From 31 December 2021, Councils will be able to consider the effects of GHG emissions on climate change in RMA decision-making. The first emissions reductions plan will be published by 31 December 2021.

2.3. Future-proofing the District Plan

It is important the district plan is future-proofed so that is fit-for-purpose and responsive to change over its approximately ten-year life (under the current RMA review timeframes) – notwithstanding the RMA reform anticipated.

The review of the rural provisions of the District Plan is occurring in a dynamic space of change – including freshwater regulations, climate change mitigation and adaptation and national policy context in terms of matters such as highly productive land, biodiversity and urban development.

This highlights the importance of future-proofing the availability of resources to supply our growing population.

² Horticulture New Zealand. (2017). New Zealand domestic vegetable production: the growing story. <http://www.hortnz.co.nz/assets/Media-Release-Photos/HortNZ-Report-Final-A4-Single-Pages.pdf>

³ https://minhealthnz.shinyapps.io/nz-health-survey-2019-20-annual-data-explorer/_w_723ed3e5/#!/explore-topics

⁴ <https://www.climatecommission.govt.nz/our-work/advice-to-government-topic/>

3. Proposed Central Hawkes Bay District Plan

3.1. Strategic Direction

We support the inclusion of specific strategic direction for the rural land resource (and responding to management of highly productive land is a significant resource management matter). We make specific comments below in the table below.

3.2. General Zoning Approach

HortNZ supports the approach of including a Rural Productive Zone (RPROZ), alongside the General Rural Zone (GRUZ) - this provides for a means of specifically providing for and protecting the highly productive soil resource in the District. The recently released [Our Land 2021](#) report reiterates the need to protect this 'intergenerational asset'.

We also support the approach of providing a Rural Lifestyle Zone (RLZ) - as a means of providing for this type of land parcel, in a way which assists in protecting the productive potential of the wider rural environment.

3.3. Reverse sensitivity (and sensitive activities)

Reverse sensitivity can impact on the viability and operation of horticultural operations is reverse sensitivity, from other land uses which establish with the rural zone or from other legitimate activities at an urban/rural interface.

Residential and lifestyle development, as well as other commercial or sensitive activities (e.g. educational facilities, community facilities etc.) can result in:

- increased pressure on crop rotations (for vegetable growing),
- restricts opportunities for orchard establishment or expansion,
- increases land prices,
- competition for resources (e.g. water)
- increased social tension due to complaints from neighbours about horticultural activities and resulting operational limitations on the grower reducing their economic viability and social licence to operate.

Not all effects can be internalised and the introduction of sensitive activities into rural production environments erodes the accessibility and utility of highly productive land. It is our experience that reverse sensitivity is a key planning consideration that is often overlooked is the reverse sensitivity effects on horticulture from urban encroachment.

It is important for District Plans to include a robust management response:

- Setbacks are an important management tool in helping to manage the potential for reverse sensitivity effects. As a permitted activity requirement, they do not preclude development within a lesser distance, but at least ensure that a site-specific assessment can be made through a resource consent process. HortNZ's submission seeks amendment to the setback distances required for residential activities establishing in the rural zone(s).
- The Proposed District Plan includes quite a number of non-primary production activities in the Rural Production Zone, we consider that this could be more robust to protect against potential issues such as reverse sensitivity.

- It is particularly important that there are robust subdivision provisions – including reverse sensitivity as a matter of discretion – as well as clear policy direction.

3.4. Providing for horticultural activities in the rural environment

3.4.1. SEASONAL WORKER ACCOMMODATION

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

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

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

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

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

3.4.2. ACPS AND CPS

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

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

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

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

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

⁵ <https://www.worksafe.govt.nz/topic-and-industry/worker-accommodation/>

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

An alternative drafting for a standalone ACPS rule is provided below:

RPROZ- R21 Artificial crop protection structures	
<p>1. Activity status - PER</p> <p>Where the following conditions are met:</p> <p>a) <u>i) Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u> <u>ii) Green, black or white cloth shall be used on horizontal surfaces.</u></p> <p>b) Compliance with:</p> <p>i) RPROZ-S3- Height of buildings</p> <p>ii) RPROZ-S8 Electricity safe distances</p> <p>iii) RPROZ-S15 National Grid Yard</p>	<p>1. Activity status where compliance with condition RPOZ-R21 (1) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>RPROZ- AM15</p> <p>1.The effects of not meeting the conditions in RPROZ-R21- PER in respect to cloth colour and building height</p> <p>2.The effects of not meeting setbacks to electricity lines and the National Grid</p>

3.4.3. EARTHWORKS

HortNZ support the approach of specifically defining ancillary rural earthworks, and providing for this activity

This submission seeks minor amendments to how this activity is reflected in the Proposed Plan - as detailed in the table below.

HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetables crops (Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014)).

We also note that Farm Environment Plans also assist in managing day-to-day activity, and are requirements at a regional level in some catchments and coming through at a national level - this lessens the need for regulation at a District Plan level.

3.4.4. BIOSECURITY RESPONSE PROVISIONS

It is important to have rules that enable a rapid biosecurity response should the need arise. Vegetation removal, burial, burning and spraying of material are methods that may be used. It is therefore important that the Plan adequately provides for these activities to be undertaken.

Only when a biosecurity emergency is declared by the Governor-General on the recommendation of a Minister (s144 BA), can the emergency provisions in the Biosecurity Act 1993 override the RMA provisions. Such a declaration has never been made.

In other situations, a Chief Technical Officer can notify the MPI Director-General about an unwanted organism but the biosecurity response mechanisms are still subject to RMA plan controls. With such a declaration the regional and district plan rules still need to be met regarding the disposal of infected material. Given the urgency required in such a situation, it is not practical to have to obtain resource consent.

For example, in the 2010 PSA incursion, only a Chief Technical Officer declaration was made, so regional and district plan requirements still needed to be met. This presented challenges in terms of timely and appropriate destruction of material which is what resulted in the rapid spread of and destruction from the disease.

If an incursion of an unwanted organism was unable to be appropriately managed due to regulatory barriers, it could have a significant impact on the region and the rural economy.

3.4.5. APPROACH TO MANAGING GREENHOUSES

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

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

The proposed approach is inconsistent with the National Planning Standards

This is not an effects-based approach, and is not consistent with the approach taken in the National Planning Standards, which defines 'Intensive indoor primary production' as: '*means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry*'.

The 'Recommendations on submissions report for the first set of national planning standards'⁶ explain this in regard to greenhouses as follows: "*We agree ...that horticulture activities should not be considered 'intensive primary production'. Horticulture undertaken within a glasshouse or greenhouse generally does not produce the same type or scale of odour or noise effects as the activities listed in the definition*". HortNZ agrees with this commentary.

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

HortNZ requests that this term is replaced with the defined term Intensive indoor primary production - a comparison between these terms is included below in Table 1 below.

⁶ <https://environment.govt.nz/assets/Publications/Files/21-definitions-standard.pdf>

Table 1: Comparison of 'Intensive Primary Production' (Proposed Plan) and 'Intensive Indoor Primary Production' (National planning standards)

Aspects of proposed 'Intensive Primary Production' definition	Within National Planning Standards definition 'Intensive Indoor Primary Production'?	How this could be addressed in the plan if 'Intensive Indoor Primary Production' is used
commercial livestock (excluding the farming of mustelids) kept and fed in buildings or in outdoor enclosures on a particular site, where the stocking density precludes the maintenance of pasture or ground cover	Yes, but indoor only.	A specific definition for outdoor operations that are intended to be captured could be managed through rules.
land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets	No	This activity is not a primary production activity. It can be provided for by specific rules (as it already in the proposed plan - e.g. RPROZ-R14).
farming of mushrooms or other fungi	Yes (except if grown solely outdoors)	
commercially growing crops indoors in containers and/or on a permanent floor, with limited or no dependence on natural soil quality on the site	No	This activity is not akin in effects to other intensive indoor primary production activities and can be managed similarly to other horticultural buildings.
	NB: Poultry is included in Indoor primary production activity.	

It is unclear how greenhouses are managed in the proposed intensive primary production rules

The rules for 'Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)' in the proposed plan - e.g. GRUZ-R14 and RPROZ-R14 - require setbacks of between 500m to 200m from '*for buildings housing animals reared intensively, enclosures accommodating animals reared intensively, and organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities*'. This is a Controlled Activity.

- It is not clear whether greenhouses are included in this requirement, as organic matter?
- If these setbacks (of between 200-500m) are not met, these activities default to a Non-complying activity.

HortNZ does not consider that the rules for intensive primary production are appropriate for greenhouses, and instead they can be addressed through the rules applicable to primary production (which include performance standards relating to matters such as building coverage, height, setbacks, transport, light, noise etc.). Subject to amendments sought in this submission to these standards, HortNZ considers that these activities can be appropriately managed as under the rules for 'Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)'. (e.g. GRUZ-R3 and RPROZ-R3).

There is also not justification of this approach in the Section 32 reports, which differs from how these activities are managed currently. In the Operative District Plan, greenhouses (indoor cropping) is excluded from the 'Factory Farming' definition, which is largely akin to the proposed definition of Intensive Primary Production, and is instead managed as a Farming Activity.

Submission on Proposed Central Hawkes Bay District Plan

Without limiting the generality of the above, HortNZ seeks the following decisions on the Proposed Central Hawkes Bay District Plan, as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by underline, and deletions by ~~strikethrough text~~.

Provision	Support/ oppose	Reason	Decision sought
Part 1 Introduction and Interpretation			
Interpretation			
Accessory building	Support	The definition of accessory building is the definition in the National Planning Standard. However, it is noted that the Plan also has a definition for 'ancillary buildings and structures (primary production)'. It should be clear if buildings are accessory or ancillary.	Retain definition of accessory building but clarify relationship with 'ancillary buildings and structures (primary production)'.
Agricultural aviation movements	Support	The definition of agricultural aviation movements is supported however changes are sought to the rules which apply to such movements.	Retain definition
Ancillary buildings and structures (primary production)	Support	HortNZ supports the proposed definition, which provides clarity to the plan.	Retain definition.

Ancillary rural earthworks (primary production)	Support	HortNZ supports the proposed definition, including the inclusion of cultivation and harvesting of crops. The need to recognise a biosecurity response is explained above (refer 3.4.4)	Retain a definition for ancillary rural earthworks, but amend to Remove (a) and (b) as cultivation and harvesting is excluded from the earthworks definition. AND Include: <i><u>'the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993'</u></i>
Artificial crop protection structures	Support	These are distinct structures which can require a different management approach.	Retain definition.
Audible bird scaring device	Support	Support the definition proposed.	Retain definition.
Clearance	Oppose in part	This applies only in regard to indigenous vegetation clearance - this would be made more explicit.	Re-name to ' <i><u>Indigenous</u></i> vegetation clearance' We also note that there is an error in (f) - two points included as one, which need to be separated out.
Crop support structures	Support	HortNZ supports the proposed definition.	Retain definition.

Day care facility	Support in part	It is not clear how this activity would be, in the context of the RPOZ chapter example, a Community Facility or captured by the 'Any other activity not otherwise provided for' rule.	Clarify the relationship of this term to 'Community Facilities'
Frost fan	Support	HortNZ supports the proposed definition.	Retain definition.
Greenhouses	Support	The definition clearly differentiates between greenhouses and other forms of covered cropping.	Retain definition.
Helicopter landing area	Oppose	The Draft Plan had a definition of helicopter depot: a site regularly used as a base for the operation, servicing, refueling and storage of helicopters. This definition was clearly linked to the regular use of an area as a depot. The Proposed plan has amended the definition to Helicopter landing area and includes a wider range of areas including areas used for intermittent use for primary production activities. There should be a clear distinction in the definition.	Amend the definition of Helicopter landing area to exclude intermittent use for agricultural aviation movements OR Replace with the definition of helicopter depot as in the Draft Plan: a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters.
Health care facility		As above - it is unclear.	Clarify the relationship of this term to 'Community Facilities'

Indigenous vegetation	Oppose in part	The definition is very broad and includes regeneration with human assistance following disturbance. It is unclear what is intended to be included within the definition.	Amend: vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke's Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance.
Intensive primary production	Oppose	Refer to discussion in section 3.4.5 (Approach to managing greenhouses). HortNZ do not support greenhouses being considered intensive primary production in the context of the proposed Plan rules.	Delete definition of Intensive primary production and replace with the definition from the National Planning Standards: <i><u>Intensive indoor primary production means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry</u></i>
Maintenance	Support in part	The definition of maintenance in respect of network utilities provides for the replacement of an existing line, building or structure or other facility with another of the same or similar height, size and scale within the same or similar position. There is no reference to voltage. If the voltage is changed the setback distances in NZECP 34:2001 could increase. Therefore any increase in	Amend the definition of Maintenance specifically in relation to network utilities as follows: 'Specifically in relation to network utilities, 'maintenance' means: ... Includes the replacement of an existing line, building or structure or other facility with another of the same or similar height, <u>voltage</u> , size and scale within the same or similar position and for the same or similar purpose.'

		voltage should not be classed as maintenance.	
Major hazardous facility	Support	The definition of major hazardous facility is supported.	Retain definition.
National Grid Yard	Oppose in part	The definition of National Grid Yard is not clear and applies a 12m distance from all support structures. There should be differentiation between poles and towers.	<p>Define National Grid Yard as follows: <u>The area located within:</u></p> <ul style="list-style-type: none"> • <u>12m in any direction from the visible outer edge of a National Grid tower; or</u> • <u>10m in any direction from a National Grid single pole or pi-pole; or</u> • <u>the area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or</u> • <u>the area located within 12m either side of the centre line of any overhead National Grid line on towers.</u>
Noise sensitive activity	Oppose in part	The noise sensitive activity should be the buildings used for the activity, not open area around the building - e.g. marae	<p>Amend the definition of noise sensitive activity to apply to buildings for the activities: Noise sensitive activity means <u>any buildings used for the following activities:</u></p> <ol style="list-style-type: none"> a. Residential activity

			<ul style="list-style-type: none"> b. Marae c. Place of worship d. Visitor accommodation e. Educational facilities f. Day care facility g. Health care facility h. Resthome or retirement village <p>But does not include an activity that is not lawfully established</p>
Post-harvest facilities	Support	Post harvest facilities are an important part of the horticultural industry	Retain definition.
Primary production	Support	Support the use of this term.	Retain definition.
Reverse sensitivity	Support	HortNZ supports inclusion of a definition for reverse sensitivity.	Retain definition.
Rural industry		The National Planning Standard includes a definition for rural industry which is useful to differentiate between industrial activities and those which are aligned with primary production.	<p>Include the definition for rural industry from the National Planning Standard:</p> <p><u><i>Rural Industry</i></u> <i>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</i></p>
Seasonal worker accommodation	Support		Retain definition.

Sensitive activity	Support in part	<p>The definition of sensitive activities does not include the full range of activities.</p> <p>The term 'sensitive activity' is used across a number of chapters in the Proposed Plan - one of it's applications is in regard to the National Grid (e.g. in NU- Network Utilities).</p> <p>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.</p>	<p>Amend to include a broader range of sensitive activities:</p> <p>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, <u>camping grounds</u>, rest homes, retirement villages, day care facilities, educational facilities, <u>community facilities</u>, <u>health care facilities</u> and hospitals.</p> <p>AND include a separate definition specifically in relation to the national grid:</p> <p><u>Sensitivity activity (national grid) includes schools, residential buildings and hospitals</u></p>
Shelterbelt	Support in part	<p>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.</p>	<p>Amend to delete the height threshold: 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.</p>
Special audible characteristics		<p>The National Planning Standard has a definition for special audible characteristics which is relevant when</p>	<p>Include the definition of special audible characteristics from the National Planning Standard in the Plan.</p>

		assessing sound from frost fans. It would be appropriate that the definition is included in the Plan.	
Wetland (Natural)/ Natural Wetland	Oppose	The NPSFM 2020 includes a definition for natural wetland – this is the definition used in the NESFM 2020 which includes rules managing activities in and near natural wetlands – using the same definition would provide a consistent approach.	Amend to be consistent with the NPSFM 2020.
New definition – land-based primary production		<p>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:</p> <ul style="list-style-type: none"> - RLR and EW introductions - Issues, objectives, policies and in a PER activity condition in the GRUZ and RPROZ zones. <p>This definition should include the full range of horticultural systems.</p>	<p>Include a definition for ‘land-based primary production’.</p> <p><u><i>A subset of primary production, excluding aquaculture.</i></u></p> <p>OR amend all references to ‘land based primary production’ throughout the plan.</p>
New definition – highly productive land		This term is used throughout the policy framework (which HortNZ supports), however greater clarity could be provided by defining the term.	Clarify the spatial scope referred to as ‘highly productive land’ by providing a definition, which should include LUC 1,2 and 3.

Part 2 District Wide Matters

Strategic Direction			
Explanation to RLR-I1	Support in part	Support the explanation, however reverse sensitivity is one of the factors that can result from land fragmentation that is not expressed in this list.	Expand the numbered list in the explanation (to how land fragmentation can result in loss of versatility/productive capacity) by adding a point about reverse sensitivity: <u>5. Reverse sensitivity can lead to constraints on established rural production operations</u>
Objective RLR-O1	Support	It is important that highly productive land is sufficiently recognised and provided for strategic direction.	Retain.
Objective RLR-O2	Support	It is important that primary production is sufficiently recognised and provided for strategic direction.	Retain.
Objective RLR-O3	Support	Support protection of Highly Productive Land. (However, note as an aside that highly productive land is not a term that is defined in the plan)	Retain objective.
Objective RLR-O4	Support	Support the scope of this objectives - to apply to activities broader than just residential living. It is important that this is carried through into the rules. HortNZ support an approach of providing for activities in defined areas	Retain.

		to reduce the risk of sprawl across productive land.	
Policy RLR-P1	Support	Support the approach of providing a Rural Production Zone. It is evident that the Council has done technical work to support the geographic scope of this zone.	Retain.
Policy RLR-P2	Support	Support the policy direction at a strategic level to avoid unplanned urban expansion on to highly productive land. There is also a need for direction for planned urban development - however recognise that UFD-O2 seeks to retain and protect highly productive land from urban development.	Retain policy. (Subject to retention of UFD-O2 addressing the complementary need to retain and protect highly productive from (planned) urban development - otherwise we seek amendment to include reference to planned development in here as well).
Policy RLR-P3	Support	The amendment makes it clearer that lifestyle subdivision will be restricted.	To limit the amount of further fragmentation of the District's rural land resource through limiting <u>restricting</u> lifestyle subdivision, particularly in the Rural Production Zone.
Policy RLR-P4	Oppose	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.	Amend Policy RLR P4 as follows: <i>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;</i>

			<p><i>particularly in the Rural Production Zone.</i></p> <p><u>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</u></p>
Policy RLR-P5	Support	Support - the reinforces the expectations of rural amenity (i.e. that they are aligned with rural activities), otherwise this could lead to reverse sensitivity effects.	Retain policy.
RLR - Principal Reasons	Support	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.	The Plan aims to prevent large number of small holdings <i>for non-primary productive purposes</i> in the rural environment.
RLR- AER4	Oppose in part	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.	Amend RLR-AER4: <i>A diversity of activity in the rural area</i> <u><i>Activities in the rural area are primary production and related activities.</i></u>
Policy SSB-P1	Support in part	We appreciate that this section of provisions largely relate to the design of the subdivision itself, however we consider that reverse sensitivity may be a relevant consideration given this is	Amend as follows: To promote subdivision design and building development that optimises efficient resource and energy use and water conservation measures through

		not solely related to urban environments.	improved subdivision and building design, including by orientation to the sun, domestic on-site water storage, and utilising principles of low impact urban design <i>and where applicable, measures to mitigate reverse sensitivity.</i>
Objective UFD-O2	Support	This is an important objective to support the rural strategic direction in the plan and to provide protection for HPL. It is important that demand for land for housing is located appropriately and where possible avoids HPL, to protect this resource for future generations.	Retain objective.
Policy UFD-P2	Support	This is an important policy to support the direction established in the rural strategic direction (around protection of HPL).	Retain policy.
Policy UFD-P4	Support	Structure plans provide a structured way to address the potential conflict that can arise at a new urban boundary.	Retain policy.
UFD-AER3	Support in part	The AER seeks to minimise loss of HPL but the policy is 'avoid' The AER should reflect the policy.	Amend: Urban development that avoids, remedies or mitigates adverse environmental effects, and minimises <i>avoids</i> the loss of valuable highly productive land.

Energy, Infrastructure, Transport			
<u>NU - Network Utilities</u>			
NU-O1	Support	Recognising and providing for network utilities is consistent with national direction.	Retain NU-O1
NU-O3	Support in part	The objective is rather absolute. The NPSET seeks that activities are managed 'to the extent reasonably possible (e.g Policy 10). This should be reflected in the objective.	Reword NU-O3: The safety, maintenance, upgrade or development of network utilities is, <u>to the extent reasonably possible</u> , not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.
NU-P5	Support in part	A change is sought to NU-P5 consistent with the change sought to NU-O3 above, to ensure that the policy reflects the objective to 'recognise and provide for' network utilities. Including 'amenity values' does not link to the objectives.	Reword NU-P5 as follows: To <u>ensure that the adverse effects of subdivision, use and development, do not, to the extent reasonably possible, protect network utilities from the adverse effects of subdivision, use and development</u> that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:
NU-P5 (5)	Oppose	There are easements for gas pipelines so it is not necessary for the district	Delete NU-P5 (5)

		plan to regulate activities that are managed by way of easements.	
NU-P5 (6)	Oppose in part	The clause should be consistent with the areas that are sought to be managed – the National Grid subdivision corridor and the National Grid Yard and around designated National Grid substations.	Amend NU-P5 (6) as follows: Managing land use and development (including sensitive activities) buildings, structures and subdivision near <u>within</u> the National Grid <u>subdivision corridor</u> , within the National Grid Yard, or around a designated National Grid substation.
NU-R2	Oppose in part	Minor upgrading is effectively defined through the activities that are provided for in the rule. HortNZ seeks that there is a limitation to change of voltage undertaken as minor upgrading as the change of voltage can have consequences to clearance distances for activities under the lines. Where a change of voltage is to occur then affected landowners should be aware, and the consequences of the change considered.	Add to NU-R2 1) a) ii) <u>d) or increase the voltage of the line</u> Add as an additional matter of discretion to NU-R2 2): <u>h. Effects on affected landowners</u>
NU-R3	Oppose in part	Reticulation and storage of water for irrigation purposes carried out by a network utility operator is included in the definition of network utility. This could capture irrigation schemes. NU-R3 provides for all network utilities other than reticulation and storage of water for irrigation purposes carried	Clarify that ‘reticulation and storage of water for irrigation purposes carried out by a network utility operator’ is provided as a permitted activity within the National Grid Yard by either NU-R3 or R4. For example,

		<p>out by a network utility operator within the National Grid Yard.</p> <p>The rule does not even provide for such purposes as an RDIS, as it is specifically excluded from the rule. Nor is it provided for in NU-R4.</p> <p>There may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard. The key issue is that the activity does not impede access to the National Grid infrastructure. This is adequately provided for in condition NU-R3 1) d) iii).</p>	<p>Delete from NU-R3 the specific exclusion for this activity and delete from NU-R3 1) d) ii) <i>other than for the reticulation and storage of water for irrigation purposes</i></p>
NU-AER3	Oppose	<p>The policy framework does not seek to 'protect' network utilities but rather to manage activities. The AER should reflect this approach.</p>	<p>Amend NU-AER3 as follows:</p> <p>Protection of network utilities from other land use activities which may adversely affect them.</p> <p><u>Land use activities are managed to ensure that network utilities are not compromised.</u></p>
<u>TRAN - Transport</u>			
TRANS - S1	Support in part	<p>The parking standard provides for post harvest facilities with 1 space per 2FTE staff employed on site. It should be clear that the number of staff is the number who are employed at one time</p>	<p>Amend TRANS-S1 post harvest facilities as follows:</p> <p>1 space per 2 FTE staff employed on site <u>at any one point in time</u></p> <p>OR amend to:</p>

		<p>- not the total number of staff employed over a number of shifts.</p> <p>Alternatively, the requirements could be based on 1 space per 50m² of total floor area, with a lesser provision for coolstores as while the area may be large the number employed within the area is limited.</p> <p>There is no specific provision for rural industry which would require similar space to post harvest facilities.</p>	<p>1 space per 50m² of gross floor area. Except for coolstores 1 space per 500m² of gross floor area.</p> <p>AND clarify that no parking standards apply to seasonal worker accommodation (i.e that they are not captured by a more general activity class).</p>
Hazards and Risks			
<u>CL - Contaminated Land</u>			
CL-M1	Support in part	<p>The plan should make clear that the NES-CS does not apply to production land if the continues to be used for production purposes - refer Clause 5 (8). It is only when a change of land use occurs that the NES-CS provisions apply to production land.</p>	<p>Insert an additional sentence in CL-M1: <i><u>The NES-CS does not apply to primary production land where the land continues to be used for production purposes. Only when the land use changes will the NES-CS apply.</u></i></p>
<u>HAZS - Hazardous Substances</u>			
HAZS-O2	Support	<p>HortNZ supports avoiding unnecessary duplication of regulation between the HSNO Act and the District Plan.</p>	<p>Retain Objective HAZS-O2</p>
HAZS-P1	Support	<p>HortNZ support that activities are enabled to utilise hazardous</p>	<p>Retain Policy HAZS-P1</p>

		substances where necessary for their operations.	
HAZS-R1	Support	HortNZ supports the permitted activity for hazardous substances.	Retain HAZS-R1
HAZS-M3	Support in part	The method provides for use of codes or practice and references NZS8409:2004:Management of Agrichemicals. There is a new version of NZS8409 to be released shortly so the plan may be better to reference the 2021 standard.	Amend the reference to NZS8409:2004 to NZS8409:2021.
<u>NH - Natural Hazards</u>			
NH- Introduction	Support in part	HortNZ supports the risk based approach to managing risks associated with natural hazards. The inclusion of climate change is also supported but note that food security is an issue that arises due to climate change - both in terms of food production and distribution. This should be acknowledged in the section on climate change.	Retain risk-based approach to natural hazards. Amend 5 th para of the introduction to include food security as an issue arising from climate change: <i>"Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues <u>and also food security...</u>"</i>
NH-O3	Oppose	The objective seeks that 'Any' increase in risk is 'avoided'. This is not effects based or risk based (nor reflecting of the rule framework). The response to a risk should be based on the level of risk. The following policies focus on	Amend NH-O3 as follows: <i>An increase of risk to people, property, infrastructure and the environment from the effects of natural hazards <u>should be avoided, remedied or</u></i>

		'significant natural hazard risk' rather than 'any' risk.	<i>mitigated, reflecting the level of risk posed by the hazard.</i>
NH-P5	Support in part	<p>The policy uses the term 'areas of significant natural hazard risk' but the term is not defined so it is unclear what would be included within the scope of significant natural hazard risk. As this could limit activities within those areas it should be clearly defined or described.</p> <p>It would appear that there are three areas of concern:</p> <ul style="list-style-type: none"> • Fault avoidance area • Flood Hazard area • Tsunami Hazard area <p>If these are intended to be the areas of significant natural hazard risk then they should be defined or identified as such.</p>	<p>Add a definition for 'areas of significant natural hazard risk' as:</p> <ul style="list-style-type: none"> • Fault avoidance area • Flood Hazard area • Tsunami Hazard area
NH-R2	Support in part	<p>HortNZ supports the Building Importance Categories (BIC) as a basis for risk assessment. The rule should refer to buildings and 'structures'. It needs to be clear that artificial crop protection structures are included as BIC 1.</p>	<p>Amend all relevant references in NH-R2 to provide for structures (in addition to buildings):</p> <p><i>'The building <u>or structure</u> is a BIC 1 or 2a category structure'</i></p>

NH-APP1 - - Building Importance Categories (BIC)	Support	The Building Code also has a building importance levels in Schedule A3 which assess the risk of a range of building types, which may be a more appropriate reference that the MfE table and is supported by the regulations.	Use Schedule A3 from the Building Code as the basis of building importance categories in the Plan.
<i>Historical and Cultural Values</i>			
<u>SASM - Sites and Areas of Significance to Māori</u>			
SASM-R4	Support	Support the pragmatic and effects-based approach	Retain
SASM-R5	Support	Support the pragmatic and effects-based approach	Retain
<i>Natural and Environment Values</i>			
<u>ECO - Ecosystems and Indigenous Biodiversity</u>			
ECO-R1	Support	Unmanaged including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes, buildings) disruption and harbour pests and diseases.	Retain ECO-R1

		<p>Shelterbelts can also be an important management tool for spray drift and wind exposure.</p> <p>This submission seeks a minor change to the definition of shelterbelts so that all shelterbelts are provided for by this permitted activity rule regardless of height.</p>	
ECO-RX		<p>Refer to discussion in section 3.4.4 above. We seek a rule that applies across the various rules.</p>	<p>Include a permitted activity rule that enables a biosecurity response involving indigenous vegetation clearance, where that vegetation is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</p>
<u>NFL - Natural Features and Landscapes</u>			
NFL-02	Oppose	<p>HortNZ does not support the inclusion of significant amenity landscapes within the Plan which don't meet the threshold of s6 outstanding natural features and landscapes. The identified areas cover significant areas of rural production and could foreclose on economic opportunities in the district, particularly if the areas impeded development of water storage.</p>	Delete NFL-O2

NFL-P6	Oppose	HortNZ does not support inclusion of significant amenity areas within the plan	Delete NFL-P6
NFL-P7	Oppose	HortNZ has sought that significant amenity areas be deleted from the Plan. If retained there should be an additional point added to P7 to provide for water storage.	Delete NFL-P7 If not deleted add to NFL-P7: 7. the importance of water storage to regional and district social and economic development
<u>OSR - Open Space and Recreation</u>			
OSR-P2	Support	Support recognition of reverse sensitivity as an effect to be managed	Retain.
<u>Subdivision</u>			
SUB-O1	Support	It is important to link to the direction for each respective zone and the strategic direction of the Plan. HortNZ as a specific interest in (1) safeguarding rural land resource; it is important to link Strategic Direction across chapters.	Retain objective.
SUB-O4	Support in part	We support the recognition of the need to manage reverse sensitivity through subdivision - however consider that primary production is also a key activity of relevance to this which could be stated more explicitly.	Retain principle of SUB-04, but amend to include reference to primary production: Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities <i>and primary</i>

			<i>production</i>) are avoided where practicable, or mitigated where avoidance is not practicable.
SUB-P16	Support	As above - support avoidance as the priority in terms of managing reverse sensitivity effects.	Retain
SUB-R5	Oppose in part	We seek deletion of the 'once every three years clause' this on the basis that it creates an expectation of subdivision. We consider a more conservative approach would be warranted in the RPROZ zone for subdivision for a lifestyle site.	Delete (1)(ii) A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created AND, For the RPROZ zone, amend the activity status to to RDIS, rather than Controlled (defaulting to DIS).
SUB-S4	Support	Building platform requirements provide a mechanism for achieving setbacks, a method to assist in managing reverse sensitivity effects.	Retain (subject to amendments sought in zone setbacks), OR amend to require a 30m setback for a building platform from internal boundary in the RPROZ zone.
SUB-AM11	Support	Robust assessment criteria relating to reverse sensitivity are important when assessing subdivision.	Retain.
SUB-AM12	Support	Robust assessment criteria relating to reverse sensitivity are important when assessing subdivision.	Retain.

SUB-AM13	Support	Robust assessment criteria relating to reverse sensitivity are important when assessing subdivision.	Retain, but amend - rural production activity is not a defined term, amend to primary production.
General District-Wide Matters			
<u>EW - Earthworks</u>			
New policy		Seek policy providing for ancillary rural earthworks and the benefits/recognition of rural earthworks in supporting rural activities.	Insert new policy, <u>EW-PX</u> <u>Enable earthworks to provide for people and communities social, economic and cultural well-being, and their health and safety, including ancillary rural earthworks, where adverse effects are appropriately managed</u>
EW-P11	Oppose in part	The effects of dust can be broader than just amenity - for example, mineral extraction/quarry activities can have effects on the surrounding horticultural productivity, due to effects of dust on the quality of produce; this should be included in the management approach.	Amend as follows: ‘To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate: ... 3. that adequate measures will be used to: <u>h. manage the potential effects of dust on any nearby rural production</u>

			<i>activities, including for horticultural land use the effects of dust on produce'</i>
EW-R2	Support	Support providing for Ancillary rural earthworks through a specific permitted activity rule. Earthworks undertaken as part of permitted primary production activities in the rural zone(s) for part of the character of rural areas. Providing for these activities aligns with the purpose of the rural zones.	Retain – subject to exclusion sought in definition for cultivation (or other consequential amendment).
EW-S2	Support	Support unlimited volume in RPROZ and GRUZ for ancillary rural earthworks	Retain
EW-S5	Support in part	We consider the HortNZ guidelines also have relevance in some applications.	Include reference to HortNZ Erosion and Sediment Control Guidelines for Vegetable Production.
EW-S6	Support in part	The earthwork provisions within the National Grid yard are supported. However ancillary rural earthworks such as cultivation and road and track maintenance should be provided for as permitted activity consistent with NZECP:2001.	Amend EW-S6 to clearly state that ancillary rural earthworks are a permitted activity .
<u>LIGHT - Light</u>			
LIGHT-S1	Oppose	These provisions could unreasonably impact on existing operations, if a new residential unit established (for	Delete S1(1)(b)(ii) Delete LIGHT-S1(1)(d)

		example). Existing primary production should not be subject to these standards.	
<u>NOISE - Noise</u>			
NOISE-O1	Support	It is appropriate that there is differentiation across the different receiving environments in the district.	Retain NOISE-O1
NOISE-O2	Support	It is appropriate that there is differentiation across the different receiving environments in the district.	Retain NOISE-O2
NOISE-O3	Support	Reverse sensitivity effects from new sensitive activities locating near growers is an issue.	Retain NOISE-O3
NOISE-O4	Support	The inclusion of exemptions are appropriate.	Retain NOISE-O4
NOISE-P3	Support	Recognition of noise in the rural working environment is supported.	Retain NOISE-P3
NOISE-S1 (1) General (2)	Support in part	HortNZ supports measurement at the notional boundary in the General Rural Zone and the Rural Production Zone but considers that the Rural Lifestyle Zone should also use the national boundary measure as it is similar in nature to the rural area. S4 seeks that	Amend NOISE-S1 (1) General (2) The assessment position for houses, dwellings and habitable buildings in the General Rural Zone, The Rural Production Zone and <u>the Rural Lifestyle Zone</u> is within the notional boundary as defined in NZS6801.

		the measurements are at the national boundary of the Rural Lifestyle Zone.	
NOISE-S5 (7)	Support in part	The heading for the exemption in clause 7 includes 'stock' but animals or stock are not included in the specific exemption.	Include 'Stock' in the exemption in NOISE-S5 (7)
NOISE-S5 (11)	Oppose in part	The clause seeks to limit agricultural aviation movements to 14 days in any calendar year. This is problematic in that an activity may only take place for a short time on any one day rather than the whole day, due to factors such as weather. This would limit the total number of movements that could be undertaken in a year. Agricultural aviation movements are by definition intermittent for specific purposes. This provides enough certainty over their limited duration.	Amend NOISE-S5 (11) to provide a total exemption for agricultural aviation movements
NOISE-S5 (13)	Oppose in part	As a consequence of changes sought to NOISE S5 (11) the provision should be amended to delete reference to 14 days in any calendar year.	Amend S5 (13) as follows: and agricultural aviation movements for up to 14 days in any calendar year Amend NOISE-S5 (13) so Rural Lifestyle is measured at the notional boundary as for General Rural and Rural Production Zones.

NOISE-S5 (16)	Oppose on part	As a consequence of changes sought to NOISE S5 (11) the provision should be amended to delete reference to 14 days in any calendar year.	Amend S5 (16) as follows: and agricultural aviation movements for up to 14 days in any calendar year. Amend NOISE-S5 (16) so Rural Lifestyle is measured at the notional boundary as for General Rural and Rural Production Zones.
NOISE-S5 (27- 29)	Oppose in part	The timing for the use of audible bird scarers in (27) is supported but consider that the measurement in the Rural Lifestyle should also be from the notional boundary, rather than the site boundary. LAE is defined as meaning the same as sound exposure level. A 50dBA LAE is a low level of sound for bird scaring devices. Other plans (eg Central Otago, Hurunui, Marlborough, Whangarei, WBOP, Horowhenua and Gisborne) have a limit of 65dBA ASEL or LAE which better reflects the exposure over time.	Amend NOISE-S5(27) and (29) so Rural Lifestyle is measured at the notional boundary as for General Rural and Rural Production Zones. Amend NOISE-S5(29) to delete 50dBA LAE and include a measure of 65dB ASEL.
NOISE-S5 (30)	Oppose in part	The noise provision in the Hastings District Plan for frost fans is 65dB LAeq 15mins. It is considered that CHB should be consistent with Hastings District.	Amend NOISE-S5(30) so Rural Lifestyle is measured at the notional boundary as for General Rural and Rural Production Zones. Amend 55 dB LAeq 10mins. To 65dB LAeq 15mins.

PART 3 Area Specific Matters

<u>GRUZ - General Rural Zone</u>			
GRUZ - O2	Support in part	HortNZ supports the recognition of rural character as an important characteristic of the GRUZ. However some amendments are sought to better reflect the range and nature of primary production activities.	Amend as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: <ol style="list-style-type: none"> 1. <u>Overall</u> low-density built form, with open space and few structures; 2. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, <u>post harvest facilities, seasonal worker accommodation and artificial crop protection structures and crop support structures, which may vary across the district and seasonally;</u> 3. sounds, and smells and traffic associated with legitimate primary production activities <u>and anticipated from a working rural environment;</u> 4. ...'
GRUZ-O4	Support	It is important to manage reverse sensitivity effects	Retain

GRUZ-P1	Oppose in part	<p>We support the direction of the policy but, it implies that some primary production are not compatible (despite this being a role of the Zone). The policy should seek to 'enable' primary production activities</p> <p>As mentioned elsewhere, the use of 'land-based primary production' is also unclear.</p>	<p>Amend RPROZ-P1 as follows:</p> <p>To allow land-based <i>Enable</i> primary production and ancillary activities, <i>recognising the</i> which are compatible with the primary productive purpose and predominant character and amenity of the General Rural Zone.</p>
GRUZ-P3	Support in part	<p>HortNZ supports the specific provision for post-harvest facilities and rural industry as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.</p>	<p>Amend rural commercial activities to '<u>rural industry</u>'</p>
GRUZ-P5	Support	<p>Setbacks are an important tool to managing reverse sensitivity (including at zone boundaries)</p>	<p>Retain</p>
GRUZ-P6	Support in part	<p>A policy of 'avoid' means that there can be no shading from trees onto public roads and properties. The focus should be on managing trees so that adjoining properties and roads are not adversely affected.</p>	<p>Amend RPROZ-P6 as follows:</p> <p><i><u>Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u></i></p>
GRUZ-P7	Support in part	<p>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</p>	<p>Amend, as follows:</p> <p><u>Or,</u></p>

		in the RPSOZ unless there is a clear functional or operational need.	4. <u>Does not have a functional or operational need for a rural location</u>
GRUZ-R1 Residential activities	Support in part	Assessment Matter 5 relates to residential activities, but is not referenced	Add to 2(a): <u>GRUZ-AM5</u>
GRUZ-R2 Seasonal worker accommodation	Support in part	Refer to discussion in above in section 3.4.1 - we do not consider that there is a need for both a control on area and number of workers, and as a certain area is required to meet accommodation requirements. We also propose the Code of Practice for Seasonal Worker Accommodation is referred to - for example this is included in the Western Bay of Plenty District Plan .	Delete 1(a)(i) A maximum gross floor area of 125m² (Or the standard of no less than 24 people). AND include: <i>'Be constructed in accordance with the <u>specific Code of Practice for Seasonal Worker Accommodation</u>'.</i> AND exclude the upgrading of existing facilities from new requirements.
GRUZ-R3 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)	Support in part	It is important to provide for primary production activities in the rural environment. Requiring compliance with GRUZ-S12 is redundant, as this standard only applies to 'Residential Activities'. HortNZ seeks amendments to permitted activity standards to provide a more nuanced approach for ACPS.	Amend: ... b. Compliance with GRUZ-S12 (setback from gas transmission network) ... AND, for clarity include a specific permitted activity rule for ACPS's (refer to proposed drafting above in section 3.4.2).

GRUZ-R4 Agricultural aviation movements ancillary to primary production activities	Support	Clear rule that provides for activities inherent to primary production	Retain
GRUZ- R6 Post-harvest facilities	Support in part	Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'.	Assessment matter GRUZ-AM6 relates to post harvest facilities and should be listed in 2(a) Delete 1c) GRUZ-S12 (setback from gas transmission network)
GRUZ-R8 Visitor accommodation	Oppose in part	This is an activity which can have be incompatible with rural production - we consider a three month duration as a permitted activity standard is too long. - we propose an alternative guest based threshold. It is important that any permitted activities are of a level that is small scale enough so as to reduce the risk of reverse sensitivity effects. We support setbacks as a permitted condition.	Amend (1)(a)(i) Length of stay for any one guest must be no greater than 3 months in any 12-month period. <u>Limited to no more than 4 guests at one time</u> Assessment matter GRUZ-AM7 relates to visitor accommodation and should be listed in GRUZ-R8 2a)
GRUZ-R9 Commercial activities not otherwise provided for	Oppose in part	Requiring compliance with GRUZ-S12 is redundant, as this standard only applies to 'Residential Activities'.	Rename 'rural industry'. Assessment matter GRUZ-AM7 relates to commercial activities and should be listed in 2(a) Delete 1d) GRUZ-S12 (setback from gas transmission network)

GRUZ-R10 Community facilities	Oppose in part	Requiring compliance with GRUZ-S12 is redundant, as this standard only applies to 'Residential Activities'. We support setbacks as a permitted condition.	Assessment matter GRUZ-AM7 relates to commercial activities and should be listed in 2(a) Delete 1c) i) GRUZ-S12 (setback from gas transmission network)
GRUZ-R11 Educational facilities	Oppose in part	Requiring compliance with GRUZ-S12 is redundant, as this standard only applies to 'Residential Activities'	Assessment matter GRUZ-AM8 relates to educational facilities and should be listed in GRUZ-R11 2a) Delete 1d) GRUZ-S12 (setback from gas transmission network)
GRUZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)	Oppose in part	Oppose with regard to the definition of intensive primary production activities capturing greenhouses. It is unclear how this rule would apply to greenhouses - as discussed in section 3.4.5. Requiring compliance with GRUZ-S12 is redundant, as this standard only applies to 'Residential Activities'	As sought elsewhere in this submission - replace the definition of Intensive primary production, with the National Planning Standards definition for Intensive Indoor Primary Production. Delete 1c) iii) GRUZ-S12 (setback from gas transmission network) Assessment matter GRUZ-AM9 relates to intensive indoor primary production and should be listed in 2(a)
GRUZ R16 Camping grounds	Support	Support these activities being required to go through a consenting process so effects can be assessed.	Retain DIS activity status.
GRUZ-S1 Activity thresholds	Oppose in part	There is not a clear framework for restaurants - we do not consider this should be permitted in the GRUZ.	Delete Restaurants

GRUZ-S2 Height of Buildings	Support	Support providing for frost fans with a specific height limit.	Retain.
GRUZ-S3 Height in Relation to Boundary	Support in part	As discussed in section 3.4.2, this standard is not necessary for ACPS.	Amend: ... <u><i>This does not apply to artificial crop protection structures.</i></u>
GRUZ-S4 Setback from Roads and Rail Network	Support in part	It would provide more clarity to refer to the defined term, Ancillary Buildings and Structures (Primary Production)', rather than accessory buildings. (We note the Rail Network Boundary is not defined or mapped)	For consistency/greater clarity, amend GRUZ-S4: Accessory Buildings <u><i>Ancillary buildings and structures</i></u> associated with primary production:
GRUZ-S6 Setbacks from neighbours	Oppose in part	It would provide more clarity to refer to the defined term, Ancillary Buildings and Structures (Primary Production)', rather than accessory buildings. A 5m setback for ACPS's is too large in a rural environment, given the nature of these structures.	For consistency/greater clarity, amend GRUZ-S6: Accessory Buildings <u><i>Ancillary buildings and structures</i></u> associated with primary production: Amend to include a setback specific to artificial crop protection structures: <u><i>Artificial crop protection structures</i></u> 4. <u><i>Minimum setback from internal boundaries of 1m</i></u>
GRUZ-S6 Shading of Land and Roads	Oppose in part	There is no explanation in the Section 32 Report as to why the approach is being amended in the Proposed Plan (compared to the operative provision).	Retain operative provision

		On the face of it, it appears that the operative plan provisions are more effects-based. This may particularly impede on shelterbelts.	
GRUZ-S13 Setback from National Grid Yard and National Grid Substation	Support in part	HortNZ supports the specific provisions for artificial crop protection structures or crop support structures.	Amend s13 3) b) to artificial crop protection structures or crop protection support structure.
GRUZ-AM7 Commercial activities, visitor accommodation, Home businesses	Support in part	Consistent with other changes sought commercial activities should be renamed 'rural industry'.	Rename Commercial activities to ' <u>Rural industry</u> '
GRUZ-AM1, AM5, AM7, AM8, AM11, AM13	Support in part	It is important that an assessment of effects takes into account potential for reverses sensitivity	Retain reference to reverse sensitivity (and the need to assess this) in the assessment matters
GRUZ -AM8	Support in part	There is a need to ensure that the assessment matters consider the need to locate in the rural production zone	Add to GRUZ-AM8: <u>The functional or operational need to locate in the Rural Production Zone.</u>
GRUZ-AM9	Oppose in part	Refer to reasons elsewhere in this submission.	Amend to refer to 'Intensive <u>Indoor</u> Primary Activities..' - consistent with other change we seek in our submission.
<u>RLZ - Rural Lifestyle Zone</u>			
RLZ-S5 Setbacks from Neighbours	Support in part	Support setbacks, but we seek clarification that setbacks also apply at rural zone boundaries	Amend: Minimum setback of buildings for an activity from internal boundaries, <u>or</u>

			<i>boundary with the General Rural or Rural Productive Zone</i> is 15m. Domestic water storage tanks up to 2m in height are exempt from this standard
<u>RPROZ - Rural Production Zone</u>			
RPROZ - Introduction	Support in part	<p>HortNZ supports the inclusion of Rural Production Zone and special recognition of Class 1-3 soils.</p> <p>Para 6 refers to commercial or industrial activities within the zone that largely service primary production. The National Planning Standards includes a definition for rural industry that includes industry or business undertaken in a rural environment that directly supports, services or is dependent on primary production. It is considered appropriate that the term rural industry is used in the Plan to describe and provide for such activities.</p>	<p>Retain RPROZ Introduction but amend to refer to rural industry</p> <p>Para 6 - use 'rural industry'"</p> <p>There are a small number of <u>rural industries</u> commercial or industrial activities within the Zone that are of small scale and largely servicing primary production and rural communities.</p>
RPROZ-O1	Support	Reflects the role of the rural environment.	Retain objective.
RPROZ-O2	Support	Responds to the pressures identified in the rural environment.	Retain objective.

RPROZ-O3	Support	Support recognition of the importance of highly productive land.	Retain objective.
RPROZ-O4	Support in part	HortNZ supports the recognition of rural character as an important characteristic of the RPROZ. However some amendments are sought to better reflect the range and nature of primary production activities.	Amend as follows: 'The predominant character of the Rural Production Zone is maintained, which includes: 5. <u>Overall</u> low-density built form, with open space and few structures; 6. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, <u>post harvest facilities, seasonal worker accommodation</u> and artificial crop protection structures and crop support structures, <u>which may vary across the district and seasonally</u> ; 7. sounds, and smells <u>and traffic</u> associated with legitimate primary production activities <u>and anticipated from a working rural environment</u> ; 8. ...'
RPROZ-O5	Support in part	The focus of Objective 5 should be on non-primary production activities and avoiding reverse sensitivity effects.	Amend RPROZ-O5 as follows:

			<p>Adverse effects of activities are managed to maintain rural character and amenity.</p> <p><u>Non- primary production related activities are managed to ensure that adverse effects do not compromise rural character and amenity or create reverse sensitivity effects.</u></p>
RPROZ-O6	Support	Provides important direction on managing reverse sensitivity.	Retain objective.
RPROZ-P1	Oppose in part	<p>We support the direction of the policy but, it implies that some primary production are not compatible (despite this being a role of the Zone). The policy should seek to 'enable' primary production activities</p> <p>As mentioned elsewhere, the use of 'land-based primary production' is also unclear.</p>	<p>Amend RPROZ-P1 as follows:</p> <p>To allow land-based <u>Enable</u> primary production and ancillary activities, <u>recognising the</u> which are compatible with the primary productive purpose and predominant character and amenity of the Rural Production Zone.</p>
RPROZ-P2	Oppose in part	<p>Activities which are not linked or dependent on primary production should only located in the RPROZ if there is a functional or operational need for them to locate in the zone.</p> <p>The proposed policy provides greater nuance.</p>	<p>Replace RPROZ-P2 with:</p> <p><u>'Provide for non- primary production activities that have a functional need or operational need for a rural location that are managed to ensure that:</u></p> <p>i) <u>Their scale, intensity and built form are in keeping with rural character</u></p>

			<p>ii) <u>They maintain a level of amenity in keeping with the rural character of the rural environment</u></p> <p>iii) <u>They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities.</u></p> <p>iv) <u>Adverse effects are avoided remedied or mitigated'</u></p>
RPROZ-P3	Support	HortNZ supports the specific provision for post-harvest facilities and rural industry as this is consistent with the intent of the National Planning Standards Zone Framework for the rural production zone.	Amend by replacing 'rural commercial activities' with ' <u>rural industry</u> '.
RPROZ-P4	Support in part	While the bulk, scale and location of buildings is sought to be managed it is important to recognise that the Rural Production Zone is a working rural environment and buildings and structures are essential to the primary production activities.	Amend RPROZ-P4 as follows: 'To manage the bulk, scale and location of buildings to maintain the character and amenity of the rural areas, <u>whilst recognising that it is a rural working environment.</u> '
RPROZ-P5	Support	Setbacks are an important management tool - support this applying to primary production (in addition to intensive indoor primary production - subject to our submission on this definition)	Retain RPROZ - P5 but amend references to 'intensive primary production' to 'intensive <u>indoor</u> primary production'

RPROZ-P6	Support in part	A policy of 'avoid' means that there can be no shading from trees onto public roads and properties. The focus should be on managing trees so that adjoining properties and roads are not adversely affected.	Amend RPROZ-P6 as follows: <u>Manage location of trees so that adjoining public roads and properties are not adversely affected by shading.</u>
RPROZ-P7	Support in part	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 unless there is a clear functional or operational need.	To ensure non-rural activities do not locate in the Rural Productive Zone where the activity: 1. <u>Has no functional or operational need for a rural location and will be...</u>
RPROZ-P8	Support	It is important that fragmentation of land is avoided.	Retain RPROZ-P8
RPROZ-P9	Support	Industrial activities not related to primary production are not appropriate in the Rural Production Zone.	Retain RPROZ-P9
RPROZ-R1 Residential activities	Support in part	Support the requirement to meet a setback standard and assessment matters when these are not met.	Assessment matter RPROZ-AM6 relates to residential activities and should be listed in RPROZ-R1 2a)
RPROZ-R2 Seasonal workers accommodation	Support in part	Refer to discussion in above in section 3.4.1 - we do not consider that there is a need for both a control on area and number of workers, and as a certain area is required to meet accommodation requirements. We also propose the Code of Practice for Seasonal Worker Accommodation	Delete 1(a)(i) (i) A maximum gross floor area of 125m² Include:

		is referred to - for example this is included in the Western Bay of Plenty District Plan .	<i>'Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation'</i> AND exclude the upgrading of existing facilities from new requirements.
RPROZ-R3 Primary production activities (including ancillary buildings and structures, but excluding post-harvest facilities, mining and quarrying)	Support in part	It is important to provide for primary production activities in the rural environment. Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'. HortNZ seeks amendments to permitted activity standards to provide a more nuanced approach for ACPS or a specific rule for ACPS	Amend: ... b. Compliance with i. RPROZ-S13 (building restrictions near Waipukurau Aerodrome); and ii. RPROZ-S14 (setback from gas transmission network) ... AND, for clarity include a specific permitted activity rule for ACPS's (refer to proposed drafting above in section 3.4.2).
RPROZ-R4 Agricultural aviation movements ancillary to primary production activities	Support	Clear rule that provides for activities inherent to primary production	Retain.
RPROZ-R6 Post-harvest facilities	Support in part	Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'.	Assessment matter RPROZ-AM7 relates to post harvest facilities and should be listed in RPROZ-R6 2a) Delete 1c) ii) ii. RPROZ-S14 (setback from gas transmission network)

RPROZ-R7 Home businesses	Support in part	This should be linked to the relevant assessment matter.	Assessment matter RPROZ-AM8 relates to home businesses and should be listed in RPROZ-R7 2a)
RPROZ-R8 Visitor accommodation	Oppose in part	These are sensitive activities likely to conflict with all primary production activities, it is important that this is taken into consideration. We consider that a duration of 3 months is too long for a permitted activity standard in this Zone.	Amend to activity status to require consent – unless activity thresholds are amended so as to capture very small scale accommodation that is unlikely to result in reverse sensitivity effects. Assessment matter RPROZ-AM8 relates to visitor accommodation and should be listed in RPROZ-R8 2a)
RPROZ-R9 Commercial activities not otherwise provided for	Oppose in part	Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'.	Rename 'rural industry' Assessment matter RPROZ-AM8 relates to commercial activities and should be listed in RPROZ-R9 2a) Delete 1d) iii) iii. RPROZ-S14 (setback from gas transmission network)
RPROZ-R10 Community facilities	Oppose	These are sensitive activities likely to conflict with all primary production activities – we consider a resource consent process would enable an assessment against the policy framework. As an aside, requiring compliance with RPROZ-S14 is redundant, as this standard only applies to 'Residential Activities'	Amend activity status to RDIS (or DIS). Delete 1c) iii) iii. RPROZ-S14 (setback from gas transmission network) Assessment matter RPROZ-AM9 relates to community facilities and should be listed in RPROZ-R10 2a)

RPROZ-R11 Educational facilities	Oppose	<p>These are sensitive activities likely to conflict with all primary production activities – we consider a resource consent process would enable an assessment against the policy framework.</p> <p>As an aside, requiring compliance with RPROZ-S14 is redundant, as this standard only applies to ‘Residential Activities’</p>	<p>Amend activity status to RDIS (or DIS). Assessment matter RPROZ-AM9 relates to educational facilities and should be listed in RPROZ-R11 2a) Delete 1c) iii)f iii. RPROZ-S14 (setback from gas transmission network)</p>
RPROZ-R14 Intensive primary production activities (other than commercial boarding and/or breeding of cats, dogs, and other domestic pets)	Oppose in part	<p>Oppose with regard to the definition of intensive primary production activities capturing greenhouses. It is unclear how this rule would apply to greenhouses – as discussed in section 3.4.5. Requiring compliance with RPROZ-S14 is redundant, as this standard only applies to ‘Residential Activities’</p>	<p>As sought elsewhere in this submissions – replace the definition of Intensive primary production, with the National Planning Standards definition for Intensive Indoor Primary Production. Delete 1d) iii) iii. RPROZ-S14 (setback from gas transmission network) Assessment matter RPROZ-AM10 relates to intensive indoor primary production and should be listed in RPROZ-R14 2a)</p>
RPROZ-R16 Camping grounds	Support	<p>Support these activities being required to go through a consenting process so effects can be assessed.</p>	<p>Retain DIS activity status.</p>
RPROZ-S1 Activity Threshold	Oppose in part	<p>There is not a clear framework for restaurants – we do not consider this should be permitted in the RPROZ.</p>	<p>Delete Restaurants</p>

RPROZ-S2 Total Building Coverage	Support in part	Specifically referring to artificial crop protection structures and crop support structures (defined terms) in the exclusions would provide greater clarity. The limitation regarding 'directly in the soil' does not appear to be an effects-based control.	Amend: 2. Netting, structures (<u>including artificial crop protection structures and crop support structures</u>), and greenhouses where crops are grown under or within those structures <u>directly in the soil of the site</u> , are excluded from total building coverage calculations.
RPROZ-S3 Height of Buildings	Support	Support providing for frost fans with a specific height limit.	Retain.
RPROZ-S4 Height in Relation to Boundary		As discussed in section 3.4.2, this standard is not necessary for ACPS.	Amend: ... <u>This does not apply to artificial crop protection structures.</u>
RPROZ-S5 Setback from Roads and Rail Network	Support in part	It would provide more clarity to refer to the defined term, Ancillary Buildings and Structures (Primary Production)', rather than accessory buildings. (We note the Rail Network Boundary is not defined or mapped)	For consistency/greater clarity, amend RPROZ-S5: Accessory Buildings <u>Ancillary buildings and structures</u> associated with primary production:
RPROZ-S6 Setbacks from neighbours	Oppose in part	It would provide more clarity to refer to the defined term, Ancillary Buildings and Structures (Primary Production)', rather than accessory buildings.	For consistency/greater clarity, amend RPROZ-S5: Accessory Buildings <u>Ancillary buildings and structures</u> associated with primary production:

		<p>There is clear policy direction on the plan which seeks to avoid compromising primary production (e.g. RLR-P4, and P5).</p> <p>HortNZ considers that a greater setback for residential buildings would be more consistent with this policy direction, noting that it doesn't preclude development that is closer to this, but enables an effects assessment through a resource consent process.</p>	<p>Amend to increase the setback for residential activities:</p> <p><u>Residential Activities</u></p> <p>4. <u>Minimum setback of buildings for an activity from internal boundaries is 30m. Domestic water storage tanks up to 2m in height are exempt from this standard.</u></p>
		<p>A 5m setback for ACPS's is too large in a rural environment, given the nature of these structures.</p>	<p>Amend to include a setback specific to artificial crop protection structures:</p> <p><u>Artificial crop protection structures</u></p> <p>5. <u>Minimum setback from internal boundaries of 1m</u></p>
RPROZ-S7 Shading of Land and Roads	Oppose in part	<p>There is no explanation in the Section 32 Report as to why the approach is being amended in the Proposed Plan (compared to the operative provision).</p> <p>On the face of it, it appears that the operative plan provisions are more effects-based.</p> <p>This may particularly impede on shelterbelts.</p>	Retain operative provision

RPROZ-S15 Setback from National Grid Yard and National Grid Substation	Support in part	HortNZ supports the specific provisions for artificial crop protection structures or crop support structures.	Amend S15 3) b) to artificial crop protection structures or crop protection support structure.
RPROZ-AM8 Commercial activities, visitor accommodation, Home businesses	Support in part	Consistent with other changes sought commercial activities should be renamed 'rural industry'.	Rename Commercial activities to ' <u>Rural industry</u> '
RPROZ-AM9	Support in part	There is a need to ensure that the assessment matters consider the need to locate in the rural production zone	Add to RPROZ-AM9: <u>The functional or operational need to locate in the Rural Production Zone.</u>
RPROZ-AM1, AM6, AM8, AM9, AM12, AM14.	Support in part	It is important that an assessment of effects takes into account potential for reverses sensitivity	Retain reference to reverse sensitivity (and the need to assess this) in the assessment matters