

# SUBMISSION ON

# Plan Change 6 Audible Bird Scaring Devices

15 September 2022

**To:** Whakatane District Council

**Name of Submitter:** Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated

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# OVERVIEW

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## Our submission

Horticulture New Zealand (HortNZ) thanks Whakatane District Council for the opportunity to submit on the Plan Change 6 and welcomes any opportunity to continue to work with council and to discuss our submission.

While the submission has been prepared by HortNZ, New Zealand Kiwifruit Growers Inc (NZKGI) supports the submission which can be taken as a joint submission by council.

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

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

The details of HortNZ's submission and decisions we are seeking 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 the Whakatane region

The predominant horticulture crop grown in the region is kiwifruit with 710 hectares<sup>1</sup>. Other crops include avocados (26 orchards), summerfruit (berries, passionfruit) and feijoas.

The growing of productive crops is generally limited to areas of highly productive soils. There is ~ 11.6% (or 53,114 hectares) of LUC - 1-3<sup>2</sup> soils in the region (generally in the rural zone) which means it is appropriate for horticulture production and primary production activities to take place in this area.

## 2. Audible Bird Scarers and Horticulture

Horticulture is of economic value to the region and profitability can be affected by bird damage. Effective and acceptable bird control measures, including audible bird scaring devices, are required to avoid personal and community losses. Loss of kiwifruit flower buds to birds can occur very quickly and can be devastating to orchards, causing reduced yield and loss of revenue.

Bird management requires constantly adapted, integrated management techniques. Birds acclimatise easily to any one measure therefore a holistic approach is best.

Bird scarers are 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 and are not used year-round.

HortNZ has been involved in several 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
- 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

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<sup>1</sup> <https://www.zespri.com/content/dam/zespri/nz/annual-reports/Zespri-Annual-Report-2021-22.pdf>

<sup>2</sup> [Land Use Capability » Maps » Our Environment \(scinfo.org.nz\)](#)

- 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.

## 2.1. Bird Scaring Options

### 2.1.1. AUDIBLE BIRD SCARERS

Audible Bird Scarer Devices (ABSD) are predominantly used in the region to scare birds from kiwifruit orchards during bud break (generally September to October) and from berry farms. These are generally gas propelled propane canons which create a loud explosion that scares the birds away. If not moved around the orchard, birds soon get used to them and they become less of a threat.

Other ABSD that are less commonly used include:

- **Sonic (audible) sound** equipment broadcasts a variety of naturally recorded bird distress signals, predator calls and harassment sounds that frighten, confuse and disorient pest birds, within the effective range)

### 2.1.2. ALTERNATIVE BIRD SCARERS

There are a range of non-audible bird scarer devices and/or mitigations growers can deploy:

- **Reflective tape, kites, balloons** rely on the wind and sun to be effective. Birds find them scary and unsettling so keep away in the short term, but they do get used to this relatively quickly, therefore should be applied in conjunction with other measures
- **Intensive sward planting** allows the grass sward to grow longer to retain the poa annua grass seed heads to provide a food source for birds on the orchard floor. This reduces the incidence of birds in the canopy looking for food as they are more likely to remain on the ground to feed - however this process may attract birds to the orchard
- **Ultrasonic high frequencies** (which the human ear cannot hear) to deter birds and other pests. When the birds or pests hear the sound being produced, they can become disoriented or irritated by the noise. These frequencies can also have an effect of dogs and cats
- **Laser bird scarers** are used by some growers to prevent bird strike as they unsettle and annoy birds. There are several safety rules that may prevent lasers from being effective (inadvertently causing laser strike to aircraft and vehicles)
- **Bird repellents** (agrichemicals) are not required to be included in the Agricultural Compounds and Veterinary Medicines register. One product currently listed as a bird repellent for kiwifruit growers is Flock Off. Flock Off works as a repellent by stimulating the 'trigeminal nerves' in the bird's beak, eyes and throat. Although most animals have these nerves, only birds react to Flock Off. Flock Off irritates a bird's sense of taste and smell.

Flock Off is applied just prior to budbreak and reapplied every 7-10 days through the risk period. It is required to be reapplied after rain. Zespri allows for a maximum of three sprays per budburst period (generally natural budburst takes 10-35 days to complete) therefore being dependent on weather, Flock Off is not as effective as other measures. In addition, growers report that birds do become familiar with Flock Off.

In the 2021 season, due to significant shipping delays, UPL (the suppliers of Flock Off) reported that the bird repellent product sold out early and growers (that use the product) were advised to consider alternative methods to reduce bird pressure this spring. The Safety Data Sheet<sup>3</sup> for Flock Off shows that it is harmful to aquatic life.

### 3. Budbreak

The older variety of gold kiwifruit (Hort 16A) was susceptible to early budbreak which required bird scaring measures in early spring. Hayward (green) and G3 (Gold) tend to experience later budbreak.

The timing of budbreak is affected by temperatures up to the start of budbreak. The colder the winter, the earlier budbreak will begin. New Zealand recorded its warmest winter on record in 2021<sup>4</sup> which has been surpassed in 2022<sup>5</sup>. Growers will see later budbreak as a result.

Birds eat many things, from seeds and grain to insects, fruit and nectar, but in early spring all these food sources are scarce. Early spring is when birds are more prevalent on orchards and with budburst now occurring later in spring, birds are scarcer and the requirement for bird scaring measures less intensive than early spring.

According to the New Zealand Bird Atlas<sup>6</sup>, the following birds were observed in the Whakatane region from September to November:

Sparrow	Pigeon	Geese	Blackbirds
22	19	5	1

These observations show that bird activity in the region is not significant and therefore audible bird scaring devices are not a significant threat to noise levels. Pigeons and geese are not a threat to orchards.

### 4. 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 noise that can occur because of primary production activities. Horticulture tends to be particularly susceptible to reserve sensitivity effects due to highly productive

<sup>3</sup> <https://horticentre.co.nz/wp-content/uploads/Safety%20Datasheets/Flock%20Off%20SDS.pdf>

<sup>4</sup> <https://niwa.co.nz/news/its-the-warmest-winter-on-record-again>

<sup>5</sup> <https://niwa.co.nz/climate/summaries/seasonal/winter-2022>

<sup>6</sup>

land often being located near urban centres and/or the land they operate on being subject to demand for urban development.

For horticulture, reverse sensitivity effects are a very real issue, which impacts on the ability of growers to productively use their land. Agrichemical spraying in terms of chemical use and noise, odour, time of operation and machinery noise, frost protection including by helicopter and frost fans, bird scaring devices and hours of operation can all be cause for complaint despite the effects of these activities being managed to meet regional plan requirements.

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



## 5. Submission

HortNZ and NZKGI opposes proposed Plan Change 6 (PC6) in its entirety and seek withdrawal of proposed PC6.

HortNZ and NZKGI accepts the need for provisions in the district plan regarding noise levels to ensure that levels of noise are appropriate for the rural operating environment and that compliance with such noise limits can be enforced. It is also recognised that there needs to be a balance between providing for horticulture activities and amenity of residents. It is HortNZ and NZKGI's contention that PC6 is inappropriately balanced towards residents and will have a negative impact on horticulture production in Whakatane.

Of specific concern to HortNZ and NZKGI is from the monitoring undertaken by council detailed in the s32 Report, there appears to be a degree of non-compliance with the operative district plan which may well be exacerbating the effects of ABSD in the district. It has not been robustly confirmed that the issue in Whakatane relates to ABSD's that comply with the operative limits or whether the issue relates to non-compliance.

It is HortNZ and NZKGI's position that education with growers and compliance monitoring and enforcement action of the operative rules should be undertaken before contemplating a plan change that will have significant impact on horticulture in Whakatane District.

HortNZ has obtained independent advice, both of which has identified significant issues with the approach in PC6.

Acoustic advice identifies that the proposed rule for new users would be one of the most restrictive audible bird scarer rules in a district plan, while not necessarily achieving the outcome of reducing noise from ABSD as existing uses apply to currently operational devices, thereby retaining current noise levels.

Further advice identifies significant issues with the process undertaken in responding to complaints and developing PC6 in considering higher order documents.

For the reasons set out below HortNZ and NZKGI seeks withdrawal of PC 6.

### 2.1 Effect of Plan Change 6 on use of audible bird scaring devices

Currently the district plan provides for a limit of 100dB LZpeak which is proposed to be reduced to 85dB LCpeak for new users and current users who are unable to prove existing use rights.

Compared to an SEL measure, the 100dB LZpeak would equate to approximately 65dB SEL while 85dB LCpeak would equate to approximately 48dB SEL. 65dB SEL is a measure used in several plans in neighbouring districts.



Figure 1 of council's Assessment of Noise Effects<sup>7</sup> (Hegley report) indicates that for generally flat ground, a grower would need a setback distance of 610 metres to meet the 100dB LZpeak at the notional boundary of a rural dwelling or residential zone boundary. A setback distance of approximately 1820 metres would be required to meet the 85dB LCpeak. This is a threefold increase in the setback currently required.

The s32 Report<sup>8</sup> indicates that PC6 would affect new users of audible bird scaring devices but does not clearly set out the impact of the setback distances and noise levels that will be required. In addition, PC6 has been developed with a clear presumption that audible bird scaring devices should require a restricted discretionary consent -that the permitted level is set so that it will be unlikely to be achieved, thereby necessitating all new devices to be subject to a resource consent process.

This is an inefficient approach to an activity that can be adequately managed through permitted activity standards and education of users as to methods to achieve those standards.

## 2.2 The basis for 85dB LCpeak is unclear

The Hegley report recommends an 85dB LCpeak limit for the ABSD rule but does not provide an assessment of why that limit is appropriate. The limit is then supported in the s32 Report based on the Hegley recommendation. A number of Australian EPA documents are referenced in the Hegley report, but none uses a sole limit of 85dB LCpeak.

Given the clear preference in the Hegley report for all uses of ABSD's to be a restricted discretionary activity, the limit has been set at a restrictive level which is unlikely to be met, thereby requiring new users to apply for a restricted discretionary activity consent.

It is noted that the Hegley report (Pg 6) discusses the advantages of a LCpeak measure with SEL.

*The use of LCpeak only sets a level so it is important to include a limit on the number of events to control the potential noise effects for neighbours. As the SEL is a combination of the level plus duration there are advantages to using SEL to control the noise. The SEL can be measured for any number of shots for any selected time period. The difference is that if the noise level is lower more events may occur for the same SEL value. Adopting LCpeak and the number of events for a given time does not encourage the noise maker to reduce the level of noise but the LCpeak can be easily measured. The only disadvantage is that the number of shots in an hour or day also needs to be monitored. Overall, the outcome will be similar regardless of the measurement technique adopted so Council may prefer to retain the current method using a peak measurement and number of shots permitted. The only change proposed is to move from Z-weighting to C-weighting to allow the level to be measured with the sound level meter already owned by the Council.*

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<sup>7</sup> [20220707 -pc6 audible bird scaring devices - hegley acoustic consultants report.pdf \(whakatane.govt.nz\)](#)

<sup>8</sup> [https://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/20220713 -\\_pc6 audible bird scaring devices - section 32 report.pdf](https://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/20220713_-_pc6_audible_bird_scaring_devices_-_section_32_report.pdf)

From this assessment using an SEL value would incentivise noise reduction, and thereby achieve greater benefits. However, the review of sound measurements in the s32 Report (6.1) does not even mention an SEL measure – referring only to L<sub>peak</sub>, L<sub>MAX</sub>, L<sub>10</sub> and L<sub>90</sub>. Given the use of SEL in other adjoining district plans and the advice in the Hegley report of SEL consideration, this measure should have been included.

The use of the existing council sound meter may be a major factor in this consideration, rather than what would achieve the most optimum outcome for all the community.

## 2.3 Plan Change 6 does not give effect to the Regional Policy Statement

A district plan is required to give effect to a Regional Policy Statement (RPS) (RMA S75 (3) c)<sup>9</sup>. The s32 Report does not consider the Bay of Plenty RPS or identify relevant objectives and policies from the Bay of Plenty RPS.

The RPS provides clear direction about use of rural land and reverse sensitivity.

Objective/Policy	Description
Objective 26	The productive potential of the region’s rural land resource is sustained and the growth and efficient operation of rural production activities are provided for
Policy UG 18B	Managing rural development and protecting versatile land.
Policy UG 20B	Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
Policy UG 23B	Providing for the operation and growth of rural production activities
Policy 24B	Managing reverse sensitivity effects on existing rural production activities in urban areas

11.6 percent of the land in the Whakatane region is highly productive land (versatile) which must be protected for rural production activities. Limiting use of ABSD has the potential to limit the use of versatile land for its optimum use.

The RPS clearly directs that subdivision use and development of rural areas does not compromise or result in reverse sensitivity effects on rural production activities.

<sup>9</sup> <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233681.html>

Complaints about ABSD from residents (nor rural production activities) are resulting in reverse sensitivity effects on horticultural operations. This can lead to inefficient use of resources and a loss of rural production activities.

The RPS acknowledges the importance of rural production to the Bay of Plenty economy. Rural production can only be located in rural zones, so the locational and functional requirements need to be recognised and protected from reverse sensitivity effects.

Method 3 of the RPS requires that Policies UG 18B, UG 20B, UG 23B and UG 24B be given effect to when changing a district plan. These objectives and policies and direction of the RPS have not been assessed and given effect to in PC6.

## **2.4 The Plan Change does not implement the objectives and policies in the Whakatane District Plan**

The Operative Whakatane District Plan sets out a range of strategic objectives and policies in Chapter 2 and general provisions in Chapter 11. The strategic objectives and policies are important as they provide an overall approach to the district plan. The s32 Report has not considered these objectives and policies.

In particular, strategic objective 4 seeks to provide for a strong rural base: the rural character of the district is retained, and rural productive capacity is provided for. There are six policies that implement this objective including Policy 6: to ensure that subdivision, use and development of rural areas does not compromise the efficient operation of rural production activities or result in reverse sensitivity effects on lawfully established activities.

Consideration needs to be given to the strategic objectives and policies when assessing and implementing Chapter 11 and 2 objectives and policies. Chapter 11 (gen 1, policy 1) needs to be assessed in the context of impacts on rural production activities and reverse sensitivity. The s32 Report does not consider this relationship.

## **2.5 Plan Change 6 will not necessarily achieve the outcome sought - to reduce nuisance sound effects in rural zones**

Plan Change 6 is targeted at requiring resource consent for new users of ABSD's which do not have existing use rights or do not comply with the operative plan rules.

The s32 Report (9.5.6) states: PC6 reduces the permitted noise limit of ABSDs to mitigate the adverse effects of 'intrusive noise'.

Existing use rights will apply to many of the current users and as such, the PC6 may do little to reduce the existing noise environment from use of ABSD's.

The s32 Report (9.4.8) states: The permitted noise level is considered too permissive to be effective to manage the wider environment noise impacts from ABSD use in orchards.

There is no clear justification to support this statement given that there has been non-compliance with the operative permitted noise levels and only when compliance has been achieved could the level of effectiveness of the current rules be determined.

It is HortNZ and NZKGI's position that developing an education programme for growers with council alongside a compliance monitoring and enforcement programme would provide a much more targeted approach to addressing the existing issue.

## **2.6 The s32 Report is inadequate**

### Process

The s32 report and attached documents sets out the process undertaken as part of developing PC6. An analysis of council meetings and agendas is included below which identifies concerns with the nature of the process, including pre-determination of the outcome prior to monitoring being undertaken. There appears to have been very little direct engagement with growers to better understand the issues and constraints in the use of ABSD's. Given the nature of the issues such engagement would have assisted council in determining the most appropriate approach.

### Complaints

PC6 has been triggered by complaints and a petition to council. The s32 Report does not contain information about complaints received, quantify the nature of the complaints or whether such complaints have been substantiated. For instance, it would be useful to determine if there is a pattern in complaints by location, time of day or frequency of shots, or the type of device being used or whether complaints involve multiple orchards. The level of complaint may be exacerbated by a level of non-compliance with the operative rules.

Quantifying and understanding the nature of the complaints is important to determining an appropriate response. The existence of complaints is insufficient justification for a plan change of this nature.

### Consideration of alternatives

Section 32 of the RMA requires any changes to the district plan to be evaluated for their appropriateness in achieving the purpose of the RMA, and for the policies and methods to be evaluated for their efficiency, effectiveness and risk

The S32 report details no assessment of other alternatives such as education, monitoring and compliance to achieve the outcomes sought. Education could include working in collaboration with NZKGI and HortNZ to develop material for growers on best practice or best practicable options, mitigation methods, alternative methods and how best to achieve the rules in the operative plan.

Such alternatives appear to have been discounted due to the initial presumption that a plan change was needed, due to community pressure.

## 2.7 Analysis of council meeting agendas and minutes

The Council Strategy and Policy Committee considered the matter of audible bird scaring devices over a number of meetings including:

- 1 April 2021
- 25 November 2021
- 7 July 2022

The 1 April 2021 meeting included a paper setting out concerns raised by members of the community regarding ABSD's and was supported by attendance at a public forum by S & B Pryde.

The paper set out five options for consideration:

- **Option 1** Community Advocacy
- **Option 2** District Plan Monitoring
- **Option 3** Plan Change
- **Option 4** National Planning Standards Implementation
- **Option 5** District Plan Review 2027.

Options 1 and 2 were the joint preferred options with subsequent options to be considered after 2021. Attendees were advised that any change to the district plan needed to be evidence based and monitoring and data being collected prior to any change being mooted. However, the committee approved a motion that Options 1, 2 and 3 proceed which included work toward a district plan change.

It is considered that this decision predetermined the outcomes of the monitoring and data collection that was to be undertaken, rather than assessing the information and then determining the most appropriate pathway forward.

When the results of the monitoring were presented to the committee on 25 November 2021, the option of a plan change was presented as the preferred option and set parameters for a potential plan change in line with the committee resolution on 1 April 2021.

The meeting of 7 July 2022 considered the proposed plan change and included a verbal presentation with discussion occurring. The minutes state:

*It was queried if the impact of the plan change would have a significant impact on the productive activity in the rural area. Members were advised it would impact the horticulture industry as the noise limits were being reduced significantly for what could be carried out at a permitted level, however the reduced levels did align with other Council plans.*

As further demonstrated in this submission, the noise levels in PC6 do not align with other council plans.

## 2.8 Plan Change 6 is inconsistent with other district plans

The s32 report compares the proposed rule with other district plans and states that PC6 is consistent with adjoining territorial authorities' approach to managing ABSD's permitted noise levels. HortNZ has undertaken analysis that demonstrates that this is not an accurate statement.

Adjoining territorial authorities to Whakatane are Opotiki, Western Bay of Plenty, Rotorua, Wairoa, Gisborne and Taupo. The ABSD limits are as follows:

District	ABSD limit	Approx equivalent
Whakatane Operative	100dB LZpeak	65dB SEL
Opotiki	65dB SEL	100dB LZpeak
Western BOP	65dB SEL	100dB LZpeak
Gisborne	65dB SEL	100dB LZpeak
Rotorua	100dBLzpeak	65dB SEL
Wairoa	122 dB C peak	83dB SEL
Taupo	No specific rules	
Whakatane Proposed	85dB LCpeak	48dB SEL

Two of the five adjoining councils use a 'peak' measure and three use an SEL measure. The acoustic advice HortNZ has received is that 100dB LZpeak is equivalent to a limit of 65dB SEL and an 85dB LCpeak would be approximately equivalent to 48dB SEL. No other council has a permitted activity of 48dB LCpeak and the proposed rules are not consistent with adjoining territorial authorities.

The analysis of provisions in other district plans in the 25 November 2021 meeting report was based on councils that use a 'peak' measure (Whakatane, Auckland, Waipa and Hastings). Rotorua and Wairoa also use a peak measure ranging from 85dBcpeak to 122dBC peak. The s32 report (5.8.3) states that assessment of other council controls was limited to those using peak measure 'due to the accuracy for measuring pulse sounds'.

District	ABSD peak limit
Auckland	85 LZ peak
Waipa	85dBA peak
Hastings	85dB LCpeak - 115dB LCpeak

Rotorua	100 dB Lzpeak
Wairoa	122 dB Cpeak
Whakatane Operative	100dB LZpeak

The s32a Report (5.8.4) states that 85dB is predominantly used as the permitted peak level however the table shows that only two out of the six councils use 85dB as a sole peak measure.

The Hastings level allows for use over 85dB Cpeak - up to 115dB Cpeak as a permitted activity in the rural zone so 85dB is not a sole measure, hence does not contribute to 'predominant use'. Hastings is particularly relevant as a fruit growing area - compared to Whakatane

Hastings	Whakatane
There are no restrictions on events or shots for sound levels less than 85dB Cpeak as a PA.	The 85dB LCpeak as a PA does not include limitations on number of events and shots:
The activity is permitted where greater than 85dB LCpeak but not exceeding: - 100dB LCpeak at any point within residential zone OR - 115dB LCpeak at any point within the notional boundary of any noise sensitive activity in the Rural Zone AND No more than 4 events of 3 shots or total of 12 shots in any 1 hour	Any event over 85dB LCpeak means the activity is an RDA.  It does not have a tiered PA rule as in Hastings.

What is proposed for Whakatane is significantly more restrictive than Hastings.

## 2.9 The Plan Change seeks to limit the ability of horticulture to operate

The s32 report (9.5.20) states: 'Reliance on ABSD use is not considered to be effective for sustained long periods of time. As such council shouldn't permit ABSD use as the lowest cost deterrent for horticultural use, when other options exist which do not have the same noise impact well beyond the site of operation.'

There has been no analysis included as to the efficacy and cost of ABSD compared to other options of bird deterrent. That is an operational matter for an orchardist to determine. Through the plan change, council is seeking to impose limitations on choice of methods for operational matters with no horticultural evidence provided to substantiate the position.



It is also unclear whether a resource consent for a ABSD will be able to be obtained when over the 85dB noise limit. There is considerable uncertainty for growers in that respect.

Use of ABSD's only occurs for a limited period during the year and residents moving to a rural area should be aware that horticultural activities can sometimes be noisy.

During the development of the 2017 Operative District Plan, HortNZ consistently sought to ensure that growers could continue to operate and that reverse sensitivity effects were adequately addressed in the plan so that situations such as the current did not arise, given the awareness that many urban dwellers have unreasonable expectations in terms of the amenity and nature of the rural environment.

### **3 Decision sought:**

For the reasons set out above HortNZ and NZKGI seeks that PC 6 be withdrawn, the operative plan rules be retained and a joint approach to develop an information and education programme for both growers and residents be introduced while undertaking compliance monitoring and enforcement to ensure that the operative plan is being met.

A review of the effectiveness of the operative plan should be undertaken for the 2027 Plan Review to determine if changes to the rule regime for audible bird scaring devices is required.

