

# SUBMISSION ON Proposed Waikato District Plan

09 October 2018

**TO:** Waikato District Council

**NAME OF SUBMITTER:** Horticulture New Zealand



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## Introduction

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

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

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

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

## Submission structure

- Schedule 1: Horticulture in the Waikato District
- Schedule 2: General Comments
- Schedule 3: Objectives and Policies
- Schedule 4: Rules

## Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$5.7 billion and is broken down as follows:

<b>Industry value</b>	<b>\$5.7bn</b>
Fruit exports	\$2.82bn
Vegetable exports	\$0.62bn

**Total exports** **\$3.44bn**

Fruit domestic \$0.97bn

Vegetable domestic \$1.27bn

**Total domestic** **\$2.24bn**

For the first time New Zealand's total horticultural produce exports in 2017 exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

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

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal (a \$10 billion industry by 2020).

## 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.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;

- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

## Schedule 1: Horticulture in the Waikato District

### **The current state:**

Over 6,661 hectares of the Waikato Region is developed for commercial fruit and vegetable operations. The most dominant products include potatoes, onions, asparagus, kiwifruit, blueberries, carrots and apples.<sup>1</sup>

As discussed above, onions and kiwifruit contribute significantly to New Zealand's export industry. While potatoes and carrots are staples in the kiwi diet and contribute to a healthy wellbeing. Within the Waikato District area, horticulture and fruit growing contributed to 2.1% (or \$49 million) of GDP in 2016.<sup>2</sup> This is a considerable contribution given that less than 6,000 hectares of the districts geographical area is in horticulture and that the industry equates to 0.2% of the total region.

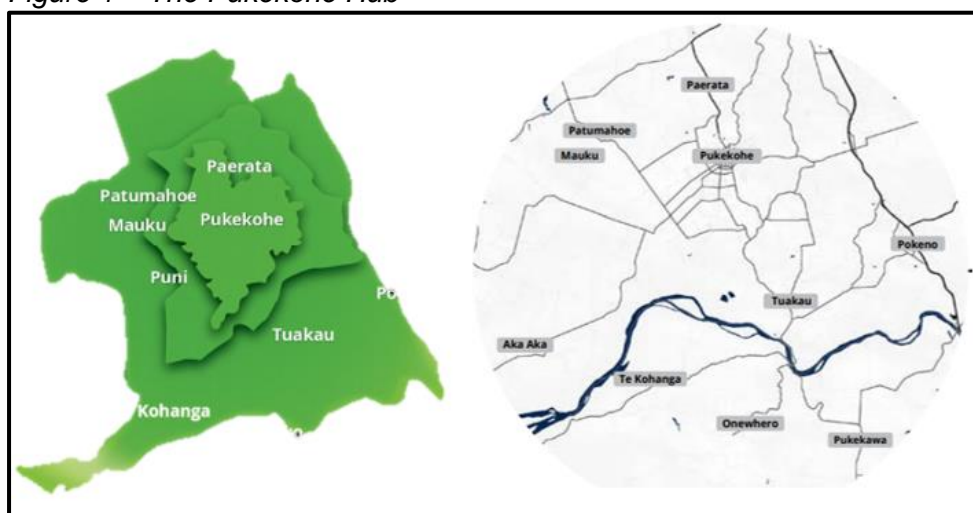
Waikato district contains 418,893ha of prime rural land.<sup>3</sup> There are large pockets of high class soils (LUC 1 – 4) strategically placed near the Auckland and Hamilton markets. With increasing pressure on productive land in neighbouring areas, there is a fundamental need, and exciting opportunity, to support the long-term growth of horticulture in the Waikato District area.

### **Domestic food security and the role of Waikato District**

HortNZ recently commissioned an analysis of the horticultural sector in one of New Zealand's most prominent growing areas. The purpose of the analysis was to understand the social, environmental and economic values, and constraints, provided and faced by, the local industry.

The case study area was the 'Pukekohe hub', which covers a significant portion of the northern Waikato, including Tuakau, Pokeno, Aka Aka, Te Kohanga, Onewhero and Pukewaka.

Figure 1 – The Pukekohe Hub<sup>4</sup>



<sup>1</sup> Fresh facts, 2017 <http://www.freshfacts.co.nz/files/freshfacts-2017.pdf>

<sup>2</sup> Openwaikato.co.nz

<sup>3</sup> Openwaikato.co.nz

<sup>4</sup> *New Zealand's Food Story. The Pukekohe Hub.* Deloitte. 2018. <http://www.hortnz.co.nz/assets/Deloitte/New-Zealands-food-story-The-Pukekohe-hub.pdf>

Findings of the report show that:

- With an area of 4,359ha, the hub is only 3.8% of New Zealand's total fruit and vegetable growing area. But contributes to 26% of the value earned from national production of vegetables and some fruit.
- 90% of the produce grown in the hub is for the domestic market.
- The hub contributes significant to the vitality of local communities through social contributions to community groups and cultural diversity
- The hub contributes \$261million to GDP and employs 3,090 full time equivalents.
- Between 2002 – 2016 there has been a 30% reduction in vegetable cropping land across New Zealand.

Failure to adequately provide for continued operation and on-going development of horticulture, will impact the ability to meet future demand for fresh fruit and vegetables. In the next 25 years, the analysis predicted:

- a reduction in production of fruit and vegetables of between 46% - 55% and
- price increases between 43% - 58%
- Up to 4,500 job losses
- An economic loss between \$850 million and \$1.1 billion.

## Schedule 2: General Comments

### **1. Proposed rezoning of prominent commercial vegetable cropping land in Tuakau:**

As seen in the above map, Tuakau is included in 'hub' area. The district plan proposes to rezone a significant area of rural production land for residential development. Approximately 181ha of this are high producing, high value commercial vegetable cropping area. These are highlighted in **Figure 2**.

HortNZ opposes the rezoning of these land areas from rural to residential zones. These areas of land contribute significantly to New Zealand's domestic food supply and it is critical that the land is protected and that cultivation be allowed to continue.

There are locational reasons why the rural sector is so productive in Tuakau related not just to the quality of soil but also access to freshwater, transport linkages, post-harvest facilities, access to labour, the proximity of the market and a diverse land parcel structure.

There is a need to preserve areas of rural production for rural production and provide for growth and sustained access to land and water. There is also a need to ensure land owners have flexibility to change rural production land use activities and that the regulatory regime is practical and supportive.

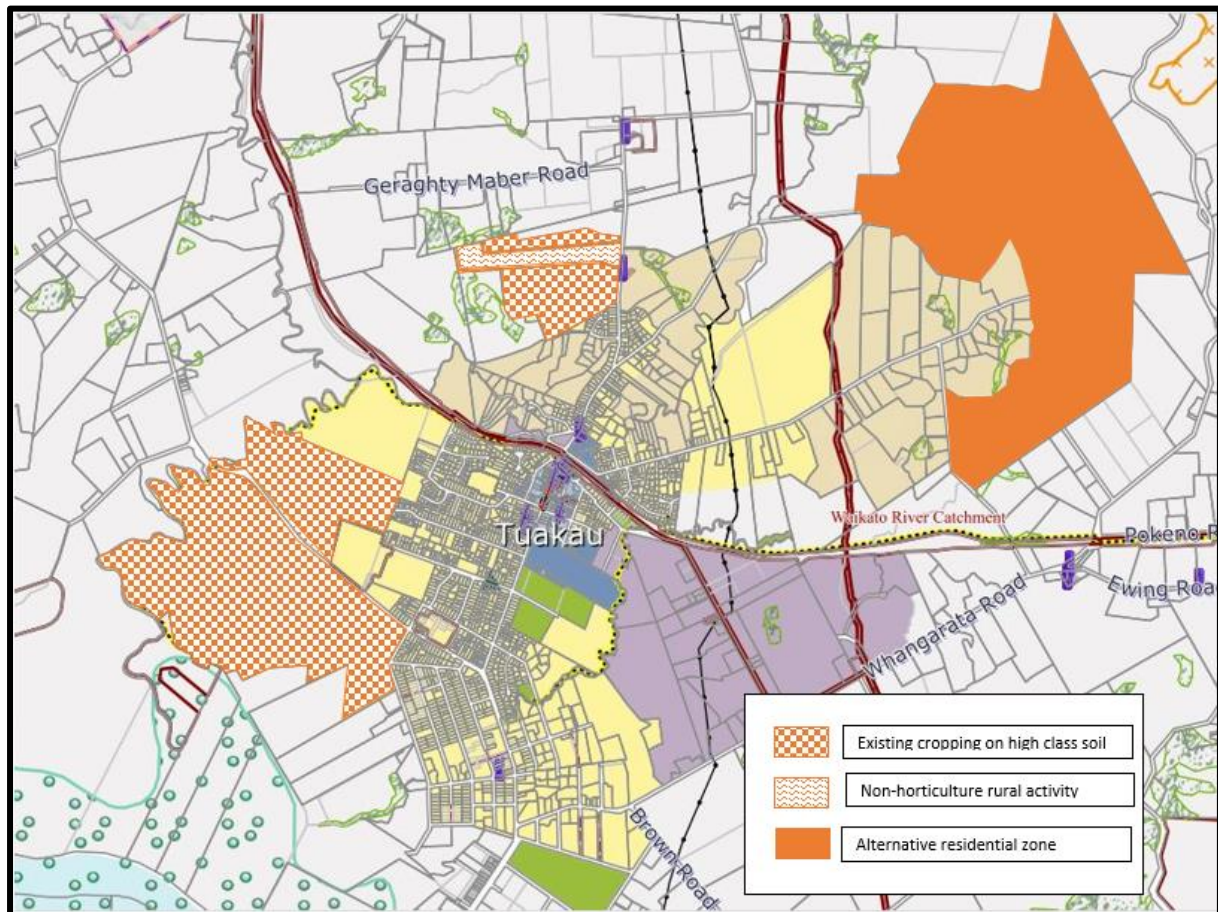
The areas in Figure 2 are identified as LUC 2, which are defined as 'high class soil' under the proposed plan. As such, the rezoning of these areas is inconsistent with the intention of the proposed plan to protect and manage adverse effects on high class soils.

The strategic Objective 5.1.1 seeks to protect high class soils for rural productive activities. Objective 5.2.1 seeks to maintain or enhance the "inherent life-supporting capacity and

versatility of soils, in particular high class soils". Policies 5.2.2 and 5.2.3 seek protection of high class soils by retaining their primary productive value and minimising fragmentation.

The objective and policy framework, and the s32 reports, seem to recognise the finite nature of high class soils. This is not reflected in the proposed planning framework as shown in the planning maps for Tuakau and outlined in **Schedules 3 to 5** of this submission.

Figure 2 – Proposed District Plan Tuakau zoning and HortNZ suggested alternative location



The s32 cost-benefit analysis:

The Growth Areas Topic s32 report does provide some analysis on the impact of urban development on high class soils. The report acknowledges that there will be less overall fragmentation of rural production land from locating growth around existing villages and urban areas. However, the report also comments that there:

- will be loss of high class soil
- is a low to moderate probability of high class soils being retained for primary value and avoidance of adverse effects from proposed objectives and policies
- is a low probability that the productive value of farming will be encourages to be protected from new residential growth in Tuakau.

Critically, the report also notes that 50% of growth areas contain high class soils (569ha) and that 57% of those high class soils are location in Tuakau (326ha). This amounts to 7.5% of the Pukekohe hub area.

The report acknowledges there will be reverse sensitivity effects on rural production as a result of the new urban boundary. Yet the analysis deems this acceptable, as it considers those most impacted are likely to be smaller operations and lifestyle properties.

HortNZ does not agree with this statement. As demonstrated in the Deloitte report, horticultural activities being undertaken in the Northern Waikato District are not “small operations”. These rural production activities have a significant contribution to local communities economically and socially.

The s32 report also notes that rural land owners will benefit from the sale of rezoned land. What this fails to take into account is that many horticultural operations are located on leased land. Leasing is a common practice as it enables regular crop rotation which is critical good practice to support plant and soil health. As such, not all land owners are rural-based, district-based or even New Zealand-based.

Overall, the report seems to find that an improved urban form will result in improved social cohesion and social and economic benefits from a range housing typology. What the report fails to consider are the “hidden” trade-off’s such as the loss of some of New Zealand’s most versatile land for vegetable production and the ability to meet domestic supply of fresh vegetables.

HortNZ believes that the following issues should have considerable weighting in considering the location of future urban growth in the Waikato District generally:

- The financial costs to growers who are leasing land as a result of loss of production and having to find new land to lease for cropping.
- Currently, under Proposed Plan Change 1, growers are unable to undertake a land use change for commercial vegetable production. This would be a non-complying activity, requiring a grower to identify a nitrogen reference point. Neither Waikato Regional Council or the wider Horticulture Industry, have a means of calculating the nitrogen reference point.
- Relocation to another site would likely to be outside of the Waikato Region as a result of Proposed Plan Change 1 resulting in loss of employment and economic value to the local district and regional economy.
- High class soils afford the ability to produce a greater yield of crops within a smaller area. To produce a similar yield on lower class soils, generally requires a greater land area. There is the potential for greater adverse effects on the environment as lower class soils do not have the same capacity as high class soils to cope with commercial vegetable cropping.
- The potential cost to consumers from increased produce prices resulting from increased costs to growers from cropping on less versatile land.
- The ability to meet increased demands for domestic food supply in the face of reduced access to high class soil, increased reverse sensitivity effects from new rural-urban boundaries and increased population growth.

#### An alternative location for future growth:

HortNZ suggests a possible alternative for growth to be at the eastern end of Dominion Road, to the west of Ridge Road, as identified in Figure 2 above.

It is noted that this area is of a more steeply undulating topography than the cropping areas of West Tuakau. However, the Tuakau Structure Plan Geotechnical Suitability Assessment identifies that there is only low and moderate risk for urban development in this area.

According to this report, development can still occur but with some re-contouring and detailed assessments to support engineering, stormwater and wastewater design.

While this may incur greater development costs, this must be balanced with the social, environmental and economic costs of loss of commercial vegetable cropping land. In particular, the social cost of not meeting current and future demand for fresh vegetables.

## **2. Land preparation:**

The proposed plan has provisions for 'ancillary rural earthworks' and 'earthworks'.

### *Ancillary rural earthworks*

*Means any earthworks or disturbance of soil associated with:*

- 1. cultivation, land preparation (including establishment of sediment and erosion control measures), for planting and growing operations;*
- 2. harvesting of agricultural and horticultural crops (farming) and forests (forestry); and*
- 3. maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and sediment control measures.*

### *Earthworks*

*Means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations.*

The definition of ancillary rural earthworks includes cultivation and land preparation. This is an important differentiation supported by HortNZ, as horticulture involves more than just planting of crops. While there is no definition for land preparation in the proposed plan, the brackets in the ancillary rural earthworks definition appear to limit land preparation to establishment of sediment and erosion control measures.

While this is an important part of horticulture practice, there are a range of activities that could potentially be classed as earthworks but which have effects that can be sufficiently managed through HortNZ developed codes of practice and have minimal potential for creation of sediment laden stormwater.

Such activities are root ripping shelter belts, mole ploughing, removal of shelterbelts or orchard trees and harvesting of crops. Some contouring is also commonly required to achieve a topography suitable for commercial vegetable cropping. This is particularly so in the northern portion of the district which has an undulating topography.

Land disturbance activities associated with horticulture (including cultivation and;land preparation) can be adequately managed through the application of good management practice to achieve good environmental outcomes. HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetable crops ((Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014).

The guidelines have been adopted by Auckland Council, Environment Canterbury (ECan) and most significantly, they have also been adopted by Waikato Regional Council in Proposed Plan Change 1 – Healthy Rivers (PC1).



## Waikato Regional Council: Schedule 1 of PC1 - Requirements for Farm Environment Plans

### *Vegetable growing minimum standards*

#### *Contaminant = Soil/Phosphorus*

- *As a minimum by block: an approved erosion and sediment control plan constructed in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production June 2014*

The guidelines are even highlighted for reference on Council's main webpage for PC1 under 'Read Proposed Plan Change documents'<sup>5</sup>.

## Auckland Council: Auckland Unitary Plan

Chapter E11 Land Disturbance Regional and Chapter E12 Land Disturbance District.

- *Industry best practice is generally deemed to meet or exceed compliance with:*
  - *cultivation for vegetable production: The Horticulture New Zealand publication 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014) for cultivation*

## Environment Canterbury: Land and Water Regional Plan and Industry Agreed Good Management Practices (MGM)

- The MGM informed Farm Environment Plans which are enforced through conditions of consent under the Land and Water Regional Plan.
- The MGM specifically recommends the Erosion and Sediment Control Guidelines for Vegetable Production as reference for Good Management Practice.<sup>6</sup>

HortNZ seeks that a definition of land preparation be included in the plan and that the definition of ancillary rural earthworks be amended as sought in Schedule Four:

*Means the disturbance of soil by machinery in preparation for planting or replanting crops or pasture grasses or trees and harvesting of crops, and includes blading, contour ploughing and ripping, mounding, contouring, bunding and sediment control measures and drainage associated with horticultural crops, but does not include sod sowing, ripping with mounding or direct drilling.*

HortNZ seeks that ancillary rural earthworks be excluded from the definition of earthworks.

The Code of Practice could be the basis of a permitted activity rule for land preparation for horticultural activities. A possible Permitted Activity condition is:

*The activity complies with the Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014).*

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<sup>5</sup> <https://www.waikatoregion.govt.nz/council/policy-and-plans/plans-under-development/healthy-rivers-plan-for-change/read-the-proposed-plan-change/>

<sup>6</sup>

[http://files.ecan.govt.nz/public/pc5/MGM\\_Technical\\_Reports/Industry\\_Agreed\\_Good\\_Management\\_Practices\\_MGM\\_2015.pdf](http://files.ecan.govt.nz/public/pc5/MGM_Technical_Reports/Industry_Agreed_Good_Management_Practices_MGM_2015.pdf)

HortNZ does not support inclusion of land preparation in volume based thresholds for earthworks as the potential for adverse effects can be managed appropriately through the COP.

### **3. Hazardous substances:**

HortNZ opposes the approach to hazardous substances in the Proposed Plan, which introduces a level of regulation which is unnecessary given existing regulations under HSNO and Health and Safety at Work regulations. The 2017 RMA Amendment Act deleted specific requirements for the Council to include control of hazardous substances in the Plan. The s32 Report justifies the approach by needing to provide for integrated management and to meet s5 of the Act. Other existing regulations address the health and safety of communities and do not need to also be considered as proposed in the district plan.

The s32 Report considers the provisions that currently exist in the Franklin Section of the Waikato District Plan and also the Waikato Section. The Franklin Section has a lesser regulatory approach than the Waikato section. There is no analysis that the Franklin approach has led to unacceptable outcomes in terms on managing hazardous substances in the Franklin area. The comments are limited to the provisions being of limited use and out-of-date.

HortNZ does not agree with the assessment as the Franklin provisions are more aligned with the Christchurch City Council approach, which was developed in 2015/16. The Report also considers that the costs associated with the proposed approach are virtually unchanged. This assessment fails to take into account the costs that would be imposed on those located within the Franklin area by the imposition of a greater regulatory regime than currently exists.

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 opposition include:

- Duplication with HSNO
- No consideration of specific provisions deemed 'necessary' for Waikato 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.

AST is a screening tool that set thresholds over which 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.

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 the crop grown and rotation. The range of substances that may be used can be extensive – but never all at the same time.

Generally, growers do not purchase large quantities to hold in storage as it is effectively money tied up in a storage shed. So, 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.

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 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.

It is agreed that it is appropriate that the provisions should be aligned. However, the consideration of that alignment assumes that the Waikato section approach is the most appropriate and does not give due consideration to the matters identified in the Christchurch decision, even though this was provided to the Council with comments on the Draft Plan.

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 Waikato District.

Therefore, HortNZ seeks changes to the provisions for hazardous substances in the Proposed Plan.

#### **4. Other matters**

##### **A) Hamilton Basin Ecological Area**

The proposed planning maps include the Hamilton Basin Ecological Area (HBEA) overlay. There are no specific rules relating to the overlay and no clarification is provided in the s32 reports. HortNZ have been informed by Waikato District Council staff that the HEBA is an Environmental Protection Area (EPA).

However, it is noted that the proposed planning maps have a separate key for EPA's, which is different from the key for the HBEA. There are two rules in the Rural Chapter which relate to EPA's:

- Rule 22.4.1.6 which requires planting and landscaping at the time of subdivision
- Rule 22.3.7.6 requiring any building to be setback a minimum of 3m as a permitted activity. Buildings that are closer than 3m are a discretionary activity.

Council staff advised that Rule 22.4.1.6 relates to the HEBA and that Rule 22.3.7.6 relates to areas identified in the Te Kauwhata Structure Plan.

It is not clear from the planning maps that the HEBA is an EPA. It is not clear in the plan that the different rules apply to different EPA's. The HEBA is an extensive area, covering the south-east quarter of the district. It does not make sense that Rule 22.3.7.6 would apply as

this would then mean that no buildings were allowed in this area as a permitted activity. HortNZ would oppose such a rule.

HortNZ seeks clarification in the planning maps and rules as to the impacts of the HEBA.

### B) Consequential amendments

Horticulture NZ is seeking a range of changes to the Plan. There may be consequential changes or amendments required as a result of making the changes sought.

#### *Decision sought:*

That consequential amendments and changes be made as a result of changes sought in this submission.

### C) Rates relief for commercial vegetable cropping land

While not in scope for this District Plan review, a relevant issue is rating systems on rural production land.

Growers are provided a perverse incentive to subdivide as they are rated for the potential use of the land, rather than the actual use of the land. This incentive is maximised when land is rezoned from rural to residential. HortNZ has had feedback that even though growers don't want to leave the land, the cost of rates inhibits the viability of the growing operation.

With a diminished supply of high class soils and versatile land, combined with other regulatory constraints (such as Proposed Plan Change 1) and the general cost of land are significant constraints which impact the long-term survival of the horticulture industry. This in turn has repercussions for domestic food supply as outlined above.

HortNZ believes that rates relief should be explored for where high class soils are rezoned for residential use.

### Schedule 3: Objectives and Policies

#### CHAPTER 1 – INTRODUCTION

Provision	Support/Oppose	Reasons	Decision sought
<p><b>1.12.8 Strategic objectives</b></p>	<p>Oppose in Part</p>	<p>Clause b) sets out the overarching direction for the development of the objectives, policies and rule of the district plan. These directions completely fail to recognise the need to provide and plan for growth of the rural economy and communities.</p> <p>The s32 report notes that the rural area contains up to 72% of the District businesses and 52% of the population. Planning for future rural growth is as important as planning for future urban growth. It is relevant that a direction should be included to ensure the on-going vitality and sustainable growth of rural communities.</p>	<p>Amend Strategic Objective 1.12.8</p> <p><u>(vii) promote the on-going operation and development of rural production activities, including rural industry and services</u></p> <p><u>(viii) plan for future development and growth that supports the district's rural communities and rural economy.</u></p>

## CHAPTER 4 – URBAN ENVIRONMENT

Provision	Support/Oppose	Reasons	Decision sought
<b>4.1 Strategic direction</b>			
4.1.2 Objective – Urban growth and development	Support in Part	Support the consolidation of urban growth in and around existing towns and villages in the district, where that does not compromise rural production activities.	Retain as proposed.
4.1.10 Policy – Tuakau	Oppose	A policy of avoidance of potential reverse sensitivity effects should not be limited to existing intensive farming and industrial activities in Tuakau.	Amend 4.1.10 as follows:  (a) Tuakau is developed to ensure: (ii) Existing <u>farming including horticulture</u> , intensive farming and industrial activities are protected from the effects of reverse sensitivity by considering the location of new residential development; and
4.1.3 Policy - Location of development	Oppose	Oppose the limited policy direction for the location of development. This should be expanded to avoid high class soils even if this conflicts with the Future Proof Strategy Planning for Growth 2017 which was deficient in not considering this matter.	Expanded policy to avoid the location of development on high class soils.
<b>4.3 Village Zone</b>			
4.3.3 Policy – Future development – Tuakau and Te Kowhai	Oppose	Oppose the lack of recognition of the unique situation of Tuakau to the 'Pukekohe Hub' of nationally significant rural production land.	Expand policy to recognise the unique situation of Tuakau to the 'Pukekohe Hub' of nationally significant rural production land.

			Address the actual and potential effects of reverse sensitivity for rural production activities at the rural/urban interface.
<b>4.7 Urban Subdivision and Development</b>			
4.7.2 Policy – Subdivision location and design	Oppose	While reverse sensitivity is address in Policy 4.7.11 as an Urban Outcome, Policy 4.7.2 would also be improved by putting this at the forefront of subdivision location and design consideration.	Amend 4.7.2 as follows:  <u>(viii) recognises and addresses issues at the rural/urban interface.</u>
4.7.4 Policy – Lot sizes	Support in part	Achieving sufficient density is not only an outcome to support infrastructure provision but is also important to encourage intensification and avoid urban sprawl on to rural production land.	Amend 4.7.4 as follows:  <u>(c) encourage a density of development that supports intensification of existing urban areas rather than urban sprawl on to rural production land.</u>
4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services	Support in part	Achieving sufficient density is not only an outcome to support infrastructure provision but is also important to encourage intensification and avoid urban sprawl on to rural production land.	Amend 4.7.7 as follows:  <u>(c) encourage a density of development that supports intensification of existing urban areas rather than urban sprawl on to rural production land.</u>
4.7.11 Policy – Reverse sensitivity	Oppose	A policy of avoidance of potential reverse sensitivity effects should not be limited to existing intensive farming and industrial activities in Tuakau.	Amend 4.7.11 as follows:  (b)Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of <u>farming including horticulture</u> , an intensive farming, extraction industry or industrial activity.
4.7.14 Policy – Structure and master planning	Oppose	Structure or master plans in other areas of the ‘Pukekohe Hub’ on Pukekohe have failed to account for the relationship of rural production activities at the rural/urban interface.	Amend 4.7.11 as follows:  (a)Ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in an approved

			structure or master plan <u>and addresses issues at the rural/urban interface.</u>
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## CHAPTER 5 – RURAL ENVIRONMENT

Provision	Support/Oppose	Reasons	Decision sought
<b>5. The Rural Environment</b>			
5.1.1 Objective – The rural environment	Support in part	<p>Support an objective to protect high class soils for rural production.</p> <p>Objective support for productive rural activities is also support. Here is must be recognized that rural production is not limited to high class soils only.</p> <p>The objective seeking to avoid urban subdivision, use and development is also supported while noting this could be improved by also avoiding scattered countryside living that compromises rural production.</p>	<p>Amend 5.1.1 as follows:</p> <p>(a)Subdivision, use and development within the rural environment where:</p> <p><u>(iv) Countryside living is directed to defined locations and the effects of scattered countryside living and rural production is avoided.</u></p>
<b>5.2 Productive Versatility of Rural Resources</b>			
5.2.1 Objective - Rural resources	Support	Support clear objective and policy on the productive versatility of rural resources.	Retain as proposed.
5.2.2 Policy - High class soils	Support	Support clear objective and policy on the productive versatility of rural resources.	Retain as proposed.
5.2.3 Policy - Effects of subdivision and development on soils	Support	Support clear objective and policy on the productive versatility of rural resources.	Retain as proposed.

<b>5.3 Rural Character and Amenity</b>			
5.3.1 Objective - Rural character and amenity  (a) Rural character and amenity are maintained.	Support	An objective seeking to maintain rural character and amenity is supported.  It is important the policy framework clearly establishes the rural character and amenity description and expectations for the Waikato District.	Retain as proposed.
5.3.X Policy – Rural character and amenity	Insert new policy	HortNZ seeks that a new policy be inserted to clearly identify and recognise the rural character and amenity.  This is important to ensure the appropriate and effective implementation of the proposed planning framework which seeks to avoid or minimise adverse effects on rural character and amenity.	Insert new policy:  Rural character and amenity includes the following elements:  a. A rural working environment b. Some activities are seasonal in nature c. Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes. d. Varying levels of noise associated with seasonal and intermittent rural production activities. e. Relatively open space and low density of development f. Odours, noise and dust typical of rural activities. g. Generally low levels of vehicle traffic with seasonal fluctuations. h. the presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry i. accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape

<p>5.3.2 Policy - Productive rural activities</p>	<p>Support</p>	<p>Policy that recognises and protects the continued operation of the rural environment as a productive working environment is supported</p> <p>Recognizing that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values, is supported. However, the plan then proposes limitations on building coverage that conflicts with the policy.</p> <p>Those establishing rural production activities look at the regulatory regime before making decisions on location choice. The methods proposed in this plan will discourage rural production activity from locating and investing in the Waikato.</p>	<p>Retain as proposed.</p>
<p>5.3.3 Policy – Industrial and commercial activities</p>	<p>Support in part.</p>	<p>Support avoiding locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.</p> <p>There is some confusion between this policy and 5.3.9 which appear to cover the same activities and could be combined?</p> <p>Rural industry is defined but it is not clear what ‘services’ or ‘commercial activities’ are anticipated or</p>	<p>Refine or combine policy 5.3.3 and 5.3.9.</p>

		accommodated in the rural areas by this policy.	
5.3.4 Policy - Density of dwellings and buildings within the rural environment	Support	<p>Dwellings to support workers accommodation are a critical requirement of many rural production activities.</p> <p>The policy is supported, however the method limits the accommodation unit size to be too small to support a farm worker family situation or seasonal workers accommodation that might require a shared living arrangement.</p>	Retain as proposed.
5.3.5 Policy – Earthworks activities	Support	Support the policy and methods proposed for Ancilliary Rural Earthworks.	Retain as proposed.
5.3.7 Policy - Reverse sensitivity effects	Support	<p>Support recognition that extensive areas of plants, vines or fruit crops are typical features of the rural environment. Amend to include ‘commercial vegetable production’ being a defined term in the Waikato Regional Plan Change 1.</p> <p>The design of subdivisions and development should in the first instance seek to avoid reverse sensitivity through the use of setbacks and design.</p>	<p>Amend 5.3.7 as follows:</p> <p>(a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:</p> <p>(i) Large numbers of animals being farmed, extensive areas of <u>commercial vegetable production</u>, plants, vines or fruit crops, plantation forests and farm forests;</p> <p>c) <u>Avoid or</u> Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development.</p>
5.3.8 Policy - Effects on rural character and amenity from rural subdivision	Support	The policy provides clear direction for managing effects on rural character and amenity from rural subdivision.	Retain as proposed.

5.3.9 Policy - Non-rural activities	Support in part	The policy describes the listed activities as non-rural activities but by their nature these are rural activities that require a rural location to exist and operate. This is particularly the case for packing sheds and post harvest facilities.	Amend 5.3.9 as follows:  Policy – <u>Other</u> <del>Non-rural</del> activities  Refine or combine policy 5.3.3 and 5.3.9 as described above.
5.3.15 Policy – Noise and vibration	Support	A policy framework for methods for managing the location of sensitive land uses, particularly in relation to lawfully-established activities is supported.	Retain as proposed.
<b>5.6 Countryside Living Zone</b>			
5.6.1 Objective – Country Living Zone	Oppose in part	The objective is inward focused and fails to address the rural interface that is apparent with all Countryside Living Zones and often an area of rural production.	Amend 5.6.1 as follows:  (a) Subdivision, use and development in the Country Living Zone maintains or enhances the character and amenity values of the zone <u>and avoids compromising rural production land or activities.</u>
5.6.3 Policy – Subdivision within the Country Living Zone	Support	Unlike Objective 5.6.1, the policy requires that subdivision, building and development within the Country Living Zone ensures existing lawfully-established activities are protected from reverse sensitivity effects.	Retain as proposed.

## CHAPTER 6 – INFRASTRUCTURE

Provision	Support/Oppose	Reasons	Decision sought
<b>6.1 General Infrastructure</b>			
6.1.2 Policy – development operation and maintenance	Support in part	HortNZ recognises the need to provide for infrastructure but consider that the	Amend Policy 6.1.2 by adding

		<p>impacts on affected landowners should also be recognised.</p> <p>In addition the extent of 'upgrading' needs to be defined so that it does not include development in terms of scale and effects.</p>	<p><u>vii) potential for impacts on affected landowners and property on which infrastructure is located.</u></p> <p>Amend Ch 14 P2 so that minor upgrading is clearly defined and does not include development or increase voltage of electricity lines.</p>
6.1.4 Policy Infrastructure benefits	Support in part	<p>Policy 6.1.4 includes 'managing adverse effects on the environment' as an infrastructure benefit.</p> <p>It is unclear how adverse effects on the environment are considered a benefit.</p>	Delete Policy 6.1.4 iv) 'managing adverse effects on the environment'
6.1.6 Objective Reverse sensitivity	Oppose	<p>The objective seeks an outcome of 'protect'. Even the NPSET does not have an objective of 'protect' – it seeks to manage activities to the extent reasonably possible. The important matter is that activities are managed to reduce the potential for reverse sensitivity effects on infrastructure.</p> <p>In essence the objective is seeking to apply an objective for the National Grid, which is recognised as nationally significant, on all infrastructure therefore the general objective for infrastructure should be differentiated from the specific objective for the National Grid in 6.2.1.</p>	<p>Amend 6.1.6 Objective – Reverse sensitivity</p> <p><u>Manage activities to the extent reasonably possible to reduce the potential for reverse sensitivity effects on infrastructure.</u></p>
6.1.7 Policy reverse sensitivity and infrastructure	Oppose	<p>A policy of 'avoid' is absolute which will severely limit activities adjacent to infrastructure. The policy should be to manage so the potential is reduced.</p>	<p>Delete 6.1.7 and replace with the following:</p> <p><u>Manage the potential adverse effects of activities adjacent to infrastructure, including to reduce the potential for reverse sensitivity effects, by ensuring sensitive activities, and inappropriate subdivision, use and development do</u></p>

			<u>not occur in a location or form that significantly constrains the safe, effective and efficient operation, maintenance, upgrade and development of the infrastructure.</u>
6.1.8 Objective Infrastructure in the community and identified areas	Support in part	Infrastructure should also take into account the land use of the surrounding environment.	Amend 6.1.8 Infrastructure takes into account the qualities, <u>land use</u> and characteristics of surrounding environments and community well-being.
6.1.16 Policy – Water conservation	Support	HortNZ supports policy that encourages water conservation. This is important in urban and rural situations. Notably the scattered countryside living lots will all have a permitted activity allocation of water – a resource also in demand for rural production. Water conservation should be encouraged through subdivision and land use design requirements and assessment criteria.	Retain policy.
<b>6.2 National Grid</b>			
6.2.1 Objective – National Grid	Oppose	The objective seeks an outcome of ‘protect’. The NPSET does not have an objective of ‘protect’ – it seeks to manage activities to the extent reasonably possible. The important matter is that activities are managed to reduce the potential for reverse sensitivity effects on infrastructure.	Amend Objective 6.2.1 <u>The national significance of the National Grid is recognised and provided for.</u>

<p>6.2.6 Reverse sensitivity and the National Grid</p>	<p>Oppose</p>	<p>Policy 6.2.6 is absolute in its direction. Policy 10 of the NPSET includes 'to the extent reasonably possible' so the direction in the NPSET is not as absolute as the proposed policy.</p>	<p>Amend Policy 6.2.6 as follows:  <u>Provide for the National Grid by:</u></p> <ul style="list-style-type: none"> <li>a) <u>Managing subdivision use and development to the extent reasonably possible to avoid reverse sensitivity effects on the National Grid and ensure that the functional needs of the National Grid are not compromised by:</u> <ul style="list-style-type: none"> <li>i) <u>Identifying the existing National Grid on Planning maps; and</u></li> <li>ii) <u>Establish the National Grid Yard where sensitive land uses and intensive farming activities, commercial greenhouses and milking/dairy sheds will generally be avoided; and</u></li> <li>iii) <u>Establish the National Grid Subdivision Corridor for managing subdivision and subsequent land use near the National Grid</u></li> <li>iv) <u>Not allowing existing activities in the identified corridors to intensify in a way that increases their incompatibility with existing National Grid infrastructure.</u></li> </ul> </li> </ul>
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<b>6.4 Infrastructure, Subdivision and Development</b>			
6.4.7 Policies – Stormwater	Support	<p>The developed of land from rural to urban land use results in a degradation of water quality.</p> <p>That degradation should be avoided where possible to ensure no adverse effects on the downstream users of freshwater for rural production.</p>	<p>Amend 6.4.7 as follows: Ensure that stormwater and drainage infrastructure for subdivision, land use and development:</p> <p><u>avoid the generation and discharge of contaminants from urban development, particularly from high contaminant generating car parks and high use roads and into sensitive receiving environments.</u></p>

## CHAPTER 10 – HAZARDOUS SUBSTANCES

Provision	Support/Oppose	Reason	Decision sought
10.1 Hazardous substances	Oppose	<p>Refer to Schedule Two of this submission. HortNZ seeks that there is safe, responsible and appropriate storage and use of hazardous substances that does not require unnecessary compliance.</p> <p>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.</p> <p>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.</p>	Amend provisions for hazardous substances as set out in this submission.
10.1.1 Objective effects of hazardous substances	Support	The Objective is very similar to the objective in the Christchurch decision. Refer to Schedule Two.	Retain Objective 10.1.1
10.1.2 Policy Location of new hazardous facilities	Oppose in part	HortNZ opposes the approach in Policy 10.1.2 because of the definition of hazardous facility that includes vehicles for the transport of hazardous substances located at a facility for more than short periods of time. It is	<p>Amend the definition of hazardous facilities by deleting:</p> <p>‘Storage includes vehicles for the transport of hazardous substances located at a facility for more than short periods of time.’</p>

		<p>uncertain what a 'short period of time' is and would make a whole farm or rural property a hazardous facility as a vehicle may be used to transport agrichemicals or fertiliser for application. The application of the policy to such use of hazardous substances is inappropriate.</p> <p>The policy should only apply to new facilities to store hazardous substances, excluding vehicles.</p>	<p>Add to the definition: <u>Storage and use does not include vehicles transporting hazardous substances for their intended use, such as agrichemical spraying or application of fertiliser.</u></p> <p>Amend Policy 10.1.2 to apply to storage facilities by amending a) as follows: New facilities to store hazardous substances minimise the risk to the environment by:</p>
10.1.3 Policy Residual risks of hazardous substances	Support in part	<p>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'.</p>	Amend Policy 10.1.3 by deleting 'Facilities for'...
10.1.4 Policy Reverse sensitivity effects	Support in part	<p>The policy relating to reverse sensitivity effects is supported to the extent that sensitive land use activities be separated from areas where hazardous substances are used. However the policy is contingent on the definition of hazardous facility which HortNZ considers is inappropriate.</p>	<p>Amend Policy 10.1.4 as follows:</p> <p>a) Separate sensitive land use activities from areas where use and storage of hazardous substances is lawfully established.</p>

## Schedule 4: Rules

### CHAPTER 14 - INFRASTRUCTURE

Provision	Support/Oppose	Reason	Decision sought
<b>14.3.1 General Infrastructure Permitted Activities</b>			
14.3.1.1 P2 Minor upgrading of existing infrastructure	Oppose in part	<p>HortNZ seeks to ensure that re-conductoring of lines at higher capacity do not affect landowners.</p> <p>The rules permit minor upgrading of existing infrastructure which includes re-conductoring lines at a higher capacity and any increase in voltage up to 110kV.</p> <p>If the lines are on private property the distances in NZECP34 (NZ Code of Practice for Electrical Safe distances) apply, meaning that the greater the voltage the greater clearance distance to buildings and structures below the lines is required. Therefore, the increase in voltage can affect landowners and shouldn't be able to be done as a permitted activity.</p>	<p>Amend 14.3.1.1 2) b) as follows: The re-conductoring of lines with higher capacity <u>if the line was previously designed to operate at the higher capacity</u></p> <p>Amend 14.3.1.1 2) j) The increase in voltage of electric lines up to 110kV <u>if the line was previously designed to operate at the higher capacity</u></p>
14.3.1.4 Trimming, maintenance or removal of trees associated with infrastructure	Support in part	<p>Reference to the Electricity (Hazard from Trees) Regulations 2003 is supported. However, the Note requires the word 'managed' needs to be added.</p> <p>In addition, the tree regulations should that priority over the conditions in</p>	<p>Amend P5 Trimming maintenance or removal of trees associated with infrastructure 14.3.1.4 (1) by adding <u>OR</u> at the end of 2) ii)</p> <p>Amend 14.3.1.4 by deleting the 'Note' and replacing with a new clause 2) as follows:</p>

		14.3.1.4 1). The note has limited status in the Plan.	2) Trimming, maintenance or removal of vegetation or trees in and around electrical assets shall be managed in accordance with the Electricity (Hazard from Tree) Regulations 2003.
14.3.3 RD1 Minor upgrading of existing infrastructure	Oppose in part	It is important that the effects on landowners on whose land infrastructure is located are a matter of discretion for RD Activities.	Amend 14.3.2 RD1 by adding: <u>x) effects on affected landowners.</u>
<b>14.4 National Grid</b>			
14.4.1.2 P2 Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018	Oppose in part	14.4.1.1 Rule P2 sets out the activities that are permitted within the National Grid Yard.	Amend 14.4.1.2 1 b) by deleting 'other than for the reticulation and storage of water for irrigation purposes'  Amend 14.4.1.2 c) by amending 'farming' to ' <u>primary production</u> '  Amend the definition of National Grid Yard as sought in this submission
14.4.1.3 P3 Earthworks within the National Grid Yard	Support in part	The purpose of the provisions is to provide for earthworks within the National Grid Yard but 14.4.1.3 states 'Earthworks for National Grid support poles and stay wires.'	Amend P3 Earthworks activities within the National Grid Yard as follows: 14.4.1.3 (1) to: <u>Earthworks in the National Grid Yard that comply within the following conditions:</u>  14.4.1.3 (2) to: <u>Earthworks in the National Grid Yard that comply within the following conditions:</u>  14.4.1.3 (3) a) by deleting 'other than for the reticulation and storage of water for irrigation purposes'.
14.4.2 RD3 Earthworks within the National Grid Yard	Support	HortNZ supports a Restricted Discretionary rule for earthworks that are not permitted activities	Retain 14.4.2 RD3

14.4.4 Non complying activities	Support in part	The identification of hazardous substances to be stored in the National Grid Yard should be defined by HSNO class. The classes for explosive or flammable properties are Class 2-4.	Amend 14.4.4 NC8 as follows: <u>The storage and handling of hazardous substances HSNO Classes 2- 4 with explosive or intrinsic flammable properties in the National Grid Yard.</u>
<b>14.5.1 Electrical distribution</b>			
14.5.1.3 P5 Construction or alteration of a building for a sensitive land use	Oppose	NZEEP34:2001 sets out distances that apply within proximity to electrical distribution lines. HortNZ does not consider that it is necessary to require additional requirements in the District Plan. The distances sought in 14.5.1.3 are greater than required by NZEEP34:2001	Delete 14.5.1.3
<b>Transport</b>			
14.12.1 P4 - Traffic generation	Oppose in part	Generally, the proposed maximum permitted traffic movements for rural activities is sufficient for everyday horticultural operation.  However, at times of harvest, the volume of product significantly increases and requires a considerably higher number of trucks to transport produce for processing and distribution.  The 15% maximum heavy vehicles equate to 30 trucks.  A hypothetical scenario: a 100ha operation is likely to produce up to 5,000 tonnes of product. Each truck would take approximately 25 tonne's, requiring 400 trucks, or 800 truck movements in total. If this was done	Amend Rule 14.12.1 P4  Within the Rural Zone: 1. There is maximum 200 vehicle movements per day and no more than 15% of these vehicle movements are heavy vehicle movements; i) <u>For activities directly associated with horticulture harvesting, a maximum of 300 vehicle movements once in a 12 month period and no more than 33% of these vehicle movements are heavy vehicle movements;</u> or 2. Within the Agricultural Research Centres identified on the planning maps as a Specific Area there is maximum 3000 vehicle movements per day; or

		<p>over a 5 day period, this would amount to 40 trucks per day, or 80 truck movements.</p> <p>This situation generally only occurs once a year, but does happen annually.</p> <p>HortNZ seeks an exception to allow for an increased volume of traffic movements once every 12 months, and only associated with harvest time.</p> <p>A total of 50 trucks, or 100 vehicle movements is sought to allow for contingency.</p>	
<p>Table 14.12.5.7 Required parking spaces and loading bays</p>	<p>Support in part</p>	<p>HortNZ seeks that specific consideration be given to parking provision for seasonal worker accommodation and coolstores.</p> <p>Coolstores may have a large floor area but very few people working in the area. Therefore the requirements for parking are less that for industrial activities.</p> <p>Seasonal workers usually are transported by van so parking requirements are less that travellers accommodation.</p>	<p>Amend Table 14.12.5.7 by adding:</p> <ul style="list-style-type: none"> <li>• Coolstores 1 space per 1000m<sup>2</sup> GFA</li> <li>• Worker's accommodation 1 space per 12 workers accommodated</li> </ul>

CHAPTER 16 – RESIDENTIAL ZONE

Provision	Support/Oppose	Reasons	Decision sought
<b>16.1.2 Permitted Activities</b>			
P10	Support in part	<p>HortNZ supports the provision of horticultural activities within the Te Kauwhata Area.</p> <p>The provision of horticultural activities as permitted activities should be extended to include all existing horticultural activities.</p> <p>There is a significant amount of land in the Tuakau area that has been rezoned from Rural to Residential Zone and which is actively being cultivated. As outlined in Schedule One, these horticultural areas play a significant role in New Zealand's domestic food supply and it is critical they be protected and that cultivation be allowed to continue.</p> <p>HortNZ strongly opposes the rezoning of these areas.</p>	<p>Amend Rule 16.2.1.1 P10</p> <p>(a) Must be within the Residential West Te Kauwhata Area. <u>Or,</u></p> <p><u>(b) Must be in the area around Tuakau being North of the Waikato River, West of State Highway One and East of the Tutainui Stream.</u></p>
<b>Rule 16.2.1.1 Noise - General</b>			
P1	Support	<p>There are a number of residential zones immediately adjoining Rural Zones, particularly around Tuakau and Pokeno. HortNZ supports recognising, and providing for, the legitimate farming noises</p>	Retain



		that will impact on these new and existing residential zones.	
<b>16.2.4.1 Earthworks</b>			
PX	Insert new rule	Ancillary rural earthworks should be permitted activities to allow for existing operations to continue where land is rezoned from rural to residential.	Insert new Rule PX  Ancillary rural earthworks
RD1	Support in part	The potential impacts of earthworks on adjoining rural production activities is relevant given the expansion of the rural-urban boundary. Recognition of this as a matter to which discretion is restricted will assist in managing the new urban-rural interface.	Amend Rule 16.2.4.1 RD1  <u>(xii) Measures to avoid reverse sensitivity effects on any adjoining Rural Zoned land.</u>
<b>16.3.9.1 Building setbacks – all boundaries</b>			
P1	Oppose in part	An additional standard is sought to ensure adequate management of any new rural-urban interface.  A 1.5m setback from all boundaries as proposed is not sufficient to avoid or mitigate potential reverse sensitivity effects that will arise as a result of the extended residential areas, particularly around Tuakau. These new Residential Zones immediately adjoin existing Rural Zones. The Rural Zone permits farming activities which includes spraying of agrichemicals for horticultural operations. Greater setbacks for those buildings in Residential Zones which adjoin Rural Zones will assist in mitigating reverse sensitivity effects.	Amend Rule 16.3.9.1 P1  (a)A building must be set back a minimum of: ..... <u>(v) 5m from every boundary adjoining the Rural Zone.</u>

Rule 16.3.9.2 P1	Support in part	<p>HortNZ seeks that additional clauses be provided to better manage the new rural-urban interface.</p> <p>There are many sensitive land uses that are incompatible with horticulture, such as schools/childcare facilities, health facilities and hospitals, retirement villages and rest homes.</p> <p>Greater setbacks should be provided to avoid or mitigate reverse sensitivity effects.</p>	<p>Amend Rule 16.3.9.2 P1</p> <p><u>(vi) 100m from any boundary adjoining a Rural Zone.</u></p>
16.4.1 Subdivision – General RD1	Oppose in part	<p>Given the significant rezoning of prominent horticultural land from Rural to Residential Zone, it is appropriate to include provisions which will assist in managing reverse sensitivity on high class soils and adjoining Rural Zones. This could include requiring provision of buffer strips on Residential Zoned land at the time of subdivision as an activity condition, and including reverse sensitivity as a matter to which discretion is restricted. This aligns with the proposed objectives and policies which seek to protect high class soils.</p>	<p>Amend Rule 16.4.1 RD1</p> <p>(a) Subdivision must comply with all of the following conditions:</p> <p>...</p> <p>(vi) Where the subdivision adjoins a Rural Zone, a buffer strip no less than 10m wide is to be provided along the boundary adjoining the Rural zone.</p> <p>b) Council’s discretion shall be restricted to the following matters:</p> <p><u>(xi) measures to minimise and avoid reverse sensitivity effects on high class soils and any adjoining Rural Zone.</u></p>

## CHAPTER 22 – RURAL ZONE

Provision	Support/Oppose	Reasons	Decision sought
<b>Rule 22.1.2 Permitted Activities</b>			
P7 Farming	Support	HortNZ supports the provision for farming activities as a permitted activity with no additional specific conditions. As mentioned, HortNZ generally supports the proposed definition of farming, which includes the processing of farm produce on site.	Retain
PX Worker's accommodation	New Rule	As set out in Schedule One, HortNZ seeks a suite of provisions to provide for Worker's accommodation as a permitted activity in the Rural Zone.	Insert new Rule:  Worker's accommodation that comply with Rule 22.3.X Worker's accommodation
PX Artificial crop protection structures	New Rule	HortNZ has sought an exclusion of artificial crop protection structures from the definition of building.  Should this be rejected, HortNZ seeks the insertion of a suite of rules to address effects specific to these structures. The standards proposed in this submission have been adopted in the Proposed Opotiki District Plan and are similar to controls in Western Bay of Plenty District Plan. Restricting colours to green and black along the vertical surfaces will assist in reducing glare and minimising potential amenity effects.	Insert new Rule:  Artificial crop protection structures that meet the following conditions: <ul style="list-style-type: none"> <li>(a) Green or black cloth shall be used on vertical faces within 30m of the site boundary</li> <li>(b) Green, black or white cloth shall be used on horizontal surfaces.</li> </ul>
<b>Rule 22.1.3 Restricted Discretionary Activities</b>			

RD2 Rural Industry	Support in part	<p>HortNZ supports the Restricted Discretionary status for Rural Industry.</p> <p>HortNZ is unsure of the use of the term “waste disposal”. The term waste disposal is not defined in the Proposed Plan. Rather the plan defines “Waste management” which includes waste disposal. It is not clear what Council are outcomes are being sought, or what standards the waste disposal systems are required to meet.</p>	<p>Retain Restricted Discretionary Activity status</p> <p>Delete clause (iii) ‘waste disposal’</p> <p>Or provide more clarity around what waste disposal effects Council is attempting to manage</p>
RDX Worker’s accommodation		<p>HortNZ seeks that where Worker’s accommodation does not meet the permitted activity standards, that a restricted discretionary standard be applied.</p>	<p>Insert new Rule RDX Worker’s accommodation:</p> <p><u>Worker’s accommodation that does not comply with Rule 22.3 X</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <ol style="list-style-type: none"> <li><u>1. Those matters in Rule 22.3.X that are not able to be met</u></li> <li><u>2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</u></li> <li><u>2. 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.</u></li> </ol>
RDX Artificial crop protection structures		<p>HortNZ has sought an exclusion of artificial crop protection structures from the definition of building.</p>	<p><u>Artificial crop protection structures that do not comply with Rule 22.3.X</u></p>

		Should this be rejected, HortNZ seeks the insertion of a suite of rules to address effects specific to these structures.	<u>Council's discretion is restricted to the following matters:</u> i) <u>Amenity values;</u> ii) <u>Effects of glare on traffic.</u>
<b>Rule 22.2.4 Hazardous substances</b>			
22.2.4 Hazardous substances	Oppose	Rules in 22.2.4 refer to Table 6.1 in Appendix 6. It is assumed that the reference should be to Appendix 5 and Table 5.1 Activity Status Table – Permitted activity thresholds.  HortNZ opposes the use of Activity Status Tables (AST) and seeks that Appendix 5 be deleted.	Delete Appendix 5.
P1	Oppose	The use, storage or disposal of hazardous substances should be permitted unless there are specific resource management reasons why specific rules and controls should be included.	Delete 22.2.4 P1 and replace with the following: The use, storage or disposal of any hazardous substance is permitted.
D1	Oppose	The default rule if 22.2.4 P1 is not met is a discretionary activity. HortNZ considers that a discretionary activity is inappropriate if the thresholds in the Table 5.1 are not met. There should be a restricted discretionary rule with clear matters of discretion to be assessed specifically related to meeting the policies in the Plan for activities where there is a clear resource management reason for specific controls.	Amend 22.2.4 D1 to RD1.
Appendix 5 Table 5.1	Oppose	As outlined in Schedule Two, HortNZ opposes the use of Activity Status Tables (AST) and seeks that Appendix 5 be deleted.	Delete Appendix 5. And Table 5.1 Activity Status Table – Permitted activity thresholds.

<b>22.2.1.1 Noise - General</b>			
P1	Support	HortNZ supports the provision of farming noise as a permitted activity.	Retain
<b>22.2.1.2 Noise – Frost Fans</b>			
P1	Oppose in part	<p>The 55dB (LAeq) limit is too restrictive and unrealistic. Frost fans are a key means to protect crops and ensure high quality produce that meets strict market standards.</p> <p>The Proposed Opotiki District Plan permits a 60dB (LAeq) limit. This limit has not been opposed by submitters, is more realistic and allows for effective and efficient use of frost fans.</p>	<p>Amend Rule 22.2.1.2 P1</p> <p>Noise generated by a frost fan must not exceed <del>55</del> <b>60</b>dB (LAeq) when measured at the notional boundary on any site in the Rural Zone and within any site in the Country Living Zone, Village Zone or Residential Zone.</p>
D1	Oppose	<p>The jump from Permitted Activity to Discretionary Activity is too onerous and there is limited guidance in the objectives and policies on how noise effects might be assessed.</p> <p>HortNZ seeks that this be amended to a restricted discretionary activity. This approach has been adopted in the Proposed Opotiki District Plan following submissions from HortNZ and in Hurunui and Western Bay of Plenty. HortNZ would recommend that discretion be restricted to the same matters as proposed in that plan.</p>	<p>Amend Rule 22.2.1.2 D1 to RD1</p> <p>Insert the following matters:  <u>Council’s discretion is restricted to the following matters:</u></p> <ol style="list-style-type: none"> <li><u>1. Location of frost fan</u></li> <li><u>2. Noise Sound levels at any point within at the notional boundary of any dwelling on another site</u></li> </ol>
<b>Rule 22.2.3.1 Earthworks - General</b>			
P1	Support in part	HortNZ supports the permitted activity status of Ancillary Farming Earthworks,	Amend Rule 22.2.3.1 P1

		<p>noting the submission point seeking changes to the definition of Ancillary Farming Earthworks.</p> <p>Creation of a building platform modifies the existing environment from which a resource consent will be assessed. It is also likely to result in the land being striped of it's productive or high class soil. This is inconsistent with the objectives and policies of the Rural Zone which seek to protect High Class Soils.</p> <p>HortNZ seeks that the rule specify that earthworks are permitted only for a building platform of a residential building and accessory buildings that could be undertaken as permitted activities. This would prevent earthworks being undertaken for development that would otherwise require consent. This also provides greater protection of high class soils and land with productive potential.</p>	<p>(a)Earthworks for:</p> <ul style="list-style-type: none"> <li>(i)Ancillary rural earthworks;</li> <li>(ii)Farm quarry where the volume of aggregate does not exceed 1000m<sup>3</sup> per single consecutive 12 month period;</li> <li>(iii)Construction and/or maintenance of tracks, fences or drains;</li> <li>(iv)A building platform for a <u>permitted</u> residential activity, including accessory buildings.</li> </ul>
P3	Oppose in part	<p>Creation of a building platform modifies the existing environment from which a resource consent will be assessed. HortNZ seeks that the rule specify that earthworks are permitted only for a building platform of a residential building and accessory buildings that could be undertaken as permitted activities. This would prevent earthworks for inappropriate development, or development that would otherwise require consent. This would also</p>	<p>Amend Rule 22.2.3.1 P3</p> <p>(a)Earthworks for the purpose of creating a building platform for a <u>permitted</u> residential <u>activity</u> <del>purposes</del> within a site, using imported fill material must meet the following condition:</p> <ul style="list-style-type: none"> <li>(i)Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</li> </ul>

		provide greater protection of high class soils and land with productive potential.	
PX	Insert new rule	<p>HortNZ supports the provision for cleanfill as a permitted activity but as per discussions on land disturbance activities, notes that use of cleanfill can be managed through good management practice.</p> <p>The northern portion of Waikato District typically has an undulating topography. It is also a significant location for horticultural activities. In order to maximise the productive potential of land in this area, it is common for fill to be imported to help contour the land to a slope appropriate for horticultural activities. Cleanfill is also used for other land management purposes such as drainage or track creation and maintenance.</p>	<p>Insert additional Rule PX:</p> <p><u>(a) Earthworks for purposes associated with horticultural activities using imported fill material or cleanfill must meet all of the following conditions:</u></p> <p><u>(i) sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</u></p> <p><u>(vii) does not divert or change the nature of water bodies.</u></p>
<b>Rule 22.2.7 Indigenous vegetation clearance inside a Significant Natural Areas</b>			
P1	Support in part	<p>HortNZ supports the provision of indigenous vegetation clearance inside SNA's for maintaining existing tracks, fences, farm drains and conservation fencing.</p> <p>HortNZ has sought that rapid response to address biosecurity concerns be provided through an amendment to the definition of vegetation clearance. If that submission point is rejected, it is sought that an additional standard be included here to allow for that response. This is appropriate</p>	<p>Retain</p> <p>Or</p> <p>Amend Rule 22.2.7 P1</p> <p>.....</p> <p><u>(vi) removal of vegetation for pest management and biosecurity works</u></p>



		in this context as there are a number of horticultural cropping sites containing, or adjoining SNA's. It is feasible that should those SNA's become infected then this would pose a risk to the production of fruit and vegetables for human consumption.	
<b>Rule 22.2.8 Indigenous vegetation clearance outside a Significant Natural Area</b>			
P1	Support in part	HortNZ has sought an amendment to the definition of vegetation clearance to exclude clearance related to rapid biosecurity response. Should that submission point be rejected, it is sought that it be provided for as a permitted activity in this rule.	Amend the definition of Vegetation Clearance  Or  Amend Rule 22.2.3.8 P1  ..... <u>(viii) removal of vegetation for pest management and biosecurity works..</u>
<b>Rule 22.3 Land use - Building</b>			
New Rule		As set out in Schedule One, HortNZ seeks specific provision for Worker's accommodation. HortNZ seeks the insertion of a new rule to set the standards for Worker's accommodation as a permitted activity. These standards are similar to those that have been adopted in the Proposed Opotiki District Plan.	Insert a new rule PX:  <u>Worker's accommodation is a permitted activity where it meets the following standards:</u> <u>a) The relevant Zone standards for yards, height, daylight protection and parking are complied with</u> <u>b) Access – No additional formed accesses are to be created to any State Highway</u> <u>c) Is associated with the horticultural activity</u> <u>d) Comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u> <u>e) Accommodate up to 12 workers</u> <u>g) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u>

22.3.4.1 – Building height	Oppose in part	A 10m height limit is not sufficient for horticulture sheds which require additional height for produce bin storage and air flow for drying produce such as onions. The Auckland Unitary Plan provides a 15m height threshold for buildings other than dwellings. It is considered that this would be appropriate in this instance.	Amend Rule 22.3.4.1 P1  <u>The maximum height of any building associated with</u> a) <u>A residential activity must not exceed 10m</u> b) <u>a farming or rural industrial or services activity must not exceed 15m.</u>
22.3.4.2 – Frost Fans P1	Support	HortNZ supports the proposed height and blade height thresholds.	Retain Rule 22.3.4.2
<b>22.3.5 – Daylight admission</b>			
P1		<p>HortNZ has lodged a submission on the definition of building as it relates to artificial crop protection structures .</p> <p>Should that submission point be rejected, HortNZ seeks that artificial crop protection structures be excluded from Rule 22.3.5. In order to be economically viable, cultivation and planting often occur right up to the site boundary. To ensure high quality production, it is necessary that these structures cover the entire crop. As such, it would impossible for these structures to meet the permitted standards.</p> <p>HortNZ seeks that a separate rule be inserted to address concerns relating to potential effects of artificial crop protection structures. This could include restricting the colour of material to green or black for permitted activities.</p>	<p><b>Option A:</b></p> <p>Amend the definition of Building</p> <p>Or</p> <p><b>Option B:</b></p> <p>Amend Rule 22.3.5 to specifically exclude ACPS</p> <p>A building (<u>excluding artificial crop protection structures</u>) must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p> <p>And</p> <p>Insert new Rule 22.3.5 PX as set out below</p>

		It is noted that shelter belts can produce similar as an ACPS and are anticipated within the Rural Zone.	
PX		<p>HortNZ has lodged a submission on the definition of building as it relates to ACPS.</p> <p>Should that submission point be rejected, HortNZ seeks that a new rule be inserted to address effects specific to ACPS. The permitted standards proposed in this submission have been adopted in the Proposed Opotiki District Plan.</p>	<p>Insert new Rule 22.3.5 PX Artificial crop protection structures</p> <p>Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures</p>
<b>Rule 22.3.6 Building coverage</b>			
P1	Oppose	<p>HortNZ has sought that artificial crop protection structures be excluded from the definition of building.</p> <p>Should this be rejected, HortNZ seeks that artificial crop protection structures be excluded from the building coverage rule. Artificial crop protection structures are open structures – any materials used are necessarily permeable to allow water through and to control temperature. As such, these structures do not impact on stormwater run-off.</p> <p>Additionally, it is considered that the proposed limits are too restrictive for the rural environment. A number of large scale buildings are required to support ordinary farming activities, this is particularly relevant for Rural Industry activities such as pack houses and cool stores. HortNZ purports that the presence of large-scale</p>	<p>Amend the definition of building</p> <p>And</p> <p>Amend Rule 22.3.6. P1 to insert an additional clause:</p> <p>(iii) except that this rule shall not apply to buildings associated with rural production activities or rural industries and services and shall not apply to artificial crop protection structures.</p>

		<p>buildings in the rural environment forms part of the rural character and amenity.</p> <p>The s32 report comments that controls of height, setbacks and daylight admission are necessary to control the dominance of buildings on the landscape. However, the report does not provide sufficient explanation for why a 500m<sup>2</sup> limit is applicable in this instance. Furthermore, HortNZ contends that large-scale buildings, such as storage sheds, cool sheds and packhouses, are activities that are anticipated in the rural landscape.</p>	
D1	Oppose	A Discretionary Activity status is a further disincentive for rural production activities to locate and expand in the Waikato District.	<p>Amend Rule 22.3.6 to Restricted Discretionary</p> <p>Insert the following matters for discretion:</p> <ul style="list-style-type: none"> <li>a) Effects on character and amenity</li> <li>b) Management of effects of stormwater run-off</li> </ul>
<b>Rule 22.3.7 Building setbacks</b>			
P2	Oppose in part	<p>HortNZ supports the distinction between habitable and non-habitable buildings and particularly supports the proposed setbacks for habitable buildings in the rural zone.</p> <p>Should HortNZ's submission on the definition of building be rejected, HortNZ seek that artificial crop protection structures be excluded from building setback rules.</p>	<p>Amend the definition of building</p> <p>Or</p> <p>Amend Rule 22.3.7 P2</p> <p>(a) A non-habitable building (<u>excluding artificial crop protection structures</u>) located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>(i) 7.5m from the road boundary;</li> <li>(ii) 17.5m from the centre line of an indicative road;</li> </ul>

		<p>As previously described, to maximise viability, cultivation and planting often occur within 1m of the site boundary. The proposed setbacks would not be achievable for any existing or many future horticultural operations.</p> <p>HortNZ seeks that artificial crop protection structures be excluded from this rule and that a new rule be inserted to address effects specific to these structures.</p>	<p>(iii)12m from every boundary other than a road boundary.</p> <p>And Insert new rule as set out below.</p>
<b>P4</b>	Oppose	<p>HortNZ seek that artificial crop protection structures be excluded from building setback rules for the same reasons set out immediately above.</p>	<p>Amend the definition of building</p> <p>Or</p> <p>Amend Rule 22.3.7 P4 (a)A non-habitable building (<u>excluding artificial crop protection structures</u>) located on a Record of Title 1.6ha or more must be set back a minimum of: (i)12m from the road boundary; (ii)22m from the centre line of an indicative road; (iii)12m from every boundary other than a road boundary.</p> <p>And Insert new rule as set out below.</p>
<b>PX</b>		<p>HortNZ seek that a new rule be inserted to address effects specific to artificial crop protection structures.</p>	<p>Insert new Rule 22.3.7 PX</p> <p>Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures</p>
<b>RD1</b>		<p>HortNZ seeks that this rule be amended to include reference to the proposed new rule above.</p>	<p>Amend Rule 22.3.7 RD1</p>

			<p>(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4 or PX</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) amenity values;</p> <p>(ii) effects on traffic.</p>
<b>Rule 22.3.7.2 Building setback – sensitive land use</b>			
P1	Support in part	<p>HortNZ supports the proposed rule which places the onus on the sensitive activity to be setback from existing activities. This is an effective means of managing reverse sensitivity effects.</p> <p>However, this should be extended to ensure setbacks from all existing farming activities, including rural industry activities. Activities such as general farm noise and spraying are legitimate functions of horticultural activities. These legitimate effects are often hampered by reverse sensitivity effects arising from the location of new sensitive activities in close proximity.</p> <p>Care must be taken in differentiating between residential activities and other sensitive activities such as education facilities and hospitals.</p> <p>HortNZ purports that many of these sensitive activities are not appropriate for the Rural Zone at all. The potential for reverse sensitivity effects is amplified and the ability to manage or mitigate reverse</p>	<p>Amend Rule 22.3.7.2 P1</p> <p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <p><u>(x) 100m from the boundary of another site containing a rural industry or services activity</u></p> <p><u>(xi) 100m from the boundary of another site containing a farming activity where the sensitive land use is not a residential activity.</u></p>

		<p>sensitivity effects becomes more difficult. Horticultural operations are required to notify neighbours. It is already difficult to manage notification requirements to residential activities.</p> <p>Managing notification requirements to sensitive activities that are not residential activities, such as schools and hospitals becomes even more complicated as those facilities then have to notify all individuals who may be present at the time. The nature of those sensitive activities is that the number of individuals and the individuals involved are constantly changing.</p>	
<b>Rule 22.3.7.5 Building setbacks – waterbodies</b>			
<b>P1</b>	Oppose	<p>HortNZ has sought an exclusion of artificial crop protection structures from the definition of building.</p> <p>Should this be rejected, HortNZ seeks that artificial crop protection structures be excluded from this rule. These are permeable structures with materials consisting of fabric and poles. Minimal works are required for the insertion of the poles and so there would be minimal land disturbance and minimal risk of sediment in water bodies.</p> <p>Should the land be subdivided, the structures are easily removable such that the ability to take esplanade is not impeded.</p>	<p>Amend Rule 22.3.7.5 P1</p> <p>a)Any building must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>(i)<del>32</del> <u>30</u>m from the margin of any; <ul style="list-style-type: none"> <li>A.Lake; and</li> <li>B.Wetland;</li> </ul> </li> <li>(ii)<del>23</del> 20m from the bank of any river (other than the Waikato River and Waipa River);</li> <li>(iii)<del>28</del> 20m from the banks of the Waikato River and Waipa River; and</li> </ul>

		Furthermore, the s32 reports do not seem to provide any explanation for the proposed setbacks from waterbodies. The Auckland Unitary Plan provides a setback of 30m from any lake and a 20m riparian setback. It is considered that these would be appropriate in the Waikato District Plan.	
<b>P2</b>	Oppose in part	It is necessary and more efficient for pump stations to locate in close proximity to water bodies.	Amend Rule 22.3.7.5 P2  c) A public amenity of up to 25m <sup>2</sup> , <del>and a pump shed</del> within any building setback identified in Rule 22.3.7.5 P1 <u>and</u> b) <u>a pump shed must be setback a minimum of 5m from any waterbody.</u>
<b>22.3.7.6 Building setback – Environmental Protection Area</b>	Oppose in part	As outlined in schedule One, it is not clear on the planning maps where the Environmental Protection Areas are located. HortNZ has been advised that the Hamilton Basin Ecological Area (HBEA) is an Environmental Protection Area, but this has a separate key notation on the planning maps. If HBEA is an Environmental Protection Area, HortNZ would oppose this rule as no building would be permitted within the HBEA.	Provide clarification how this rule applies to the EPA and HBEA.
<b>22.4.1.1 Prohibited subdivision</b>			
<b>PR2</b>	Oppose in part	HortNZ commends the intention to protect high class soil. However, a prohibited activity status is overly restrictive. While HortNZ does not generally support subdivision of high class soils, it is recognised that there are instances when growers may need to subdivide a portion of land in order to remain economically	Delete Rule 22.4.1.1 PR2 and replace with a new non-complying rule as per below.  Insert new rule NCX (a) Subdivision which results in any additional lot being located on high class soil (b) Exceptions to NCX are where an additional lot is created by either of the following:



		<p>viable. With the high ratio of high class soils present in the district, under a prohibited planning framework, many growers would be unduly limited in their options.</p> <p>It is considered that a non-complying activity status would be more appropriate. This would provide a possible pathway, while still applying a high level of protection for high class soils.</p> <p>The ability to undertake subdivisions for conservation and reserve lots on high class soils will result in the creation of sporadic 8000m<sup>2</sup> lots around the district. This is particularly the case for conservation lots on high class soil. It is inappropriate to provide an exemption for this type of subdivision on high class soils. This is inconsistent with the proposed objectives and policies.</p> <p>Location of new lots as a result of reserve or conservation lot subdivision, should not be encouraged on high class soils.</p>	<ul style="list-style-type: none"> <li>(i) Access allotment or utility allotment</li> <li>(ii) Subdivision of Maaori Freehold Land</li> </ul>
<b>PR3</b>	Oppose in part	<p>As above, it is appropriate to provide for subdivision on high class soil as a non-complying activity.</p> <p>It is inappropriate, and inconsistent with proposed objectives and policies, to allow exemptions for conservation or reserve lot subdivision as this is more likely to result in</p>	<p>Delete Rule 22.4.1.1 PR3 and replace with a new non-complying rule as per below.</p> <p>Insert new rule NCX</p> <ul style="list-style-type: none"> <li>(c) Subdivision which results in any additional lot being located on high class soil</li> <li>(d) Exceptions to NCX are where an additional lot is created by either of the following: <ul style="list-style-type: none"> <li>(iii) Access allotment or utility allotment</li> </ul> </li> </ul>

		sporadic, or unplanned development on high class soils.	(iv) Subdivision of Maaori Freehold Land
<b>22.4.1.2 General subdivision</b>			
<b>RD1</b>	Oppose	<p>The method provides a voucher lot subdivision based on title date and parent lot size.</p> <p>The minimum parent lot size of 20 hectares appears to have little resource management reasoning.</p> <p>The outcome is scattered countryside living elements of between 8,000m<sup>2</sup> and 1.6 ha.</p> <p>There is no resource management reasoning based on sustainable management or a positive environmental outcome. Notably the same method was previously available in the Former Franklin District Plan and removed during a plan review of rural subdivision methods (plan change 14).</p> <p>Where the land being subdivided contains high class soils:</p> <ul style="list-style-type: none"> <li>A. one lot must contain a minimum of 80% of the high class soil; and</li> <li>B. the other lot may contain up to 20% of high class soil.</li> </ul> <p>The outcome is still fragmentation of high class soil that conflicts with the objective and policy framework of the plan.</p>	Delete general subdivision method.
<b>22.4.1.5 Rural Hamlet Subdivision</b>			

RD1	Support in part	<p>Support the inclusion of reverse sensitivity and effects on rural character and amenity as matters to which discretion is restricted.</p> <p>Urban and semi-urban development creates additional pressure on natural resources and impacts the ability of legitimate rural activities from accessing those resources which are essential to rural operation. It is appropriate that measures to address water conservation and stormwater design should be encouraged.</p> <p>The avoidance of high class soil should be included as a condition of Rural Hamlet Subdivision. This is consistent with the proposed objectives and policies which seek to protect high class soils.</p>	<p>Amend Rule 22.4.1.5 RD1</p> <p>a) Subdivision to create a Rural Hamlet must comply with the following conditions</p> <p>....</p> <p>(vii) The proposed lots must not be located on high class soils.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>...</p> <p><u>(vi) the extent to which water conservation measures and, where appropriate, low impact stormwater design and facilities have been applied.</u></p>
<b>22.4.1.6 Conservation lot subdivision</b>			
RD1	Oppose in part	<p>Oppose the lack of a matter of discretion for considering reverse sensitivity effects for this Restricted Discretionary subdivision activity when all others retain this discretion. With the limited range of subdivision methods, this is likely to be an active method and this is a critical assessment matter.</p> <p>Consistent with the policy framework the matters of discretion should also address water conservation.</p> <p>The avoidance of high class soil should be included as a condition of the activity. This</p>	<p>Amend RD1 as follows:</p> <p>(a) The Subdivision must comply with all of the following conditions:</p> <p>.....</p> <p><u>(ix) the proposed lots must not be located on high class soils.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p><u>(v) potential for reverse sensitivity effects;</u></p> <p><u>(vi) the extent to which water conservation measures and, where appropriate, low impact stormwater design and facilities have been applied.</u></p>

		is consistent with the proposed objectives and policies which seek to protect high class soils.	
<b>22.4.9 Subdivision - Building platform</b>			
<b>RD1</b>	Support in part	<p>The requirement for a specified building platform for a proposed lot is a common subdivision standard and one the submitter supports. This enables an assessment of the platform and the residential activity it will support, relative to a number of matters. Importantly this should include the relationship of the platform, its residential use and the surrounding current or future rural production activities.</p> <p>The matters of discretion should be expanded for this purpose.</p>	<p>Amend RD1 as follows:</p> <p><u>(b) (vii) The relationship of the building platform and residential activity with surrounding current and future rural production activities and measures to avoid or mitigate reverse sensitivity effects.</u></p>

## CHAPTER 23 – COUNTRYSIDE LIVING

Provision	Support/Oppose	Reasons	Decision sought
<b>Rule 23.1 Land use – Activities</b>			
<b>PA</b>	Insert new rule	Existing rural production activities should be provided for as permitted activities.	Provide for rural production that is existing at the time the Proposed Plan is Operative, as a Permitted Activity.
<b>DX</b>	Oppose in part	Under the proposed planning framework, Farming would be a non-complying activity. This is inconsistent with Policy 5.6.9 which supports expansion and operation of existing non-residential activities within the Country Living Zone.	Provide for rural production activities as a Discretionary Activity within the Country Living Zone.
<b>Rule 23.3.7 Building setbacks</b>			
<b>P1</b>	Oppose in part	HortNZ supports the 12m setback from boundaries, other than a road boundary.  Requiring an adequate buffer between new urban/residential development from existing, legitimate rural production activities will assist in avoiding or mitigating the potential for reverse sensitivity to arise. Although farming noise is permitted within the zone, there are a number of other effects associated with legitimate farming activities which are part of rural character and amenity. Rural character and amenity is often not clearly understood by new residents and providing	Retain

		adequate buffers can assist in minimising complaints.	
<b>P2</b>	Oppose in part	A 1.5m setback from all boundaries as proposed is not sufficient to avoid or mitigate potential reverse sensitivity effects that arise between residential activities and rural activities. Furthermore, when compared with the 12m setback proposed in Rule 23.3.7 for lots greater than 1000m <sup>2</sup> , the 1.5m setback incentives creation of smaller lots which results in a high density of residential development in close proximity of the rural environment. This has the potential to result in even greater reverse sensitivity issues.	Amend Rule 23.3.7 P2  (a)Any building located on a lot containing 1000m <sup>2</sup> or less must be set back a minimum of:  <u>(iv) 10m from every boundary adjoining a Rural Zone</u>
<b>RD1</b>	Oppose in part	An additional matter is sought to enable the potential for reverse sensitivity effects to be included as a matter to which discretion is restricted in determining the location of buildings within the relevant setbacks from Rural Zoned land. This is a matter of restricted discretion in Rule 26.3.6.1 of the Village Zone and is relevant to apply here also.	Amend Rule 23.3.7 D1  (a)A building that does not comply with Rule 23.3.7.1 P1 or P2 (b)Council's discretion is restricted to the following matters: ..... <u>(v) reverse sensitivity effects.</u>
<b>Rule 2.3.7.2 Building setbacks – sensitive land use</b>			
<b>P1</b>	Oppose in part	An additional standard is sought to ensure adequate management of the rural-urban interface and to avoid and mitigate the potential for reverse sensitivity effects between sensitive land uses and legitimate farming activities.	Amend Rule 2.3.7.2:  a)Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:

		<p>There are many sensitive land uses that are incompatible with horticulture, such as schools/childcare facilities, health facilities and hospitals, retirement villages and rest homes.</p> <p>Greater setbacks should be provided to avoid or mitigate reverse sensitivity effects.</p>	<p><u>(vii) 100m from any boundary adjoining a Rural Zone where the sensitive activity is not a residential activity.</u></p>
<b>D</b>	Support	The Discretionary activity status is supported	Retain
<b>Rule 23.3.2 General Subdivision</b>			
<b>RD1</b>	Support in part	<p>HortNZ seeks that an additional clause to the matters to which discretion is restricted. Measure taken to minimise potential reverse sensitivity effects is appropriate to consider given the significance of horticultural land in the Waikato District. This aligns with the objectives and policies which seek to protect high class soil and support the on-going operation and development of existing farming activities</p>	<p>Amend Rule 23.3.2 RD1</p> <p>(a) Council's discretion is restricted to the following matters:</p> <p>....</p> <p>(iii) measures to mitigate and minimise reverse sensitivity effects on adjoining Rural Zone land.</p>

## CHAPTER 24 – VILLAGE ZONE

Provision	Support/Oppose	Reasons	Decision sought
<b>24.2.4.1 Earthworks</b>			
<b>24.3.6.1 Building setbacks – general</b>			
<b>P1</b>	Oppose in part	<p>A 1.5m setback from all boundaries as proposed is not sufficient to avoid or mitigate potential reverse sensitivity effects that arise between residential activities and rural activities.</p> <p>There are pockets of land that have been rezoned from rural to village around the Tuakau area. This area is a prominent horticultural area and the potential for reverse sensitivity from a new rural-urban boundary should be avoided.</p>	<p>Amend Rule 24.3.6.1 P1</p> <p>(a)Any building must be setback a minimum of:</p> <p><u>(v) 8m from any boundary adjoining a Rural Zone</u></p>
<b>RD1</b>	Support	HortNZ supports the inclusion of reverse sensitivity effects as a matter to which discretion is restricted for buildings that do not meet the permitted boundary setbacks.	Retain.
<b>24.3.6.2 Building setbacks – sensitive land use</b>			
<b>P1</b>	Support in part	<p>Additional standards are sought to ensure adequate management of the rural-urban interface and to avoid and mitigate the potential for reverse sensitivity effects between habitable residential buildings and legitimate farming activities.</p> <p>There are many sensitive land uses that are incompatible with horticulture, such as schools/childcare facilities, health facilities</p>	<p>Amend Rule 24.3.6.2 P1:</p> <p>a)Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p><u>(vii) 100m from any boundary adjoining a Rural Zone where the sensitive activity is not a residential activity.</u></p>



		and hospitals, retirement villages and rest homes.  Greater setbacks should be provided to avoid or mitigate reverse sensitivity effects.	
<b>D</b>	Support	The Discretionary activity status is supported	Retain
<b>24.4.2 Subdivision Te Kowhai and Tuakau</b>			
<b>RD1</b>	Oppose in part	<p>HortNZ is concerned at the extent of rural land proposed to be rezoned for residential/urban purposes around Tuakau.</p> <p>As outlined elsewhere in this submission, the area north of the Waikato River is critical to New Zealand's domestic food supply. The area has a unique environment with high quality soil and good climate that supports year long supply of certain vegetables.</p> <p>Any further development in this area needs to be appropriately located to avoid high class soil and versatile land, and to be managed appropriately to avoid reverse sensitivity effects.</p> <p>Accordingly, it is appropriate that additional standards be provided to support on-going operation and development of horticulture in this district. This aligns with the proposed policies which seek to protect high class soil and support development of farming activities.</p>	<p>Amend Rule 24.4.2 RD1</p> <p>(a) Subdivision in Te Kowhai and Tuakau must comply with all of the following conditions: .... (ii) Where a subdivision adjoins Rural Zone land, a buffer strip no less than 10m wide must be provided along the adjoining boundary.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p><u>ix) reverse sensitivity effects on land identified as high class soil, on land with rural production potential and on permitted farming activities</u></p>

RD2	Oppose in part	As above, it is appropriate that additional standards be provided to ensure reverse sensitivity effects are avoided or mitigated.	<p>Amend Rule 24.4.2 RD2</p> <p>(a) Subdivision in Te Kowhai and Tuakau must comply with all of the following conditions:</p> <p>....</p> <p>(ii) Where a subdivision adjoins Rural Zone land, a buffer strip no less than 8m wide must be provided along the adjoining boundary.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p><u>ix) reverse sensitivity effects on land identified as high class soil, on land with rural production potential and on permitted farming activities</u></p>
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## SHCEDULE 5 – DEFINITIONS

Provision	Support/Oppose	Reasons	Decision sought
Agricultural and horticultural research activities	Support	These activities are an integral component of rural production, require a rural location and access to the rural resources and are necessary to continue to maintain and grow rural production in New Zealand.	Retain.
Accessory building	Support in part	The definition sought for primary production uses the term auxiliary building which is the same meaning as accessory building.	Amend definition of accessory building by adding: Auxiliary building has the same meaning.
Airfield	Support in part	It should be clear if the definition of airfield is meant to include rural airstrips and helicopter landing areas	Amend the definition by adding: and includes rural airstrips and helicopter landing areas.
Ancillary rural earthworks	Support in part	<p>HortNZ supports the inclusion of ancillary earthworks activities which are typical of rural operations, and particularly horticulture. Specifically, HortNZ supports the inclusion of cultivation, land preparation and works to enable sediment control measures and farm drainage.</p> <p>However, while this definition applies to some horticulture grower activities, there are a range of activities that could potentially be classed as earthworks but which have effects that can be sufficiently managed through HortNZ developed codes of practice and have minimal potential for creation of sediment laden stormwater.</p>	<p>Option A</p> <p>Include a new definition of land preparation:</p> <p><u>means the disturbance of soil by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation includes 4 blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.</u></p> <p>And</p> <p>Amend the definition of ancillary farming earthworks</p>

		<p>Such activities include root ripping shelter belts, mole ploughing, removal of shelterbelts or orchard trees and harvesting of crops. HortNZ seeks that the term 'land preparation' be broadened and included into the definitions. This will ensure these activities are adequately provided for.</p> <p>This approach has recently been supported and adopted in the Proposed Northland Regional Plan.</p> <p>Furthermore, ancillary farming earthworks should be specifically excluded from the definition of earthworks for clarity.</p>	<p><i>Means any earthworks or disturbance of soil associated with:</i></p> <ol style="list-style-type: none"> <li><i>1. cultivation <u>and</u> land preparation (<del>including establishment of sediment and erosion control measures</del>), for planting and growing operations;</i></li> <li><i>2. harvesting of agricultural and horticultural crops (farming) and forests (forestry); and</i></li> <li><i>3. maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and sediment control measures.</i></li> </ol> <p>And Amend the definition of Earthworks to specifically exclude Ancillary farming earthworks</p> <p>Or</p> <p><b>Option B</b></p> <p>Amend the definition of Ancillary farming earthworks to include contouring, ripping and blading</p> <p>And</p> <p>Amend definition of Earthworks to specifically exclude Ancillary farming earthworks</p>
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Artificial crop protection structures		As the term artificial crop protection structure is used in the Plan it should be defined.	Include a new definition for artificial crop protection structures: Artificial Crop Protection structures means structures with material used to protect crops and/or enhance growth (excluding greenhouses).
Building	Support in part	<p>HortNZ supports the exclusion of structures to protect crops for agricultural use.</p> <p>However, the 4m height restriction is not practical. To be effective, most crop protection structures need to be at least 8m high. These structures are common for many fruit growers, particularly kiwifruit. They are necessary to ensure high quality fruit production through protection from hail, wind and frost.</p> <p>As proposed, all artificial crop protection structures would automatically trigger building coverage, height and setback controls.</p> <p>These structures are permeable to control temperature and allow rain through. Therefore, coverage and platform rules are irrelevant and regardless of height, these structures should not be considered buildings.</p> <p>These structures are a necessary function of horticulture and should be consider a part of the rural environment.</p>	<p>Amend definition to either:</p> <p><i>Has the meaning in the Building Act 2004, excluding.....</i> <i>(e) artificial crop protection structures and crop support structures</i></p> <p>Or</p> <p><i>(e) a structure that is permeable and <b>no greater than 8 metres</b> in height to protect crops for primary productive use</i></p> <p>Or</p> <p>Means any impervious structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</p>

		It is more appropriate to control for height through rules in the plan. This definition deviates from the Draft National Planning Standards. HortNZ sought changes to the Draft Planning Standard definition to ensure 'permeable' structures were excluded.	
Building coverage	Oppose in part	Artificial crop protection structures are permeable by design to manage temperature and allow for rain penetration. Accordingly, there is no impact on stormwater run-off as result of these structures.	Amend the definition of building as per the above; OR  Amend definition to exclude artificial crop protection structures.  <i>Means the proportion of the net site area which is covered by any building.</i> <i>It includes:</i> a) <i>overhanging or cantilevered parts of buildings or structures;</i> b) <i>covered decks</i>  <i>It excludes:</i>  <u>.....(e) artificial crop protection structures and crop support structures</u>
Earthworks	Support in part	As described elsewhere in the submission, blading, contouring and ripping are ancillary earthworks for horticulture. The definition should exclude ancillary rural earthworks. There needs to be provision to enable rapid response to biosecurity matters. Burying of plant material is one means of biosecurity response and was applied during the PSA incursion on kiwifruit.	Amend definition:  Means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, <u>but excludes ancillary rural earthworks and burying of plant material that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical</u>

			<u>Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>
Energy corridor	Clarification	The definition is the same as 'emergency generator'.	
Farming	Support in part	<p>The Draft National Planning Standards has a definition for primary production.</p> <p>HortNZ prefers the use of the term primary production and seeks that all references to farming be amended to primary production and include the definition from the Draft National Planning Standard.</p> <p>HortNZ has sought that the Draft Planning Standard definition be amended to include some amendments which are consistent with the Proposed Plan definition.</p>	<p>Amend definition to primary production : Means</p> <ul style="list-style-type: none"> <li>a) any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and</li> <li>b) and includes any land and auxiliary buildings used for the production of the products, including storing, washing and packing of product for market, that result from the listed activities; but</li> <li>c) does not include processing of those products into a different product</li> </ul> <p>Amend all usage of 'farming' to 'primary production'</p> <p>OR</p> <p>Means an agricultural, horticultural or apicultural activity having as its primary purpose the production of any livestock or crop using the in-situ soil, water and air as the medium for production, <u>or the indoor production of plants.</u></p> <p>It includes:</p> <ul style="list-style-type: none"> <li>(a) Ancillary produce stalls;</li> <li>(b) Processing of farm produce grown on the land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage</li> <li>(c) <u>Greenhouses.</u></li> </ul>

Farming noise	Support in part	<p>The definition of farming noise is supported but note that aircraft are used for both spraying and fertiliser application.</p> <p>To be consistent with the change of farming to primary production the term should be amended to primary production noise.</p> <p>The term should not be limited by 'agricultural' as that is only one type of primary production activity.</p>	<p>Amend definition:  <b>Primary production noise</b>  Means noise generated by primary production vehicles, machinery or equipment, any aircraft used for aerial spraying <u>or fertiliser application</u>, and farm animals, including farm dogs. It does not include bird scaring devices and frost fans.</p>
Greenhouse	Insert new definition	<p>HortNZ seek that a definition for greenhouses may assist in interpreting the proposed amendment to the definition of primary production.</p>	<p>Insert new definition:  Include a definition for greenhouses as follows:  Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.</p>
Hazardous facility	Oppose	<p>HortNZ does not consider that there is a need for a definition of hazardous facility in the approach that is sought for hazardous substances.</p> <p>The proposed definition would include a tractor or quad bike with a spray tank with agrichemicals as a hazardous facility and would hence make the whole farm a hazardous facility.</p>	<p>Delete definition of hazardous facility</p>
High class soils	Support	<p>The definition of High Class Soils is the key to the implementation of the proposed rural subdivision framework. The proposed definition is wholly reliant on the New</p>	<p>Amend definition:  Means those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as</p>



		<p>Zealand Soil Classification System to define these areas.</p> <p>While this a useful starting point, it is the experience of HortNZ that there is other land and other factors that make land capable of high value rural production.</p> <p>The proposed definition is too limited. There are areas of peat soil which are currently high producing for commercial vegetable growing, for instance some areas around Buckland, Te Kauwhata, Waikati and Mercer. Furthermore, there are areas where the broader units of LUC III are utilised for commercial vegetable growing, including numerous areas around Pukekawa.</p>	<p><del>Allophanic Soils, and III.</del> using the New Zealand Soil Classification.</p>
Indigenous vegetation	Support	<p>The exclusion of planted shelter belts comprising indigenous species from the definition of indigenous vegetation is supported. Also see comments on 'vegetation clearance'</p>	<p>Retain definition</p>
Intensive farming	Support	<p>HortNZ supports the definition, particularly the exclusion of glasshouses. HortNZ suggests using the term "greenhouse".</p> <p>The Proposed National Planning Standards has a definition for intensive primary production which would be appropriate to include in the Proposed Plan.</p>	<p>Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.</p> <p>OR</p> <p>Amend definition:</p> <p>...</p> <p>It excludes the following, provided the building is used for the purpose for which it was built:</p> <p>(a) woolsheds;</p>

		Standards relating to the number of stock should be included in the rules or conditions.  If the definition in the Proposed Plan is retained it should be amended to refer to greenhouses.	(b) dairy sheds; (c) calf pens or wintering accommodation for less than 30 stock (except where stock are being reared for the replacement of breeding stock to be used on the same property); and (d) <del>glasshouse</del> <u>greenhouse</u> production or nurseries.
Minor upgrading of existing infrastructure	Oppose in part	The definition is supported in that the work should be of similar scale and character. However it should be clear that an increase in voltage can only be undertaken if the line was constructed for that voltage.	Add to the definition of Minor upgrading of existing infrastructure  An increase in voltage of the national Grid or electricity distribution lines can only occur as minor upgrading if the line was constructed for the increased voltage.
National grid yard	Oppose in part	The definition for National Grid Yard sets out the distances that should apply to the National Grid Corridor. The corridor is specific to subdivision so this should be included in the title	Amend the title of National Grid Yard to national Grid Subdivision Corridor
National grid corridor	Oppose in part	The definition for National Grid Corridor sets out the distances that should apply to the National Grid Yard.	Amend the title of National Grid Corridor to National Grid Yard.
Noise sensitive activity	Oppose in part	The definition of noise sensitive activity include a marae complex as defined in the Plan, which includes extensive areas. The definition should be limited to the buildings where sensitive activities are undertaken.	Amend the definition of noise sensitive activity by deleting marae and marae complex and replacing with 'sensitive land uses within marae complex'
Noxious, dangerous, offensive or toxic activities	Oppose	Discharges to air are managed by the Regional Council.	Delete definition Noxious, dangerous, offensive or toxic activities
Reservoir	Support in part	There should be inclusion of water storage for irrigation.	Amend definition of reservoir to include water storage for irrigation
Reverse Sensitivity	Insert new definition	Terms used in the plan should be defined. The Draft National Planning Standards includes a definition of reverse sensitivity.	Insert new definition

			<u>means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity</u>
Rural ancillary earthworks	Oppose	This is the same definition as Ancillary Rural Earthworks. It is unnecessary repetition. HortNZ identifies the same issues for the wording of this definition as outlined above for Ancillary Rural Earthworks.	Delete the definition completely.
Rural Industry	Support in part	<p>The proposed definition is too narrow.</p> <p>There are a number of activities which are undertaken within the rural area that support primary production and are appropriately located within rural areas.</p> <p>These supporting activities are critical to the future growth of the wider horticultural industry, particularly for on-going improvements in economic and environmental efficiency.</p>	<p>Delete the definition.</p> <p>Insert new definition:  <u>Rural industry and services means an activity undertaken within a rural area where the activity is directly related to rural production activities and includes:</u> <ul style="list-style-type: none"> <li>• <u>facilities for processing, packing, and storing primary products and</u></li> <li>• <u>activities which service rural production</u></li> <li>• <u>rural contractors depots</u></li> <li>• <u>postharvest facilities</u></li> <li>• <u>Research facilities</u></li> </ul> </p>
Farm worker accommodation	Insert new definition	The provision of seasonal worker accommodation is becoming a necessary supporting activity to horticultural operations. HortNZ is seeking a suite of provisions to provide for this activity.	<p>Insert new definition:</p> <p>Accommodation for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area.</p>

SNA	Oppose	This refers to the definition of Significant Natural Area. This is unnecessary repetition. HortNZ suggests that abbreviations could be placed in a separate glossary.	Delete 'SNA'.
Storage	Oppose in part	<u>The proposed definition would include a tractor or quad bike with a spray tank with agrichemicals as a storage facility</u>	Delete the last sentence of the definition
Use	Oppose in part	The definition for use should specifically exclude the application of agrichemicals and fertilisers for their intended use. Such applications are managed by the Regional Council as discharges and the district council should not also be regulating them.	Add an additional exclusion: Or the application of agrichemicals and fertiliser
Vegetation clearance	Support in part	<p>HortNZ seeks clarity in the relationship between and use of “indigenous vegetation” and “vegetation clearance” throughout the plan.</p> <p>Throughout the plan, the wording in rules relates to “indigenous vegetation clearance”. This is confusing as there are separate definitions for “indigenous vegetation” and “vegetation clearance”. The definition of vegetation clearance applies to all vegetation, including indigenous.</p> <p>Lumping the two terms together in the rules assumes that clearance of non-indigenous vegetation is not captured by the rule. However, as noted above, the proposed definition of vegetation clearance applies to all types of vegetation. So, it is</p>	<p>Amend the definition:</p> <p><u>Indigenous</u> Vegetation clearance</p> <p>Includes the modification, burning, cutting, crushing, spraying and removal by physical, mechanical, chemical or other means <u>of indigenous vegetation</u>, <del>of all forms of vegetation, including indigenous, and may include exotic plants.</del> It does not include <del>clearing: vegetation clearance relating to routine cultivation or grazing.</del></p> <p><u>3) hedges, shelter belts and amenity plants, or</u>  <u>4) vegetation along fences and around dams and ponds, or</u>  <u>5) vegetation around public utility networks, or</u>  <u>6) vegetation that impedes or is likely to impede flood flows,</u>  <u>7) vegetation for the maintenance of roads and tracks, or</u></p>

		<p>unclear whether these rules apply to all vegetation, or just indigenous vegetation.</p> <p>HortNZ was not able to locate any rules within the proposed plan that relate to vegetation clearance of non-indigenous species. All relevant rules appear to apply to indigenous vegetation only.</p> <p>For clarity, HortNZ seeks that the definition be amended to apply to indigenous vegetation as this is how the term is applied in the plan.</p> <p>HortNZ supports the exclusion of vegetation clearance relating to routine cultivation, but believes this needs to be expanded for clarity as there are a range of works necessary to support survival and productivity of horticulture crops.</p> <p>Productive rural land use requires the ability to manage vegetation species and growth to ensure production activities are not compromised. Unmanaged vegetation, including shelter belts, can cause root intrusion or overhang of productive land as well as adverse shading effects, infrastructure (tracks, pipes, buildings) disruption and harbour pests and diseases.</p>	<p><u>8) scattered trees, shrubs or regenerating bush amongst pasture or horticultural crops, or</u>  <u>9) vegetation that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>
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