

SUBMISSION ON

Waitomo District Plan

22 December 2022

To: Waitomo District Council

Name of Submitter: Horticulture New Zealand

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OVERVIEW

Submission structure

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Our submission

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

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

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

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

HortNZ's Role

Background to HortNZ

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

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

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

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

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



HortNZ's Resource Management Act 1991 Involvement

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

Submission

1. Horticulture in Waitomo

Horticulture in the district is restrained however there is potential for growth. While there is not a large amount of highly productive land (HPL) (LUC 1-3 31,682 ha out of 358,100ha)¹, covered crops (greenhouses) and utilisation of existing HPL will potentially see an increase of horticulture activity.

The horticulture operations that we are aware of include:

- Mr Apple, a café, retail and orchard covering 4.9-hectares
- 2.63-hectare hayward (green) kiwifruit orchard
- 3.5-hectare berry orchard situated at Pio Pio

2. Summary of Decisions Sought by HortNZ

HortNZ seek the following outcomes:

- Definitions and rules that recognise the importance of primary production
 - Reverse sensitivity
 - Ancillary earthworks
 - Seasonal accommodation
 - Greenhouse
 - Artificial crop protection and crop protection structures
 - Audible bird scarers
 - Frost fans
- Provisions that recognise highly productive land in line with the National Policy Statement Highly Productive Land
- Strategic direction that provides for primary production and which is not compromised by other activities
- Appropriate setbacks for dwellings, buildings and artificial crop protection structures from boundaries

3. Proposed Waitomo District Plan

3.1. Strategic Direction

It is important that primary production is sufficiently recognised and provided for in the strategic direction. The strategic direction seeks that primary production is recognised but does not provide for it or ensure it is not compromised by incompatible activities. We support the inclusion of specific strategic direction for the protection of highly productive land from inappropriate development.

¹ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_main

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

It is important the district plan is future-proofed so that is fit-for-purpose and responsive to change over its approximately ten-year life (under the current RMA review timeframes) – notwithstanding the RMA reforms. The review of the rural provisions of the district plan is occurring in a dynamic space of change – including freshwater regulations, climate change mitigation and adaptation and national policy context in terms of matters such as highly productive land, biodiversity and urban development. This highlights the importance of future-proofing the availability of resources to supply the district’s growing population.

3.3 General Zoning Approach

HortNZ supports the intent of the General Rural Zone however protection of the rural zone from incompatible activities and reverse sensitivity should be strengthened.

The proposed setbacks for buildings from a boundary are considered insufficient to address potential reverse sensitivity effects.

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

HortNZ doesn’t support the intent of the Rural Production Zone (RPROZ) as the areas classed as RPROZ do not meet the description set out in the National Planning Standards. HortNZ considers these areas are best classed as precincts in the GRUZ.

3.4 Highly Productive Land

The National Policy Statement for Highly Productive Land (NPSHPL) seeks to protect highly productive land (HPL) for primary production uses. The objective and policies provide clear avoid policies against inappropriate subdivision, use and development of HPL. There are also specific protection clauses for existing use, productive uses and reverse sensitivity.

The NPSHPL has one Objective: *Highly productive land is protected for use in land-based primary production, both now and for future generations.* There are nine policies which support the objective. The policies set a clear pathway that HPL is to be protected - urban rezoning, rezoning and development as rural lifestyle, and subdivision, are activities to be avoided. Policy 9 also provides for reverse sensitivity effects to be managed so as not to constrain land based primary production on HPL.

The proposed plan has no definition for HPL and HortNZ suggests adding a definition to align with the NPSHPL and to strengthen protections for HPL throughout the plan.

3.5 Reverse Sensitivity

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations with regards to the activities that can occur because of primary production. Horticulture tends to be particularly susceptible to reserve sensitivity effects due to the location of highly

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

It is important for district plans to include a robust management response. Setbacks are an important management tool in helping to manage the potential for reverse sensitivity effects. As a permitted activity requirement, they do not preclude development within a lesser distance, but at least ensure that a site-specific assessment can be made through a resource consent process.

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

4. Providing for horticultural activities in the rural environment

4.1 Seasonal Worker Accommodation

Seasonal worker accommodation provides for temporary and often communal living arrangements; it is quite distinct from permanent worker accommodation which might support a full-time employee and their family. It is a definable activity that requires a specific resource management response to reflect the nature of the activity. Accommodating seasonal workers in appropriate accommodation near their places of employment is more efficient for the horticulture industry, than accommodation that will need to be found further afield and workers will be required to commute.

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

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

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

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

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

The National Planning Standards now define building. We note the following commentary from the Ministry for the Environment's 'Recommendations on Submissions Report for the first set of National Planning Standards' for 2I Definitions Standard²:

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

In light of this, HortNZ has submitted seeking that a specific definition is provided for CSS and ACPS so that a specific, clear and appropriate rule framework can be applied which includes a permitted activity rule for ACPS and CCS in the GRUZ.

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

4.3 Shelterbelts

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

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

4.4 Earthworks

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

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

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

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

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

HortNZ has developed a code of practice for erosion and sediment control to provide guidance at an industry level for cultivation of vegetable crops (Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014³). We also note that Farm Environment Plans also assist in managing day-to-day activity and are requirements at a regional level in some catchments and coming through at a national level - this lessens the need for regulation at a district plan level.

4.5 Approach to Managing Greenhouses

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

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

"Means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry"⁴.

HortNZ does not consider that the rules for intensive primary production are appropriate for greenhouses, and instead they can be addressed through the rules applicable to primary production (which include performance standards relating to matters such as building coverage, height, setbacks, transport, light, noise etc.).

4.6 Noise

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

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

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

³ <https://www.hortnz.co.nz/assets/Compliance/Erosion-and-Sediment-Control-Guidelines-for-vegetable-production-v1.1.pdf>

⁴ <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

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

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

Exemption from noise standards

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

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

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

Frost Fans

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

Audible bird scarer devices

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

It is important to understand that audible bird scarers are used for a limited period of the year (mainly on kiwifruit orchards in Northland during budbreak in early spring). They are not used year-round.

HortNZ seeks a definition for audible bird scarer devices less restrictive operating rules.

4.7 Biosecurity

The issue of biosecurity relates to the maintenance and enhancement of biodiversity values in the district. There is a need for rapid response in the event of a biosecurity incursion of an unwanted organism. Vegetation removal, burial, burning and spraying of material are methods that may be used. It is therefore important that the plan adequately provides for these activities to be undertaken.

HortNZ seeks provisions to provide for the active management of pest plants and pest animals including those identified in the Regional Pest Management Plan and unwanted organisms under the Biosecurity Act 1993.

Submission on Waitomo District Plan

Without limiting the generality of the above, HortNZ seeks the following decisions on the district plan change as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

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

Provision	Support/oppose	Reason	Decision sought
Definitions			
Agricultural, pastoral and horticultural activities	Support in part	<p>HortNZ supports the wording of the definition but seeks that it be re-named 'rural production activities'. HortNZ also seeks that agricultural aviation activities are included as part of rural production activities.</p> <p>Ancillary rural earthworks are basic day to day activities that are part of rural production activities. Such activities should be included in the definition of rural production activities and provided for as a permitted activity.</p>	<p>Amend name of definition to 'rural production activities'</p> <p>Include in the list of matters: agricultural aviation Ancillary rural earthworks</p> <p>Include a definition for ancillary rural earthworks</p>
Artificial screen	Support in part	Amend definition to reflect purpose which is to provide shelter from wind and to mitigate spray drift	<p>Amend Artificial screen shelter</p> <p>means a man-made structure for the purpose of providing wind shelter and</p>

			to mitigate spray drift that is greater than 2m high.
Building	Support in part	Provide provisions for artificial crop protection structures and crop protection structures as these are excluded from building requirements	Add
Cultivation	Support	Has same meaning as National Planning Standards	Retain
Earthworks	Support	Has same meaning as National Planning Standards	Retain
Farm airstrips and farm helipads	Support	HortNZ supports the activities provided for under farm airstrips and farm helipads but prefer that the activity that is referenced is agricultural aviation activities.	Amend the definition to agricultural aviation activities
Intensive indoor primary production	Support	Has same meaning as National Planning Standards	Retain
Minor upgrade (in relation to existing energy activities)	Support in part	A definition for minor upgrade is supported but HortNZ seeks to ensure that if there are no increases in voltage that would increase the clearance distances required by landowners over whose properties lines pass.	Add to definition of minor upgrade: But does not increase the voltage beyond that for which the line was designed.
National grid yard	Oppose in part	The definition of National Grid Yard is not clear and applies a 12m distance from all support structures. There	Define National Grid Yard as follows: <u>The area located within:</u>

		should be differentiation between poles and towers.	<ul style="list-style-type: none"> • <u>12m in any direction from the visible outer edge of a National Grid tower; or</u> • <u>10m in any direction from a National Grid single pole or pi-pole; or</u> • <u>The area located within 10m either side of the centreline of any overhead 110kV National Grid line on single or pi-pole; or</u> <p><u>The area located within 12m either side of the centre line of any overhead National Grid line on towers.</u></p>
Noise sensitive activity	Support in part	HortNZ supports a definition of noise sensitive activity	Retain
Primary production	Support	Has same meaning as National Planning Standards	Retain
Rural industry	Support	Has same meaning as National Planning Standards	Retain
Sensitive activity	Support in part	Some of the activities that are excluded from the definition of noise sensitive activities can be sensitive to other effects - such as educational facilities and hospitals.	Include a specific definition for sensitive activities that includes educational facilities and hospitals.

Shelterbelt	Support in part	High density shelter is effective in protecting crops etc from wind and to mitigate from spray drift. It is recommended to update the definition to reflect this.	<p>Delete</p> <p>has the same meaning as Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (as set out below):</p> <p>means a row or rows of trees or hedges planted to partially block wind flow</p> <p><u>means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s) or to mitigate potential spray drift from agrichemical applications</u></p>
Significant hazardous facility	Oppose in part	Clause iii in the exemptions provides for the incidental storage and use of agrichemicals, fertilisers and fuels for land based primary production. All primary production activities may store such products so the definition should not be limited to 'land-based'.	Delete 'land based' from exemption iii of the definition of significant hazardous facility.
Transmission sensitive activities	Support	Listing sensitive activities to the National Grid is supported.	Retain
New definition - <u>Ancillary rural earthworks</u>	New definition	There is a need to provide for 'day-to-day' activities that are integral to productive land use in the rural zone.	Add a definition for ancillary rural earthworks and provide for the activity in GRUZ

	<p>In HortNZ's experience, providing a definition for ancillary rural earthworks and a clear rule framework is an efficient approach.</p> <p>Cultivation (gardening, and the disturbance of land for the installation of fence posts) are excluded from the definition of Earthworks, however there are other activities which HortNZ seeks to provide for.</p>	<p>Ancillary rural earthworks is the disturbance of soil, earth or substrate land surfaces ancillary to primary production that includes:</p> <ul style="list-style-type: none"> • Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming) • Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 • Irrigation and land drainage • Maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, driveways and unsealed parking areas, stock races, silage pits, farm drains, farm effluent ponds, and feeding lots, fencing, crop protection and sediment control measures
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<p>New definition - <u>Artificial crop protection structures and Crop support structures</u></p>	<p>New definition</p>	<p>As noted above, HortNZ seek to ensure that these structures are not inadvertently covered by inappropriate effects standards, where there is a risk that they may be considered 'buildings' (due to inconsistency in interpretation). A way of addressing this is to provide a clear framework through a definition and specific standard or rule for the rural zone. For further clarity, a definition of crop support structure could also be included as this term is referred to in the plan also.</p>	<p>Include a definition for 'artificial crop protection structures'</p> <p><u>Artificial crop protection structure means structures with material used to protect crops and/or enhance growth (excluding greenhouses). Note: For the avoidance of doubt artificial crop protection structures are not a building.</u></p> <p>Include a definition for 'crop support structure'</p> <p><u>Crop support structure means an open structure on which plants are grown</u></p>
<p>New definition - <u>Audible bird scaring device</u></p>	<p>New definition</p>	<p>These devices are used at certain times of the year to scare birds from certain crops. They are a significant part of horticulture production.</p>	<p>Include <u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds, and excludes firearms and vehicles used for that purpose.</u></p>
<p>New definition - <u>Frost fans</u></p>	<p>New definition</p>	<p>Frost fans are used on horticultural properties to prevent frost damage to crops, mainly fruit crops such as kiwifruit, summerfruit, and apples. Frost damage to crops, particularly at bud burst, can</p>	<p>Include <u>Means a machine used to move air around a horticultural or rural site for the purpose of drying fruit or mitigating the effects of frost.</u></p>

		cause reduced crop yield and hence reduced revenue.	
New definition - <u>Greenhouse</u>	New definition	A definition should be included for greenhouses as it is used in the definition of artificial crop protection structures To support diversification to alternative growing methods	Include a definition for greenhouses <u>Greenhouses means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures</u>
New definition - <u>Highly productive land</u>	New definition	Include definition consistent with the National Policy Statement Highly Productive Land	Include definition in consideration to National Policy Statement Highly Productive Land <u>Until the regional policy statement contains maps identifying highly productive land in the Waitomo District highly productive land is:</u> <u>LUC 1, 2, or 3 land which is zoned general rural or rural production and is not identified for future urban development.</u>
New definition - <u>Land based primary production</u>	New definition	Include definition consistent with the National Policy Statement Highly Productive Land	Add definition <u>Production from agricultural, pastoral, horticultural, or forestry</u>

			<u>activities, that is reliant on the soil resource of the land</u>
New definition - <u>Reverse sensitivity</u>	New definition	The RPS for Waikato includes a definition for reverse sensitivity that should be included in the Plan.	<p>Include a new definition for reverse sensitivity</p> <p>Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity</p>
New definition - <u>Seasonal worker accommodation</u>	New definition	Include a definition for seasonal worker accommodation as it is distinct from visitor accommodation.	<p>Insert new definition as follows:</p> <p><u>Seasonal worker accommodation means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a farming activity, rural industry or post-harvest facility.</u></p>
STRATEGIC DIRECTION	New	The rural area covers the bulk of Waitomo District but there is no strategic direction for the rural area. It is important that it is clear that there is strategic guidance in the Plan.	<p><u>Include a new strategic direction: Rural environment</u></p> <p><u>SD-OX Primary production activities can operate efficiently and effectively</u></p>

			<u>and the contribution that they make to the economic and social well-being and prosperity of the district is recognised and provided for.</u>
District wide matters			
Energy Infrastructure and Transport National Electricity and Gas Transmission			
NEGT-O1	Oppose	<p>The objective seeks that the National Grid is protected. The word 'protect' is not used in the NPSET. Rather the focus is on recognising and providing for the National Grid and managing activities in proximity to the National Grid.</p> <p>Therefore it is inappropriate to use the word 'protect.'</p>	<p>Amend NEG-T-O1</p> <p>The national significant and benefits of the national grid are recognised and provided for and the national grid is protected from other activities <u>and other activities are managed to ensure that the national grid is not compromised.</u></p>
NEGT-O2	Oppose	<p>The gas transmission network is being afforded the same status as the National Grid, even though there is no NPS to support that approach.</p> <p>An objective of protect is not supported. The gas line is subject to easements so does not need the District Plan to limit other activities as proposed in the Plan.</p>	Delete NEG-T-O2

NEGT-P1	Support in part	Managing transmission sensitive activities is supported but the word 'protect' should not be included in the policy as it is inconsistent with the NPSET.	Amend NEG-T-P1 1. Protect Provide for the national significance of the national grid
NEGT-P2	Support in part	The approach to managing activities, structures, buildings and earthworks is generally supported but there needs to be the addition of 'to the extent reasonably possible' to point 5 to be consistent with the NPSET.	Amend NEG-T-P2 5) Avoid, <u>to the extent reasonably possible</u> , the potential for reverse sensitivity effects on the National Grid.
NEGT-P3	Oppose	The gas line has the protection of easements with landowners so district plan provisions are not necessary.	Delete NEG-T-P3
NEGT-P4	Oppose	The gas line has the protection of easements with landowners so district plan provisions are not necessary.	Delete NEG-T-P4
NEGT-P5	Oppose	The gas line has the protection of easements with landowners so district plan provisions are not necessary.	Delete NEG-T-P5
NEGT-R1	Oppose in part	The provisions are generally consistent with NZECP34:2001 so are supported. However a non-complying activity status for the default is not appropriate given that the matters of discretion are clear.	Amend NEG-T-R1 activity status where compliance not achieved to restricted discretionary. Delete 'other than for the reticulation and storage of water for irrigation purposes' from NEG-T-R1 (2 i)

		There is no reason why earthworks for reticulation and storage of water for irrigation purposes are not provided for.	
NEGT-R2	Support in part	<p>There is no reason why reticulation and storage of water for irrigation purposes are not provided for.</p> <p>HortNZ and Transpower have an agreement that where artificial crop protection structures meet Clause 2.4.1 of NZECP34:2001 they will be a permitted activity. A provision to this effects has been included in district plans and HortNZ seeks it be included in Waitomo.</p>	<p>Delete 'other than for the reticulation and storage of water for irrigation purposes' from NEG-T-R2 (1 iv)</p> <p>Add to NEG-T-R2 1) <u>vi: a building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</u></p>
NEGT-R5	Oppose	<p>The gas line has the protection of easements with landowners so district plan provisions are not necessary.</p> <p>In particular a limitation on planting of trees within 10m of a gas transmission pipeline is very restrictive.</p>	Delete NEG-T-R5
HS- Hazardous substances	Support	The approach to managing hazardous substances is supported	Retain
National environment values			
ECO-P3	Support in part	HortNZ seeks that there is specific provision for removal of material	Amend ECO-P3 by adding:

		<p>infected by unwanted organisms under the Biosecurity Act 1993.</p> <p>Unwanted organisms can infect indigenous vegetation and conservation areas and it is important that infected material is able to be removed if required,</p>	<p><u>8. Removal of material infected by unwanted organisms under the Biosecurity Act 1993.</u></p>
ECO-P12	Support in part	<p>HortNZ seeks that there is specific provision for removal of material infected by unwanted organisms under the Biosecurity Act 1993.</p> <p>Unwanted organisms can infect indigenous vegetation and conservation areas and it is important that infected material is able to be removed if required,</p>	<p>Amend ECO-P12 by adding:</p> <p><u>Including, removal of material infected by unwanted organisms under the Biosecurity Act 1993.</u></p>
ECO-R9	Support in part	<p>HortNZ seeks that there is specific provision for removal of material infected by unwanted organisms under the Biosecurity Act 1993.</p> <p>Unwanted organisms can infect indigenous vegetation and conservation areas and it is important that infected material is able to be removed if required,</p>	<p>Amend ECO-R9 by adding:</p> <p><u>and, removal of material infected by unwanted organisms under the Biosecurity Act 1993.</u></p>

NATC-P1	Support in part	Setbacks are an appropriate mechanism to use to manage natural character but they should only be required for 'inappropriate' activities.	Amend NATC-P1 1) Requiring that inappropriate activities are setback from wetlands, lakes and rivers
NATC-R1	Support in part	As sought above HortNZ seeks provisions for removal of material infected by unwanted organisms	Amend NATC-R1 vi) by adding; <u>and, removal of material infected by unwanted organisms under the Biosecurity Act 1993.</u>
NATC-R3	Support	HortNZ supports a setback of 5m for cultivation as it provides area to mitigate any adverse effects of the cultivation activity.	Retain NATC-R3
Earthworks EW			
Policy PX	New	Enabling earthworks to support economic and cultural wellbeing should be noted as a policy	Add <u>Enable earthworks necessary to provide for the district's social, economic and cultural well-being, and their health and safety where they provide for:</u> <u>i. urban land uses and development within urban zones</u>

			<ul style="list-style-type: none"> ii. <u>rural land uses and development including, farm tracks, land drainage, and other farming activities within the rural zones</u> iii. <u>conservation and recreation activities</u> iv. <u>land drainage and flood control works; and</u> v. <u>installation, upgrade and maintenance of infrastructure.</u>
EW-R5 Earthworks for any other purpose Including Table 2	Oppose in part	HortNZ seeks that ancillary rural earthworks are included as part of rural production activities and should be included in EW-R5.	<p>Amend EW-R5 to include ancillary rural earthworks as a permitted activity.</p> <p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>1. All of the performance standards in EW Table 2 are complied with.</u></p> <p><u>OR</u></p> <p><u>2. The activity is ancillary rural earthworks</u></p> <p>Include the definition for ancillary rural earthworks as sought above.</p>
EW-R6 Volume of Earthworks	Oppose in part	1000m ³ is too restrictive. General permitted activity earthwork volume should be 5000m ³	<p>Amend</p> <p>5. Earthworks must not exceed a total</p>

			<p>volume of 1000 5000 m³ in a single activity or in cumulative activities in any one calendar year, per holding</p> <p>8. Earthworks must not exceed a total volume of 2000 5000 m³ in a single activity or in cumulative activities in any one calendar year, per holding</p> <p>Add</p> <p><u>10. For any ancillary rural earthworks, there is no limit</u></p>
Coastal Environment			
CE -R8 Earthworks	Oppose in part	<p>Existing use rights should apply to lawfully established farming activities.</p> <p>HortNZ seeks that ancillary rural earthworks are included as part of rural production activities and should be included in EW-R5.</p>	Amend CE-R8 to include ancillary rural earthworks as a permitted activity.

<p>CE-R15 Indigenous vegetation removal</p>	<p>Oppose in part</p>	<p>Indigenous vegetation pruning, trimming and clearance should be allowed for biosecurity purposes</p>	<p>Delete R-15</p> <p>Add</p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The earthworks or indigenous vegetation clearance is:</u></p> <ul style="list-style-type: none"> • <u>required for the repair or maintenance</u> • <u>required to provide for safe and reasonable clearance for existing overhead power lines.</u> • <u>necessary to address a risk to public health and safety.</u> • <u>for removal of unwanted organisms under the Biosecurity Act 1993.</u> • <u>for the sustainable non-commercial harvest of plant material for rongoā Māori.</u>
<p>Noise</p>			

NOISE - P1	Support in part	Noise in the GRUZ or RPROZ is not restricted to at night or in the morning. Noise related activities can take place at any time and can vary according to the zone and across the year	Amend P1 (2) The general rural and future urban zones are working and living environments. Noise from rural activities is an accepted part of these environments, including higher noise levels at night or in the morning during different times of the year.
NOISE - R4 Emission of noise from audible bird scaring devices	Support in part	While the rule is supported, note amendments to R16	Retain but note proposed amendments to R16
NOISE - R5 Emission of noise from frost fans	Support in part	While the rule is supported, note amendments to R17	Retain but note amendments to R17
NOISE - R8 Emission of noise from helipads, farm helipads and helicopter landing areas	Oppose	The rule would mean that all helicopter use for primary production activities will require a resource consent. This is not justified by the s32 Report.	Amend NOISE-R8 2) by limiting the rule to the Tourism Zone. Include agricultural aviation in the definition of rural production activities.
NOISE - R16 (performance standard) Emission of noise from audible bird scaring devices	Oppose in part	A limitation of from sunrise to sunset is not appropriate for audible bird scaring devices as the main activity is prior to sunrise and after sunset.	Amend R16 1(i) to: <u>Audible bird scaring devices must only be used between ½ before sunrise and ½ hour after sunset</u>

		<p>The important issue for bird scarers is the sound level - not the density of the devices - as long as the sound level is being met.</p> <p>65dB SEL is a measure used in several plans in neighbouring districts and is a more appropriate measure of sound from audible bird scaring devices.</p>	<p>Delete R16 1(iii)</p> <p>Amend R16 2</p> <p>The noise from any audible bird scaring device must not exceed 85 dBA 65 dB SEL unweighted peak level as measured at any point within any residential zone, or, at or within the notional boundary of any noise sensitive activity located on a separate site or holding</p>
NOISE - R17 (performance standard) Emission of noise from frost fans	Support		Retain
NOISE-Advice Notes	Support	HortNZ supports the exemption in the Advice note but question whether there is sufficient status in an advice note or that the exemptions should be included as a permitted activity rule	Retain the content of the advice notes but include as a permitted activity rule without conditions.
Sign			
SIGN - R14	Oppose in part	Rural produce signs are common in rural production zones and a consent should not be required	<p>Amend R14 (1)</p> <p>The sign is located in the commercial, tourism, industrial or rural production zones</p>

Area specific matters			
GRUZ-O4	Support	The policy is consistent with the NPSHPL to protect highly productive soils	Retain GRUZ-O4
GRUZ-O8	Support in part	Activities that have a functional or operational need to locate in the General Rural Zone should be provided for rather than 'enable'.	Amend GRUZ-O8 <u>Provide for non-rural production activities that are ancillary to rural production activities or have a functional or operational need to locate in the General Rural Zone.</u>
GRUZ-O15	Support in part	The objective is more a policy on how the objectives are met. It should also include how highly productive land is to be managed.	Amend GRUZ-O15 to a policy. Amend clause 3 by inserting production - rural <u>production</u> activities Include a clause <u>7. Will compromise highly productive land.</u>
GRUZ-P3	Support in part	Setbacks should also be provided from rural production activities as reverse sensitivity effects can arise due to residential activities locating in close proximity	Amend GRUZ-P3 3) Ensuring that buildings housing residential activities are appropriately setback from the boundary of <u>rural production activities</u> , the rural production zone, or an established site of intensive indoor primary production.

GRUZ-P5	Support in part	The term rural industry is defined so should be used rather than 'rural based industry'.	Amend all uses of 'rural based industry' to rural industry.
GRUZ-P6	Support	Activities that are not primary production should not be provided for in the General Rural Zone.	Retain GRUZ-P6
GRUZ-P9	Oppose in part	Visitor accommodation can generate reverse sensitivity effects which should be included in the policy.	Amend GRUZ-P9 Where visitor accommodation is proposed its scale and design must enhance rural amenity, quality and character <u>and avoid reverse sensitivity effects</u> and ensure site specific issues including servicing and transport related effects are appropriately addressed.
GRUZ-P10	Oppose	Residential based visitor accommodation of up to 3 months is not supported in the General Rural Zone. The policy does not consider the reverse sensitivity effects on rural production activities or the appropriateness in the rural zone.	Delete GRUZ-P10.
GRUZ-R1	Support in part	Rename agricultural, pastoral and horticultural activities as rural production activities consistent with changes to the definitions.	Rename agricultural, pastoral and horticultural activities as rural production activities

GRUZ-R5	Support in part	Artificial screens should be renamed as artificial shelter	Amend GRUZ-R5 by renaming Artificial screens as artificial shelter
GRUZ-R7	Oppose	Visitor accommodation and residential based visitor accommodation as permitted activities is not supported due to potential adverse effects on rural production activities.	Amend GRUZ-R7 by deleting residential based visitor accommodation Include a standard for visitor accommodation as a permitted activity for up to 8 visitors at any one point in time.
GRUZ-R15	Support in part	Provision should be included for removal of material infected by unwanted organisms under the Biosecurity Act 1993.	Amend GRUZ-R15 by adding: <u>3) Removal of material infected by unwanted organisms under the Biosecurity Act 1993</u>
GRUZ-R18	Oppose in part	There should be the potential for rural based motor vehicle repair activities as part of rural industry.	Delete 'motor vehicle repair' from GRUZ-R18 5)
GRUZ-R25	Support	Educational facilities and community facilities as discretionary activities is supported.	Retain GRUZ-R25
GRUZ-R31	Oppose in part	Rural industry is anticipated in the rural environment so should be provided for as a permitted activity, subject to conditions. If the PA cannot be met it should default to RDIS.	Delete Rural industry from GRUZ-R31. Include rural industry as a permitted activity.

			<p>Include a permitted activity standard that provides for rural industry up to 200m² with a default activity status of restricted discretionary and matters of discretion:</p> <ul style="list-style-type: none"> • Effects on rural character • Potential reverse sensitivity effects
<p>GRUZ -R38 Minimum setback from internal boundaries</p>	<p>Oppose in part</p>	<p>Proposed setbacks are insufficient to address potential reverse sensitivity effects.</p>	<p>Amend</p> <p>The minimum setback for habitable buildings housing a residential activity from side and rear internal boundaries must is 20m</p> <p>be:</p> <p>(i) 5 m on sites 2,500 m² or less; or</p> <p>(ii) 10 m on sites 2,501 m² or greater;</p> <p>OR</p> <p>2. The minimum setback for all other buildings from</p>

			<p>internal site boundaries must be:</p> <p>(iii) 10 m for buildings less than or equal to 150 m²; or</p> <p>(iv) 25 m for buildings greater than 150 m²;</p>
<p>GRUZ-R39 Height and height in relation to boundary</p>	<p>Support in part</p>	<p>Unclear if rule applies to just structures or buildings as well. If rule applies to buildings, height is insufficient</p>	<p>Amend</p> <p><u>Include building height of 12m</u></p> <p><u>Include a height for frost fans of 15m</u></p>
<p>GRUZ-40 Minimum setback for new shelterbelts and artificial screens</p>	<p>Oppose in part</p>	<p>Artificial shelter that is made of material which can be seen through and light can pass through should not have the same requirements as a material that cannot be seen through.</p>	<p>Amend</p> <p>New artificial screens 6 m or higher and new shelterbelts which are proposed to grow to more than 6 m high must not be planted closer than any of the distances specified below:</p> <p>(i) 5 1 m from the boundary of an adjacent property that is not owned by</p>

			<p>the owner of the land it is located on; and</p> <p>(ii) <u>5 1m</u> from any road <u>or 5m from a railway line</u></p>
GRUZ-R44 Noise insulations for noise sensitive activities	Support in part	HortNZ seeks that where a residential activity locates within 300m of a frost fan that noise insulation is required to avoid potential reverse sensitivity effects/	<p>Amend GRUZ-R44 by adding:</p> <p><u>vi) 300m of a frost fan located on another property</u></p>
GRUZ - RX Seasonal worker accommodation	New rule	<p>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 - this is explained in more depth in the submission.</p> <p>HortNZ seeks that where seasonal worker accommodation does not meet the permitted activity standards, that this default to a Restricted Discretionary rule.</p>	<p>Include a permitted activity rule for Seasonal Worker Accommodation</p> <p><u>GRUZ-RX - Seasonal Worker Accommodation</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of existing seasonal worker accommodation.</u></p> <p>Where:</p> <ul style="list-style-type: none"> • <u>The seasonal worker accommodation is associated with horticultural activity</u> • <u>The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u>

			<ul style="list-style-type: none"> • <u>The accommodation provides for no more than 12 workers</u> • <u>It complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>GRUZ S1 - Maximum height</u></p> <p><u>GRUZ S2 - Height in relation to boundary</u></p> <p><u>GRUZ S3 - Setbacks</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>When compliance with GRUZ-RX 1. (a)-(d) is not achieved: RDIS Matters of discretion:</u></p> <p><u>Those matters in GRUZ-RX 1. (a)-(d) that are not able to be met</u></p> <ul style="list-style-type: none"> • <u>Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening.</u>
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			<p><u>landscaping and methods for noise control</u></p> <ul style="list-style-type: none"> • <u>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> • <u>Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u> <p><u>Note: HortNZ has elsewhere in this submission sought definitions be included for Seasonal Worker Accommodation.</u></p>
GRUZ - New rule Artificial crop protection structures	Support	Include specific rule for artificial crop protection structure	<p>Insert a new PER rule</p> <p><u>GRUZ-RX - Artificial Crop Protection Structures and Crop Protection Structures</u></p> <p><u>Activity Status: PER</u></p> <ul style="list-style-type: none"> • <u>The establishment of a new, or expansion of an existing artificial crop protection</u>

			<p><u>structure or crop support structure.</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> • <u>The height of the structure does not exceed 6m; and</u> <p><u>Either:</u></p> <ul style="list-style-type: none"> • <u>Green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council; or</u> <p><u>the structure is setback 1m from the boundary</u></p> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>GRUZ - S1 Maximum height</u></p> <p><u>GRUZ - S4 Setback</u></p> <p><u>Activity status when compliance not achieved:</u></p>
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			<ul style="list-style-type: none"> • <u>When compliance with GRUZ-RX (a) is not achieved: RDIS matters of discretion:</u> • <u>Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth</u> • <u>Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u> <p><i><u>Note: HortNZ has elsewhere in this submission sought definitions be included for CSS.</u></i></p>
<p>RLZ - R23</p> <p>Minimum setback from the boundary of a rural production zone or the boundary of an established site of intensive indoor primary production</p>	Support	Setback is sufficient to avoid reverse sensitivity effects	Retain
RPROZ	Oppose	HortNZ considers it is not appropriate for these areas to be classed rural production as they do not fit the description of the zone in the National Planning Standard. HortNZ considers that they would be more appropriately included as precincts in the GRUZ	Amend

similar as to how the aerodrome has been identified.