

SUBMISSION ON

Planning Bill

13 February 2026

To: Environment Select Committee

Name of Submitter: Horticulture New Zealand

Supported by: Blackcurrants NZ, Hawke's Bay Vegetable Growers Association, NZ Avocado, NZ Apples & Pears, NZ Kiwifruit Growers Inc, Potatoes NZ, Pukekohe Vegetable Growers Association, Strawberry Growers NZ Inc, Summerfruit NZ, Tomatoes NZ, Vegetables NZ Inc.

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Our submission

Horticulture New Zealand thanks the Environment Select Committee for the opportunity to submit on the Planning Bill. HortNZ wishes to be heard in support of our submission.

HortNZ's Role

Background to HortNZ

HortNZ represents the interests of approximately 4,300 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs.

There are approximately 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain, and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

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.



Industry value \$7.54bn
Farmgate value \$4.89bn
Export revenue \$4.99bn
Domestic spend \$2.55bn

Source: HortNZ Annual Report 2025

Executive Summary

Key Areas of Concern

HortNZ supports the need for resource management reform and a new system that is simpler, less expensive and less time-consuming while also achieving better outcomes for communities, development and the environment. We are encouraged that one of the objectives for the new planning system was "to make it easier to get things done by...enabling primary sector growth and development", including horticulture.¹

While we support the intent of the reform, we are concerned that the drafting of the Planning Bill (PB) does not always deliver on that intent. HortNZ would welcome the opportunity to work with the Government on the matters discussed in this submission.

HortNZ's key recommendations are that:

1. Reverse sensitivity is appropriately managed;
2. Consideration is given to well-functioning peri-urban environments, where horticulture often takes place;
3. The value of food supply is adequately considered alongside the need for housing growth; and
4. The sequencing of environmental limit setting and spatial planning needs further consideration.

Key Outcomes Sought

1. Include a principle in the Planning Bill that those who "come to the nuisance" should not be able to complain about it.
2. Amend goal (a) to ensure that land use does not unreasonably affect others **and manage reverse sensitivity effects**, including by separating incompatible land uses.
3. Amend the goal for well-functioning urban and rural areas, specifying that a well-functioning urban area provides for housing and development, while well-functioning rural and peri-urban areas provide for primary production.
4. Environmental limits must be set before or alongside spatial planning, so that spatial plans can give effect to environmental limits. Fix sequencing, at least during transition, for how spatial plans can give effect to natural environment and land use plans.
5. Include food production and rural environments as matters that spatial plans must address.

¹ Planning Bill, Explanatory Note.

Planning Bill

1. Horticulture and Resource Management

Horticulture is a high value land use which produces healthy food for New Zealanders and the world. The sector makes \$7.54 billion of value between the domestic and export markets,² on less than 0.1% of New Zealand's land area.³

Resource management has a direct and significant impact on the ability of growers to grow the food that feeds our population and the world. Growers rely on the ability to secure resource consents or operate as a permitted activity for many parts of their operations. The process of consenting is often prohibitively expensive, time consuming and difficult.

2. General Position on the Planning Bill

HortNZ supports the intent and general design of the new resource management system under the PB. We support a simpler system with fewer plans and more national standardisation. We expect that the new design will make it easier and less expensive to participate in the system, especially when it comes to making submissions on spatial, land use and natural environment plans.

3. Goals

In HortNZ's view, the goals of the PB could be strengthened to better manage the urban/rural interface and better provide for primary production and associated ancillary activities. Currently, the Bill takes an urban focus, leaving decisions for rural areas as secondary by omission.

3.1. Separating Incompatible Land Uses

HortNZ supports the intention of the goal to "ensure land use doesn't unreasonably affect others, including by separating incompatible land uses". However, it is not always practicable to separate incompatible land uses, and there are alternative planning mitigations to manage reverse sensitivity effects. A planning system that attempts to eliminate all effects on neighbouring properties would lead to the closure of key infrastructure and regionally and nationally important industries, without regard for the economic or social impacts.⁴ That is why the concept of reverse sensitivity is important, to provide for existing, lawfully established activities to continue operating productively in appropriate zones.

² HortNZ Annual Report 2025.

³ StatsNZ. [Agricultural and horticultural land use](#). 15 April 2021. Accessed online 23/12/25.

⁴ Stewart, Isaac. (2006). *Reverse Sensitivity: An Environmental Concept to Avoid the Undesirable Effects of Nuisance Remedies*. Canterbury Law Review.

People who “come to the nuisance” should not be able to restrict the operations of lawfully established activities by complaining based on unrealistic expectations for the area that they’ve moved to. This point was made in the Expert Advisory Group report,⁵ but it has not come through in the legislative drafting.

Often, incompatible uses are brought to the rural zone, especially by urban expansion, and existing uses should not be the ones then forced to retreat or remove adverse effects. Protection is needed for those with existing use rights to undertake lawfully established rural land uses, which is why the National Policy Statement for Highly Productive Land has policies to prioritise primary production on the most fertile soils and manage reverse sensitivity effects.

Outcome sought: Include a principle in the Planning Bill that those who “come to the nuisance” should not be able to complain about it.

Horticulture often operates at the urban-rural fringe because cities were established alongside fertile soils and water sources, so that food could be grown to feed the settlements. It is a well-documented phenomenon that as urban areas expand, houses are built on or amongst growing land and new residents complain when they realise that growing creates noise, smells and traffic movements that are all a part of normal operations. Even the aesthetics of normal horticultural businesses, like the shade cloth that protects valuable fruit from sunburn and hail, are frequently subject to challenge through resource management processes. These complaints occur even in rural zones, where primary production is the anticipated primary activity.

Under the Resource Management Act (RMA) 1991, HortNZ has continuously participated in district planning processes throughout the country to protect grower operations from reverse sensitivity effects. Our understanding is that the intent of the PB is to avoid the need for these processes by embedding a clear protection for lawfully established existing use rights, including the potential for the reasonable expansion of existing activities over time where the site is ‘zoned or owned’ – provided they adopt ways of mitigating their effects.⁶

However, our analysis suggests that the PB is does not adequately address reverse sensitivity and lacks direction for the management of peri-urban areas. This direction can come through secondary legislation, but the goals need to account for the fact that sometimes incompatible land uses cannot be separated, and other measures are needed to manage reverse sensitivity effects. Overall, a greater balance is required to ensure the goals deliver clear direction for urban and rural land.

Outcome sought: Amend goal (a) to ensure that land use does not unreasonably affect others and manage reverse sensitivity effects, including by separating incompatible land uses.

These amendments are detailed in Table 1 below.

⁵ New Zealand Government. (2025). [Blueprint for resource management reform](#). (p. 8)

⁶ New Zealand Government. (2025). [Blueprint for resource management reform](#). (p. 8)

3.2. Well-Functioning Urban and Rural Areas

HortNZ supports the goal for “well-functioning urban and rural areas”. However, the Bill does not clarify what a “well-functioning” area looks like for either of these zones.

In HortNZ’s view, a “well-functioning” rural area is one that enables primary production to occur first and foremost without the burden of reverse sensitivity effects. It also means that they can access the natural resources, infrastructure and ancillary activities they need to operate.

HortNZ proposes changes to the goals to make the purpose of “well-functioning urban and rural areas” clearer by highlighting the need to provide for housing and businesses in urban areas, and the need to provide for primary production in rural areas. This change will ensure that the impact on food supply is considered and a path is provided for national direction to manage land use conflict that affects primary production.

It is worth noting that strategic spatial planning and different planning standards may be needed to manage the urban-rural interface. The policies for peri-urban areas will need to be different than purely urban or rural zones because of the increased reverse sensitivity pressures and the importance of the food production that takes place at this interface.

As the National Policy Statement for Urban Development is progressed through spatial planning, a balanced approach is needed to consider existing and potential food production on the productive land that may also be considered for greenfield development. Spatial planning can be a tool to manage this potential conflict while planning for our food supply, export growth and housing, without one coming at the expense of another. For instance, urban density can be planned to balance housing growth and the use of rural land to grow food.

When it comes time to define zones in the National Planning Standards, HortNZ proposes that a “peri-urban zone” is developed that enables food production on our most fertile soils.

Outcome sought: Amend the goal for well-functioning urban and rural areas, specifying that a well-functioning urban area provides for housing and development, while well-functioning rural and peri-urban areas provide for primary production.

Table 1: Amendments to the Goals

Clause	Commentary	Proposed Amendments
11 Goals	Reverse sensitivity is a significant problem for horticulture, which often occurs at the boundary of urban and rural areas. HortNZ seeks wording that clarifies that well-functioning rural and peri-urban areas provide for primary production and rural infrastructure, which includes water storage.	(1) All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to sections 12 and 45 : (a) to ensure that land use does not unreasonably affect others <u>and</u> manage reverse sensitivity effects ,

Clause	Commentary	Proposed Amendments
		<p>including by separating incompatible land uses:</p> <p>(b) to support and enable economic growth and change by enabling the use and development of land:</p> <p>(c) to create well-functioning urban <u>areas which provide for housing and business land:</u></p> <p><u>(ca) to create well-functioning rural and peri-urban areas which provide for primary production:</u></p> <p>(d) to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development:</p> <p><u>(da) to enable the use of rural and peri-urban land for primary production use and development and rural infrastructure:</u></p> <p>(e) to plan and provide for infrastructure to meet current and expected demand...</p>

4. Reverse Sensitivity and the Scope of Effects

HortNZ supports that the scope of effects that can be considered under the PB have been narrowed significantly from the RMA. Clause 14 lists the effects that can no longer be considered (e.g. internal and external layout of buildings, visual amenity, views from private property), which will ease some reverse sensitivity effects.

Some of the most significant reverse sensitivity issues for growers arise from complaints about noise, light and odour which are anticipated effects in productive environments. Planning frameworks must recognise that these effects are normal and appropriate to avoid reverse sensitivity outcomes that constrain existing and future production.

4.1. Noise

In cl 24 "Duty to avoid unreasonable noise", a definition is needed for what constitutes a "reasonable level" of noise.

Outcome sought: Define reasonable noise or ensure this will be addressed in National Standards.

5. Spatial Planning and Integration Between the Bills

HortNZ supports a move toward spatial planning. However, to ensure that spatial planning processes deliver the intended outcomes, further refinement of the draft wording is required. We have outlined suggestions for improvements below.

5.1. Sequencing of spatial planning and limit setting

Clause 2 of Schedule 2 "Spatial plans" requires that a regional spatial plan must be consistent with environmental limits. However, the way that the "funnel" of the new system works, spatial plans are developed first, before natural environment plans. It is not clear how a region's spatial plan can give effect to environmental limits that have not yet been set.

Clause 5 of Schedule 2 is similarly unclear, in that it requires a spatial plan to have regard to natural environment plans prepared under the NEB and land use plans prepared under the PB. This won't be possible unless those plans are developed before or alongside spatial plans.

This is also a problem for cl 63 "Regional combined plan" which says that there must be a combined plan for each region at all times.

This will no longer be a problem once the first generation of natural environment plans have been developed, but a transition process or reordering of the process will be needed for the first generation of spatial plans.

Outcome sought: Environmental limits must be set before or alongside spatial planning so that spatial plans can give effect to environmental limits. Fix sequencing, at least during transition, to enable spatial plans to give effect to natural environment and land use plans.

5.2. Highly productive land

Clauses 27 and 67 of the PB state that the purpose of regional spatial plans includes enabling "integration at the strategic level of decision-making under this Act and the Natural Environment Act 2025".

Because spatial plans will be fully completed before natural environment plans, this would indicate that the spatial extent of zones which allow for different activities with enabling provisions will be determined before councils or the community are certain about what resources are available to allocate to those activities.

For instance, highly productive land will be mapped under spatial planning, but it will not be clear whether there is available water allocation or whether council plans will allow for activities to discharge from that highly productive land until the natural environment plans are complete. This could lead to the perverse outcome where land is constrained by the Planning Act from being developed for housing before being enabled by the Natural Environment Act for use for primary production. Horticulture, in particular, relies on the fertile soils of highly productive land, but it requires water and the ability to discharge for growers to be able to grow food.

HortNZ proposes amendments to the Natural Environment Bill (NEB), also found under Section 7 of our submission on the NEB, to provide a pathway to prioritise allocation for primary production on highly productive land.

Table 2: Allocation amendment to NEB

Clause	Commentary	Proposed Amendments
99 Rules may allocate natural resource activity	<p>If activities are prioritised for allocation under national direction, such as the use of water for primary production on highly productive land, then there needs to be a pathway in the primary legislation to require regional councils to incorporate that prioritisation.</p> <p>Direction also needs to be given for resource use efficiency, or else the enabling of market-based allocation in this legislation may lead to allocation regimes that prioritise the highest bidder.</p>	<p>(1) A rule in a plan may allocate a natural resource use activity.</p> <p>(2) A rule that allocates a natural resource use activity—</p> <p>(a) must not allocate the amount of a natural resource that is already allocated by an existing permit, while that permit is valid...</p> <p>(e) may allocate natural resource use as a fixed amount or as a proportion of the available resource; and</p> <p>(f) must consider resource use efficiency and</p> <p>(g) may consider how to prioritise the use of highly productive land for primary production.</p>

5.3. Climate adaptation and water storage

Currently, the PB explicitly recognises the need to plan for infrastructure services for future urban areas but does not recognise the same need for rural areas or food production in particular. Water storage is critical infrastructure for the horticulture industry's current and future ability to feed New Zealand and deliver export growth, as HortNZ has discussed in our submission on the NEB. Water storage can support irrigation, frost protection, post-harvest facilities, greenhouses, community drinking water supply, rural industry and environmental outcomes.

HortNZ supports the policy positions in Irrigation New Zealand's submission related to enabling water storage as long-lived infrastructure across the PB and NEB.

Outcome sought: Spatial plans should be required to consider infrastructure services that may be needed to serve existing and future food production areas, not just future urban areas.

This amendment is included in Table 3 below.

5.4. Natural hazards

Currently sub-cl 3(a) of Schedule 2 requires that “constraints on the use and development of land and the coastal marine areas, including natural hazards...” are addressed in spatial plans.

Framing natural hazards only as a constraint on land use and development unnecessarily narrows the range of strategic planning responses available. Rather than focusing primarily on restricting development in hazard-prone areas (such as housing on floodplains), spatial planning should take a more integrated, catchment-wide approach that considers how activities in the upper catchment influence risks and impacts downstream during adverse events.

For instance, during Cyclone Gabrielle, significant volumes of sediment and woody debris were carried down catchments, which then caused extensive damage to highly productive land downstream. Spatial planning could play a role in anticipating and managing these catchment-scale interactions to support long-term resilience.

This could be provided for in the PB by removing the reference to “constraints on the use and development of land and the coastal marine areas” in sub-cl 3(a), allowing natural hazards to be addressed through a wider strategic lens.

Outcome sought: Reword sub-cl 3(a) to remove the reference to “constraints on the use and development of land and the coastal marine areas”, allowing natural hazards to be addressed through a wider strategic lens.

5.5. Planning for Food Supply and Balancing Implicit Prioritisation of Urban Land Uses

Clause 3 of Schedule 2 sets out the mandatory matters that spatial plans must address. These include “the gross pattern of urban, rural, industrial, and other development types to the extent required to...inform consideration of scenarios and options for future urban development and infrastructure”. Planning for urban development and infrastructure is important, but this wording prioritises these land uses over others through omission.

Spatial planning is also needed for the food that will feed the people who will live in those new houses and use that new infrastructure as the population grows. Fruit and vegetable growing can't happen just anywhere. Horticulture requires fertile soil, access to water or sufficient rainfall, proximity to markets and labour, and ancillary activities like packhouses and worker accommodation.

If spatial plans prioritise urban development without considering where food is grown, fruit and vegetable growing will be pushed onto less fertile land – driving down productivity – and into locations further from urban areas, making it more difficult to attract workers and lengthening the supply chain from farm to market. This has consequences for the freshness and quality of food, given the perishability of the product. In turn, this affects future export earnings and domestic supply of fruits and vegetables.

HortNZ seeks that food production is included in the matters that spatial planning must address. Considering scenarios and options for food supply alongside future urban development and infrastructure is necessary to make visible the trade-offs when future urban is planned on horticultural land.

Outcome sought: Include food production and rural environments as matters that spatial plans must address.

This amendment is included in Table 3 below.

5.6. Flexibility in Spatial Planning

We can't predict the future, and the economy is all but certain to change over time. We want to avoid a scenario wherein rural areas are locked into certain land uses by spatial planning. Instead, there needs to be flexibility that recognises there may be market forces, biosecurity incursions, climate impacts, or numerous other forces that change the prominent industries in New Zealand and what they look like.

HortNZ supports spatial planning with a limited number of zones, so long as the provisions under those zones do not lock in certain land uses. For that reason, where cl 3 directs mandatory matters to be included in spatial plans, consideration of "the gross pattern of urban, rural, industrial, and other development types" should provide a direction of travel but not rigidity about what can go where.

Table 3: Spatial planning provision amendments

Clause	Commentary	Proposed Amendments
Schedule 2 3 Contents of regional spatial plans: mandatory matters	Spatial planning is also needed to plan for New Zealand's food supply and natural hazard management. Include food supply and natural hazards as matters that spatial plans must address.	(1) The mandatory matters referred to in clause 2(1)(a) are as follows... (a) constraints on the use and development of land and the coastal marine area, including natural hazards, highly productive land, significant natural areas, and outstanding natural features and landscapes: <u>(aa) enabling the use and development of highly productive land for primary production:</u> (b) the spatial implications of environmental limits... (e) other infrastructure services that may be needed to serve <u>existing and</u> future urban areas <u>and food production</u> <u>areas</u> ... (i) the gross pattern of urban, rural, industrial, and other development types to the extent required to—

Clause	Commentary	Proposed Amendments
		<p>(i) inform consideration of scenarios and options for food production, future urban development and infrastructure; or</p> <p>(ia) inform consideration of scenarios and options for food production and ancillary activities; or</p> <p>(ii) identify where separation of incompatible activities may be required or reverse sensitivity must be managed:</p>

6. Activity Status

We discuss activity status in far greater detail in our NEB submission. In general, we support that the PB provides a more enabling framework for permitted activities, and we see this being achieved more effectively in the PB than the NEB given the limited effects that can be considered under the PB.

However, HortNZ does not support registration requirements for permitted activities. Given that both the PB and the NEB have requirements to register permitted activities, this appears to mean that a grower would need to register every permitted part of their operation, such as the presence of frost fans or shelterbelts, clearing vegetation for biosecurity purposes, a permitted water take or creating a permitted discharge. This could impose significant regulatory burden on growers depending on the information requirements and cost of registration. If registration is required, it should be very simple and not a quasi-consenting process.

7. Ministerial Powers

The Bills both introduce significant powers for Ministers, including the ability to appoint a person to spatial planning committees (cl 72) and to amend national standards without following the complete process required for other instruments (cl 62).

HortNZ cautions that too much Ministerial power can lead to greater uncertainty where decisions can change dramatically due to political pressures or elections. This will affect the ability of businesses to invest with confidence. HortNZ seeks appropriate checks and balances on Ministerial power, including requirements to consult with the Minister of Agriculture or Associate Minister of Agriculture (Horticulture) and the appointment of independent experts to decision-making roles where appropriate. In addition, justification reports under cl 89 of the PB could be required where Ministerial intervention is used.

7.1. Spatial planning process

Schedule 2, cl 23 states that the Minister is the final decision maker when a spatial planning committee or local authorities cannot reach consensus on a decision. HortNZ understands the need for an independent person to provide arbitration in this circumstance. Under the

proposed clause, the Minister can appoint an independent person to decide or they can decide themselves. HortNZ seeks that this person is always an independent appointee, as opposed to the Minister themselves.

Table 4: Ministerial powers

Clause	Commentary	Proposed Amendments
Schedule 2, clause 23 Parties to refer matter to Minister if no decision achievable	An independent appointee rather than the Minister themselves should be the arbitrator to avoid political swings.	(3) The Minister may— (a) review and determine the matter; or (b) appoint an independent person to review and determine the matter.

8. Appeals

HortNZ supports that the PB has been designed to reduce the cost and complexity of the resource management system. We seek that a balance is preserved where process is reduced, but options are still available to challenge decision-making that will have adverse outcomes.

In HortNZ's experience, planners and decisionmakers sometimes misunderstand issues and create planning frameworks that cannot be implemented in practice. This is a particular issue for horticulture. As a smaller but at times more complex industry, it has been HortNZ's experience that there is less knowledge and understanding within councils and planning professions about the needs of the sector compared with other types of primary production.

The PB reserves the ability to appeal spatial plan decisions on merits to submissions related to infrastructure. Spatial planning decisions may have adverse consequences for other activities in the public interest, such as food production, so the right to appeal on merits should not be so narrowly defined.

With limited appeal rights, there must be a greater level of scrutiny and proper process in the first stages of the planning process and sufficient opportunities for public participation. The "funnel" structure of the new system makes this all the more important.

Table 5: Appeals on Spatial Plans

Clause	Commentary	Proposed Amendments
Schedule 2 25 Appeal to Environment Court on merits	Spatial planning will inherently involve judgement calls that are separate from points of law but may have a significant impact on people and businesses, including which activities can locate where. In instances where these decisions create the potential for significant	(1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court in respect of a decision to reject the independent hearings panel's recommendation relating to infrastructure.

	<p>adverse consequences for matters in the public interest like food supply, appeals should be provided for.</p>	<p>(2) However, a person may appeal under subclause (1) only if the person referred to the matter in the person's submission on the draft regional spatial plan.</p> <p>(3) Notice of the appeal must be given in accordance with clause 37 of Schedule 3.</p>
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Additional Amendments to the Planning Bill

Without limiting the generality of the above, HortNZ seeks the following decisions on the Planning Bill, 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. This section contains HortNZ's position on clauses that have not already been discussed elsewhere in the submission.

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

Clause	Commentary	Proposed Amendments
3 Interpretation New definition of "development"	A definition of development is required. It is used throughout the Bill, but given the Bill's emphasis on infrastructure and urban development, it should be clear that development also includes primary production. This definition is adapted from the Urban Development Act 2020.	Include "primary production" in a definition of development
4 Purpose	The meaning of "enjoyment" is unclear, and it is not clear whether enjoyment is something a government can regulate.	The purpose of this Act is to establish a framework for planning and regulating the use, <u>and</u> development, and enjoyment of land.
62 Amendments to national standards without full process	HortNZ supports the ability to use a truncated process to amend national direction under some circumstances. However, if the amendment is to give effect to a national adaptation plan, public consultation should still be required because the public may have differing views about the best way to give effect to the adaptation plan in different spheres. The other reasons to skip the full process are either technical, to give effect to standards, or to give effect to international	Delete 62(1)(c).

	agreements, so the adaptation plan is the odd one out.	
105 Environment Court may give directions in respect of land subject to controls	HortNZ supports that a person with an interest in land can make a submission or a change request when they consider a provision would severely impair the reasonable use of their land. HortNZ supports that the Environment Court can require the local authority to act as a result.	Retain clause 105.
144 Matters relevant to application for consent that authorises change to spatial application of plan provisions	This clause should also provide for changes to the spatial extent of plan provisions related to primary production. This could be especially important in key fruit and vegetable growing regions. These are essential activities for New Zealand's export economy and domestic food supply.	<p>(2) However, the consent authority may grant a consent to which subsection (1) applies only if–</p> <ul style="list-style-type: none"> (a) the proposed change to the plan provisions involves the application of standardised plan provisions (and not bespoke provisions); and (b) the consent authority is satisfied that, if the consent were given effect to and the change to the plan provisions were to occur, it would provide a significant benefit to the provision of any of the following in the district: <ul style="list-style-type: none"> (i) housing; (ii) employment; (iii) infrastructure; and (iv) primary production; and
146 Consent may be refused or granted with conditions if risk from natural hazards, etc	We support exclusion for primary production activities from this clause. The highest and best use for floodplains is often primary production, particularly horticulture, due to the natural fertility of the soils. Primary production is a less risky activity to occur on this land than housing or sensitive activities like hospitals.	Retain c146(4)(b) "primary production activities, as described in the national planning standards".

279 Emergency response regulations	<p>HortNZ supports new regulation-making powers to support emergency response and recovery efforts and seeks that biosecurity is clearly recognised in Clause 279 to enable vegetation burning and earthworks in the event of a biosecurity response.</p> <p>Vegetation clearance or burning and earthworks are regulated under the resource management system, so while there is a connection to the Biosecurity Act, these activities must be provided for in the Planning Act specifically.</p>	<p>(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations (emergency response regulations) for the purpose of–</p> <ul style="list-style-type: none"> (a) responding to a natural hazard event, <u>biosecurity event</u> or other emergency in an area; and (b) enabling recovery efforts in the affected area (including any work required to improve the resilience or standard of assets)... <p>(2) Before recommending emergency response regulations, the Minister must...</p> <p><u>(ea) consult the Minister for Biosecurity if the regulations relate to a biosecurity response...</u></p> <p>(6) Emergency response regulations–</p> <ul style="list-style-type: none"> (a) may apply only to an area where, (i) under the Civil Defence Emergency Management Act 2002, a state of national or local emergency has been declared or notice given of a local or national transition period; or <u>(ii) under the Biosecurity Act 1993, an emergency has been declared;</u> and (b) may be made, or continue to apply to that area, after the declaration ceases to have effect or the transition period ends; and (c) expire on the date that is 3 years after the first declaration is made or notice is given, or any earlier date specified in the regulations.
Schedule 6 5 Additional information required in application for consent that changes	<p>This clause should also provide for changes to the spatial extent of plan provisions related to primary production. This could be especially important in key fruit and vegetable growing</p>	<p>An application for a planning consent that authorises a change to the plan provisions that apply to an area in accordance with section 98 after the consent is given effect to must...</p>

spatial application of plan provisions

regions. These are essential activities for New Zealand's export economy and domestic food supply.

(c) include an assessment of the significant benefits that the planning consent and change to plan provisions would provide to the provision of any of the following in the district:

- (i) housing:
- (ii) employment:
- (iii) infrastructure;
- (iv) primary production.**