

# SUBMISSION ON

## Kaipara Draft District Plan

28 September 2022

**To:** Kaipara District Council

**Name of Submitter:** Horticulture New Zealand

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# OVERVIEW

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## Our submission

Horticulture New Zealand (HortNZ) thanks Kaipara District Council for the opportunity to submit on the draft district plan change 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.

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

# HortNZ's Role

## Background to HortNZ

HortNZ represents the interests of approximately 5,500 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruit, and vegetables. The horticultural sector provides over 40,000 jobs.

There is 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.



## 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 Kaipara

In the Kaipara District and Northland region overall, the horticulture industry provides a range of social, cultural, environmental and economic benefits to the region:

### Cultural values

The kumara has a long history of cultivation in New Zealand, dating back over a thousand years with the arrival of early Māori settlers. While modern kumara are the same species but a different cultivar, it still has a place within New Zealand's cultural tapestry and is classified as a national taonga under the Wai 262 Treaty Settlement findings<sup>1</sup>.

### Economic values

The horticulture industry contributes significantly to local economy.

- In 2017, Northland's kumara industry contributed over \$60 million in profit and has grown almost \$20 million in value in 3 years. The kumara production in Kaipara is regionally and nationally significant as 90% of the domestic production occurs within a small footprint in the area
- Northland's avocado industry represents 47% of national avocado production. In 2016/2017 the industry generated \$43 million to Northland growers
- There are 13 avocado orchards in the district covering 60 hectares
- The Kaipara Water Scheme (when completed) will support 4000 ha of horticulture growing in the district and due to the growing conditions in the area is expected to comprise up to 90 per cent of Avocado orchards. Lynwood Nursery (a prominent Avocado nursery in Northland) has purchased 50 ha of land and commenced planting. The scheme is expecting to support up to 1000 ha of new horticultural development within two years.
- There are several horticultural nurseries located in the Kaipara district that provide kiwifruit rootstock and avocado trees to orchards throughout New Zealand

### Social value

The kumara is an important food source for New Zealanders. In 2017, kumara was in the top 10 vegetables for consumer spend as is reflected in the \$20 million increase in revenue since 2014. Significantly, the Northland kumara industry alone provides 90% of domestic supply.

At a local level, the Northland horticulture industry provides much needed employment opportunities. The kumara industry employs 170 full time employees (FTE), increasing to 1,200 during planting and harvesting. The kiwifruit industry employs 377 FTE and 1,059 seasonal employees (2020/2021)<sup>2</sup>.

<sup>1</sup> <https://waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/>

<sup>2</sup> Zespri

## 2. Summary of Decisions Sought by HortNZ

HortNZ seek the following outcomes:

- Definitions that recognise the importance of primary production
  - Reverse sensitivity
  - Seasonal accommodation
  - Shelterbelt
  - Highly productive land
  - Greenhouse
  - Artificial crop protection and crop protection structures
- Provisions that recognise highly productive land
- Provisions for activities and buildings/structures that are an inherent part of horticulture including seasonal accommodation
- Appropriate setbacks for dwellings and buildings from internal boundaries that mitigate reverse sensitivity
- Provisions that enable a rapid response to biosecurity incursions
- Recognition of ancillary rural earthworks as a permitted activity.

## 3. Draft Kaipara District Plan

### 3.1. Strategic Direction

Food production is an important part of providing for essential human health needs and it is important to acknowledge and protect highly productive land to provide for this value. HortNZ recognises there is a gap in the policy framework to provide a strategy direction for highly productive land.

### 3.2. Future-proofing the District Plan to enable horticulture growth

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 reforms. 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 the district’s growing population.

### 3.3 General Zoning Approach

HortNZ supports the General Rural Zone (GRUZ) providing for primary production however notes the following:

- The GRUZ is used for primary production activities however should include associated buildings and structures
- Setbacks only provide for 10m from boundaries which is considered insufficient to address potential reverse sensitivity effects
- Primary production activities should be protected from reverse sensitivity effects.

Protection of the rural zone from incompatible activities and reverse sensitivity is crucial.

HortNZ supports rural lifestyle development being directed towards defined areas (e.g the Rural Lifestyle Zone) and a robust policy framework that limits ad-hoc development of inappropriate activities within the GRUZ. This is important for maintaining highly productive soils and the viability of horticultural operations within rural areas.

### **3.4 Highly Productive Land**

Different fruit crops require different climates and soils, for example: kumara in Kaipara, avocados in Northland, citrus in Gisborne, kiwifruit in Bay of Plenty, Apples in Hawkes Bay and Nelson, and apricots in Central Otago. Vegetables are grown throughout New Zealand to provide a year-round supply of fresh vegetables.

In the Kaipara district, the soil and climate attributes of the area generally support kumara and avocado growing. Warm nights due to the presence of fog in the valley provide a favourable microclimate.

The Kaipara clay is the premium soil type for growing quality kumara for the following reasons:

- It produces good smooth shaped Kumara
- It imparts intense skin colour and reduces bruising
- Fewer soil pests are present than with finer peat and sand-based soils; and
- Produces high yields.

In comparison, avocados like loose, rich, well-draining soil and the sandy loam soils in the district are well suited to avocado growing.

In our view, it is important that the definition of highly productive land includes the key natural and physical resources that contribute to the land's productivity. We also recognise that some of these natural and physical factors can be modified with policy and investment, and that all of these factors contribute to the productive capacity of land. This would include:

- Soil
- Climate
- Water availability
- Receiving environment sensitivity and infrastructure
- Access to transport routes and appropriate labour markets.

These elements can be considered the long-term natural physical resource foundation of highly productive land.

Physical resources are modified with investments, for example investment in infrastructure can enhance or constrain the productivity of land. For example, land that is too windy to support high value horticulture, can become suitable with the provision of crop protection structures. Land that has insufficient water reliability to support irrigated horticulture, could have its productive capacity improved through water storage. Investment in worker accommodation, can improve the productive capacity of land by alleviating labour



shortages. Incompatible neighbouring land uses can constrain the productive capacity of land through social pressures and complaints. All factors must be considered together when determining the impact of activities on highly productive land and impact on its productive capacity.

The values and benefits associated with the use of highly productive land are significant for horticulture. They include:

- Economic benefits – employment, export, industry growth, potential, infrastructure requirements
- Diversity and resilience in New Zealand’s rural production system – using the most highly productive land for a broad range of domestic and export products
- Climate change – transition to low emissions economy
- Health outcomes and social well-being – adverse health outcomes resulting from not eating enough fruit and vegetables
- Fresh food/food supply – national food supply and domestic food security which will become more important with population growth
- Horticulture is an efficient land use and contributes to rural character and amenity
- Cultural and social values associated with some crops – Kumara in Kaipara and Northland, Kiwifruit in Bay of Plenty, leafy greens from the Horowhenua
- The settlement pattern of New Zealand (Maori and European) – saw many towns and cities develop adjacent to the resources required to support the occupants including land for food production. That relationship remains in some areas and is progressively being lost in others but will remain critical for future generations.

The draft plan has no definition for highly productive land. HortNZ suggests using the definition from the National Policy Statement Highly Productive Land.

While HortNZ supports this definition there needs to be consideration in the plan to allow for buildings that support primary production on highly productive land e.g postharvest facilities, wash houses seasonal accommodation etc.

### **3.5 Reverse Sensitivity**

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations with regards to the activities that can occur because of primary production. Horticulture tends to be particularly susceptible to reverse sensitivity effects due to the location of highly productive land often being located near urban centres and/or the land they operate on being subject to demand for urban development.

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.

A new definition is sought for reverse sensitivity and consideration given to appropriate setbacks throughout the plan to avoid reverse sensitivity effects.

## 4. Providing for horticultural activities in the rural environment

### 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. Accommodating seasonal workers in appropriate accommodation near their places of employment is more efficient for the horticulture industry, than accommodation that will need to be found further afield and workers will be required to commute.

Immigration New Zealand (INZ) administer the Recognised Seasonal Employer (RSE) scheme<sup>3</sup>. 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.

The district plan will provide a planning framework for the community for at least the next decade and therefore, seasonal worker accommodation should be provided for within the GRUZ. Several district plans have taken the approach of providing for such facilities based on a concept of shared kitchen and ablution facilities and separate sleeping quarters. This type of facility is cost efficient and adequately provides for seasonal accommodation.

### 4.2 Artificial Crop Protection Structures (ACPS) and Crop Support Structures (CSS)

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.

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.

Land use controls imposed by district plans have the most direct impact on the resource management regulatory framework for CSS and ACPS. It is here that growers typically have interaction and issues with the regulatory authority. HortNZ has experienced inconsistency in how these structures are controlled under 'generic' building or structure rules, due to the broadness of these definitions (and ensuing uncertainty in whether they are a building or not). Often then being caught by controls such as - yard setbacks, height limitations, height to boundary controls, building coverage limitations, impervious surface limitations, amenity controls (colour, reflectivity) etc. - which are not always relevant.

Several district plans around the country specifically provide provisions for artificial crop protection structures (including for example Whangarei, Auckland, Opotiki, Western Bay of Plenty, Whakatane, Hastings, Tasman).

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<sup>3</sup> <https://www.immigration.govt.nz/employ-migrants/hire-a-candidate/employer-scheme-overview/recognised-seasonal-employer>



The National Planning Standards now define building. We note the following commentary from the Ministry for the Environment's 'Recommendations on Submissions Report for the first set of National Planning Standards' for 2I Definitions Standard<sup>4</sup>:

*"It was considered that any exclusion for a permeable roof could result in a loophole in the definition. Is a roof that leaks a permeable roof? How impermeable would it need to be to qualify? This could make it difficult for compliance and enforcement purposes. We consider that it would be better for the plan provisions (rather than the building definition) to clearly enable crop protection structures or other similar structures if this is the desired outcome"* (pg 52)

In light of this, HortNZ has submitted seeking that a specific definition is provided for ACPS and CSS so that a specific, clear and appropriate rule framework can be applied.

### 4.3 Shelterbelts

Shelterbelts are part of primary production activities and assist in realising productive potential. They are an important mechanism for growers by providing shelter from wind and prevent agrichemical spray drift. Shelterbelts are also a mechanism that can reduce the potential for reverse sensitivity complaints as there is barrier between the primary productive activity and adjoining properties.

Generally, boundary shelter is evergreen (internal is more deciduous) and is around eight metres tall and can be up to one meter wide (once fully grown). Shelter trimmer machinery can only reach to around eight metres which is why shelter doesn't generally grow taller. Shelter is generally maintained and trimmed every 12-18 months.

HortNZ seeks a definition of shelterbelt. Shelterbelts play an important role in providing protection from wind and also mitigating spray draft and are generally necessary on a boundary for some crops.

### 4.4 Earthworks

The industry requires several supporting activities and infrastructure to enable on-going operation and development. HortNZ seeks an approach to provide for ancillary rural earthworks. There is a need to provide for 'day-to-day' activities that are integral to productive land use in the rural zone.

Ancillary farming earthworks is the disturbance of soil, earth or substrate land surfaces ancillary to farming that includes:

- Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming)
- Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993
- Irrigation and land drainage

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<sup>4</sup> <https://environment.govt.nz/publications/2i-definitions-standard-recommendations-on-submissions-report-for-the-first-set-of-national-planning-standards/>

- Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures.

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<sup>5</sup>). 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.

## 4.5 Approach to Managing Greenhouses

Historically, and with changing practice, crop types and diversification in the horticultural sector, growers have become increasingly reliant on a variety of covered cropping methods to support rural production activities. Growing within a greenhouse can produce a more consistent yield and consistent quality of product for longer periods of the year in comparison to outdoor growing

In the draft plan, greenhouses are not included in the definition of 'Intensive Primary Production' which HortNZ supports. This is consistent with the definition for Intensive primary production in the National Planning Standards:

*"Means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry"<sup>6</sup>.*

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.).

## 4.6 Noise

Rural environments are working rural production areas and should not be portrayed as quiet. Noise does occur in those areas, sometimes on an intermittent basis. Ensuring adequate setbacks of dwellings from horticultural properties is an important part of minimising the potential for reverse sensitivity complaints.

If rural noise standards are being considered, the following factors should be incorporated:

- Rural activities in rural areas should not be subject to urban standards for noise as it will curtail rural productivity
- Daytime noise controls should be effective seven days per week – not limited to Monday to Friday as primary production activities are not limited Monday to Saturday

<sup>5</sup> <https://www.hortnz.co.nz/assets/Compliance/Erosion-and-Sediment-Control-Guidelines-for-vegetable-production-v1.1.pdf>

<sup>6</sup> <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

- Noise standards in rural zones should be at least 55 LAeq to ensure that any assessment against the permitted baseline represents the normal rural environment
- An exemption should be provided for some rural production activities that are not able to be controlled by noise standards such as frost fans and audible bird scaring devices. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty and an example is provided below.

The example below has a similar effect to sections 326-328 of the RMA.

### **Exemption from noise standards**

Subject to best practicable option being adopted the following activities are exempt from complying with noise standards:

- Rural production activities, including agricultural and horticultural vehicles and equipment; aircraft used for agricultural and horticultural purposes; and portable equipment (excluding portable sawmills and frost protection fans and audible bird scaring devices) associated with agricultural and horticultural activities such as: spraying, harvesting,
- Livestock

In the draft plan, frost fans and audible bird scaring devices are a permitted activity if they meet noise requirements and operate within certain times.

#### **4.6.1 FROST FANS**

A frost fan is essentially a steel tower with a rotating fan near the top. Frost fans are expensive pieces of equipment that growers invest in to provide a means of protecting their crops if frosts occur. Frost fans cost money to operate and need to be supervised while in operation. They are generally operated during the very early hours of the morning and therefore growers certainly do not operate them unnecessarily. Growers need to be able to operate them if temperatures drop below the critical threshold for their crop

While Kaipara only experiences a few light frosts per year, HortNZ seeks less restrictive operating rules and seek provisions to manage reverse sensitivity impacts of noise sensitive activities establishing near legally established frost fans.

#### **4.6.2 AUDIBLE BIRD SCARER DEVICES**

A bird scarer is a noise emitting device being used for the purpose of disturbing or scaring birds and can include a gas gun, avian distress alarm, or firearm when being used specifically for bird scaring. This is a necessary part of horticulture to protect the crop ready for harvest as birds can destroy an entire crop if not managed.

It is important to understand that audible bird scarers are used for a limited period of the year pre-harvest, typically mid-December to mid-January. They are not used year-round.

HortNZ has been involved in a number of district plans that have considered provisions for audible bird scaring devices. These plans include Gisborne, Hastings, Whakatane, Whangarei, Western Bay of Plenty and Marlborough where audible bird scaring devices are used for both horticulture and viticulture purposes.

Over time there have been a number of principles that have emerged as being important in terms of how such devices are managed. These principles are:

- Permitted activity subject to conditions
- Based on best practice
- Recognise seasonal/ intermittent use
- Recognise as important part of primary production
- Recognise as appropriate in rural areas
- Differentiate between bangers and sirens as the effects are different
- Apply to fixed devices
- Link conditions to location of dwellings – not amenity for open rural space
- Require compliance with noise standard rather than mandatory distance as distance can vary depending on mitigating factors such as contour
- Standards should not apply to sites in the same ownership
- Default activity status RDA with clear matters of discretion

Any setback distance should be based on meeting the noise standard and can vary according to a range of circumstances such as location of the device, orientation, nature of the device, crop canopy, shelterbelts and land contour.

HortNZ support the inclusion of provisions for audible bird scarer and has made specific submissions in the table below.

## 4.7 Rural Accessory Buildings

There are several initial post-harvest activities that are undertaken within rural accessory buildings in relation to horticultural crops. For example: washing, sorting, packing and storing of produce. The washing, sorting and packing are typically undertaken in packing sheds and then the produce is stored in cool stores until it is collected and delivered to market.

Horticultural operations will also have general farm storage buildings for storing machinery and equipment when not in use, such as a harvester, which is only used at time of harvest, or cultivator, which is only used at time of cultivation. Also, often forgotten is the small pump shed which has a functional need to locate close to a water source.

HortNZ considers the activities that occur within these rural accessory buildings to be part of rural production as per the definition within the National Planning Standards.

## 4.8 Hazardous Substances

HortNZ opposes the approach to hazardous substances in the draft plan, which introduces a level of regulation which is unnecessary given existing regulations under HSNO and Health and Safety at Work regulations. Further the 2017 RMA Amendment Act<sup>7</sup> deleted specific requirements for the Council to include control of hazardous substances.

Council has received an Issues and Options Report for Hazardous Substances from Resources Consulting dated 29 November 2021<sup>8</sup>. The report provides the basis for the provisions in the draft plan and seeks to justify the approach.

<sup>7</sup> <https://environment.govt.nz/assets/Publications/Files/overview-changes-resource-legislation-amendment-act.pdf>

<sup>8</sup> Kaipara District Council – District Plan Review - Hazardous Substances Management

HortNZ seeks that there is safe, responsible and appropriate storage and use of hazardous substances that does not require unnecessary compliance. HortNZ seeks an approach to managing hazardous substances which ensures the most appropriate, effective and efficient methods are used for storage and use, which are simple and clear, do not duplicate requirements under HSNO and avoid confusion for users.

HortNZ does not support the use of Activity Status Tables (AST) or quantity trigger limits as they are not an appropriate framework for managing hazardous substances and are overly complex and onerous.

The reasons for this include:

- Duplication with HSNO
- No consideration of specific provisions deemed 'necessary' for Kaipara District
- Unworkability of the AST approach for horticulture growers
- Does not implement best practice for management of hazardous substances
- Is not required as a result of the RMA Amendment 2017
- Is not necessary to give effect to the Northland Regional Policy Statement 2016
- Is inconsistent with the proposed PC91 HS in Whangarei and the proposed district plan in the Far North
- Does not reflect recent plan development for hazardous substances such as Christchurch<sup>9</sup> or Hastings.

Where there is a clear resource management issue that is not addressed by HSNO then it would be appropriate to include specific provisions within the Plan to address the identified issue. However, the Council has taken a 'catch-all' regulatory approach in addition to HSNO and Worksafe that is not linked to specific identified issues in the district. Therefore, HortNZ seeks changes to the provisions for hazardous substances in the draft plan

## 4.9 Biosecurity

The issue of biosecurity relates to the maintenance and enhancement of biodiversity values in the district. There is a need for rapid response in the event of a biosecurity incursion of an unwanted organism. 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.

The year 2020 marked 10 years since the PSA incursion that crippled the kiwifruit industry. At the time of the event, it was evident that regional and district plans can unintentionally be regulatory hurdles to rapid response through provisions such as limiting earthworks for burying infected material or clearance of infected vegetation. 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

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<sup>9</sup> <https://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-18-Hazardous-Substances-and-Contaminated-Land-and-relevant-definitions-Stages-1-and-2.pdf>

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.

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. The effects of a biosecurity incursion are not just limited to rural production. Such incursions can also affect wider biodiversity and indigenous flora and fauna. It is therefore appropriate that exclusions are provided for within the policy and planning framework which allow for the clearance of any vegetation (including indigenous and that of significance) in the event of a biosecurity emergency declared under the Biosecurity Act or by a declaration of a Chief Technical Officer

## 4.10 Advanced Breeding Enhancing Technology

Hort NZ supports a full regulatory review at a national level on the future role of advanced breeding techniques and genetically modified organisms in New Zealand. HortNZ's view is that advanced breeding technology and genetically modified organisms should be regulated at the national level.

It is our expectation that gene editing technologies may become increasingly important for the primary sector and in particular horticulture, to adapt growing systems to enable a transition to a changing climate while still being productive. An enquiry by the Productivity Commission that focussed on a central aspect of New Zealand's productivity performance<sup>10</sup> found that:

*Genetic modification (GM) research is an important pathway to innovation, including in New Zealand's primary industries. It offers new opportunities for boosting productivity, solving biosecurity risks, and responding to climate change risks and other environmental problems effectively and efficiently.*

*Gene-editing technologies can be used to improve plant traits such as drought tolerance, disease resistance and fruit ripening. These technologies can also speed up conventional plant-breeding processes, allowing innovations such as new cultivars to be developed more quickly. Improved disease resistance in crops can in turn reduce the need for chemical herbicides and pesticides.*

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<sup>10</sup> <https://www.productivity.govt.nz/assets/Inquiries/immigration-settings/Immigration-Fit-for-the-future.pdf>



## Submission on Kiapara Draft District Plan

Without limiting the generality of the above, HortNZ seeks the following decisions on the draft 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 bolded underline, and deletions by strikethrough text.

Provision	Support/ oppose	Reason	Decision sought
<b>Definition</b>			
New definition - <u>Ancillary rural earthworks</u>	New definition sought	<p>There is a need to provide for 'day-to-day' activities that are integral to productive land use in the rural zone.</p> <p>In HortNZ's experience, providing a definition for ancillary rural earthworks and a clear rule framework is an efficient approach. Cultivation (gardening, and the disturbance of land for the installation of fence posts) are excluded from the definition of Earthworks, however there are other activities which HortNZ seeks to provide for.</p>	<p>Amend to include a definition of 'ancillary rural earthworks'</p> <p><b><u>Ancillary rural earthworks means earthworks associated with normal agricultural and horticultural practices, such as:</u></b></p> <p><b><u>Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with rural production activities, including, but not limited to, farm tracks or roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing, erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).</u></b></p>

			Note: For clarity, it is noted that cultivation is not 'defined as earthworks.
New definition - <u>Agricultural aviation movements</u>	New definition sought	A definition would provide clarity within the plan – as detailed in this submission, HortNZ seeks to clearly provide for this activity as a permitted activity in rural zones due to its intermittent nature.	Include a definition for 'agricultural aviation movements', <b><u>Agricultural aviation movements means intermittent aircraft and helicopter movements for purposes ancillary to primary production activities, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, and associated refuelling.</u></b>
New definition - <u>Crop Protection Structures</u>	New definition	HortNZ seek to ensure that these structures are not inadvertently covered by inappropriate effects standards, where there is a risk that they may be considered 'buildings' (due to inconsistency in interpretation).  A way of addressing this is to provide a clear framework through a definition and specific standard or rule for the rural zone.	Include a definition for crop protection structures <b><u>Crop support structure means an open structure on which plants are grown</u></b>

New definition - <u>Greenhouse</u>	New definition	A definition should be included for greenhouses to support diversification to alternative growing methods	Include a definition for greenhouses <b><u>Greenhouses means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures</u></b>
New definition - <u>Highly productive land</u>	New definition	To provide for and protect highly productive land for primary production activities	Include a new definition for highly productive land <b><u>means land that is, or has the potential to be, highly productive for rural production activities. It includes versatile soils, or has the potential to be, highly productive having regard to:</u></b>  <ul style="list-style-type: none"> <li>a. <b><u>Soil type</u></b></li> <li>b. <b><u>Physical characteristics</u></b></li> <li>c. <b><u>Climate conditions; and</u></b></li> <li>d. <b><u>Water availability</u></b></li> </ul>
New definition - <u>Reverse sensitivity</u>	New definition	The RPS for Northland includes a definition for reverse sensitivity that should be included in the Plan.	Include a new definition for reverse sensitivity <b><u>means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained</u></b>
New definition- <u>Seasonal worker accommodation</u>	New definition	Include a definition for seasonal worker accommodation as it is distinct from visitor accommodation.	Insert new definition as follows: <b><u>Seasonal worker accommodation means the use of land and buildings for the sole purpose of accommodating the</u></b>

			<b><u>short-term labour requirement of a farming activity, rural industry or post-harvest facility.</u></b>
New definition - <u>Shelterbelt</u>	New definition	Shelterbelts can also be used to mitigate potential spray drift from agrichemical use (refer to effective shelter definition in Northland Regional Plan)	<p>Include a definition for shelterbelts</p> <p><b><u>means trees or vegetation planted primarily to provide shelter for stock or to mitigate potential spray drift from agrichemical applications or for other agricultural or horticultural purposes but excluding amenity tree planting and plantation forestry.</u></b></p>
Agricultural, pastoral and horticultural activities	Support in part	Remove the statement “that relies on the productive capacity of the land”, so that it clearly provides for glasshouses; and to specifically include intermittent use of aircraft for primary production.	<p>means the use of land and/or buildings <b>or structures</b> for rural land uses where the primary purpose is to produce livestock, crops and other agricultural produce <del>that relies on the productive capacity of land</del>, and includes:</p> <ul style="list-style-type: none"> <li>○ agriculture, pastoral/livestock farming, dairying and horticulture</li> <li>○ storage of products and initial processing of horticultural and agricultural products produced on site</li> <li>○ the storage and disposal of solid and liquid animal waste</li> <li>○ wood lots up to 5ha in area</li> <li>○ stock sale yards</li> <li>○ rural research; <del>and</del></li> <li>○ ancillary structures; <b>and</b></li> </ul>

Bird Scaring Devices	Oppose in part	<p>The definition is not exclusive so it is not clear what other devices may be considered to be</p> <p>The definition relates to audible devices and should be amended accordingly</p>	<p>Amend the definition of audible bird scaring devices:  <del>A noise emitting device used for the purpose of disturbing or scaring birds, including gas guns and avian distress alarms, excluding firearms and vehicles used for that purpose.</del></p> <p><u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds, and excludes firearms and vehicles used for that purpose.</u></p> <p>Amend definition to <b>audible</b> bird scaring devices.</p>
Building	Support in part		<p>Amend to include:</p> <p><b><u>d. excludes artificial crop protection structures and crop protection structures</u></b></p>
Earthworks	Support	The definition is consistent with the National Planning Standards	Retain
Farming	Oppose in part	<p>HortNZ does not support the use of the term farming for horticultural primary production activities. Farming suggests pastoral land use and does not encompass the range of activities included in the definition.</p> <p>The definition is a subset of primary production so should include parts b) and</p>	<p>Rename the definition of farming to <b><u>Rural Production Activities</u></b> and make consequential changes in the Plan.</p> <p>Amend the definition:  <b><u>Rural production activities means the use of land for:</u></b>  <b><u>a) agricultural, pastoral, horticultural or apiculture activities including accessory buildings</u></b>  <b><u>b) includes initial processing, as an ancillary activity, of commodities that result from the activities in a)</u></b></p>

		c) from the definition of primary production so there is clear alignment with this definition	<b><u>c) includes any land and buildings used for the production of commodities from a) and used for the initial processing of the commodities in b).</u></b> <b><u>d) excludes mining, quarrying, plantation forestry activities, and intensive indoor primary production and further processing of commodities into a different product</u></b>
Frost fan	Support	Provides a general assessment of frost fans	Retain
Hazardous facility	Oppose	<p>HortNZ opposes the definition of hazardous facility that includes vehicles for the transport of hazardous substances located at a facility which would make a whole farm or rural property a hazardous facility as a vehicle may be used to transport agrichemicals or fertiliser for application.</p> <p>The focus should be on high-risk facilities. HortNZ seeks that definition of hazardous facility be deleted and replaced with a definition of significant</p>	<p>Delete definition of hazardous facility and replace with a definition of significant hazardous facility</p> <p><b><u>Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016</u></b></p>



		hazardous facility based in the HSWA regulations.	
Intensive indoor primary production	Support	The definition is from the National Planning Standards so supported.	Retain
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:</p> <p><b><u>The area located within:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>12m in any direction from the visible outer edge of a National Grid tower; or</u></b></li> <li>• <b><u>10m in any direction from a National Grid single pole or pi-pole; or</u></b></li> <li>• <b><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></b></li> <li>• <b><u>the area located within 12m either side of the centre line of any overhead National Grid line on towers.</u></b></li> </ul>
Primary production	Support	Has the same meaning as the National planning Standards	Retain
Reverse sensitivity	Support		Retain
Rural produce stall	Support	Allows for produce grown or produced on multiple sites. Growers may have several 'sites' as defined in	Retain

		the plan, on which they grow produce.	
Sensitive activity	Support in part	Ensure all sensitive activities included	Amend to include  d. <b><u>marae and place of worship</u></b>
<b>District wide matters - Strategic direction</b>			
<b>Climate change</b>			
SD-02 Climate change	Support in part	HortNZ support strategic direction relating to enabling the Kaipara community to be able to adapt and be resilient to climate change. An amendment is sought to specifically refer to enabling food production in the transition to a low emissions economy within Kaipara, given the opportunities that exist within the district. HortNZ supports a district plan structure that supports change and diversification in the primary production	Amend SD-O2  The effects of climate change are recognised, and an integrated management approach is adopted to climate change mitigation and adaptation by enabling the community to adapt to climate change, <b><u>including through enabling land use change and food production that supports a transition to a low emissions economy.</u></b>

		sector to respond to the effects of climate change.	
<b>Growing a better Kaipara</b>			
SD-05 Directing growth in the Kaipara district	Support	HortNZ support this direction for compact and sustainable urban growth to prevent sprawl across productive rural land.	Retain
SD-06 The value of primary production activities	Support in part	HortNZ support the recognition of the value and importance of primary production in Kaipara. An amendment is sought to recognise as part of this food security (as Kaipara has an important role in food production as part of a national system) and the potential for diversification of primary production (and more horticulture) in the district associated with initiatives such as Kaipara Kai (which seek to use realise the potential of the fertile land in the district).	Amend SD-06  Recognise the value and importance of primary production activities across Kaipara's rural environment, including for food security, and enable opportunities to increase food production in the district.

SD-08 Development opportunities	Support in part	This is a very broadly framed objective which we consider should link to the need for these opportunities to being appropriate located.	Amend SD-08 Provide for economic and business development opportunities, <b><u>where appropriately located.</u></b>
SD-10 Provide for differing character and amenity values across the Kaipara district	Support	HortNZ support acknowledgement that character varies between zones - this is particularly important in the distinction between urban and rural environments, as part of managing expectations and reverse sensitivity.	Retain
SD-13 Rural lifestyle development and fragmentation is restricted	Support	HortNZ support strategic direction around the need to manage fragmentation.	Retain
SD-14 A targeted and strategic rural lifestyle zone	Support in part	HortNZ support providing a Rural Lifestyle Zone (providing this is appropriately located) to reduce the pressure for lifestyle development and	Amend SD-O14  A targeted and strategic zoning approach is adopted <b><u>to provide for the range of activities in the rural environment</u></b> through a rural lifestyle zone which seeks

		fragmentation of productive rural areas. A minor amendment is suggested to further focus the objective.	to consolidate and encourage rural lifestyle development in appropriate places close to existing urban areas.
SD-15 A targeted and strategic settlement zone	Support	Without commenting specifically on the location of these zones, HortNZ support the policy direction to consolidate lifestyle development in appropriate places.	Retain
New strategic direction	New	HortNZ see a gap in the policy framework for highly productive land	<p>Add a new strategic objective:</p> <p>SD-0X</p> <p><b><u>The district's highly productive land resource is protected from fragmentation, inappropriate subdivision, use, and development, and the use of this resource for food production is enabled.</u></b></p>
<b>Reverse sensitivity</b>			
SD-023	Support in part	HortNZ support specific provision for reverse	Amend SD-023

Minimise the impacts of reverse sensitivity		sensitivity as part of the Strategic Directions, however, seek the objective be strengthened to align with the direction provided in the Northland Regional Policy Statement (e.g. Policy 5.1.3).	<del>Minimise</del> <b>Avoid</b> reverse sensitivity effects between incompatible activities and zones.
<b>Urban form and development</b>			
UFD-06 Urban expansion	Support in part	HortNZ consider it important that urban development and productive land are considered together to provide a planned approach so new urban areas are designed in a manner that maintains the overall productive capacity of highly productive land. An amendment is sought to provide more direction to the need to consider the values of productive land when planning for future urban growth.	Amend UFD-06  Accommodate future urban growth by: <ol style="list-style-type: none"> <li>1. Ensuring consolidation and intensification of the key urban areas of Dargaville, Maungaturoto, Kaiwaka and Mangawhai, existing service towns and local villages or settlements; and</li> <li>2. <del>Discouraging</del> <b>Avoiding</b> urban development sprawling into primary productive areas in the rural environment especially the Rural Production Zone, <b><u>unless there are no feasible alternatives and the impact of loss of highly productive land on food security has been considered.</u></b></li> </ol>



UFD-P3 Medium density, low density and large lot residential zones	Support in part	Support the direction for highly versatile soils being carried through into these policies to give effect to the objective. The consideration of reverse sensitivity may also be relevant in the low-density residential zone.	<ul style="list-style-type: none"> <li>• Retain direction in UFD-P3 to 'not compromise highly productive land in all three residential zones (although as noted elsewhere HortNZ's preference is for the term highly productive land to be used and defined); and</li> <li>• Retain (3)(g) which addresses reverse sensitivity; and amend to replicate this clause in clause (2) for Low-density residential zones where there is also potential for an interface with the rural environment.</li> </ul>
<b>Energy Infrastructure</b>			
<b>Transport</b>			
Tran Table 2 Carparking	Oppose in part	The need for the 'farming' parking standard is not clear, this is not necessary for the District Plan to manage.	Delete parking standard for farming <div> <div>Farming</div> <div>1 per every 2 employees present on-site at any one time, provided that no heavy goods vehicles are to be parked beyond the boundaries of the site. Any heavy goods vehicles integral to the operation of any farming activity are to be provided with a suitable parking space.</div> </div>
<b>Infrastructure</b>			

INF-02 Effects of Infrastructure	Support		Retain
INF-03 Safety, operation, maintenance, repair, upgrade of infrastructure	Support in part	The focus should be on new subdivision, use or development and to the degree reasonable, recognising that infrastructure can traverse over private land.	The safety, efficient operation, maintenance, repair or upgrading of infrastructure is not <b>unreasonably</b> constrained or compromised by <b>new</b> incompatible land use, subdivision or development.
INF-04 National grid	Oppose in part	The NPSET does not set a 'protect' direction - Policy 10 of this NPS states "...to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised". Transmissions lines can conflict with horticultural land use structures/reduce the ability to use productive land.	The national significance of the National Grid is recognised, <del>and the National Grid is protected and provided for</del> <b>and is not unreasonably constrained by other activities.</b>

INF-P1 Recognising the benefits of, and providing for infrastructure			
NU-P8 Managing adverse effects of infrastructure	Support in part	The amendment is sought to acknowledge that infrastructure can have effects on existing land uses and or the ability to use private land.	<p>Amend</p> <p>Minimise adverse effects of infrastructure, while having regard to:</p> <p><b><u>x. effects on existing land uses or the ability to use the land productively</u></b></p> <p>This policy is titled 'NU-P8' whereas the remainder of policies are 'INF-PX' is this an error?</p>
INF-P15 Development and upgrading of the national grid	Oppose in part	The policy currently only considers effects on land uses in urban areas, there may also be significant impacts on the ability to productively use rural land.	<p>Amend</p> <p>Provide for the development of the National Grid, while:</p> <p><b><u>x. In rural areas, avoiding, remedying or mitigating effects on existing land use or the ability to use highly productive land</u></b></p>
INF-P16 Development and upgrading of the national grid	Oppose in part	The policy currently only considers effects on land uses in urban areas, there may also be significant impacts on the ability to productively use rural land.	<p>Amend</p> <p>Provide for the upgrading of the National Grid that is not permitted by the National Environmental Standards for Electricity Transmission Activities, while:</p>

		Higher voltage lines can require larger setbacks under the NZECP regulations.	<b><u>x. In rural areas, avoiding, remedying or mitigating effects on existing land use or the ability to use highly productive land</u></b>
INF-R25 Infrastructure and the operation, maintenance and repair, upgrading and removal of existing infrastructure and associated earthworks in the National Grid Yard	Oppose in part	HortNZ does not support a 'blanket' limitation on any reticulation and storage of water for irrigation purposes, as may be situations where reticulation and storage of water for irrigation may need to pass through the National Grid Yard. In our view the key issue is where this blocks access to the national grid	Amend  The infrastructure is not for the reticulation and storage of water for irrigation purposes <b><u>does not impede access to National Grid infrastructure;</u></b> and
INF-R26 Upgrading of existing transmission lines above 110kV that are not regulated by the NESETA	Support in part	Support the requirement for upgrading of transmission lines to require an effects assessment through a consenting process.  Transmission lines often cross private land and impose restrictions or limitations on the use of	Amend the matters of discretion, to include:  <b><u>8. any adverse effects on existing land uses.</u></b>

		that land, the effects of upgrades on the use of that land should be considered (not just surrounding properties)	
INF-R48 INF-R49 INF-R50	Oppose in part	<p>The scope of these rules which apply to 'new development or subdivision' in all zones could be refined/clarified, particularly for the rural zones.</p> <p>New development' could be clearer in the scope of development intended to be managed - e.g. in the rural environment, does this intend to capture a new farm building? Or is the intention to apply to new urban development?</p> <p>Provisions of this nature are often located in the subdivision chapter, consideration should be given to whether these standards are more</p>	<p>Amend rule INF-R48, INF-R49 and INF-R50 to clarify the scope of activities intended to be managed in rural zones.</p> <p>Consider locating these rules in the subdivision chapter, as standards applicable to subdivision.</p>

		<p>appropriate in the subdivision chapter (and compliance triggered at the point of subdivision), particularly for rural zones</p> <p>HortNZ seeks that a pragmatic approach is taken in the rural zones, commensurate to the scale/nature of the activity.</p>	
<p>INF-R59</p> <p>Stormwater management features including treatment, detention, retention facilities or devices, ponds, wetlands or outfall structures to service a single site</p>	<p>Support in part/oppose in part</p>	<p>A clarification below is sought to link to the activities which the Kaipara District Council Engineering Standards 2011, there is otherwise a possibility that this could be interpreted as applying to activities such as sediment retention ponds as part of managing cultivation in the rural environment, to which the standards would not be applicable.</p>	<p>Amend rule title:</p> <p>Stormwater management features <b><u>for land development or infrastructure</u></b>, including treatment, detention, retention facilities or devices, ponds, wetlands or outfall devices to service more than one site.</p>



		The default rule (INF-R60) refers specifically to infrastructure in the matters of discretion.	
<b>Hazards and Risks</b>			
<b>Natural Hazards Chapter</b>			
New objective	New	Minimise the impacts on infrastructure within natural hazard areas	<p>Include</p> <p><b><u>X. New infrastructure is located outside of identified natural hazard areas unless:</u></b></p> <ul style="list-style-type: none"> <li><b>a. <u>it has a functional or operational need to be located in that area</u></b></li> <li><b>b. <u>it is designed to maintain its integrity and function, as far as practicable during a natural hazard event; and</u></b></li> <li><b>c. <u>adverse effects resulting from that location on other people, property and the environment are mitigated.</u></b></li> </ul>
NH-P1 Utilise best available information in managing natural hazards	Oppose	Councils have statutory responsibilities to avoid or mitigate natural hazards and to have regard to the	Amend NH-P1

		effects of climate change - National Climate Change Adaptation Plan, Urban Development Act and NPSUD	<p>Utilise the best available information, including regional mapping and site-specific investigations, to assess and manage the risks of natural hazards.</p> <p><b><u>Map or define areas that are known to be subject to the following natural hazards, taking into account accepted estimates of climate change and sea level rise:</u></b></p> <ul style="list-style-type: none"> <li>a. <b><u>flooding</u></b></li> <li>b. <b><u>coastal erosion</u></b></li> <li>c. <b><u>coastal inundation; and</u></b></li> <li>d. <b><u>land instability.</u></b></li> </ul>
NH-P2 Recognise that not all natural hazards are known and mapped	Oppose	Note comment above National Climate Change Adaptation plan provides guidance for councils on how to screen for natural hazards in coastal and non-coastal areas	Delete
<b>Hazardous Substances</b>			
HS-O1 Risks associated with hazardous substances	Support in part	The objective should focus on residual risks that are not addressed through other regulation.	<p>Amend HS-O1 as follows:</p> <p><b><u>The residual r</u></b>isks associated with the storage, use, transport or disposal of hazardous substances are minimised <b><u>managed to acceptable levels to not adversely affect people.</u></b></p>

			property and the environment <del>are acceptable</del> , while recognising the benefits of hazardous facilities storing, using or disposing of hazardous substances.
HS-O2 New sensitive activities	Support in part	New sensitive activities should consider the proximity to significant hazard facilities	Amend HS-O2 Ensure new sensitive activities minimise reverse sensitivity effects on existing <b>significant</b> hazardous facilities
HS-O3 New	New	HortNZ seeks a new objective that enables the utilisation of hazardous substances	HS-O3 <b>X. <u>Enable activities to utilise hazardous substances where necessary for their operations, in appropriate locations.</u></b>
HS-P1 Hazardous facilities	Oppose	The policy sets out considerations that are required for use, storage or disposal of hazardous substances that are required under other regulations. However, it should apply to the use, storage or disposal of hazardous substances and not be limited to facilities.	Amend HS-P1 by deleting references to hazardous facilities and referring to the storage of hazardous substances: Storage of hazardous substances must minimise the residual risk to the environment by:  <b>1. <u>As notified</u></b> <del>2. Designing, constructing and operating</del> <b>Managing hazardous substance storage</b> facilities <b>that ensures</b> in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site <del>3. Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing</del>

		<p>Clause 3 is contingent on the definition of hazardous waste, but it should be noted that not hazardous substances to be disposed of would meet the minimum degree of hazard so should be able to be disposed of using best practice. An example is set out in NZS8409:2021 Management of Agrichemicals Section 6 and Appendix N.</p>	<p>or disposal of hazardous wastes in sensitive environments:</p> <p><b><u>Disposal of other hazardous substances should use best practice for disposal.</u></b></p>
<p>HS-P2 Assessment of risk of hazardous substances</p>	<p>Oppose</p>	<p>The focus should be on significant hazardous facilities.</p>	<p>Amend HS-P2:</p> <p><del>Facilities for the use, storage or disposal of hazardous substances in significant quantities shall identify and assess potential adverse effects (including cumulative risk and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.</del></p> <p><b>Ensure that significant hazardous facilities are appropriately sited and managed in order to reduce risks to the environment and community to acceptable levels.</b></p>
<p>HS-P3 Reverse sensitivity effects</p>	<p>Support</p>	<p>The policy relating to reverse sensitivity effects is</p>	<p>Retain HS-P3</p>

		supported to the extent that sensitive land use activities be separated from areas where significant hazardous facilities are located.	
HS-P4 Significant hazardous facilities and their effects on climate change	Oppose	<p>The policy seeks to avoid the establishment of new activities involving hazardous substances insignificant quantities which release carbon dioxide, methane or other greenhouse gases.</p> <p>This policy is not justified in the Issues and Options report for Hazardous substances.</p>	Delete HS-P4
HS-P5	New policy	There should be an explicit policy to avoid duplication of regulation.	<p>Include a new policy HS-P5:</p> <p><b><u>Avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and relevant regulations and the district plan.</u></b></p>
HS-R1	Oppose	HortNZ seeks that the Activity Status Table –	<p>Delete HS-R1 a) and b) and replace with:</p> <p><b><u>As a permitted activity:</u></b></p>

The use storage or disposal of any hazardous substances		Permitted Activity Thresholds be deleted. The permitted activity should provide for the use storage or disposal of hazardous substances unless there are specific resource management reasons why specific rules and controls should be included.	<b><u>Storage, handling, use or disposal of hazardous substances unless in a significant hazardous facility.</u></b>
HS-MAT1 Location and design of hazardous facility	Oppose in part	Amend to refer to significant hazardous facility	Amend HS-MAT1 Location and design of <b>significant</b> hazardous facility
HS-MAT2 Risk associated with the hazardous facility and transportation	Oppose in part	Amend to refer to significant hazardous facility	Amend HS-MAT2 Risk associated with the <b>significant</b> hazardous facility and transportation
Activity Status table	Oppose	HortNZ opposes the use of Activity Status Tables (AST) and seeks that the table be deleted.  AST is a screening tool that set thresholds over which	Delete Activity Status Table - Permitted activity thresholds.

		<p>consent would be required. The identification is not based on specific effects that may arise from the activity but on the premise that storage of specified quantities of hazardous substances, dependent on location, may have the potential to create adverse effects. In such a situation the thresholds would apply even though the substances are already controlled and managed through the HSNO system.</p> <p>The substances and quantities of hazardous substances that a grower may have in a store can vary day to day, week to week, season to season. The substances and quantities will vary according to the crop grown and rotation. The range of substances that</p>	
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		<p>may be used can be extensive - but never all at the same time.</p> <p>Generally, growers do not purchase large quantities to hold in storage as it is effectively money tied up in a storage shed. They buy as required so the time in storage tends to be short. They also purchase in response to a crop requirement or pest incursion which can vary season to season.</p> <p>Taking a stocktake and doing the calculations to establish quantity limits for all hazard classifications could be out of date within days. A grower could be compliant on one day but not the next. Therefore, it would be impractical to have to continually update the calculations to ensure that the AST thresholds are met. This is a layer of complexity and compliance</p>	
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		cost that is not necessary and will inevitably lead to the need for resource consent from the district council even though the requirements of HSNO and Worksafe are met.	
<b>Natural Environment Values</b>			
<b>Coastal environment</b>			
CE-P2 Protection of the natural character of the coastal environment	Oppose in part	The reference to 'primary production' is not necessarily in this policy and is not reflective of the rule suite, the activities managed by the rules are already addressed in the policy.	Amend:  3. Controlling subdivision and restricting earthworks, mineral extraction and processing activities and farm quarries, the extent of indigenous vegetation clearance, <b>and primary production activities</b> , and the location of and design of buildings and structures, including in relation to ridgelines, skylines and prominent headlands.
CE-P3 Assessment of subdivision, use and development	Oppose in part	The way CE-P3 is framed is unclear in how it related to CE-P2 and whether this is a strict 'avoid' adverse effects policy - providing a link to CE-P2 makes this clearer.	Amend:  <b><u>In applying CE-P2</u></b> , <del>A</del> avoid adverse effects of subdivision, use and development on the characteristics and qualities of the coastal environment, outstanding natural character areas and high natural character areas by having particular regard to: ...

CE-P4 Indigenous vegetation clearance	Oppose in part	Weed and pest management is managed in respect to indigenous vegetation clearance so the way it is currently framed is not necessary. HortNZ seeks that the rules provide for clearance as part of biosecurity response.	Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development by controlling subdivision ( <del>including weed and pest management</del> ) and restricting indigenous vegetation clearance <del>on</del> <u>in</u> :
CE-R1 Maintenance and minor upgrading of buildings and structures	Support		Retain
CE-R4 Earthworks	Oppose in part	HortNZ support providing for Ancillary rural earthworks as a permitted activity to enable the ongoing productive use of land in rural environments. The earthworks volumes that otherwise apply do not sufficiently provide for this activity/ would be difficult to measure compliance against (due to the 10 year period over which the limit applies).	Amend  1. Activity status: Permitted Where: <u>x. <b>The earthworks are ancillary rural earthworks</b></u>

CE-R5 Disturbance or clearance of indigenous vegetation	Support	It is important to provide for a biosecurity response, to enable a rapid response where required.	Retain
CE-R9 Construction, extension or external alteration of a building or structure			Confirm if the reference to CE-S2.2 is correct, as the standard is titled 'Exterior colour and reflectivity' yet the standard relates to height.
CE-R10 Earthworks	Oppose in part	HortNZ support providing for Ancillary rural earthworks as a permitted activity to enable the ongoing productive use of land in rural environments. The earthworks volumes that otherwise apply do not sufficiently provide for this activity/ would be difficult to measure compliance against (due to the 10-year period over which the limit applies).	Amend  1. Activity status: Permitted Where: <b><u>x. The earthworks are ancillary rural earthworks</u></b>
CE-R11 Disturbance or clearance of indigenous vegetation	Oppose in part	It is important to provide for a biosecurity response.	Amend  a. The works are directly associated with: <b><u>x. Pest plant removal and biosecurity works</u></b>

CE-R17 Maintenance and minor upgrading of buildings and structures	Oppose in part	HortNZ support providing for Ancillary rural earthworks as a permitted activity to enable the ongoing productive use of land in rural environments. A non-complying status for ancillary rural earthworks is unnecessarily onerous	Amend  1. Activity status: Permitted Where: <b><u>x. The earthworks are ancillary rural earthworks</u></b>
<b>General district wide matters</b>			
<b>Earthworks chapter</b>			
EW-01 Earthworks activities in the district	Support in part	Support the policy intent, suggest a minor suggestion to also cover the 'use of land' aspect.	Amend  Provide for earthworks activities in the district to facilitate subdivision, <del>and</del> development <b><u>and productive use of land,</u></b> while managing adverse effects.
EW-P1 Recognise and provide for earthworks activities	Support	Support policy recognition of the benefits of earthworks.	Retain
EW-P2 Enabling rural land uses	Support	Support policy recognition that earthworks is part of primary production	Retain
EW-3	Support	Support cultivation being provided for and enabled.	Retain

Enabling minor land disturbance activities			
EW-P8 Earthworks in natural hazard areas	Oppose in part	Ancillary rural earthworks are limited in scale by the nature of the activity (a definition is sought by HortNZ), therefore an exclusion from the volume and area controls in respect of flood risk hazard areas and coastal hazard areas is sought.	Amend EW-P8  Manage earthworks activities within flood risk hazard areas and coastal hazard areas by: <ol style="list-style-type: none"> <li>1. Controlling the volume and area of earthworks <b>(excluding ancillary rural earthworks)</b> in flood hazard areas, including excavation and fill; and</li> <li>2. Ensuring that earthworks in High Hazard areas are undertaken so that hazard risks are not increased or transferred to other properties.</li> </ol>
EW-P9 Quarrying and mineral extraction activities	Support in part Oppose in part	The effects of dust can be broader than amenity – for example effects on horticultural productivity due to effects of dust on the quality of produce. Relief sought:	Amend to include consideration of potential effects of dust on any nearby rural production activities (e.g. effects on produce)
EW-R1 Earthworks not otherwise provided for as a Permitted, Restricted Discretionary, Discretionary or Non-Complying rule	Support in part	HortNZ support providing for Ancillary rural earthworks as a permitted activity, as drafted as an 'or' list such that it is not subject to EW-S1 to S5.	Retain ancillary rural earthworks as a permitted activity that is not subject to the EW standards S1-S5.

EW-R2 Cultivation, gardening, installation of fence posts	Support	Support providing clearly providing for cultivation as a permitted activity.	Retain  Note that as the activity is permitted – and there are not standards – the Activity status where compliance not achieved: non-complying is not applicable).
<b>Subdivision</b>			
SUB-01 Subdivision design and layout	Support	Support the link to the amenity and character, and outcomes desire in the relevant zones.	Retain
SUB-15 Subdivision in rural lifestyle zone	Support in part	It is important to consider reverse sensitivity at subdivision, as this creates an expectation of a new land use activity.	Amend SUB-15 to include:  <b><u>5.Ensuring building platforms are located in a manner which reduces the potential for reverse sensitivity, when located adjacent to the General Rural Zone or Rural Production Zone</u></b>
SUB-16 Rural subdivision – rural production zone	Support in part	Support the direction provided around fragmentation (although suggest term highly productive land is used), maintaining and enhancing productive capacity. Due to	Amend clause (1) - Minimises the fragmentation or loss of productive rural land, particularly where versatile soils are located

		<p>the impact of reserve sensitivity a specific reverse sensitivity consideration is suggested.</p> <p>Clause 2 is awkwardly worded; an amendment is suggested.</p>	<p>Amend clause (2) - Maintains and enhances the productive capacity of land, including through <b><u>enabling</u></b> land-use <del>can</del> <b><u>change</u></b> to more productive forms of primary production</p> <p>Add new clause – x. <b><u>Avoids reverse sensitivity impacts on adjacent productive land uses or highly productive land</u></b></p>
SUB-17 Rural subdivision – general rural zone	Support in part	Due to the impact of reserve sensitivity a specific reverse sensitivity consideration is suggested.	<p>Amend clause (1) - Minimises the fragmentation <b><u>or loss</u></b> of productive rural land, particularly where versatile soils are located</p> <p>Add new clause – x. <b><u>Avoids reverse sensitivity impacts on adjacent productive land uses or highly productive land</u></b></p>
SUB-18 Managing reverse sensitivity effects from subdivision	Support in part	Support a reverse sensitivity policy that applies across the zones, however, seek amendment so the rural/urban interface is an explicit consideration, and so that that the scope of clause (2) also considers reverse sensitivity effects on primary production (and highly productive land).	<p>Amend</p> <ol style="list-style-type: none"> <li>1. With the exception of the Heavy Industrial Zone and the Light Industrial Zone, ensure subdivision design minimises the potential for reverse sensitivity effects on adjacent sites, activities or the wider environment <b><u>(including at the interface of the urban and rural zones).</u></b></li> <li>2. Avoid potential reverse sensitive conflicts by considering the location of new sensitive activities <b><u>in relation to primary production activities, highly productive land</u></b>, on existing intensive farming, mineral</li> </ol>

			extraction and quarrying activities, industrial activities and regionally significant infrastructure.
LRZSUB-R3 & R2 Low density residential zone subdivision	Support	It is important to assess reserve sensitivity effects at the time of subdivision (and these zones may interface with the rural zones)	Retain 'Potential location of future building platforms and development and the potential for any reverse sensitivity effects' as a matter of discretion.
RLZSUB-R1 Rural lifestyle zone subdivision	Support	Support (2) (f) It is important to assess reserve sensitivity effects at the time of subdivision (and these zones may interface with the rural zones)	Retain 'Potential location of future building platforms and development and the potential for any reverse sensitivity effects' as a matter of discretion.
GRZ-R1 Minor boundary adjustments			This rule is listed as 'GRZ-R1', to follow the format of other rules it should be 'GRUZZSUB-R1' - the same applies to the remainder of the subdivision rules for the General Rural Zone.
GRZSUB-R2 General rural zone subdivision	Support	Note whether a more stringent activity status is necessary for subdivision of versatile soil (or highly	Retain the following as Matters of control and Matters of discretion -



		productive land) as Council cannot decline a controlled activity consent (although note that this is limited to no more than one additional lot and new lot must have minimum net site area of 20ha	<p>'Potential location of future building platforms and development and the potential for any reverse sensitivity effects' as a matter of discretion.'</p> <p>'Effects on rural productivity and the availability and productive capacity of versatile soils to support primary production'</p>
GRZSUB-R3 Boundary Relocation of existing titles	Support	Support consideration of versatile soils in condition (d).	However as to more general commented noted elsewhere – versatile soils not defined, preference for highly productive land.
RPZSUB-R1 Rural production zone subdivision	Support in part	<p>Note: the land use chapter uses the RPROZ acronym, the same should be used here for consistent – e.g. 'RPROZSUB-R1'</p> <p>Note whether a more stringent activity status is necessary for subdivision of versatile soil (or highly productive land) as Council cannot decline a controlled activity consent (although note that this is limited to no more than one</p>	<p>Amend to include</p> <p>RPZSUB-R1 does not include the following standard (that is included in the equivalent rule for GRUZ) (c) –</p> <p><b><u>Where the land to be subdivided contains versatile soils (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), there must be an assessment from a suitably qualified person of the effects of the subdivision on the productive capacity of the land to support primary production.</u></b></p>

		additional lot and new lot must have minimum net site area of 20ha)?	
SUB-S1 Building platform	Support in part		<p>Retain link to needing to meet the permitted activity rules in the zone (which include setbacks) in clause (1)(f) – subject to changes sought in the respective chapters seeking amendments to setback distances.</p> <p>Retain reverse sensitivity consideration in the matters of discretion, but amend to also refer to the need to manage specifically in respect to highly productive land (which might have a greater productive potential that at the time of subdivision):</p> <p>(c) 'The relationship of the building platform and future residential activities with surrounding rural activities or <b>highly productive land</b> to ensure reverse sensitivity effects are avoided or mitigated</p>
<b>Noise</b>			
NO-O1 Noise generating activities	Support	The noise should reflect the underlying character of the zone	Retain

NO-P3 Managing reverse sensitivity between new activities and existing noise generating activities	Support	Minimising potential reverse sensitivity effects is supported.	Retain
NO-R1	Oppose in part	Amend noise limits for activities in Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones to	<p>Amend</p> <p><b><u>x. Any new dwelling to be erected, or the addition of habitable space to an existing dwelling, within 300m of any frost protection fan located on a title separate to that of the subject site and in different ownership shall be designed and constructed so as to ensure that, with respect to noise emitted by any existing or consented frost protection fan, internal noise levels do not exceed LAeq(15min) 30dBA in any bedroom and LAeq(15min) 40dBA in other habitable room.</u></b></p> <p><b><u>Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the dwelling concerned. Where the windows of the dwelling are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.</u></b></p>
NO-R6 Helicopter land pads	Support in part	To be consistent with plan wording	Amend

			<p>b. Cropping, top dressing and spraying for the purpose of <del>farming</del> <b><u>rural production activities</u></b> or conservation carried out in the rural Production, General Rural on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12 month period; or</p>
NO-R7 Bird scaring devices	Support in part	To be consistent with amendments to the definition – bird scaring devices is not exclusive so it is not clear what other devices may be considered	Amend NO-R7 to include <b><u>audible</u></b> bird scaring devices
NO-R8 Frost fans	Oppose in part	<p>The inclusion of multiple frost fans should apply to fans located on the same site. A grower cannot control the noise from fans on other sites.</p> <p>The timing for use of frost fans is too restrictive. Fans are only effective once the temperature is below 2 degrees –</p>	<p>Amend NOISE-R8 PER 1(c) by deleting ‘<del>or multiple</del>’</p> <p>Amend NOISE-R8 PER 1 (b)</p> <p>Maintenance <del>or use</del> of frost fans and horticultural wind machines is undertaken between 7am and 10pm  <b><u>Testing outside these hours may only take place for urgent unforeseen maintenance purposes or for testing operational readiness.</u></b></p> <p>Include  <b><u>Frost fans are only operated when the air at canopy height is 2 degrees C or less</u></b></p>

NO-S1 Maximum noise limits	Oppose in part	NO-R7 allows 65db for bird scaring devices in the RPZ and GRZ	Clarify
NO-S3 Helicopter landing pads	Support in part	To be consistent with wording in the plan	Amend NO-S3 Per 1(d)  b. Cropping, top dressing and spraying for the purpose of farming <b>rural production activities</b> or conservation carried out in the rural Production, General Rural on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12 month period; or
<b>Area specific matters</b>			
<b>Rural Settlement Zone (RLZ)</b>			
RLZ-P4 Avoid reverse sensitivity effects on adjacent rural zones	Support	Support recognition the need to be cognisant within the Settlement Zone or not compromising effective operation of productive activities in adjacent rural zones. HortNZ support the use of setbacks as a method of achieving this (however seek an amendment to RLZ-S2)	Retain

RLZ-S2 Setbacks	Support in part	The setbacks only provide for a 10m setback from boundaries which is considered insufficient to address potential reverse sensitivity effects.	Amend RLZ-S2 (1) All buildings and structures must be set back 10m <b>30m</b> from every site boundary
<b>Settlement zone (SETZ)</b>			
SETZ-P4 Avoid sensitivity effects	Support	Support recognition the need to be cognisant within the Settlement Zone or not compromising effective operation of productive activities in adjacent rural zones. HortNZ support the use of setbacks as a method of achieving this (however seek an amendment to SETZ-S3)	Retain
SRTZ-S3 Setbacks	Oppose in part	The drafting of this standard makes it unclear whether for sites greater than 1000m <sup>2</sup> , a 1.5m	Seek amendment to include a setback from the General Rural Zone or Rural Production Zone boundary of 30m for sensitive activities.

		<p>setback from side boundaries also applies?</p> <p>The relationship between this standard and SETZ-S6 is unclear.</p>	
<b>General Rural Zone (GRUZ)</b>			
<p>GRUZ-01</p> <p>Primary production activities and other compatible activities are enabled</p>	<p>Support in part</p>	<p>An amendment is sought to ensure that the scope of the objective is clear in includes associated building, structures, and infrastructure that are supports primary production.</p> <p>HortNZ support the 'functional need' direction for other activities. It is noted that the matters of discretion for some rules refer also to 'operational' need - which may also need to</p>	<p>Amend GRUZ-O1.</p> <p>The General Rural Zone is used for:</p> <ol style="list-style-type: none"> <li>1. Primary production activities, <b><u>including associated buildings and structures</u></b></li> <li>2. Ancillary activities <b><u>and infrastructure</u></b>, that supports primary production; and</li> <li>3. Other compatible activities that have a functional need to be in a rural environment.</li> </ol>

GRUZ-02 Primary production activities are protected	Support in part	Clear direction around management of reserve sensitivity is supported, minor amendment for consistency.	Amend heading, Primary production activities are protected <b><u>from reverse sensitivity effects</u></b>
GRUZ-03 Rural character and amenity is enhanced	Support in part	<p>The articulation of rural character and amenity is important in establishing the expectation for the zone. HortNZ seek an amendment to provide greater specificity to the objective.</p> <p>The equivalent objective in RPROZ refers to character and amenity being maintained, whereas this objective refers to enhancement (in the heading). The text refers to maintained.</p>	<p>Relief sought:</p> <p>GRUZ-O3 Rural character and amenity is enhanced maintained</p> <p>The rural character and amenity associated with a rural working environment is maintained, this includes:</p> <ol style="list-style-type: none"> <li><b><u>1. Associated buildings and structures, such as barns and sheds, post-harvest facilities, seasonal worker accommodation and horticultural structures; and</u></b></li> <li><b><u>2. Sounds, smells and traffic associated with primary production activities and anticipated from a working rural environment.</u></b></li> </ol>
GRUZ-04 The productive potential of land is protected	Support	Support the protection of highly productive land and it's use enabled for primary production.	Retain



GRUZ-P1 Protect productive potential of land	Support in part	Amendment to clearly provided for associated buildings and structures sought.	<p>Ensure the General Rural Zone provides for activities that require a rural location by:</p> <ol style="list-style-type: none"> <li>1. Avoiding the fragmentation of land into parcel sizes that are unable to support primary production activities unless there is an environmental benefit.</li> <li>2. Enabling primary production activities as the predominant land use.</li> <li>3. Enabling a range of compatible activities that support primary production activities, including ancillary activities (<b><u>associated buildings, structures and infrastructure</u></b>), rural commercial activities, and rural industries.</li> </ol>
GRUZ-P2 Enable primary production	Support in part	A minor amendment is sought to how the policy is framed.	<p>Amend</p> <p>Enable primary production activities, <b><u>while ensuring that adverse effects occurring beyond the site are minimised</u></b> provided that they internalise <del>adverse effects on rural amenity onsite</del> where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the General Rural Zone.</p>
GRUZ-P3 Avoid sensitivity effects	Support in part	Support clear direction on the need to in the first instance avoid reverse sensitivity, however an avoid direction is more	<p>Amend</p> <p>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the General Rural Zone to avoid <del>where possible, or otherwise</del></p>

		consistent with the objective (or amend to link to the outcome sought – that primary production is not constrained).	<del>mitigate</del> , reverse sensitivity effects on primary production activities.
GRUZ-P4 Maintain or enhance rural character and amenity	Support in part	As above, a ‘maintain’ direction is provided in the objective.	<p>Amend GRUZ-P4</p> <p>Maintain <del>or enhance</del> rural character and amenity</p> <p>Land use and subdivision activities are undertaken in a manner that maintains <del>or enhances</del> the rural character and amenity of the General Rural Zone, which includes:</p> <ol style="list-style-type: none"> <li>1. A predominance of primary production activities, <b><u>including associated buildings such as barns and sheds, post-harvest facilities, seasonal worker accommodation and horticultural structures.</u></b></li> <li>2. Low density development with generally low site coverage of buildings <del>and structures.</del></li> <li>3. <del>Typical adverse effects such as</del> odour, noise, traffic and dust associated with a rural working environment.</li> </ol>
GRUZ-P5 Allow certain ancillary activities	Support in part	As a general comment, the ‘allow’ descriptor on the heading is quite contrasting to the ‘avoid unless’ policy drafting. The	This policy could be reframed to rural commercial activities, and rural industries (which would be more consistent with GRUZ-P1).

		drafting is not clear whether (1) and (2) are intended to be an 'and' 'or' policy criteria.	
GRUZ-P6 Avoid certain other activities	Support in part	The drafting is not clear whether (1) and (2) are intended to be an 'and', or 'or' policy criteria.	Amend, Avoid land use activities that: <ul style="list-style-type: none"> <li>1. Are incompatible with the purpose and character of the General Rural Zone, <b><u>or</u></b></li> </ul> Do not have a functional need to locate in the General Rural Zone and are more appropriately located in another zone.
GRUZ-R1 Primary production (excluding indoor intensive primary production)	Support in part	Support the overall intent but seek amendment to be clear in providing for associated buildings and structures (and through amendments to rule standards a specific and clear approach to artificial crop protection structures).	Amend, as follows:  GRUZ-R1 Primary production, <b><u>including associated buildings and structures</u></b> (excluding indoor intensive primary production)
New rule GRUX-XX Seasonal Accommodation	New	The provision of seasonal worker accommodation is becoming a necessary supporting activity to	Include a permitted activity rule for Seasonal Worker Accommodation <b><u>GRUZ-RX – Seasonal Worker Accommodation</u></b>

		<p>horticultural operations. HortNZ is seeking a suite of provisions to provide for this activity – this is explained in more depth in the submission.</p> <p>HortNZ seeks that where seasonal worker accommodation does not meet the permitted activity standards, that this default to a Restricted Discretionary rule.</p>	<p><b>Activity Status:</b> <u>PER</u></p> <p><u>1. The establishment of a new, or expansion of existing seasonal worker accommodation.</u></p> <p><b>Where:</b></p> <p>a. <u>The seasonal worker accommodation is associated with horticultural activity</u></p> <p>b. <u>The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u></p> <p>c. <u>The accommodation provides for no more than 12 workers</u></p> <p>d. <u>It complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p><u>GRUZ S1 - Height</u></p> <p><u>RPROZ S2 -Setbacks</u></p> <p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with GRUZ-XX 1. (a)-(d) is not achieved: RDIS Matters of discretion:</p> <ul style="list-style-type: none"> <li>o Those matters in GRUZ-XX 1. (a)-(d) that are not able to be met</li> </ul>
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			<ul style="list-style-type: none"> <li>○ Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</li> <li>○ The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008</li> </ul> <p>4.Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</p> <p>Note: HortNZ has elsewhere in this submission sought definitions be included for Seasonal Worker Accommodation.</p>
GRUZ-R5 Visitor accommodation	Oppose in part	This is an activity which can be incompatible with rural production -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 (and submit on this standard seeking a larger setback for sensitive activities, which includes visitor accommodation).	<p>Amend GRUZ-R5 (b)</p> <p>No more than <del>ten</del> four visitors per night are accommodated per site</p>

GRUZ-R7 Rural produce sales from site	Oppose in part	Growers may sometimes sell items from other properties, where the relevant standards are met, this should not exclude the activity from being a permitted activity	Amend GRUZ-R7 (a) <del>Retail sales are limited to the sale of produce grown on the site and food manufactured on site from that produce.</del>
New rule GRUZ-XX On-site primary produce manufacturing	New		New rule sought for On-site primary produce manufacturing (or post-harvest facilities) - akin to the RPROZ zone, subject to changes that HortNZ are seeking to that rule.
GRUZ-R8 Rural industry	Support		Retain
GRUZ-R9 Accessory building or structure, including glasshouses	Oppose in part	HortNZ support specifically providing for accessory buildings and structures, and glasshouses, but consider that a clearer approach would be to provide for buildings and structures that are part of primary production (which includes glasshouses) - as per the amendment sought	Delete GRUZ-R9 (and amend GRUZ-R1) as sought in this submission.

		to GRUZ-R1. HortNZ do not support the standard restricting gross floor area of glasshouses if they are not using the underlying soil – as this is a primary production activity which is to be anticipated within a rural zone.	
GRUZ-R13 Buildings and structures, including additions and alterations, within the National Grid Yard	Oppose in part	HortNZ seeks that there is specific provision for artificial crop protection structures in the National Grid Yard which Transpower has accepted in other plans. .	<p>Amend to include: Where:</p> <p><b><u>It is an artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:</u></b></p> <p><b><u>a) is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and</u></b></p> <p><b><u>b) allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</u></b></p> <p><b><u>c) Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to be located within 12m of a tower or 8m of a pole support structure.</u></b></p>

GRUZ-S1 Height	Support in part	Height is required to reach into the inversion layer to enable air to be moved.	<p>Amend</p> <p>a. The height of frost fans is permitted if:</p> <p>i. <del>The height of support structure does not exceed 10.5m; and</del></p> <p>ii. <del>Fan blades do not rotate higher than 13.5m</del></p> <p><b><u>The height of a frost fan is no more than 15m including blades</u></b></p>
GRUZ-S2 Setbacks	Support in part Oppose in part	HortNZ seeks to provide specifically for artificial crop protection structures and crop support structures, to enable efficient use of land for horticulture, recognising that the effects from these structures (on shading for example) differ from that of a solid building.	<p>Amend:</p> <p>X. <b><u>All sensitive activities must be set back 30m from every site boundary.</u></b></p> <p>All <b><u>other</u></b> buildings and structures must be set back 10m from every site boundary.</p> <p><b><u>X. GRUZ S2.1 excludes artificial crop protection and crop support structures</u></b></p>
<b>Rural production zone (RPROZ)</b>			



RPROZ-01 The productive potential of land is protected	Support in part	Support the policy intent however suggest refinement - the term farming activities does not appear to be defined within the plan. An amendment is sought to also 'enable' these activities.	Amend The productive potential of the Rural Production Zone is protected and enhanced for <del>farming activities</del> <b>rural <u>production activities</u></b> that rely on the productive potential of the land, for the benefit of current and future generations, <b><u>and these activities are enabled.</u></b>
RPROZ-02 Reverse sensitivity	Support		Retain
RPROZ-03 Character and amenity of the zone is maintained	Support in part	The articulation of rural character and amenity is important in establishing the expectation for the zone. HortNZ seek an amendment to provide greater specificity to the objective.	Amend RPROZ-O3 <b><u>Rural</u></b> character and amenity is maintained The <b><u>rural</u></b> character and amenity associated with a rural working environment is maintained, <b><u>this includes:</u></b> <ol style="list-style-type: none"> <li><b><u>1. Associated buildings and structures, such as barns and sheds, post-harvest facilities, seasonal worker accommodation and horticultural structures; and</u></b></li> <li><b><u>2. Sounds, smells and traffic associated with primary production activities and anticipated from a working rural environment.</u></b></li> </ol>
RPROZ-04 Ancillary activities are enabled	Support in part	Amendments proposed to the framing of the policy. The RPROZ chapter	Relief sought: <b><u>In The Rural Production Zone: is used by</u></b>

		objectives currently do not address 'other' activities.	<p><b><u>1. Agricultural, Pastoral and Horticultural activities and ancillary activities, including associated buildings, structures and infrastructure is enabled</u></b></p> <p><del>2. Ancillary activities that support farming activities, enhance community well-being and have a functional need to locate in the zone.</del></p> <p><b><u>3. Other compatible activities that have a functional need to be in a rural environment are provided for.</u></b></p>
RPROZ-P1 Protect and enhance the productive potential of land	Support		Retain
RPROZ-P2 Enable farming activities	Support in part		<p>Amend RPROZ-P2</p> <p>Enable <del>farming activities</del> <b><u>rural production activities</u></b> that:</p> <ol style="list-style-type: none"> <li>1. Utilise the productive potential of the land.</li> <li>2. <b><u>while ensuring that adverse effects occurring beyond the site are minimised</u></b> <del>provided that they internalise adverse effects on rural amenity onsite where practicable, while recognising the typical adverse effects associated with farming activities</del> <b><u>rural production activities</u></b> that are expected in the Rural Production Zone.</li> <li>3. <b><u>Require a rural location</u></b></li> </ol>

			Note: As per other submission points, consider using 'Agricultural, Pastoral and Horticultural Activities' terminology in lieu of 'farming activities'.
RPROZ-P3 Avoid reverse sensitivity effects	Support in part	Support clear direction on the need to in the first instance avoid reverse sensitivity, however an avoid direction is more consistent with the objective (or amend to link to the outcome sought – that primary production is not constrained).	<p>Amend</p> <p>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid <del>where possible, or otherwise mitigate,</del> reverse sensitivity effects on <del>farming activities</del> <b><u>rural production activities</u></b></p> <p>Note: As per other submission points, consider using 'rural production activities terminology in lieu of 'farming activities' throughout the plan</p>
RPROZ-P4 Maintain or enhance rural character and amenity	Support in part	As above, a 'maintain' direction is provided in the objective.	<p>Amend</p> <p>RPROZ-P4 Maintain <del>or enhance</del> rural character and amenity</p> <p>Land use activities are undertaken in a manner that maintains <del>or enhances</del> the rural character and amenity of the General Rural Zone, which includes:</p> <ol style="list-style-type: none"> <li>1. A predominance of <del>farming activities</del> <b><u>rural production activities, including associated buildings such as barns and sheds, post-harvest facilities, seasonal worker accommodation and horticultural structures.</u></b></li> </ol>

			<p>2. Low density development with generally low site coverage of buildings <del>and structures</del>.</p> <p><del>Typical adverse effects such as</del> odour, noise, <u>traffic</u> and dust associated with a productive rural environment</p>
RPROZ-P5 Provide for ancillary activities	Support		Retain
RPROZ-P6 Avoid certain activities in the Rural Production Zone	Support in part	The policy provides clear direction around the intent of the zone, minor amendment sought.	<p>Amend</p> <p>Avoid <b><u>non-rural</u></b> land use activities that:</p> <ol style="list-style-type: none"> <li>1. Do not rely on the productive potential of the land; or</li> <li>2. Do not support <del>farming activities</del> <b><u>rural production activities</u></b> or</li> <li>3. Are incompatible with the purpose and character of the Rural Production Zone; or</li> </ol> <p>Do not have a functional need to locate in the Rural Production Zone.</p>
RPROZ-07 Minimise the loss of versatile soils	Support		Retain
RPROZ-R1 Farming	Support in part	Support the overall intent but seek amendment to be clear in providing for associated buildings and structures (and through	<p>Amend RPROZ- R1</p> <p><b><u>rural production activities</u></b> <del>Farming</del> <b><u>and associated buildings and structures</u></b></p>

		amendments to rule standards a specific and clear approach to artificial crop protection structures), subject to amendment to the definition of 'Agricultural, Pastoral and Horticultural Activities' as sought elsewhere. Farming is not a defined term.	
RPROZ- R5 Visitor accommodation	Oppose	These are sensitive activities likely to conflict with all primary production activities, it is important that this is taken into consideration in a zone which has particular production values.	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.
RPROZ-R7 Rural produce sales from site	Oppose in part	Growers may sometimes sell items from other properties, where the relevant standards are met, this should not exclude the activity from being a permitted activity	Amend RPROZ-R7 Per 1 Where: <del>a. Retail sales are limited to the sale of produce grown on the site and food manufactured on site from that produce.</del>

RPROZ-R8 On-site primary produce manufacturing	Support in part	<p>HortNZ support specifically providing for 'on-site primary produce manufacturing' to capture post-harvest activities; however not that this term is not defined.</p> <p>In the Proposed Central Hawkes Bay District Plan the term 'post-harvest facility' is used and defined – this could be a term also used in this context.</p> <p>However, note that the GFA limit is very conservative and that produce at a post-harvest facility not always from the same site.</p>	<p>Amend RPROZ-R8 PER 1</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The manufacturing area has a maximum GFA of no more than <del>2</del><u>5</u>00m<sup>2</sup>.</li> <li>b. There is no more than one manufacturing operation per site.</li> <li><del>c. The produce being processed or manufactured was produced on-site.</del></li> <li>d. The activity does not include any offensive trade.</li> </ul> <p>Include a definition to support the rule</p>
RPROZ-R9	Oppose in part	<p>HortNZ support specifically providing for accessory buildings and structures, and glasshouses, but consider that a clearer approach would be to provide for buildings and</p>	<p>Delete RPROZ-R9 (and amend RPROZ-R1) as sought in this submission.</p>

		structures that are part of primary production (which includes glasshouses) – as per the amendment sought to GRUZ-R1. HortNZ do not support the standard restricting gross floor area of glasshouses if they are not using the underlying soil – as this is a primary production activity which is to be anticipated within a rural zone.	
RPROZ-12 Buildings and structures, including additions and alterations, within the National Grid Yard	Support in part	Amend to include specific provision for ACPS and CSS	<p>Amend to include specific provision for ACPS and CSS:</p> <p>Where:</p> <p><b><u>x. It is an artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:</u></b></p> <p><b><u>a) is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and</u></b></p> <p><b><u>b) allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or</u></b></p> <p><b><u>c. Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances to</u></b></p>

			<b><u>be located within 12m of a tower or 8m of a pole support structure.</u></b>
RPROZ-S1 Height	Support in part	Height is required to reach into the inversion layer to enable air to be moved.	<p>Amend</p> <p>b. The height of frost fans is permitted if:</p> <p>i. <del>The height of support structure does not exceed 10.5m; and</del></p> <p>ii. <del>Fan blades do not rotate higher than 13.5m</del></p> <p><b><u>The height of a frost fan is no more than 15m including blades</u></b></p>
RPROZ-S2 Setbacks	Support in part Oppose in part	<p>Setbacks from boundaries for sensitive activities are a method of managing potential reverse sensitivity effects – HortNZ considers that larger setbacks are necessary for this purpose.</p> <p>HortNZ seeks to provide specifically for artificial crop protection structures and crop support structures, to enable efficient use of land for</p>	<p><b><u>X. All sensitive activities must be set back 30m from every site boundary.</u></b></p> <p>1. All <b><u>other</u></b> buildings and structures must be set back 10m from every site boundary.</p> <p><b><u>X. RPROZ S2.1 does not apply to artificial crop protection and crop support structures</u></b></p>



		horticulture, recognizing that the effects from these structures (on shading for example) differ from that of a solid building.	
RPROZ-S4 Coverage	Support in part	To ensure horticulture is enabled, as specific amendment is sought below to provide clarity.	<p>Amend</p> <p><b><u>RPROZ-S4 (1) does not apply to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Glasshouses</u></b></li> <li>• <b><u>Artificial crop protection structures.</u></b></li> </ul> <p>1. The combined building and impervious surface coverage of the gross site area of any site must be no more than 5% or 5,000m<sup>2</sup>, whichever is the lesser.</p>